
COURSE:	LAWS 4305B – Criminal Justice Reform
TERM:	Winter 2021
PREREQUISITES:	LAWS2908, CRCJ3001 or CRCJ3002 and LAWS2301, LAWS2302 and fourth-year Honours standing
CLASS:	Day & Time: Thursdays, 8.35 – 11.25 am (Eastern Standard Time) Room: All Courses in the Winter 2021 term are offered online. Please check Carleton Central for current Class Schedule.
INSTRUCTOR: (CONTRACT)	Dr. Caglar Dolek
CONTACT:	Office Hrs: Thursdays, 11 am – 12 pm (Eastern Standard Time) via Zoom [Please send an e-mail to book an appointment with me during office hours or at an alternate time] Telephone: Email: caglardolek@cunet.carleton.ca

CALENDAR COURSE DESCRIPTION

Social transformation and criminal justice reform. Theoretical and practical reasons for the use of criminal law as an instrument of social control. Specific reform initiatives and processes. Alternate responses to social problems.

COURSE DESCRIPTION

Are we living in yet another period of criminal justice “reform”? What has happened to the long-debated neoliberal “reform” projects pre-occupied with “tough on crime” ideology and associated strategies of policing, criminalization, and incarceration? What are the social and political consequences of neoliberal reforms in incarceration, policing, and criminal law? How can we make sense of the social and political dynamics of the current agendas for “reform”? How do social struggles, from the #BlackLivesMatter to Indigenous dissent, from sex workers to environmental justice advocates, respond to current reform agendas in the US and Canada? How do the abolitionist theory and praxis formulate new philosophical and political horizons for an alternative future grounded in social justice and freedom?

This online seminar offers an interdisciplinary and critical approach to developing a comprehensive ground for informed analysis and discussion on the issues of criminal justice reform exemplified via the aforementioned questions. Focusing on the North American context, the seminar discussions will integrate current public and policy debates into a broader historical and theoretical framework for understanding (1) the complex legal, political, and social dynamics of criminal justice reform and (2) the critique and alternative visions as formulated by current social forces and political struggles. After a historical account of neoliberal discourse on “reform” in criminal justice (Weeks 2&3), we will discuss theoretical and methodological

approaches to criminal justice reform (Week 4&5). We will then focus on fundamental components of the emergent reform agendas from above in Canada and the United States, including the prisons, criminal law, and policing. This discussion will be accompanied by an analysis of broader social struggles waged from below by the #BlackLives Matter movement, indigenous communities, sex workers, environmental justice movements, and many others. This relational and intersectional perspective offers a critical framework for conceiving the motivations and contradictions of the increasingly dominant reform discourses on the mainstream political spectrum on the one hand and the political horizon of radical struggles embracing an abolitionist philosophy and praxis on the other.

LEARNING OUTCOMES

This online seminar is designed to foster critical thinking and alternative social and political imaginaries among students on fundamental issues of criminal justice reform. By the end of the course, students will be able to:

- Develop a historically grounded perspective on criminal justice reform by focusing on the era of neoliberal globalization,
- Identify different theoretical perspectives employed in analyzing mechanisms and processes of criminal justice reform,
- Critically examine contemporary issues of criminal justice reform with a particular focus on the North American context,
- Explore complex interactions of race, gender, and class in analyzing criminal law and associated socio-legal mechanisms of social control,
- Explore the political horizon and theoretical contributions of abolitionist perspectives in decriminalization, and police and prison abolition, and
- Develop analytical and practical skills pertaining to close reading, creative writing, and oral expression.

COURSE FORMAT

This online seminar is delivered through a blended approach to remote learning. We will hold live discussion sessions through Zoom and combine them with weekly discussion forums through CULearn. Please note the following schedule for weekly seminar sessions and integrated office hours for individual consultation and conversations. Please also note that all times are in Eastern Standard Time (EST).

09.00 – 10.00 am: Open Forum for Discussion (presentations & discussions)

10.10 – 10.45 am: Summary Lecture and Q&A Session

11.00 am – 12.00 pm: Office Hours

REQUIRED TEXTS

Please see the below schedule for the weekly assigned readings. Free electronic access will be available via CULearn. The course will also integrate audio-visual materials (short videos, documentaries, etc.) to support weekly discussions. The weekly schedule also provides links to these assigned audio-visual materials.

EVALUATION

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.

There will be four methods of evaluation in this course. The final grade will reflect your performance on these required components. Please note that all components of the course requirements must be completed in order to get a passing grade.

METHODS OF EVALUATION, DATES & GRADING

Method of Evaluation	Due Date	%	Notes
Weekly Discussion Forums	Ongoing	40%	8 forum entry x 5% = 40% <ul style="list-style-type: none"> more than 8 entry encouraged; best 8 will be the basis of final mark Each forum entry must include: formulation of three main takeaway points (500 words long) & two replies to other entries (50 words each)
Attendance & Participation	Ongoing	15%	Regular attendance and informed participation
Seminar Presentation	To be scheduled during the first week	15%	Two or three presentations per week on the assigned texts; includes individual presentation & leading discussion based on the text
OP-ED Article	<i>Research outline due: March 1st</i> <i>Final Paper due: April 14th</i>	30%	3000-3500 words (excluding footnotes and references) <ul style="list-style-type: none"> Research outline (10%) Final Paper (20%)

1. WEEKLY DISCUSSION FORUMS (40%)

We will use discussion forums to deepen our collective debate on contemporary issues of criminal justice reform through CULearn. I will open each discussion forum **every Thursday at 2 pm**, after our live sessions via Zoom. You will have time to post your discussion entries **until 5 pm on Sunday that same week**. That is, you will have to submit your discussion forum entries in a three-and-a-half-day period.

Instructions on the discussion forum entries:

- **Identify three main takeaway points from the weekly discussion sessions that we will have through Zoom.** That is why you must attend the weekly discussion sessions on Thursday mornings regularly.
- Prepare a forum entry in a structured manner to communicate your main takeaway points to your peers. Provide a clear explanation for your main takeaway points. Why are these important/striking/interesting for you?

- Your forum entry should be **at least 500 words** demonstrating your critical engagement with the weekly course material. That is, you need to briefly discuss your main takeaway points in relation to the other weekly course material (assigned readings and videos). Give reference to these materials, provide examples, refer to the core concepts and issues discussed that week.

After submitting your forum entry, **you must ALSO post a reply to at least two students' posts**. Each reply will be **at least 50 words long**. While replying to other entries:

- Please formulate your response in a considerate, respectful, and responsible manner. CULearn discussion forums are our collective learning space. Therefore, our collective responsibility is to eliminate discriminatory language and content based on racism, sexism, homophobia, transphobia, ableism, and other forms of oppression. Refrain from offensive language, and respect other student's opinions and comments.
- Consider our discussion forum as an intellectual exchange and critical debate with your peers. With this in mind, it will also turn into a joyful space of collective learning and deliberation.
- If you feel that inappropriate content is posted, please report the issue to me.

Grading rubric and criteria for discussion forum entries:

Your original forum entry (main takeaway points) and responses in each Weekly Discussion Forum will be graded out of 5 marks. You will have to submit **at least eight (8) forum entries (including your original entry and two replies) out of 11 weeks (see the below schedule for weekly discussion forums)**. This selective forum entry policy already provides you with some flexibility. Therefore, there will be no other compensation for your missing entries at the end of the term. Grading will be based on the following criteria:

- **(8 forum entries) x 5% = 40%**. You are highly encouraged to submit more than eight forum entries. In this case, the best eight will determine your overall mark in this method of assessment.
- My assessment will be based on the substantive quality of your forum entries. Please keep the following points in mind while formulating your forum entries:
 - Formulate three main takeaway points based on the weekly live sessions via Zoom
 - Present your main takeaway points with concrete reference to the weekly course material (assigned readings & videos)
 - Develop a clear articulation of the core concepts, issues, and theoretical perspectives discussed that week in your forum entry
 - Offer a thought-provoking explanation on why these are important/striking/interesting takeaway points for you
 - Critically engage with other students' forum entries. Discuss your peer's entry in relation to the broader weekly theme; provide additional points/examples/references to deepen her/his points; offer new points, concepts and/or perspectives to support the debate.
 - In this way, you will actively be contributing to our collective debate on the salient issues of criminal justice reform in our contemporary world.

2. ATTENDANCE AND PARTICIPATION (15%)

Consider this online seminar as an open forum for an intellectual challenge, collective discussion, and learning. Your regular attendance and active and informed participation are an important component of our collective learning process to ensure this.

Grading will be based on your regular attendance at the online seminars and the frequency of your informed participation during the discussion sessions. Please also keep in mind that this is a reading-intensive course. You are expected to do the required readings to ensure your informed participation during class debates.

3. SEMINAR PRESENTATION (15%)

We will use the medium of seminar presentations to develop our collective learning experience. This will be an excellent opportunity to take an active role in a seminar session to present an assigned text and lead the class discussion. Here are more details on the formal aspects of the seminar presentations:

- You are expected to choose one assigned text and present the material individually. The presentations will be about 7 minutes long and based on a concise summary of the assigned text coupled with a set of critical discussion questions to open a collective debate.
- In addition to your role as the presenter, you will assume the role of discussion leader during that session. You will lead the class discussion for another 15 minutes on the assigned weekly material.
- We will have two or three presentations each week (starting from Week 3).
- We will set the presentation schedule during the first week.

4. OP-ED ARTICLE (30%)

The OP-ED article is the last component of evaluation in this class. This assignment will provide us with an opportunity to turn our term-long class readings, discussions, and conversations into a critical and informed opinion piece. Closely aligned with our weekly discussion themes, your OP-ED article will be on one of the following issues:

Racial capitalism and prison abolition
 #BlackLivesMatter and police abolition
 Decriminalization and sex work
 Reconciliation, criminal justice reform, indigenous justice
 Global environmental justice and corporate criminal liability

This assignment is based on a two-stage process of research and writing.

Stage 1: Annotated Research Outline (%10) [Due: March 1st]: Two-page outline of your research theme, sources, thesis statement, theoretical perspective, and a preliminary list of references as an additional page.

Stage Two: Final OP-ED Article (%20) [Due: April 14th]: Based on your Annotated Research Outline, you will receive extensive feedback on your research process. We can have individual conversations on your outline through Zoom to discuss further your research problem, direction, etc.

Your final research will be **between 3000 – 3500 words long (not including footnotes and bibliography)**. You will analyze your selected criminal justice reform issue and defend a position to produce a critical opinion piece to inform the public.

Further instructions about the OP-ED assignment will be posted on the course webpage in due time.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

IMPORTANT DATES

January 11, 2021

February 15 – 19, 2021

April 14, 2021

April 16 – 27 2021

Classes Begin

Winter Break, No Classes

Winter Term Ends

Formally Scheduled Final Exams

*Carleton University is on unceded, unsurrendered
Algonquin land.*

WEEKLY SCHEDULE, THEMES & TEXTS

WEEK 1 / JANUARY 14TH

Introduction and Course Overview

Class Meeting via Zoom: 09.00 – 10.00 am (Eastern Standard Time)

No assigned texts

WEEK 2 / JANUARY 21ST

Criminal Justice Reform: Yet Another “Reform” Moment?

Discussion Session via Zoom: 09.00 – 10.45 am (Eastern Standard Time)

Assigned texts:

Department of Justice Canada (2019) *Final Report: On the Review of Canada’s Criminal Justice System*, available at: <https://www.justice.gc.ca/eng/cj-jp/tcjs-tsjp/fr-rf/docs/fr.pdf>

The Biden Plan for Strengthening America’s Commitment to Justice (2020) available at: <https://joebiden.com/justice/>

Shanahan, J. & Kurti, Z. (2020) “The Dangerous Seduction of Reform: A Review of *Prison by Any Other Name*,” *The Brooklyn Rail*, October. Available at:

<https://brooklynrail.org/2020/10/field-notes/The-Dangerous-Seduction-of-Reform-a-review-of-Prison-by-Any-Other-Name>

Video News Discussion: “Was Kamala Harris A Progressive Prosecutor?” Available at:

https://www.democracynow.org/2020/8/13/kamala_harris_prosecutorial_record_2020_election [from 21.50 - 45.35]

Assessment: Weekly Discussion Forum Entry [Thursday, 2 pm – Sunday, 5 pm]

WEEK 3 / JANUARY 28TH

Historicizing the “Reform Moment”

Discussion Session via Zoom: 09.00 – 10.45 am (Eastern Standard Time)

Assigned texts:

Wacquant, L. (2010) “Crafting the neoliberal state: Workfare, prisonfare and social insecurity,” *Sociological Forum*, 25(2): 197-220.

Parenti, C. (2015) “The Making of the American Police State,” *Jacobin*, July 28. Available at: <https://www.jacobinmag.com/2015/07/incarceration-capitalism-black-lives-matter/>

Vitale, A. S. (2017) *The End of Policing*, London and New York: Verso, Chapter 1: The Limits of Police Reform.

13TH, *A Documentary by Ava DuVernay* on the prison-industrial complex and racial injustice in the US. Available at: <https://www.youtube.com/watch?v=krfcq5pF8u8>

Assessment: Weekly Discussion Forum Entry [Thursday, 2 pm – Sunday, 5 pm]

WEEK 4 / FEBRUARY 4TH**Theoretical Approaches to Criminal Justice Reform I***Discussion Session via Zoom: 09.00 – 10.45 am (Eastern Standard Time)*Assigned texts:

Shiner, R. A. (2009) "Theorizing Criminal Law Reform," *Criminal Law and Philosophy*, 3(2): 167-186.

Shiner, R. A. (2009) "Crime and Criminal Law Reform: A Theory of the Legislative Response," 12(1): 63-84.

Macfarlane, E. (2018) "You Can't Always Get What You Want': Regime Politics, the Supreme Court of Canada, and the Harper Government," *Canadian Journal of Political Science*, 51(1): 1-21.

Assessment: Weekly Discussion Forum Entry [Thursday, 2 pm – Sunday, 5 pm]**Week 5 / FEBRUARY 11TH****Theoretical Approaches to Criminal Justice Reform II***Discussion Session via Zoom: 09.00 – 10.45 am (Eastern Standard Time)*Assigned texts:

Akbar, A. A. (2018) "Toward A Radical Imagination of Law," *New York University Law Review*," 93(3): 405-479.

Additional material to be announced

Assessment: Weekly Discussion Forum Entry [Thursday, 2 pm – Sunday, 5 pm]**FEBRUARY 15 – 19: READING WEEK****WEEK 6 / FEBRUARY 25TH****Visions of Abolition: Prison***Discussion Session via Zoom: 09.00 – 10.45 am (Eastern Standard Time)*Assigned texts:

McLeod, A. M. (2015) "Prison abolition and grounded justice," *UCLA Law Review*, 62: 1156-1239.

Documentary: *Visions of Abolition: From Critical Resistance to a New Way of Life* (2011)
Available at: <https://www.dailymotion.com/video/x4kpnj4>

Assessment: Weekly Discussion Forum Entry [Thursday, 2 pm – Sunday, 5 pm]

WEEK 7 / MARCH 4TH**Visions of Abolition: Police**

Discussion Session via Zoom: 09.00 – 10.45 am (Eastern Standard Time)

Assigned texts:

Akbar, A. A. (2020) "An Abolitionist Horizon for (Police) Reform," *California Law Review*, 108(6): 101-168.

McDowell, M. G. & Fernandez, L. A. (2018) "Disband, Disempower, and Disarm': Amplifying the Theory and Practice of Police Abolition," *Critical Criminology*, 26: 373-391.

Roundtable Discussion: Police Abolition: What Does it Mean? Available at:

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

Assessment: Weekly Discussion Forum Entry [Thursday, 2 pm – Sunday, 5 pm]

Week 8 / MARCH 11TH**Whither Reconciliation? Criminal Justice "Reform" and Indigenous Justice**

Discussion Session via Zoom: 09.00 – 10.45 am (Eastern Standard Time)

Assigned texts:

Campbell, K. M. & Wellman, S. (2020) "Addressing the Overrepresentation of Indigenous Peoples in the Canadian Criminal Justice System: Is Reconciliation a Way Forward?" in C. Cote-Lussier, D. Mofette and J. Piche (eds.) *Contemporary Criminological Issues: Moving Beyond Insecurity and Exclusion*, University of Ottawa Press, pp, 145-164.

Koutouki, K. & Lofts, K. (2019) "Cannabis, Reconciliation, and the Rights of Indigenous Peoples: Prospects and Challenges for Cannabis Legalization in Canada," *Alberta Law Review*, 56(3): 709-728.

Scholar Strike Canada Teach-in by Dr. Pam Palmater: Legacy of Policing Indigenous Lands and Bodies in Canada. Available at:

<https://www.youtube.com/watch?v=Nf9UNc34wsk>

Assessment: Weekly Discussion Forum Entry [Thursday, 2 pm – Sunday, 5 pm]

WEEK 9 / MARCH 18TH**Sex Work and the Enduring Problem of Criminalization**

Discussion Session via Zoom: 09.00 – 10.45 am (Eastern Standard Time)

Assigned texts:

Law, T., Mario, B. & Brucket, C. (2020) "Unruly Women in Neoliberal Times: Still Bad, Mad, and Sluts," in C. Cote-Lussier, D. Mofette and J. Piche (eds.) *Contemporary Criminological Issues: Moving Beyond Insecurity and Exclusion*, University of Ottawa Press, pp. 191-216.

Benoit, C. et. al. (2017) "Well, it should be changed for one, because it's our bodies': Sex workers' views on Canada's punitive approach towards sex work," *Social Sciences*, 6(2): 1-17.

Webinar Discussion by Katelyn Dickin (HIV Community Link): Understanding sex work and stigma in Canada, Canadian Public Health Association, Available at:

<https://www.youtube.com/watch?v=2XkQsmUN7No&t=2529s>

Assessment: Weekly Discussion Forum Entry [Thursday, 2 pm – Sunday, 5 pm]

WEEK 10 / MARCH 25TH

Corporate Criminal Liability in Canada

Discussion Session via Zoom: 09.00 – 10.45 am (Eastern Standard Time)

Assigned texts:

Bittle, S. (2013) "Cracking down on corporate crime? The disappearance of corporate criminal liability legislation in Canada," *Policy and Practice in Health and Safety*, 11(2): 45-62.

Additional material to be announced

Assessment: Weekly Discussion Forum Entry [Thursday, 2 pm – Sunday, 5 pm]

WEEK 11 / APRIL 1ST

Corporate Criminal Liability Abroad

Canadian Mining Capital and Global Environmental Justice

Discussion Session via Zoom: 09.00 – 10.45 am (Eastern Standard Time)

Assigned texts:

Justice and Corporate Responsibility Project (2017) *The 'Canada Brand': Violence and Canadian Mining Companies in Latin America*, pp. 1-44. Available at: <https://justice-project.org/the-canada-brand-violence-and-canadian-mining-companies-in-latin-america/>

Kamphuis, C. (2020) Building the case for a home-state grievance mechanism: law reform strategies in the Canadian resource justice movement," in Feichtner I., Krajewski M., Roesch R. (eds) *Human Rights in Extractive Industries*, Springer.

https://doi.org/10.1007/978-3-030-11382-7_16

Documentary: Behind A Mining Monopoly. Available at:

<https://www.youtube.com/watch?v=FaVarMR1v2M>

Assessment: Weekly Discussion Forum Entry [Thursday, 2 pm – Sunday, 5 pm]

WEEK 12 / APRIL 8TH

General Overview: Criminal Justice Reform in a Pandemic Era

Discussion Session via Zoom: 09.00 – 10.45 am (Eastern Standard Time)

Assigned texts:

Sheptycki, J. (2020) "The Politics of Policing in a Pandemic Panic," *Australian & New Zealand Journal of Criminology*, 53(2): 157-173.

Collective Report: We Can't Police Our Way Out of the Pandemic: Lessons for Abolition.

Available at: <http://uottawacrm.ca/news-and-events/2020/8/27/report-we-cant-police-our-way-out-of-the-pandemic>

Podcast: Race, Police & the Pandemic, *Frontline*. Available at: <https://www.youtube.com/watch?v=XtedrSReKFo>

Assessment: Weekly Discussion Forum Entry [Thursday, 2 pm – Sunday, 5 pm]

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

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) <https://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:

<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/studentsupport/svpolicy/>

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://students.carleton.ca/services/accommodation/>

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