

## Course Outline

<b>COURSE:</b>	<b>LAWS 3308A - Punishment and the Law</b>
<b>TERM:</b>	<b>Summer 2014</b>
<b>PREREQUISITES:</b>	<b>LAWS 2301</b>
<b>CLASS:</b>	<b>Day &amp; Time: Tuesdays &amp; Thursdays, 11:35am - 2:25pm</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR:</b>	<b>Lisa Wright</b>
<b>CONTACT:</b>	<b>Office: C573 Loeb Building</b> <b>Office Hrs: 1 hour after class</b> <b>Email: <a href="mailto:Lisa.Wright@carleton.ca">Lisa.Wright@carleton.ca</a></b>

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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 the justifications and practices of punishment and social control from a socio-legal and criminological perspective. Theories and substantive topics will be explored in order to critically interrogate questions such as: Why do we punish? What are the purposes of punishment?

Learning objectives: By the end of this course, students will know the different actors, processes and institutions involved in the Canadian penal system. Students will problematize our reliance upon the penal system to resolve conflict in our society through critical analyses of the traditional and modern justifications of punishment.

Instructional approach: This course has been structured to foster an active learning environment. During each class students will have the opportunity to work through different activities by themselves, with their peers and with the professor which will provide them the space to engage with the course material beyond the preparation they complete each week before the class. I will alternate lecturing with these activities and discussions several times throughout the class.

Activities within the classroom are created to be learner-focused. The classroom discussions and activities will take up the course material and the reflexive questions included for each week in the course outline. These questions are meant to help students as they prepare for the class each week and give them some indication of our discussion that week. The activities and discussions we work through during this class will provide students with the opportunity to unpack the network of punishment and begin to question our reliance upon the penal system. Having the students engage with the course material each week, working in groups and sharing their ideas with the class, will produce an environment that fosters a critical examination of punishment. These activities and discussions provide students with an opportunity to articulate their critical readings of the course material, additional examples that complement the course material, and will help students prepare for their assignments. Through their assignments and a final paper students will have the opportunity to engage with the course material, reflect upon our class discussions, and have the opportunity to practice their writing skills.

## **REQUIRED TEXTS**

The course pack is available from Octopus Books, 116 Third Avenue in the Glebe. Whenever possible, course material will be available online through Carleton University's library. Students are expected to read the course material assigned on each date before attending class and should be prepared to participate in class discussions.

## **EVALUATION**

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

Participation	20%
Critical Review Papers (9 x 5%)	45%
Final Exam	35%

Lecture Attendance and Participation: Each week students will complete individual and group activities and are expected to participate in class discussions during class time. Active participation in these activities and discussions accounts for 20% of the students' final grade. Students will regularly be asked to hand in a brief summary of their work during the class. An atmosphere of mutual respect is necessary for us to have lively and intellectually stimulating classroom discussions. Disagreements are expected and beneficial to the development of our critical thinking skills; they should be approached with an open mind. Interruptions, personal attacks or insults, and disrespectful behavior towards other members of the classroom will not be tolerated within the classroom.

Critical Review Papers: Students are required to submit a critical review paper of 1-2 pages in length on the readings for each class. Students will submit a total of 10 review papers. Review papers must be submitted cuLearn before the next class. Since there are no readings assigned for June 11, students are required to submit a critical discussion of the presentations they attend at the *Critical Perspectives: Criminology and Social Justice Conference*. In their papers, students are expected to engage with and critical assess the course material. In order to do so, students should construct an argument or position in response to the assignment question and provide support for their position. Students will not be successful if they merely summarize the readings. Students will be provided a grading rubric that will guide the evaluation of their papers. Assignments should be formatted according to the guidelines listed below.

Assignment Format: All papers 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 evaluated 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. 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 11:30am on the day they are due. Students are responsible for ensuring that their assignment is properly uploaded in time.

Late Assignments: Late assignments will not be accepted.

Extensions: Extensions are only granted by the professor in RARE circumstances and when supporting documentation is provided. Assignments in other classes and travelling are not

valid reasons for an extension.

Final Exam: A final exam will be scheduled during the examination period.

## **SCHEDULE**

### **May 5 – Introduction to the course; How to Study Punishment**

- Review course outline and expectations.
- Get to know the professor and other students in the class.
- *What is punishment? What is our system of punishment? What are the interlinked processes, institutions and actors that comprise our punishment system?*

Required readings:

Garland, David. (1991). "The sociology of punishment and punishing today." Pp. 3-22 in *Punishment and Modern Society*. Chicago: University of Chicago Press.

### **May 7 – Denunciation, Retribution**

- Backwards looking theories
- *What is the function of punishment in our society? What should guide our responses to crime?*

Required readings:

Lacey, Nicola. (1988). "The traditional justifications." Pp. 16-27 in *State Punishment: Political Principles and Community Values*. London: Routledge.

Garland, David. (1991). "Punishment and social solidarity." Pp. 23-46 in *Punishment and Modern Society*. Chicago: University of Chicago Press.

### **May 12 – Deterrence, Incapacitation and the Right to Punish**

- Forwards looking theories
- *What should guide our responses to crime? Does the state have a right to punish?*

Required readings:

Beccaria, Cesare. (1973). "On crimes and punishments." Pp. 117-137 in Grupp (Ed). *Theories of Punishment*.

Lacey, Nicola. (1998). "The question of legal obligation." Pp. 79-97 in *State Punishment: Political Principles and Community Values*. New York: Routledge.

Marinos, Voula. (2006). "The meaning of "short" sentences of imprisonment and offences against the administration of justice: A perspective from the court." *Canadian Journal of Law and Society*, 21(2), 143-167.

### **May 14 – Rehabilitation**

- Forward looking theories
- *What should guide our responses to crime? How does Canadian correctional discourse expect prisoners to change and why is that expectation problematic?*

Required readings:

Duguid, Stephen. (2000). "The origins of curing crime and similar popular delusions." Pp. 20-44 in *Can Prisons Work? The Prisoner as Object and Subject in Modern Corrections*. Toronto: University of Toronto Press.

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

CSC – Introduction to Correctional Programming  
<http://www.csc-scc.gc.ca/text/prgrms-eng.shtml>

### **May 19 – No class due to Victoria Day.**

### **May 21 – Punishing Bodies**

- Examining violent physical punishment.
- *What was (and still is) the purpose of punishing through torture? How is punishment a spectacle?*

Required readings:

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

Marin, André. (2013). "Executive Summary." In *Ombudsman Report: The Code*.  
<http://www.ombudsman.on.ca/Resources/Reports/The-Code.aspx>

### **May 26 – Punishing Souls**

- Examining disciplinary power in punishment.
- *What are the key aspects of disciplinary power outlined by Foucault?*

Required readings:

Foucault, Michel. (1977). "The means of correct training" Pp. 170-194 in *Discipline and Punish: the Birth of the Prison*. Vintage Books: New York.

Sykes, G. (1958). "The pains of imprisonment." Pp. 63-83 in *The Society of Captives: A Study of Maximum Security Prison*. Princeton: Princeton University Press.

### **May 28 – Modern Governance of Punishment**

- Examining the objectives and techniques of modern punishment.
- *Has there been a shift in the focus and practice of punishment? If so, what are the indicating factors?*

Required readings:

Garland, David. (2001). "The New Culture of Crime Control." Pp. 167-192 in *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: University of Chicago Press.

O'Malley, Pat (1999). "Volatile and contradictory punishment." *Theoretical Criminology*, 3(2), 175-196.

Hannah-Moffat, K. (2000). "Prisons that empower: Neo-liberal governance in Canadian women's prisons." *British Journal of Criminology*, 40(3), 510 – 531.

**June 2 – Political Economy of Punishment and the Prison Industrial Complex**

- Examining punishment for profit and defining the ‘Prison Industrial Complex’
- *Who profits from the penal system? What are the impacts of our punishment for profit system?*

Required readings:

Greene, J. (2002). “Entrepreneurial corrections.” Pp. 95-113 in M. Mauer & M. Chesney Lind (Eds.) *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*. New York: The New Press.

Christie, N (2000). “Crime control as a product.” Pp. 111-141 in *Crime Control as Industry*. Routledge: London and New York.

Schlosser, Eric (1998). The prison industrial complex.” *The Atlantic*. <http://bit.ly/crJsR0>

**June 4 – Space and Control in the Community**

- Examining punishment outside of the formal prison system.
- *How does our penal system control people in spaces outside of the prison?*

Required readings:

Beckett, K., Herbert, S., (2010). “Penal boundaries: Banishment and the expansion of punishment”, *Law & Social Inquiry*, 35(1), 1-38.

Moore, Dawn, Lisa Freeman and Marian Krawczyk. (2011). “Spatio-therapeutics: Drug treatment courts and urban space.” *Social & Legal Studies*, 20(2), 157-172.

Chesnay, Catherine, Celine Bellot, and Marie-Eve Sylvestre. (2013). “Taming disorderly people one ticket at a time: The penalization of homeless people in Ontario and British Columbia.” *Canadian Journal of Criminology and Criminal Justice*, 55(2), 161-185.

**June 9 – Penal Abolition and Alternatives to the Criminal Justice System**

- Defining Penal Abolition.
- Thinking about alternatives to the criminal justice system
- *Why do we continue to rely upon the prison for punishment? How else can we resolve conflict in our society?*

Required readings:

Zehr, H & Mika, H (1998) “Fundamental concepts of restorative justice.” *Contemporary Justice Review*, 1, 47-55.

Braithwaite, John. (1999). “A future where punishment is marginalized: Realistic or utopian?” *UCLA L. Rev.*, 46, 1727-1748.

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.

**June 11 - Attend the Critical Perspectives: Criminology and Social Justice Conference****June 16 – Review and Exam preparation**