

Course Outline

COURSE:	LAWS 3308 B - Punishment and the Law
TERM:	Winter 2010-11
PREREQUISITES:	LAWS 2004 [1.0] (no longer offered) or LAWS 2301]
CLASS:	Day & Time: Monday 1805-2055 Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Leah DeVellis
CONTACT:	Office: C476 LA – Contract Instructors' Office Office Hrs: Wednesday 1:00-3:00 pm Email: ldevelli@connect.carleton.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 15, 2010 for Fall exams and March 12, 2011 for Winter 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.

COURSE STRUCTURE

COURSE MATERIAL: Course reader available at **Octopus Books**, 116 Third Avenue, 613-233-2589

LECTURES: Lectures will take place Monday 6 – 8pm in SA 520, followed by a one hour tutorial. Each lecture will cover material from the readings, supplementary readings, videos, and learning activities.

TUTORIALS: Tutorials will take place in the 3rd hour of the lecture, 8 – 9pm. The class will be split into two groups, and each group will attend a tutorial every other week with either myself or our TA. In these tutorials we will both focus 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 account for 10% of students' final grade. Participation marks are earned by attending and actively participating in discussion/activities.

EVALUATION - All components must be completed to pass this course

Tutorial Participation	10%
Journal 1	10%
Journal 2	20%
Journal 3	30%
Final Take Home Exam	30%

Journals (60%)

Students will submit 3 journal responses during the semester. Each journal response 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 journals will also relate to class discussions and teaching materials. Students are encouraged to incorporate news items, artistic representations of punishment, or other books you have read and so on. Students must follow proper citation guidelines for APA or MLA.

Final Take-Home Exam (30%)

The final take-home exam will cover ALL course material including lectures, tutorials, and assigned readings. The format will include short answer and essay questions. Students will be assigned questions and given two weeks to complete the assignment.

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 3% per day (including weekends). Students may NOT submit late work if the assignment has been returned to students in class.

Lecture Content & Assigned Readings

- Jan 3**
- Orientation to the class. No readings.
 - Tutorial groups
 - How to write a journal response

Jan 10 How to Study Punishment

Garland, David. (1991). *The Sociology of Punishment and Punishing Today*. Punishment and Modern Society. Chicago: University of Chicago Press.

Tutorial Group A

Jan 17 Traditional Justifications 1: Denunciation, Retribution

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

Garland, David. (1991). *Punishment and Social Solidarity*. Punishment and Modern Society. Tutorial Group B

- Jan 24** **Traditional Justifications 2: Deterrence & Incapacitation**
 Beccaria, Cesare (1973). *On Crimes and Punishments* in Grupp (Ed). *Theories of Punishment*.
 Mill, John Stuart. (1975). *Utilitarianism*. In Gray (Ed.) *On Liberty and Other Essays*.
 Tutorial Group A
- Jan 31** **Traditional Justifications 3: Rehabilitation**
 Duguid, Stephen. (2000). *The Origins of Curing Crime and Similar Popular Delusions. Can Prisons Work? The Prisoner as Object and Subject in Modern Corrections*. Toronto: University of Toronto Press.
 Moore, Dawn and Kelly Hannah-Moffat. (2005). *The Liberal Veil: Revisiting Canadian Penalty*. in Pratt et al. (Eds.) *The New Punitiveness: Trends, Theories, Perspectives*. Willan Publishing.
 CSC – Introduction to Correctional Programming
http://www.csc-scc.gc.ca/text/prgrm/cor-pro-2009-eng.shtml#_Toc231830432
 Tutorial Group B
Journal Response #1 Due
- Feb 7** **The Right to Punish**
 Lacey, Nicola. (1998). *The Question of Legal Obligation. State Punishment: Political Principles and Community Values*. New York: Routledge.
 Turner, Susan. (2002). *The Terms of the Corporal Punishment Debate. Something to Cry About: An Argument Against Corporal Punishment in Canada*. Wilfrid Laurier University Press.
 Tutorial Group A
- Feb 14** **Punishing Bodies**
 Spiereberg, P (1984). *The Watchers: Spectators at the Scaffold. The Spectacle of Suffering* . Cambridge: Cambridge University Press.
 Foucault, M (1977). *The Body of the Condemned. Discipline and Punish: the Birth of the Prison*. Vintage Books: New York.
 Rothman, David. (2002). *The Invention of the Penitentiary. The Discovery of the Asylum: Social Order and Disorder in the New Republic*. New York: Aldine de Gruyter.
 Tutorial Group B
- Feb 21-25** ***Reading Week – No Classes**
- Feb 28** **Punishing Souls**
 Foucault, M. (1977). *The Means of Correct Training. Discipline and Punish: The Birth of the Prison*. Vintage Books: New York
 Sykes, G. (1958). *The Pains of Imprisonment. The Society of Captives: A Study of Maximum Security Prison*. Princeton: Princeton University Press.
 Tutorial Group A
Journal Response #2 Due
- Mar 7** **Modern Punishments?**
 O'Malley, Pat (1999). *Volatile and Contradictory Punishment. Theoretical Criminology*(3), 175
 Garland, David. (2001). *The New Culture of Crime Control. The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: University of Chicago Press.
 Tutorial Group B
- Mar 14** **Women & Punishment**
 Hanna-Moffat, K (2000). Prisons that Empower: Neo-Liberal Governance in Canadian Women's Prisons. *British Journal of Criminology* (40), 510 – 531.
 Pollack, S (2006). Therapeutic Programming as a Regulatory Practice in Women's Prisons. – In Balfour & Comack (Eds.) *Criminalizing Women*. Fernwood Publishing: Halifax
 Murphy, Johnsen & Murphy. (2002). *Gayle. Paroled for Life: Interviews with Parolees Serving Life Sentences*. Vancouver: New Star Books
 Tutorial Group A

Mar 21 **Political Economy of Punishment: The Prison Industrial Complex**

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

Christie, N (2000). *Crime Control as a Product*. Crime Control as Industry. Routledge: London and New York.

Schlosser, Eric (1998). The Prison Industrial Complex." In Atlantic Monthly.
<http://www.theatlantic.com/magazine/archive/1998/12/the-prison-industrial-complex/4669/>

Greene, J. (2002). Entrepreneurial Corrections (pp.95-113) in M. Mauer & M. Chesney Lind (Eds.) *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*. New York: The New Press.

Tutorial Group B

Mar 28 **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/Inacademic/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>

West, W.G. & Morris, R (2000). *Introduction to the Case for Penal Abolition*. in in G. West & R. Morris (Eds.) *The Case for Penal Abolition*. Toronto: Canadian Scholars' Press.

<http://site.ebrary.com.proxy.library.carleton.ca/lib/oculcarleton/docDetail.action>

Zehr, H & Mika, H (1998) *Fundamental Concepts of Restorative Justice*. Contemporary Justice Review (1), 47-55

- **Journal Response #3 DUE**
- Take home exam distributed.