

**Course Outline**

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<b>COURSE:</b>	<b>LAWS 3308A – Punishment and the Law</b>
<b>TERM:</b>	<b>FALL 2019</b>
<b>PREREQUISITES:</b>	<b>LAWS 2301 and 0.5 credit at the 2000 level</b>
<b>CLASS:</b>	<b>Day &amp; Time: Wednesdays, 11:35am – 2:25pm</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR:</b>	<b>Dr. Dawn Moore</b>
<b>TA:</b>	<b>Garry Balaganthan</b> <b>garrybalaganthan@cmail.carleton.ca</b>
<b>CONTACT:</b>	<b>Office: Room D573 Loeb Building</b> <b>Office Hrs: By appointment only</b> <b>Email: dawm.moore@carleton.ca</b>

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**CALENDAR COURSE DESCRIPTION**

This course explores justifications and practices of punishment and social control from a socio-legal perspective. Rationalizations and justifications for punishment are considered. Different forms of punishment and control within the law will be examined as well as different theoretical perspectives of punishment.

**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. This is not a course on best practices in carceral environments or how to improve prisons.

**EVALUATION**

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

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

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 the term you are expected to turn in a journal that covers the preceding classes. This journal should be between 1 and 2 pages per class, focusing on ONE academic reading (marked by an asterix\* in the syllabus). These assignments are intended to assist you in keeping apace with course materials as well as ensuring you receive regular feedback as to your mastery of course materials throughout the term. Journals are also immeasurably helpful for the final exam as they also serve as study notes.

I will discuss journals in class and will also provide an example of a good journal entry. To get started, select the academic reading you will focus on, read it, make sure you understand it and, contact your TA or the Professor should you require clarification on the content.

To shape the content of your entry you may wish to 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. Please limit yourselves to these materials. Outside sources are prohibited.

### **Journal Submission Schedule – Read this CAREFULLY**

- A journal entry of 2 pages must be made for each WEEK of class
- Journals 2 and 3 should be submitted as one document with a clear separation between each week – you can use headings based on the date or topic
- ALL journal MUST be submitted on line
- Any work submitted that raises submissions of plagiarism will be fully investigated, documented and submitted to the Dean. DO NOT plagiarise. It is dishonest, unfair and has a high certainty of being discovered. I use algorithms to track for plagiarism.

### **Materials**

Where possible, I have opted for course materials available online (via web-sites or through online academic sources). While some of the materials are open access, many of the readings available online will require you to log in to the library. Please make sure you have your library account set up and you know how to access journals online. I will not be covering this in class. Anything not online will be placed on reserve. I realize this requires more work from students that acquiring a course pack. I also appreciate that, as students, many of you are under significant financial stress. Having you access course materials on your own significantly cuts down on costs for you.

**Lecture Schedule****September 4****Introduction to class.**

*The Attica Liberation Faction Manifesto of Demands*. In *Race and Class*. 53(2).

<https://journals.sagepub.com/doi/abs/10.1177/0306396811414338?journalCode=racb>

**September 11****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. (On CULearn)

**September 18****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 11 Class (Garland or Moore)

**September 25****Traditional Justifications 2: Deterrence & Incapacitation**

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

\*Mill, John Stuart. (1975). "Utilitarianism." in *On Liberty and Other Essays*. Gray (ed.) (CULearn)

**October 2****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). (CULearn)

\*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 9****The Right to Punish**

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

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

\*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** Sept 18 (Lacey or Garland), Sept 25 (Beccaria or Mill), Oct 2 (Pasquino OR Brennan et al OR Hannah-Moffat)

**October 16****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. (E-book available through library)

**October 30****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 (CULearn)

\*Erving Goffman and the Total Institution.

[https://www.academia.edu/2004620/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. (CULearn and on reserve)

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](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-ccc.gc.ca/publications/005007-9009-eng.shtml>

## November 6

### **Punishing Bodies & Souls**

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

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

[http://www.jpp.org/back\\_issues.html](http://www.jpp.org/back_issues.html)

## November 13

### **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](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. E-book available in the library.

## November 20

### **Health and Prisons**

Guest Lecturer: Roselyne Douge-Charles, Aids Committee Ottawa.

Jurgens et al. (2011). HIV and incarceration: prisons and detention

*Journal of the International AIDS Society* volume 14, Article number: 26 (2011)

<https://jiasociety.biomedcentral.com/articles/10.1186/1758-2652-14-26>

[Jennifer M. Kilty](#) (2012). 'It's like they don't want you to get better': Psy control of women in the carceral context. In *Feminism and Psychology* Volume: 22 issue: 2, page(s): 162-182

<https://catalogue.library.carleton.ca/record=b4672664>

## November 27

### **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.

<https://www.youtube.com/watch?v=Q9NAbhbp4co>

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.

<https://catalogue.library.carleton.ca/record=b4550145>

## December 4

Exam prep and review.

**JOURNAL 3 DUE** Oct 9 (Lacey OR Simon OR Shephard et al), Oct 16 (Green et al OR Davis OR Smith), Oct 30 (Sykes OR Goffman), Nov 6 (Foucault OR Hartman), Nov 13 (Blair and Reiter OR Kerr OR Bosworth and Turnbull), Nov 20 (Jurgens et al OR Kilty), Nov 27 (Barker OR Davis OR Reiter)

**TAKE HOME EXAM DISTRUBUTED**

**TAKE HOME EXAM DUE TBA**

## **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:** 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: <https://carleton.ca/equity/accommodation/academic/students/>

**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: <https://carleton.ca/equity/accommodation/academic/students/>

**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](mailto: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). <https://carleton.ca/pmc/students/accommodations/>

### **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:  
<https://carleton.ca/registrar/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: <https://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:  
<https://carleton.ca/equity/accommodation/academic/>

### **Department Policy**

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

