

## Course Outline

**COURSE:** Punishment and the Law - LAWS 3308A

**TERM:** Summer 2009 (Date Range: May 08, 2009 - Jun 29, 2009)

**PREREQUISITE:** LAWS 2004

**CLASS:**           **Day & Time:** 9:05 am - 11:55 am Tuesday and Thursday  
                          **Room:** Check the current course room on Carleton Central

**INSTRUCTOR:**           Dr. Ummni Khan  
                          **Office:** D587 Loeb Building  
                          **Office hours:** To be announced in class  
                          **Email:** [ummni\\_khan@carleton.ca](mailto:ummni_khan@carleton.ca) BUT email should all be sent through the Web CT system.  
  
                          **Phone:** 613-520-2600 ext. 1547

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"Students with documented disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities include physical, mental, and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, drug and alcohol dependencies, environmental sensitivities, as well as other conditions. Registered PMC students are required to contact the PMC at 613-520-6608, early each term to ensure that your Instructor receives your Letter of Accommodation no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to the Paul Menton Centre as soon as possible." Also available at [http://www.carleton.ca/pmc/faculty/acom\\_statement.html](http://www.carleton.ca/pmc/faculty/acom_statement.html) . For Religious and Pregnancy accommodations, please contact Equity Services, 613-520-2600 x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)

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**COURSE DESCRIPTION**

This course explores definitions, justifications and practices of punishment and social control from a philosophical perspective. Why do we punish? Who has the right to punish? Why do we use prisons as our main tool for punishing? Is there a better way? This class will draw upon academic texts, legal texts, media accounts, documentaries and pop cultural narratives. Students are encouraged to explore these issues from a critical and theoretical perspective.

**COURSE GOALS**

Factual Knowledge: The student should have a thorough knowledge of the major philosophies and approaches to punishment (Tested in the midterm and the exam).

Written skills: The student should be able to reflect and engage with these philosophies in short essay form (Tested in the midterm and the exam).

Verbal communication skills: The student should be able to express her or his thoughts about these approaches orally in class (Tested on the day the student is "on-call").

**REQUIRED TEXTS**

A Course Reader should be available at Haven books before the first class.

<http://www.havenbooks.ca/carletonsite/carletonhome-e.php>

43 Seneca Street

Ottawa, Ontario K1S 4X2

T 613-730-9888

In addition, certain films shown in class will be on reserve. Further short readings may be assigned and will be posted on Web-Ct and/or on reserve.

**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.**

**METHOD OF EVALUATION (All components must be completed in order to receive a final grade)**

The marking scheme for the course will be as follows:

1. 10% oral participation during the day the student is "on-call"
2. 30% Midterm
3. 60% Final exam

**On-call:** As stated, one of the goals of this course is to have the student develop verbal analytical skills. After the first week, I will be assigning each student one class where s/he will be "on-call" to answer questions about her/his understanding and evaluation of the assigned reading and/or film. This is not the same thing as an oral exam, but instead an opportunity to engage in a conversation about the philosophical, theoretical and pragmatic stakes at issue for that day. This conversation will usually take place in conjunction with the lecture. Students not on-call for that day are more than welcome to contribute to the discussion. Please note: if this form of evaluation does not suit your educational goals or interests, you should consider taking another course. There will be NO EXCEPTIONS made to this requirement. You must show up on the day you are assigned.

**Midterm exam:** Closed-book and in class (although the room might be different).

**Final Exam:** The final exam will be closed-book and scheduled during the regular exam period.

NOTE: Absences from the "on-call" day or the midterm will result in a failure for the entire course. Exceptions and rescheduling will only be given out in extreme circumstances, such as serious illness of the student. Appropriate documentation will be required, for example, a doctor's note.

**SCHEDULE**

**May 12 Class 1: *Introduction***

**May 14 Class 2: *What is punishment?***

Mark Tebbit, "Chapter 10: Theories of Punishment" in *Philosophy of Law- An Introduction* (London: Routledge, 2000).

**May 19 Class 3: *Restorative Justice***

Video: Hollow Water

Kent Roach, "Changing punishment at the turn of the century: Restorative justice on the rise" (July 2000) *Canadian Journal of Criminology* 249.

**May 21 Class 4: *Vengeance***

Film: Unforgiven

William I. Miller, "Clint Eastwood and Equity: Popular Culture's Theory of Revenge" in Austin Sarat and Thomas R. Kearns eds. *Law in the Domains of Culture* (Ann Arbor: University of Michigan Press) 161.

**(Classes suspended for one week)**

**June 2 Class 5: *In Class Midterm***

**June 4 Class 6: *Traditional Reductionist Justifications I: Deterrence and Incapacitation***

Video: Crime and Punishment: The Politics of Punishment (D5031 disc)

Anthony N. Doob and Cheryl Marie Webster, "Sentence Severity and Crime: Accepting the Null Hypothesis" (2003) 30 *Crime and Justice* 143.

**June 9 Class 7: *Traditional Reductionist Justifications II: Rehabilitation***

Kathleen Kendall, "Dangerous Thinking: A Critical History of Correctional Cognitive Behaviouralism." in George Mair ed. *What Matters in Probation?* (London: Willan, 2005).

**June 11 Class 8: *Traditional Retributionist Justifications: Denunciation AND Its Controversies***

***The Ideas of Emile Durkheim: Punishment as an expression of social solidarity***

David Garland, "Chapter 2" in *Punishment and Modern Society* (Oxford: Clarendon Press, 1991).

AND

***Controversies with the principles of parity and proportionality***

Andrew von Hirsch and Andrew Ashworth, "Proportionate Punishment and Social Deprivation" in *Proportionate Sentencing: Exploring the Principles* (London: Oxford University Press, 2005)

(NOTE: Students "on-call" for this day will be responsible for engaging in class discussion addressing only one of the articles. They will be informed ahead of time which article to prepare for.)

- June 16 Class 9: *The Pragmatics of Punishment***  
Video: Crime and Punishment: Let's Make a Deal (D5148 disc)  
Joseph Di Luca, "Expedient McJustice or Principled Alternative Dispute Resolution? A review of Plea Bargaining in Canada" (2005) 50 Criminal Law Quarterly 1.
- June 18 Class 10: *The Symbolic and Qualitative Value of Punishment***  
Video: The Politics of Punishment (V2632)  
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.
- June 23 Class 11: Non-punitive punishment: *Partial Abolitionism***  
FILM: INSIDE CANADA'S PRISON (EXCERPT ON WOMEN IN PRISON)  
Barbara Hudson, "Chapter 5: Some Ideas Whose Time Has Come" in *Penal policy and social justice* (Toronto: University of Toronto Press, 1993)
- June 25 Class 12: *Restorative Justice in Practice***  
John Braithwaite, *Crime, Shame and Reintegration* (Cambridge: Cambridge University Press, 1989).

REVIEW