

Course Outline

COURSE:	LAWS 3308B Punishment and the Law
TERM:	Winter 2014
PREREQUISITES:	LAWS 2301
CLASS:	Day & Time: Tuesdays 6:05-8:55pm Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Lisa Wright
CONTACT:	Office: Loeb B442 Office Hrs: Mondays 3-5pm Email: Lisa.Wright@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 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%
Assignment #1 (due February 11)	20%
Assignment #2 (due March 25)	25%
Final Take-Home 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.

Assignments: Students are required to complete two assignments. In their assignments, students are expected to engage with and critically 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 in their assignments if they merely summarize the course material. Students will be provided a grading rubric that will guide the evaluation of their assignments. Assignments should be formatted according to the guidelines listed below.

Final Take-Home Exam: For their final examination, students are required to write a 10-12 page paper on their choice of topics which will be provided to them on April 8, the last day of the course. The final take-home exam will cover all of the course material, including lectures, class discussions, readings, videos and any guest lectures. In their papers, students must engage critically with the course material to demonstrate their comprehension of the material. Similar to the assignments, students are expected to construct an argument or position and provide support for their position. Students who summarize the course material will not be successful in their final examination. Final examination papers should be formatted according to the guidelines listed below.

Assignment Format: All assignments (including the final take-home exam) 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 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 5:55pm 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 in the family or severe illness (a doctor's note is required). Assignments in other classes and travelling are not valid reasons for an extension.

SCHEDULE

January 7 – Introduction to the course

- Review course outline and expectations.
- Get to know the professor, TA and other students in the class.
- *What is punishment?*

Required readings:
None.

January 14 – How to Study Punishment

- Punishment is a 'social fact.'
- *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.

January 21 – 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.

January 28 – 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.

February 4 – Rehabilitation

*Assignment #1 distributed

- 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>

February 11 – Punishing Bodies**Assignment #1 due**

- 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>

February 18 – No class due to Reading Week.**February 25 – 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.

March 4 – 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.

March 11 – Medicalizing Punishment

- Examining the relationship between the medical system and the penal system.
- *What is the impact of conflating the medical system and the penal system? How are prisoners punished through medicalization?*

Required readings:

Kilty, Jennifer (2012). "It's like they don't want you to get better': Psy control of women in the carceral context." *Feminism and Psychology*, 22(2), 167 – 182.

Pollack, S (2006). "Therapeutic Programming as a Regulatory Practice in Women's Prisons." Pp. 236-249 in Balfour & Comack (Eds.) *Criminalizing Women*. Fernwood Publishing: Halifax

Moore, Dawn. (2007). "Translating Justice and Therapy The Drug Treatment Court Networks." *British Journal of Criminology*, 47(1), 42-60.

March 18 – Political Economy of Punishment and the Prison Industrial Complex

*Assignment #2 distributed

- 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>

March 25 – Space and Control in the Community

Assignment #2 due

- 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.

April 1 – Restorative Justice and Alternatives to the Criminal Justice System

- Defining Restorative Justice.
- Thinking about alternatives to the criminal justice system
- *What is restorative justice? Can a restorative justice system operate within our current criminal justice system?*

Required readings:

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

Wilson, Robin J. et al. (2002) "Restorative justice innovations in Canada." *Behavioral Sciences and the Law*, 20(4), 363-380.

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

April 8 – Penal Abolition

- Defining penal abolition.
- *Why do we continue to rely upon the prison for punishment? How else can we resolve conflict in our society?*

Required readings:

Piche, Justin. (2009). "Penal abolitionism: a different kind of reform." *Criminal Justice Matters*, 77, 30-31.

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.