

Course Outline

COURSE:	LAWS 3308 B: Punishment and the Law
TERM:	Winter 2016
PREREQUISITES:	LAWS 2301
CLASS:	Day & Time: Mondays 6:05-8:55pm Room: Please check Carleton Central for current room location.
INSTRUCTOR:	Dr. Erin Dej
CONTACT:	Office: Contract Instructors' office: B442 Loeb Office Hrs: Wednesdays 1:30-3:30pm Email: erin.dej@carleton.ca
TEACHING ASSISTANT:	TBD

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://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://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://carleton.ca/pmc/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://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://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://carleton.ca/law/current-students/>

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

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

Participation	10%
Critical Analysis 1	20%
Critical Analysis 2	30%
Final exam	40%

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 readings from the previous weeks 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) Using this position as your anchor, develop your argument using academically credible evidence.
- 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.

Final Exam

The exam will be a take-home exam. It will cover all course material including lectures, tutorials, and assigned readings and does not require outside research. Rather, students must demonstrate their understanding of course material specifically. The format may include short answer and essay questions. The final exam will be distributed in class (not through cuLearn or via email) on **April 4** and is due on the last day of the official examination period (April 23, 2016). Exams will be submitted through cuLearn.

Exam questions will **NOT** be posted on cuLearn. You must attend class to receive the exam questions.

ASSIGNMENT FORMAT

The critical analysis and the exam must include a title page (including title of paper, name, student number, course code, professor's name, and date) and a reference page. These pages are not included in the total page count. All assignments must be double-spaced, Times New Roman 12pt font, with standard margins, and page numbers. Students must use a consistent citation style:

MLA (<https://library.concordia.ca/help/howto/mla.php>)

Chicago Style (http://www.chicagomanualofstyle.org/tools_citationguide.html)

APA (<https://library.concordia.ca/help/howto/apa.php>)

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. Students must write clearly and coherently to adequately convey their argument. Students must also use appropriate sources. 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 instructor. If you require assistance, please visit the Writing Tutorial Service - (613) 520-2600 ext. 1125.

POLICIES

Submitting Assignments: Assignments are to be submitted through cuLearn by 11:55pm on the day they are due. Students are responsible for ensuring that their assignment is properly uploaded in time. Computer problems are not an acceptable reason to avoid late penalties. It is recommended that students give themselves enough time to submit the assignment so that if computer problems occur they have time to find an alternative computer or contact EDC for cuLearn problems.

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.

Deferrals: If a student misses a component of the evaluation (either for medical reasons or bereavement) the instructor must be notified within 24 hours of the missed assignment in order to qualify for a deferral. Documentation is required. If no documentation is provided, students will receive an incomplete for that component of the evaluation. It is impossible to provide a deferral for the final exam.

Appointments: I am available during my regularly scheduled office hours. If a student would like to meet outside of those hours, please email me to book an appointment

E-mail: University policy dictates that instructors only send e-mails to students at their Carleton e-mail addresses. When contacting the instructor students are expected to maintain professionalism by using full sentences with proper spelling, grammar and punctuation. E-mails will generally be returned within two business days.

Discrimination and harassment: Carleton University is a community of faculty, staff and students who are engaged in teaching, learning, and research. The university respects the rights of speech, assembly, and dissent; it prohibits discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, national origin, creed, sex, gender identity, sexual orientation, age, marital status, family status, political affiliation or belief, or disability that is defined as such in the Ontario Human Rights Code; it requires tolerance and respect for the rights of others; and it promotes an environment conducive to personal and intellectual growth.

Intellectual property: Student or professor materials created for this course (including presentations and posted notes, labs, case studies, assignments and exams) remain the intellectual property of the author(s). They are intended for personal use and may not be reproduced or redistributed without prior written consent of the author(s)

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

January 11

Defining Punishment

Orientation to the class. No readings.

January 18

How to Study Punishment

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

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

January 25

The Emotionality of Punishment

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

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

February 1

Traditional Justifications 1: Denunciation, Retribution

Lacey, Nicola. (2002). Chapter 2: The traditional justifications. *State Punishment: Political Principles and Community Values*. Pp. 16-27. London: Routledge.

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

February 8

Traditional Justifications 2: Deterrence & Incapacitation

Critical Analysis 1 Due

Beccaria, Cesare. (1971). On crimes and punishments. In S.E. Grupp (ed). *Theories of Punishment*. Bloomington: Indiana University Press.

Gibbs, Jack P. (1975). Chapter 1: Overview. *Crime, Punishment, and Deterrence*. Pp. 1-28. New York:

Elsevier.

February 15

Winter Break – No Class

February 22

Traditional Justifications 3: Rehabilitation

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.

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.

February 29

Punishing Bodies

Spierenberg, Peter C. (1984). Chapter 4: The watchers: Spectators at the scaffold. *The Spectacle of Suffering*. Pp. 81-109. Cambridge: Cambridge University Press.

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.

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.

March 7

Punishing Souls

Foucault, M. (1977). The Means of Correct Training. *Discipline and Punish: The Birth of the Prison*. Vintage Books: New York

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.

March 14

Modern Punishment I – The Prison Industrial Complex

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.

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.

Simon, Jonathan. (2011). Editorial: Mass incarceration on trial. *Punishment & Society*, 13(3): 251-255.

March 21

Modern Punishment II - Small but Significant Punishment**Critical Analysis 2 Due**

O'Malley, Pat. (2009). Theorizing fines. *Punishment & Society*, 11(1), 67-83.

Esmonde, Jackie. (2002). Criminalizing poverty: The criminal law power and the *Safe Streets Act*. *Journal of Law & Social Policy*, 17, 83-86.

March 28**Mental Health and Punishment**

Arrigo, Bruce A. (2001). Transcarceration: A constitutive ethnography of mentally ill 'offenders'. *The Prison Journal*, 81(2), 162-186.

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.

April 4**Forgiveness****Final Exam Distributed**

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.

Christie, Nils. (2010). Victim movements at a crossroad. *Punishment & Society*, 12(2): 115-122.

Zehr, Howard, and Mika, Harry. (1997). Fundamental concepts of restorative justice. *Contemporary Justice Review*, 1(1): 47-55