Course Outline

COURSE: LAWS 3308 A - Punishment and the Law
PREREQUISITES: LAWS LAWS 2004
TERM: Fall 2007
CLASS: Day & Time: Mondays, 6:05 p.m. – 8:55 p.m.
Room: 518 Southam Hall
INSTRUCTOR: Professor Kevin Phillips

CONTACT: Office: Ottawa Crown Attorney’s Office, 161 Elgin Street (613-239-1206)
Office Hrs: By Appointment
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Email: Kevin.Phillips@jus.gov.on.ca

Students with disabilities needing academic accommodations in this course are required to contact a coordinator at the Paul Menton Centre to complete the necessary letters of accommodation. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangement. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is November 9, 2007 for December examinations and March 14, 2008, for April examinations. With regard to accommodations for religious obligations and pregnancy, please see http://www.carleton.ca/law/accommodations.htm

COURSE DESCRIPTION
This course explores justifications and practices of punishment and social control from a socio-legal perspective. Why do we punish? Who has the right to punish? Why do we use prisons as our main tool for punishing?

Students are encouraged to explore these issues from a critical and theoretical perspective.

EVALUATION

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

Journals
You are expected to keep a reading journal in which you note down your thoughts on and reactions to each of the readings assigned in the class. DO NOT summarize the readings. Instead, think about the following questions:

- 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?
- What other questions do I want to ask the author?
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.

All assignments are to be double spaced, normal (one inch) margins and readable font (10 point is the smallest but 12 is preferred). There are FIRM page limits on all assignments as follows:

- Journal 1: 2 pages
- Journal 2: 6 pages
- Journal 3: 7 pages
- Take Home: 8 pages

**September 10 Introduction**

**September 17 What is punishment?**


**September 24 Journal 1 Due**

*Traditional Justifications 1: Denunciation, Retribution - The Ideas of Emile Durkheim*


**October 1 Traditional Justifications 2: Deterrence & Incapacitation**


Doob, Webster “Sentence Severity and Crime: Accepting the Null Hypothesis

**October 15 Traditional Justifications 3: Rehabilitation**


Cullen, Gilbert (1982) “Reaffirming Rehabilitation”

**October 22 The Sad Life Principle: Race and Class Bias in Sentencing**


Ives (2003), “Sentencing the Disadvantaged” unpublished

October 29 Journal 2 Due

Contemporary Issue: How Delay Corrodes Sentencing and Punishment

McConville, Mirsky “Jury Trials and Plea Bargaining”


Lafontaine and Rondinelli “Plea Bargaining and the Modern Criminal Defence Lawyer” (2005) 50 CLQ 108

November 5 The Place of Punishment 1: The Prison

Video: Inside Canada’s Prisons

Wormith, Stephen “The Controversy over the Effects of Long Term Incarceration”.

Hannah-Moffat “Prisons that Empower”

November 12 The Place of Punishment 2: The Community

Cavadino & Dignan “Penal Policy and Political Economy”

Braithwaite “Crime, Shame and Reintegration”

November 19 Alternatives to Jail – The Conditional Sentence

Roberts et al, “Conditional Sentences of Imprisonment: An Empirical Analysis”

Judicial Attitudes to Conditional Terms of Imprisonment: Results of a National Survey

Marinos, “Thinking about Penal Equivalents”

Von Hirsh, “Principled Sentencing”

November 26 Some Ideas Whose Time Has Come – Restorative Justice

Doob, “Transforming the Punishment Environment”

Roach, “Changing Punishment at the Turn of the Century”

McMahon “The Persistent Prison? Rethinking Decarceration and Penal Reform”

December 3 Journal 3 Due

Take Home Exam Distributed