

Course Outline

COURSE: LAWS 3308 A- Punishment and the Law

TERM: Fall 2009

PREREQUISITES: LAWS 2004

CLASS: **Day & Time:** Wednesday 6:05-8:55
 Room: Please check with Carleton Central for current room location

INSTRUCTOR: Vajmeh Tabibi
(CONTRACT)

CONTACT: **Office:** C476 Loeb Building
 Office Hrs: Wednesday 4:00-5:40
 Email: vtabibi@uottawa.ca

"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 16, 2009 for December examinations** and **March 12, 2010 for April examinations**.

For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

COURSE DESCRIPTION

This course explores justifications and practices of punishment and social control from socio-legal and humanities perspective. Rationalizations and justification for punishment are considered. Different forms of punishment and control within the law will be examined as well as different theoretical perspective of punishment. Students are encouraged to explore these issues from a critical and theoretical perspective.

COURSE OBJECTIVES

By the end of the course students should have a solid understanding of how punishment and the law are inter-related concepts and will be able to answer questions such as is punishment? Why do we punish? Who has the right to punish? Why do we use prison as our main tool for punishing?

TEACHING METHOD

Primarily a seminar style with class discussions, and guest lectures.

REQUIRED TEXTS

A Course Reader is available at Haven books.
<http://www.havenbooks.ca/carletonsite/carletonhome-e.php>
43 Seneca Street Ottawa, Ontario K1S 4X2 T 613-730-9888

PLAGIARISM AND OTHER INSTRUCTIONAL OFFENCES:

The University's policy concerning plagiarism and other instructional offences is outlined in the Undergraduate Calendar (see particularly regulation 14 – Instructional Offences). In particular, students should note that a student commits an instructional offence if he or she “submits substantially the same piece of work to two or more courses without the prior written permission of the instructors from all courses involved. Minor modifications and amendments, such as changes of phraseology in an essay or paper, do not constitute a significant and acceptable reworking of an assignment.” Students should also note that it is an instructional offence to commit plagiarism, which is defined as “to use and pass off as one's own idea or product work of another without expressly giving credit to another”.

POLICY AND PROCEDURE STATEMENT:

The Department of Law's Policy and Procedure Statement is distributed with, and forms part of, this course outline. The statement contains important information on topics such as the submission of assignments, due dates in course outlines, offenses, writing skills and use of language, prerequisites, course selection, responsibility for ensuring enrolment in a class, and review of grades, among other information. **Please read the Policy and Procedure Statement carefully.**

LATE ASSIGNMENTS:

Late assignments will be marked down three percent for each day submitted after the due date and time (including week-end days). Failure to complete all components of the course will result in the student receiving a failing grade. Extensions will only be given out in extreme circumstances, such as severe illness of the student or death of a family member. Appropriate documentation will be required to accompany requests for extensions. Computer failure, conflicts with work schedule or similar problems do not constitute a valid excuse for failure to submit an assignment on time. **Students submitting late assignments must submit a hard copy of the assignment to the Department of Law drop-box and must email the professor notifying her that the assignment has been left in the drop box.**

EVALUATION

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

Your work will be evaluated based on the following four components:

- 1) **Mid-Term Examination- October 21, 2009** **30%**
In class exam: multiple choice and short answer questions
- 2) **Critical Reflection on Class Readings 2x15%** **30%**
 The students are asked to write 2 short critical response papers regarding two of the readings assigned after the mid-term (Any topic from October 28 to December 2). Each response paper should draw on at least one article or text not assigned in class that relates to the student's argument. Students are also encouraged to cite classroom discussions when relevant. The papers should be 4-6 pages each, double spaced, font 12 (Times New Roman). On a separate page, all sources must be cited in a bibliography. More instructions on the response papers will be given in class.
- 3) **Take Home Final Exam** **40%**
 Four essay questions will be provided to the students on November 25, 2009 in the class. Students select two essay questions and hand it on the date scheduled by the Department of Law during the exam period. The papers should be 5 pages long, double spaced, 12 font (Times New Roman). Please make sure your name, student number, and the questions are typed on the title page. More instructions on the take home exam will be given in class.

SCHEDULE

- Sep 16** **Introduction**
- Sep 23** **What is punishment?**
Mark Tebbit, "Chapter 10: Theories of Punishment" in *Philosophy of Law- An Introduction* (London: Routledge, 2000).
- Sep 30** **Traditional Justifications 1: Denunciation, Retribution - The Ideas of Emile Durkheim**
David Garland, "Chapter 2" in *Punishment and Modern Society* (Oxford: Clarendon Press, 1991).
- Traditional Justifications 3: Rehabilitation**
Kathleen Kendall, "Dangerous Thinking: A Critical History of Correctional Cognitive Behaviouralism." in George Mair ed. *What Matters in Probation?* (London: Willan, 2005).
- Oct 7** **Traditional Justifications 2: Deterrence & Incapacitation**
Nigel Walker, "Deterring Others" in *Why Punish?* (New York: Oxford University Press, 1991).
Anthony N. Doob and Cheryl Marie Webster, "Sentence Severity and Crime: Accepting the Null Hypothesis" (2003) 30 *Crime and Justice* 143.
- Oct 14** **The Sad Life Principle: Race and Class Bias in Sentencing**
Dale Ives, "Sentencing the Disadvantaged" (2003) [unpublished]. Andrew von Hirsch and Andrew Ashworth, "Proportionate Punishment and Social Deprivation" in *Proportionate Sentencing: Exploring the Principles* (London: Oxford University Press, 2005)
- Oct 21** **In class Mid-term, duration 2hrs**
- Oct 28** **The impact of punishment on Violence**
James Gilligan (2000) *Punishment and Violence: Is the Criminal Law Based on One Huge Mistake?* *Social Research* Vol. 67 (3): 745-772

Video: Appleton: Prison for Profit
- Nov 4** **Punishment and the Rise of the Prison Industrial Complex**
Nils Christie (2000) Chapter 10: Modernity in Decision. 152-162 in Nils Christie: *Crime Control as Industry: Towards gulage, Western Style* (Routledge Publication, 2000).
Nils Christie (2000) Chapter 11: Justice Done or Managed? 165-174 in Nils Christie: *Crime Control as Industry: Towards gulage, Western Style* (Routledge Publication, 2000).
Nils Christie (2000) Chapter 13: Crime Control as Culture. 193-200 174 in Nils Christie: *Crime Control as Industry: Towards gulage, Western Style* (Routledge Publication, 2000).
- Nov 11** **The Place of Punishment 1: The Prison**
Video: Inside Canada's Prisons

Stephen Wormith, "The Controversy over the Effects of Long Term Incarceration" (1984) 26 *Canadian Journal of Criminology* 423.
- Nov 18** **The Place of Punishment 2: Correction in the Community**
Zubrycki, R. M. (2004) *Community Corrections*. In J.V. Roberts & M.G. Grossma (Eds.) *Criminal Justice in Canada: A reader* (280-288). Scarborough, ON: Nelson. ISBN:0-17-622480-7
Petersilia, J. (2001). When Prisoners Return to the Community: Political, Economic, and Social Consequences. *Corrections Management Quarterly*, 5(3), 1-10. ISSN: 1096-8490
- Nov 25** **Alternatives to Jail – The Conditional Sentence**
Anthony N. Doob, & Voula Marinos, "Reconceptualizing Punishment: Understanding the Limitations on the Use of Intermediate Punishments "(1995) 2(2) *University of Chicago Law School Roundtable* 413.

Julian Roberts & Thomas Gabor (2004). Living in the Shadow of Prison: Lessons from the Canadian Experiences in Decarceration. *British Journal of Criminology*. 44(1), 92-112.
- Dec 2** **Restorative Justice: New Direction in Punishment?**
Kent Roach, "Changing punishment at the turn of the century: Restorative justice on the rise" (July 2000) *Canadian Journal of Criminology* 249.
Richard Young & Carolyn Hoyle (2003). Restorative Justice and Punishment. (199-234). In (ed) Sean McConville: *The Use of Punishment*. William Publishing. ISBN 1-84392-034-4.