

Course Outline

COURSE:	LAWS 3308 A: Punishment and the Law
TERM:	Fall 2011
PREREQUISITES:	LAWS 2004 [1.0] (no longer offered) or LAWS 2301
CLASS:	Day & Time: Mondays 6:05-8:55pm Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Erin Dej
CONTACT:	Office: B442 Loeb (Contract Instructors' Office) Office Hrs: Mondays 3:00-5:00pm Email: Prof.Dej@gmail.com

"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://www2.carleton.ca/pmc/students/accommodations> . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by 11 November 2011 for December exams and 7 March 2012 for April exams. 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 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 Monday 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-H are in Tutorial Group A.
Students with surnames J-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

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

OR

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

Critical Reflection #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.

OR

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.

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

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

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 **October 17th** and will be due on **October 24th**. The final exam will be passed out on **December 5th** and is due on the last day of the official examination period.

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**September 12**

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

September 19**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) Gilligan, J. (2000). "Punishment and violence: Is the criminal law based on one huge mistake?" *Social Research*, 67(3): 745-772.

Tutorial Group A**September 26****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 B**October 3****Critical Reflection #1 Due****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 A

No class October 10th – Thanksgiving weekend

October 17**Mid-Term Exam Distributed****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 penalty". In Pratt et al. (eds.) *The New Punitiveness: Trends, Theories, Perspectives*. Pp. 85-100. Cullompton: Willan Publishing.

Tutorial Group B**October 24****Mid-Term Exam Due****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) Turner, Susan. (2002). Chapter 1: The terms of the corporal punishment debate. *Something to Cry About: An Argument Against Corporal Punishment of Children in Canada*. Pp. 9-24. Waterloo: Wilfrid Laurier University Press.

Tutorial Group A

October 31**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 B**November 7****Punishing Souls****Critical Reflection #2 Due**

- 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 A**November 14****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 B**November 21****Women & Punishment**

- 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.
- 3) Murphy, Peter John, Johnsen, Loyd, and Murphy, Jennifer. (2002). Gayle. *Paroled for Life: Interviews with Parolees Serving Life Sentences*. Pp. 145-178. Vancouver: New Star Books.

Tutorial Group A**November 28****Abolition****Critical Reflection #3 Due**

- 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) Mathiesen, Thomas. (1974). Chapter 1: The unfinished. *The Politics of Abolition*. Pp. 13-36. New York: Wiley Press.

Tutorial Group B**December 5****Forgiveness****Final Exam Distributed**

- 1) Christie, Nils. (2010). "Victim movements at a crossroad". *Punishment & Society*, 12(2): 115-122.
- 2) Zehr, Howard, and Mika, Harry. (1997). "Fundamental concepts of restorative justice". *Contemporary Justice Review*, 1(1): 47-55.