

## Course Outline

**COURSE:** LAWS 3308 A: Punishment and the Law

**TERM:** Fall 2013

**PREREQUISITES:** LAWS 2301

**CLASS:** **Day & Time:** Mondays 11:35-2:25pm  
**Room:** Please check Carleton Central for current room location.

**INSTRUCTOR:** Erin Dej

**CONTACT:** **Office:** LA B442  
**Office Hrs:** Mondays 9:30-11:25am  
**Email:** Erin.dej@carleton.ca

**TEACHING ASSISTANT:**

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You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Religious obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

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**COURSE DESCRIPTION**

This course explores justifications and practices of punishment and social control from a socio-legal perspective. Theoretical perspectives are applied to explore questions such as: Why do we punish? Are prisons the best option? What are the purposes of punishment? Students are encouraged to explore these issues from a critical and theoretical perspective.

## **REQUIRED TEXTS**

Course reader available at Octopus Books, 116 Third Avenue, 613-233-2589

A preliminary schedule of course readings is included in the course outline below. You are expected to do the assigned readings prior to the class for which the reading is scheduled to be discussed, and to participate in discussion.

## **EVALUATION**

**All components must be completed in order to receive a passing grade**

Participation	10%
Mid-term exam	25%
Critical Analysis	30% (3 x 10% each)
Final exam	35%

### **Participation**

Group and individual activities will be assigned and conducted during each class. Activities will take place at various points during the lecture and students are responsible for being in the class at the time the activity takes place in order to receive their grade. Each activity is worth 1%. Activities will be graded on the quality of the work, not simply its completion. As there are 12 activities, students may miss 2 classes/activities and still receive all their participation marks. Students can receive a maximum of 10/10 for the participation marks. No bonus marks will be given for extra activities completed.

### **Critical Analysis**

Students will choose ONE of the two selected readings for each critical reflection assignment. This assignment requires students to research and think critically about an issue pertaining to punishment in-depth. This means that not only must you convey your understanding of the reading, but students are required to use outside research to further analyze the topic. **DO NOT** summarize the readings. Instead, follow these guidelines to formulate a **CRITICAL** analysis:

- 1) Pull out one of the **MAIN** themes in the article.
- 2) Construct your own position/argument about punishment as it relates to that theme. (i.e. I disagree with the author's position on "x" because...; or, while I agree with the author regarding "x" it would be helpful to think about the issue from this perspective, etc.)
- 3) Provide academically credible evidence to expand on and back up your claim.
- 4) Tie your position/argument back to the original article

Analyses should be 3-5 pages in length and must follow the formatting guidelines listed below in "Assignment Format". Students are encouraged to seek guidance from the professor or the TA in the weeks leading up to the assignment to ensure they are on the right track. Assignments will be submitted through CuLearn.

### **Critical Analysis #1**

Garland, David. (1990). Chapter 1: The sociology of punishment and punishing today. *Punishment and Modern Society*. Pp. 3-22. Chicago: University of Chicago Press.

OR

Loader, Ian. (2009). "Ice cream and incarceration". *Punishment & Society*, 11(2): 241-257.

### Critical Analysis #2

Moore, Dawn and Hannah-Moffat, Kelly. (2005). "The liberal veil: Revisiting Canadian penalty". In Pratt et al. (eds.) *The New Punitiveness: Trends, Theories, Perspectives*. Pp. 85-100. Cullompton: Willan Publishing.

OR

Foucault, Michel. (1977). Chapter 1: The body of the condemned. *Discipline and Punish: The Birth of the Prison*. Pp. 3-31. New York: Vintage Books.

### Critical Analysis #3

Arrigo, Bruce A. (2001). Transcarceration: A Constitutive Ethnography of Mentally Ill "Offenders". *The Prison Journal*, 81(2), 162-186.

OR

Pollack, Shoshana. (2006). "Therapeutic programming as a regulatory practice in women's prisons". In Gillian Balfour and Elizabeth Comack (eds.) *Criminalizing Women: Gender and (In)justice in Neo-Liberal Times*. Pp. 236-249. Halifax: Fernwood Publishing.

### **Mid-Term and Final Exams**

Both exams will be in the form of take-home exams. Exams will cover all course material including lectures, tutorials, and assigned readings. Exams do not require outside research. Rather, students must demonstrate their understanding of course material specifically. The format may include short answer and essay questions. Students will be assigned the midterm on **October 21st** and will be due on **November 4th**. The final exam will be passed out on **December 9** and is due on the last day of the official examination period. Exams will be submitted through CuLearn.

Exams will NOT be posted on CuLearn. You must attend class to receive the exam questions.

### **Assignment Format – Critical Analysis and Exams**

All assignments must include a title page and a reference page. These pages are not included in the total page count. All assignments must be typed, double-spaced, Times New Roman 12pt font, with standard margins, and page numbers. Students must follow proper citation guidelines for APA or MLA. The title page must include the following: Name, student number, course code, professor's name, and date.

You will also be judged on your writing abilities. It is recommended to take the appropriate measures to avoid mistakes such as spelling, syntax, punctuation, inappropriate use of terms (no texting lingo), etc. Only appropriate outside sources will be accepted (journals, books, newspaper articles, etc.) Sources such as Wikipedia, the dictionary, or encyclopedia are not academically qualified sources. If you are uncertain whether a source is reliable, please check with the professor or the TA. If you require assistance, please visit the Writing Tutorial Service - (613) 520-2600 ext. 1125.

**Submitting Assignments:** Assignments are to be submitted through CuLearn by 11:59pm on the day they are due. Students are responsible for ensuring that their assignment is properly uploaded in time.

**Late Assignments:** Late assignments will be penalized 5% per day (including weekends). Students may NOT submit late work if the assignment has been returned to students in class.

**Extensions:** Extensions are only granted by the professor in RARE circumstances. Extensions can only be granted before the assignment is due in cases of a death of the family or severe illness (a doctor's note is required). Assignments in other classes and travelling are not valid reasons for an extension. Extensions are impossible to grant for the final exam.

### **Protocol for Contesting a Grade**

- 1) Wait one week after receiving the assignment/exam to contest the grade. This provides the student with the opportunity to think carefully about the reasons why he/she is contesting the grade.
- 2) Write a list as to why you feel your grade should be changed, based on the feedback on the assignment/midterm. Grades can only be changed for valid reasons.
- 3) If the TA graded the assignment, contact the TA by email, and include the list of reasons why the grade should be changed. Meet with the TA.
- 4) If you have met with the TA and require further feedback, please contact me by email. This email should include the list of reasons why the grade should be changed.
- 5) After I have had a chance to review the assignment/exam (approximately one week) we will set up a meeting to discuss your concerns.
- 6) It should be noted that I am always happy to change grades for valid reasons but requesting to have your grade reviewed can mean that your grade may go down, so please keep that in mind.

## **SCHEDULE**

### **September 9**

#### Defining Punishment

- Orientation to the class. No readings.

### **September 16**

#### How to Study Punishment

- 1) Garland, David. (1990). Chapter 1: The sociology of punishment and punishing today. *Punishment and Modern Society*. Pp. 3-22. Chicago: University of Chicago Press.
- 2) O'Malley, Pat. (1999). "Volatile and contradictory punishment". *Theoretical Criminology*, 3(2): 175-196.

### **September 23**

#### The Emotionality of Punishment

- 1) Loader, Ian. (2009). "Ice cream and incarceration". *Punishment & Society*, 11(2): 241-257.

- 2) Karstedt, Susanne. (2002). “Emotions and criminal justice”. *Theoretical Criminology*, 6(3): 299-317.

**September 30****Critical Analysis #1 Due**

## Traditional Justifications 1: Denunciation, Retribution

- 1) Lacey, Nicola. (2002). Chapter 2: The traditional justifications. *State Punishment: Political Principles and Community Values*. Pp. 16-27. London: Routledge.
- 2) Garland, David. (1990). Punishment and Social Solidarity. *Punishment and Modern Society*. Chicago: University of Chicago Press.

**October 7**

## Traditional Justifications 2: Deterrence &amp; Incapacitation

- 1) Beccaria, Cesare. (1971). “On crimes and punishments”. In S.E. Grupp (ed). *Theories of Punishment*. Bloomington: Indiana University Press.
- 2) Gibbs, Jack P. (1975). Chapter 1: Overview. *Crime, Punishment, and Deterrence*. Pp. 1-28. New York: Elsevier.

\* **October 14<sup>th</sup> – Thanksgiving – No Class**

**October 21****Mid-Term Exam Distributed**

## Traditional Justifications 3: Rehabilitation

- 1) Duguid, Stephen. (2000). Chapter 2: The origins of curing crime and similar popular delusions. *Can Prisons Work? The Prisoner as Object and Subject in Modern Corrections*. Pp. 20-44. Toronto: University of Toronto Press.
- 2) Moore, Dawn and Hannah-Moffat, Kelly. (2005). “The liberal veil: Revisiting Canadian penalty”. In Pratt et al. (eds.) *The New Punitiveness: Trends, Theories, Perspectives*. Pp. 85-100. Cullompton: Willan Publishing.

\* **October 28 – Reading Week – No Class**

**November 4****Mid-Term Exam Due**

## Punishing Bodies

- 1) Spierenberg, Peter C. (1984). Chapter 4: The watchers: Spectators at the scaffold. *The Spectacle of Suffering*. Pp. 81-109. Cambridge: Cambridge University Press.
- 2) Foucault, Michel. (1977). Chapter 1: The body of the condemned. *Discipline and Punish: The Birth of the Prison*. Pp. 3-31. New York: Vintage Books.
- 3) Rothman, David. (2002). Chapter 4: The invention of the penitentiary. *The Discovery of the Asylum: Social Order and Disorder in the New Republic*. Pp. 79-108. New York: Aldine de Gruyter.

**November 11**

## Punishing Souls

- 1) Foucault, M. (1977). The Means of Correct Training. *Discipline and Punish: The Birth of the Prison*. Vintage Books: New York
- 2) Sykes, Gresham M. (1958). The pains of imprisonment. *The Society of Captives: A Study of Maximum Security Prison*. Pp. 63-83. Princeton: Princeton University Press.

**November 18****Critical Analysis #2 Due**

## Modern Punishments?

- 1) Garland, David. (2001). Chapter 7: The new culture of crime control. *The Culture of Control: Crime and Social Order in Contemporary Society*. Pp. 167-192. Chicago: University of Chicago Press.
- 2) Greene, Judith A. (2002). “Entrepreneurial corrections: Incarceration as a business opportunity”. In M. Mauer & M. Chesney Lind (eds.) *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*. Pp.95-113. New York: The New Press.
- 3) Simon, Jonathan. (2011). “Editorial: Mass incarceration on trial”. *Punishment & Society*, 13(3): 251-255.

**November 25**

## Medicalizing Punishment

- 1) Kilty, Jennifer M. (2012). 'It's like they don't want you to get better': Practicing 'psy' in the carceral context. *Feminism & Psychology*, 22(2), 162-182.
- 2) Pollack, Shoshana. (2006). “Therapeutic programming as a regulatory practice in women’s prisons”. In Gillian Balfour and Elizabeth Comack (eds.) *Criminalizing Women: Gender and (In)justice in Neo-Liberal Times*. Pp. 236-249. Halifax: Fernwood Publishing.

**November 25****Critical Analysis #3 Due**

## Mental Health and Punishment

- 1) Arrigo, Bruce A. (2001). Transcarceration: A constitutive ethnography of mentally ill ‘offenders’. *The Prison Journal*, 81(2), 162-186.
- 2) Shimrat, Irit. (2013). The tragic farce of ‘community mental health care’. In Brenda A. LeFrancois, Robert Menzies, and Geoffrey Reaume (eds.) *Mad Matters: A Critical Reader in Canadian Mad Studies*. Pp. 144-157. Toronto: Canadian Scholars’ Press.

**December 9****Final Exam Distributed**

## Forgiveness

- 1) West, W. Gordon, and Morris, Ruth. (2000). “Introduction to the case for penal abolition”. In Gordon West and Ruth Morris (eds.) *The Case for Penal Abolition*. Pp. 3-12. Toronto: Canadian Scholars’ Press.
- 2) Christie, Nils. (2010). “Victim movements at a crossroad”. *Punishment & Society*, 12(2): 115-122.
- 3) Zehr, Howard, and Mika, Harry. (1997). “Fundamental concepts of restorative justice”. *Contemporary Justice Review*, 1(1): 47-55