

Course Outline

COURSE:	LAWS 3308 B: Punishment and the Law
TERM:	Winter 2013
PREREQUISITES:	LAWS 2301
CLASS:	Day & Time: Wednesdays 6:05-8:55pm Room: Please check Carleton Central for current room location.
INSTRUCTOR:	Erin Dej
CONTACT:	Office: LA B442 Office Hrs: Wednesdays 4:00-6:00pm Email: Prof.Dej@gmail.com
TEACHING ASSISTANT:	Tyler Totten ttotten@connect.carleton.ca

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 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/>

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.

LECTURES & TUTORIALS

Lectures will take place Wednesday 6:05-8:00pm followed by a one hour tutorial. Each lecture will cover material from the readings, supplementary readings, videos, and learning activities.

Tutorials will take place in the 3rd hour of the lecture, 8:00-8:55pm. The class will be split into two groups, and each group will attend a tutorial every other week. In these tutorials we will focus both on the assignments as well as discuss issues related to class materials. Tutorials will also be your chance to discuss class materials and make sure you understand the readings. In tutorial you are expected to both attend and participate in discussions.

Participation in tutorials accounts for 10% of students' final grade. Participation marks are earned by attending and actively participating in discussion/activities.

Students with surnames A-J are in Tutorial Group A.

Students with surnames K-Z are in Tutorial Group B.

EVALUATION

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

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

Critical Reflections

Students will choose ONE of the two selected readings for each critical reflection assignment. Each critical reflection will involve following format guidelines, answering assigned questions, recording your reactions and thoughts, and providing a written discussion on the assigned readings. **DO NOT** summarize the readings. Instead, think about the following questions:

What is the author's main argument?

How does this reading make me think differently about punishment?

Does this reading connect with other things I've been thinking about or other things going on in the world?

What further questions are raised as a result of the reading?

Is there anything that doesn't make sense about what the author is saying or that the author has missed?

Good reflections will also relate to class discussions and teaching materials. Students are encouraged to incorporate news items, other books, and so on. Reflections should be 3-5 pages in length.

Critical Reflection #1

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

OR

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

Critical Reflection #2

Garland, David. (1990). Punishment and Social Solidarity. *Punishment and Modern Society*. Chicago: University of Chicago Press.

OR

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

Critical Reflection #3

Foucault, Michel. (1977). Chapter 2: The means of correct training. *Discipline and Punish: The Birth of the Prison*. Pp. 170-194. New York: Vintage Books.

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. The format may include short answer and essay questions. Students will be assigned the midterm on **February 6th** and will be due on **February 13th**. The final exam will be passed out on **April 3rd** and is due on the last day of the official examination period. The final exam can be submitted in the Law Department drop box.

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

Assignment Format – Critical Reflections 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. Assignments should be printed single-sided and should be stapled when handed in (folding the corner over does not count!). 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 in person at the beginning of class. Students may NOT submit assignments via email.

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.

SCHEDULE

January 9

- Orientation to the class. No readings.
- Organizing tutorial groups

January 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.

Tutorial Group A

January 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.

Tutorial Group B

January 30

Critical Reflection #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.

Tutorial Group A

February 6

Mid-Term Exam Distributed

Traditional Justifications 2: Deterrence & 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.

Tutorial Group B

February 13**Mid-Term Exam Due**

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 penality”. In Pratt et al. (eds.) *The New Punitiveness: Trends, Theories, Perspectives*. Pp. 85-100. Cullompton: Willan Publishing.

Tutorial Group A*** Reading Week – No class February 20****February 27**

The Right to Punish

- 1) Lacey, Nicola. (1998). Chapter 4: The question of legal obligation. *State Punishment: Political Principles and Community Values*. Pp. 79-97. New York: Routledge.
- 2) Kant, Immanuel. (2011). “The penal law and the law of pardon”. In Michael Tonry (ed.) *Why Punish? How Much?* Pp. 31-36. New York: Oxford University Press.

Tutorial Group B**March 6****Critical Reflection #2 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.

Tutorial Group A**March 13**

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.

Tutorial Group B

March 20

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.

Tutorial Group A**March 27**

Women & Punishment

Critical Reflection #3 Due

- 1) Hannah-Moffat, Kelly. (2000). “Prisons that empower: Neo-liberal governance in Canadian women’s prisons”. *British Journal of Criminology*, 40(3): 510-531.
- 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.

Tutorial Group B**April 3**

Forgiveness

Final Exam Distributed

- 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