

## Course Outline

**COURSE:** LAWS 3308B

**TERM:** Winter 2015

**PREREQUISITES:** LAWS 2004 (no longer offered) LAWS 2301

**CLASS:**           **Day & Time:** Tuesday 6:05 PM – 9:05 PM  
                          **Room:** Please check with Carleton Central for current room location

**INSTRUCTOR:** Dawn Moore

**TA**                   **Lisa Wright**  
                          **Lisa.wright@carleton.ca**

**CONTACT:**           **Office:** D573 Loeb Building  
                          **Office Hrs:** TBA  
                          **Telephone:** (613) 520-2600 x. 3823  
                          **Email:** [Dawn.moore@carleton.ca](mailto:Dawn.moore@carleton.ca)

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**Academic Accommodations**

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/>

**Plagiarism**

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the

original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:  
<http://www.carleton.ca/studentaffairs/academic-integrity/>

### ***Department Policy***

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

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## **COURSE DESCRIPTION**

This course explores justifications and practices of punishment and social control from a socio-legal perspective. 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.

## **EVALUATION**

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

Journal 1	10%
Journal 2	25%
Journal 3	35%
Final Exam	30%

**\*LATE PENALTY of 5% per day will be applied to all assignments. NO EXTENSIONS** will be granted except in the most extreme of circumstances.

### **Journals**

Three times in throughout the term you are expected to turn in a journal that covers ONE of the preceding classes. This journal should be between 3 and 4 pages and should consider the following:

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 journals will also relate to class discussions and teaching materials. You can also incorporate into your journal news items, artistic representations of punishment, other books you've read and so on.

**Materials**

Where possible, I have opted for course materials available online (via web-sites or through online academic sources). Those materials not available online are available in a course pack which can be purchased from Octopus Books [www.octopusbooks.ca](http://www.octopusbooks.ca). Octopus is located on Third Avenue in the Glebe.

**January 5**

**Introduction to class.**

**January 13****How to Study Punishment**

Garland, David. (1991). *Punishment and Modern Society*. Chicago: University of Chicago Press. Ch 1.

**January 20****Traditional Justifications 1: Denunciation, Retribution**

Lacey, Nicola. (1988). *State Punishment: Political Principles and Community Values* 16 - 27

Garland, David. (1991). *Punishment and Modern Society*. Ch

**January 27****Traditional Justifications 2: Deterrence & Incapacitation**

Beccaria, Cesare (1973). "On Crimes and Punishments." in *Theories of Punishment*. Grupp (ed)

Mill, John Stuart. (1975). "Utilitarianism." in *On Liberty and Other Essays*. Gray (ed.)

**Journal 1 Due**

**February 3****Traditional Justifications 3: Rehabilitation**

Duguid, Stephen. (2000). *Can Prisons Work?* Ch 2

Moore, Dawn and Kelly Hannah-Moffat. (2005). "The Liberal Veil: Revisiting Canadian Penalty." In *The New Punitiveness*.

[http://www.csc-ccc.gc.ca/text/prgrm/cor-pro-2009-eng.shtml#\\_Toc231830432](http://www.csc-ccc.gc.ca/text/prgrm/cor-pro-2009-eng.shtml#_Toc231830432)

**February 10****The Right to Punish**

Lacey, Nicola. (1998). *State Punishment: Political Principles and Community Values*. Ch 4 New York: Routledge.

McGillivray, Anne. (2004). Child Physical Assault: Law, Equality and Intervention. In *Manitoba Law Journal*. 30.

**Journal 2 Due**

**February 24****The Space of Punishment: Community Sentences and the City as Prison**

Guest Lecture Lisa Wright

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.

### **March 3**

#### **Prisoners' Rights?**

Guest Lecture: Petey

<http://www.ombudsman.on.ca/Ombudsman/files/45/450c6aa8-3481-43d6-bce1-8141fa6bbbda.pdf>

<http://www.csc-scc.gc.ca/publications/005007-9009-eng.shtml>

### **March 10**

#### **The Condemned: Prisoners, Probationers, Parolees**

Murphy, Johnsen & Murphy. (2002). *Paroled for Life* "Gayle"

Hucklebury, Charles. (2009). "Talking Points: How Language Functions as a Status Determinant in Prison." In *JPP* 18 (1/2).

Hartman, Kenneth. (2009). "The Other Death Penalty." In *JPP* 18 (1/2).

Moore, Dawn. (2007). *Criminal Artefacts: Governing Drugs and Users* – ch 5. Vancouver: UBC Press.

### **March 17**

#### **Punishing Bodies & Souls**

Foucault (1977) *Discipline and Punish* Part 1 – Torture

Foucault, Michel. (1977). *Discipline and Punish: The Birth of the Prison*. Part 3 ch 2.

Sykes, Gresham. (1958). *The Society of Captives: A Study of Maximum Security Prison*. Princeton: Princeton University Press. Ch 4

### **March 24**

#### **Political Economy of Punishment: The Prison Industrial Complex**

Garland, (1991). *Punishment and Modern Society*. Ch 4

Moore & Hannah-Moffat. (2003). "Get Tough Efficiency" *Human Rights, Correctional Restructuring and Prison Privatization in Ontario*.

Schlosser, Eric (1998). "The Prison Industrial Complex." In *Atlantic Monthly*.

<http://www.theatlantic.com/magazine/archive/1998/12/the-prison-industrial-complex/4669/>

**Journal 3 Due**

### **March 31**

#### **Abolition and Other Alternatives**

Braithwaite, John. (1999). "A Future Where Punishment is Marginalized> Realistic or Utopian?" in *UCLA L. Review*.

<http://www.lexisnexis.com.proxy.library.carleton.ca/us/lnacademic/api/version1/sr?csi=7359&sr=AUTHOR%28Braithwaite%29+AND+TITLE%28A+future+where+punishment+is+marginalized%3A+Realistic+or+utopian%3F%29+AND+DATE+IS+1999&shr=t&secondRedirectIndicator=true>

Davis, Angela (2008). *Lecture on Penal Abolition*.

<http://www.lexisnexis.com.proxy.library.carleton.ca/us/lnacademic/api/version1/sr?csi=7359&sr=AUTHOR%28Braithwaite%29+AND+TITLE%28A+future+where+punishment+is+marginalized%3A+Realistic+or+utopian%3F%29+AND+DATE+IS+1999&shr=t&secondRedirectIndicator=true>

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**JOURNAL 3 DUE**

**TAKE HOME EXAM DISTRUBUTED**

**APRIL 8**

**TAKE HOME EXAM DUE**

