

Course Outline

COURSE:	LAWS 3308A –Punishment and the Law
TERM:	Fall 2018
PREREQUISITES:	LAWS 2301 and .5 credit in LAWS at the 2000 level
CLASS:	Day & Time: Monday 11:35am – 2:25pm Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Dr. Dawn Moore
CONTACT:	Office: D573 Loeb Building Office Hrs: By appointment Telephone: Please email. Email: Dawn_moore@carleton.ca

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://www2.carleton.ca/equity/>

Pregnancy obligation: Please contact 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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

Academic Accommodations for Students with Disabilities: If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) www.carleton.ca/pmc

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 Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source.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/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: carleton.ca/sexual-violence-support

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: students.carleton.ca/course-outline

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

COURSE DESCRIPTION

This course explores justifications and practices of punishment and social control from a socio-legal perspective. 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.

EVALUATION

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

Journal 1	10%
Journal 2	25%
Journal 3	35%
Final Exam	30%

***LATE PENALTY of 5% per day will be applied to all assignments. NO EXTENSIONS** will be granted except in the most extreme of circumstances.

Journals

Three times in throughout the term you are expected to turn in a journal that covers the preceding classes. This journal should be between 1 and 2 pages, focusing on ONE academic)look foir the asterix) reading and should consider the following:

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. You can also incorporate into your journal news items, artistic representations of punishment, other books you've read and so on.

An example journal will be placed on the CULearn site. Additionally tutorials will be held throughout the term to support students in writing the journals.

Materials

Where possible, I have opted for course materials available online (via web-sites or through online academic sources). Anything not online will be placed on reserve.

September 10

Introduction to class.

September 17

What is Imprisonment? What kinds of questions can we ask?

*Moore, Dawn. (2017). "Prisoners' Experiences of Incarceration." In Oxford Encyclopaedia of Criminology.

<http://criminology.oxfordre.com/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-238?rskey=fcUUql&result=6>

*Garland, David. (1991). *Punishment and Modern Society*. Chicago: University of Chicago Press. Ch 1.

Sept 24

Traditional Justifications 1: Denunciation, Retribution

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

*Garland, David. (1991). *Punishment and Modern Society*. Ch 2 23 – 47.

Journal 1 Due Sept 17 Class

October 1

Traditional Justifications 2: Deterrence & Incapacitation

*Beccaria, Cesare (1739). "On Crimes and Punishments." in *Theories of Punishment*. Grupp (ed)

*Mill, John Stuart. (1793). "Utilitarianism." in *On Liberty and Other Essays*. Gray (ed.)

October 15

Traditional Justifications 3: Rehabilitation

*Pasquino, Pasquale. (1991). "Criminology: The Birth of A Special Knowledge." In *The Foucault Effect: Studies in Governmentality*. Burchell, Gordon, Miller (eds).

*Tim Brennan, William Dieterich, and William Oliver. (2017) "Risk Assessment" in Oxford Encyclopedia of Criminology.

<http://criminology.oxfordre.com/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-100?rskey=hRe40N&result=4>

*Hannah-Moffat, Kelly. (2005). "Criminogenic needs and the transformative risk subject Hybridizations of risk/need in penalty" in *Theoretical Criminology*. 7(1).

<http://journals.sagepub.com/doi/abs/10.1177/1462474505048132>

October 29**The Right to Punish**

*Lacey, Nicola. (1998). *State Punishment: Political Principles and Community Values*. Ch 4 New York: Routledge.

*Simon, Jonathan. (2014). "The House of Fear: Dignity and Risk in *Madrid v. Gomez*." In *Mass Incarceration on Trial*. London: New Press.

*Shephard and Willis-Esqueda. (2017). Indigenous perspectives on violence risk assessment: A thematic analysis. *Punishment and Society*. <http://journals.sagepub.com/doi/abs/10.1177/1462474517721485>
Journal 2 Due

November 5**The Prison Industrial Complex**

*Dari Green, Melinda R. Jackson (2017). *The Prison Industrial Complex*. In the *Encyclopedia of Corrections*.

<http://onlinelibrary.wiley.com/doi/10.1002/9781118845387.wbeoc242/abstract;jsessionid=7ECE00326301ED2D9082B27380B566C2.f01t03?systemMessage=Wiley+Online+Library+usage+report+download+page+will+be+unavailable+on+Friday+24th+November+2017+at+21%3A00+EST+%2F+02.00+GMT+%2F+10%3A00+SGT+%28Saturday+25th+Nov+for+SGT+&userIsAuthenticated=false&deniedAccessCustomisedMessage>

*Davis, Angela. (1998). *Masked Racism: Reflections on the Prison Industrial Complex*.
<http://www5.austlii.edu.au/au/journals/IndigLawB/2000/12.html>

Smith, Kemba. (2005). "Modern Day Slavery: Inside the Prison Industrial Complex." In Sudbury (ed). *Global Lockdown: Race, Gender and the Prison-Industrial Complex*.

November 12**The Total Institution & Prisoners Rights**

Guest: Deanna Deal, Prison Transparency Project

*Sykes, Gresham. (1958). *The Society of Captives: A Study of Maximum Security Prison*. Princeton: Princeton University Press. Ch 4

*Erving Goffman and the Total Institution.

https://www.academia.edu/2004620/Erving_Goffman_and_the_Total_Institution

*Goffman, Erving. (1961). *Asylums – Excerpts from Chapter 1*.

United Nations Standard Minimum Rules for the Treatment of Prisoners

https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf

Marin, Andree & Ontario (2011). *The Code: Report of the Ontario Ombuds on the Excessive Use of*

Force in Provincial Jails and Prisons

<https://www.ombudsman.on.ca/Files/sitemedia/Documents/Investigations/SORT%20Investigations/The-Code-EN.pdf>

Province of Ontario. (2012). Verdict of the Coroner's Jury – Ashley Smith Death in Custody.

<http://www.csc-scc.gc.ca/publications/005007-9009-eng.shtml>

November 19

Punishing Bodies & Souls

*Foucault (1977) Discipline and Punish Part 1 – Torture & The Birth of the Prison. Part 3 ch 2.

*Hartman, Kenneth. (2009). “The Other Death Penalty.” In Journal of Prisoners on Prisons 18 (1/2).

November 26

Current Debates 1: Solitary and Immigration Detention

*T. Blair & Reiter, K (2015). Punishing Mental Illness: Trans-institutionalization and Solitary in the United States. in Radical Philosophy. http://link.springer.com/chapter/10.1057/9781137441157_10

*Kerr, Lisa. (2017). Sentencing Ashley Smith: How Prison Conditions Relate to the Aims of Punishment. Canadian Journal of Law and Society.

<https://www.cambridge.org/core/journals/canadian-journal-of-law-and-society-la-revue-canadienne-droit-et-societe/article/sentencing-ashley-smith-how-prison-conditions-relate-to-the-aims-of-punishment/CB6F8FA60BA4940917FDDB7DC9C15CA7>

*Bosworth, M. and S. Turnbull (2015). Immigration detention and the expansion of penal power in the United Kingdom. Extreme Punishment: Comparative Studies in Detention, Incarceration and Solitary Confinement. K. Reiter and A. Koenig. London, Palgrave Macmillan: 50-67. PDF Will be posted.

December 3

Abolition and Other Alternatives

*Barker, (2012) Nordic Exceptionalism revisited: Explaining the paradox of a Janus-faced penal regime. Theoretical Criminology. <http://journals.sagepub.com/doi/abs/10.1177/1362480612468935>

*Davis, Angela (2008). Lecture on Penal Abolition.

<http://www.lexisnexis.com.proxy.library.carleton.ca/us/lnacademic/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>

The Pelican Bay Hunger Strike: Resistance within the Structural Constraints of a US Supermax Prison
[Keramet Reiter](#) South Atlantic Quarterly (2014) 113 (3): 579-611.

JOURNAL 3 DUE

TAKE HOME EXAM DISTRUBUTED

TAKE HOME EXAM DUE TBA