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/](http://www2.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 Equity Services website: [http://www2.carleton.ca/equity/](http://www2.carleton.ca/equity/)

**Academic Accommodations for Students with Disabilities**: The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pcm@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 to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam **(if applicable)** at [http://www2.carleton.ca PMC/new-and-current-students/dates-and-deadlines/](http://www2.carleton.ca PMC/new-and-current-students/dates-and-deadlines/)

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/](http://www2.carleton.ca/equity/)

**Course Synopsis:**

Nothing is more threatening to an individual than the loss of her or his liberty. In a free and democratic society, the loss of an individual’s freedom is perhaps one of the most dramatic and drastic forms of punishment save torture or execution.

Issues of fairness, balance and justice abound within the criminal justice system. Nowhere are these concepts more important than within the sentencing process. After all, at its very
core the *Criminal Code of Canada* is nothing more than a detailed series of offences and statements of prescribed punishment. For this reason, the first half of this course will carefully examine the legal theory and principles, rules and regulations that make up our sentencing system in Canada.

However, the purpose of this course is to encourage students to think critically about sentencing in Canada, with examples drawn from international jurisdictions as well. For this reason, the course will also approach the issue of sentencing from a critical perspective. Students will be encouraged to challenge common discourses around sentencing by examining social, cultural, legal and political intersections. Issues of state power, class, race, gender, mental illness, and civil disobedience will also be considered. Finally the course will attempt to consider future directions for sentencing in light of current criticisms.

**Accommodation Policy:**

Students are encouraged to read the Academic Accommodation Policy, which can be found at [www.carleton.ca/equity](http://www.carleton.ca/equity). The salient points of this policy are excerpted at the following web site: [http://www.carleton.ca/pmc/students/accom_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html). At any time during the course, should any student feel that he or she may require academic accommodation in order to meet a deadline or any requirement of the course please speak with the instructor immediately.

**Required Texts:**

The required text for this course is Allan Manson, *The Law of Sentencing* (Toronto: Irwin Law, 2011), and a coursepack. Both the text and the coursepack will be available at Octopus Books.

Additional material may be posted on WebCT.

**Supplementary Texts:**

Students should have access to the Criminal Code of Canada, either through on-line sources or in book format.

**Evaluation Scheme:**

<table>
<thead>
<tr>
<th>Component</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class Participation</td>
<td>20%</td>
</tr>
<tr>
<td>In Class Facilitation</td>
<td>10% (date to be assigned in class)</td>
</tr>
<tr>
<td>Outline for Term Paper</td>
<td>10% (due July 26, 2013)</td>
</tr>
<tr>
<td>Final Paper</td>
<td>60% (due August 15, 2013)</td>
</tr>
</tbody>
</table>

All components must be completed in order to pass this course.
**Explanation of Evaluation Methodology:**

**Class Participation**  
**Value: 20%**

This course is founded upon participation. The more you participate, the more marks you will likely get. Higher participation and meaningful interventions by all students in in-class discussions and presentations will also increase the level of discussion and its relevance to participants. Students are encouraged to ground their comments in a critical approach to the readings. Personal and political opinions are relevant in this course, but such opinion must engage with the specific themes of the course being explored. There is no "right" view of the course material, but whatever approach students take must be justified.

**In Class Facilitation**  
**Value: 10%**

Throughout the term, students will lead and facilitate discussion based on the course readings. Facilitation may be done independently or in groups. Students will prepare several questions to help guide the general discussion. Avoid power point presentations and prepared lectures or reading from notes. The facilitator’s job is to raise questions for discussion and provide a framework for same – not to present the readings, which it is assumed that all of the students have already done.

While participation of all students will be assessed throughout the term, the facilitators will be evaluated on the basis of their questions, quality of discussion and analysis during their chosen facilitation day. In addition to the assigned readings, the facilitators are encouraged to introduce one external reading of their choice into the discussion.

**Outline for Term Paper**  
**Value: 10% (due Tuesday July 26, 2013)**

To make sure that students develop a considered and coherent strategy for their term papers, they will submit a two to five page abstract including a bibliographical list of ten sources at a minimum. The abstract should contain a clear thesis statement and one or several paragraphs describing the topic and approach to be taken, followed by a skeleton or point form outline of the essay. The bibliography need not be annotated; however, points will be deducted where it appears that the sources cited are not specifically related to the topic in question or would not otherwise advance the agenda of research.

**Term Paper**  
**Value: 60% (due Monday August 15, 2013)**

You are to submit a 15 to 20 page term paper or research project that demonstrates your analysis of the course content and its themes. The are no predefined “set topics” for this final paper. You are therefore encouraged to consult with the Instructor as you build on the materials you provided in your outline and develop a fully polished final paper. More information on paper requirements will be provided during class time.
Class Schedule:

July 4  One: Introduction to Course


July 9  Two: Justification for punishment


July 11  Three: Judicial Discretion, Methodology, Rules and Principles

Manson, Allan, *The Law of Sentencing* (Toronto: Irwin Law, 2011), Chapter 4, 5, 6

July 16  Four: Aggravating Factors, Mitigating Factors and the Sentencing Hearing

Manson, Allan, *The Law of Sentencing* (Toronto: Irwin Law, 2011), Chapter 7, 8

July 18  Five: Sentencing Options


July 23  Six: Sentencing, Class and State Power

Quicker, John and Schmidt, Janet, “A Contribution To the Critique of Bourgeois Criminology: the Case of Criminal Sentencing” in *Critical Sociology* (July 1977), 7 (3), pg. 62-69


July 25  Seven: Race and Sentencing

(Outlines due July 26, 2013)
Amy Farrell and Donna M. Bishop, “Race, Ethnicity and Sentencing” in Michael J. Lynch, E. Britt Patterson, and Kristina K.; Childs, eds. Racial Divide, Racial and Ethnic Bias in the Criminal Justice System (Boulder: Lynne Reinner, 2010), chapter 5.


Curry, Theodore, “The conditional effects of victim and offender ethnicity and victim gender on sentences for non-capital cases” in Punishment & Society (October 2010), 12 (4), pg. 438-462


Recommended:

Kelly Hannah-Moffat, Paula Maurutto, “Re-contextualizing pre-sentence reports: Risk and race” in Punishment & Society (July 2010), 12 (3), pg. 262-286

July 30 Eight: Gender and Sentencing


Gillian Balfour, Falling Between the Cracks of Retributive and Restorative Justice: The Victimization and Punishment of Aboriginal Women, Feminist Criminology (April 2008), 3 (2), pg. 101-120

Recommended:

Amanda Konradi, Tina Burger, Having the Last Word: An Examination of Rape Survivors’ Participation in Sentencing, Violence Against Women (April 2000), 6 (4), pg. 351-395

August 1 Nine: Mental Illness and Sentencing

Thompson, Melissa, Race, gender and mental illness in the criminal justice system, (New Work: LFB Scholarly Publishing LLC, 2005), chapter 6.
Alec Buchanan, Howard Zonana, Mental disorder as the cause of a crime. International Journal of Law and Psychiatry (May 2009), 32 (3), pg. 142-146

Pamela Latimore, Nahama Broner, Richard Sherman, Linda Frisman, Michael Shafer, A Comparison of Prebooking and Postbooking Diversion Programs for Mentally Ill Substance-Using Individuals With Justice Involvement. Journal of Contemporary Criminal Justice (February 2003), 19 (1), pg. 30-64

August 6  Ten: The War on Drugs and Sentencing

Stephanie Bush-Baskette, “The War on Drugs and the Incarceration of Mothers” in Pamela J. Schram and Barbara Koons-Witt, eds. Gendered (In)Justice: Theory and Practice in Feminist Criminology, Chapter 9

Sonia N. Lawrence, Toni Williams, Swallowed Up: Drug Couriers at the Borders of Canadian Sentencing. University of Toronto Law Journal (October 2006), 56 (4), pg. 285-332


August 8  Eleven: Civil Disobedience and Punishment


Gross, Oren, “Torture and an Ethics of Responsibility” in Law, Culture and the Humanities (February 2007), 3 (1), pg. 35-54

Calabrese, Andrew, “Virtual nonviolence? Civil disobedience and political violence in the information age” in info (January 2004), 6 (5), pg. 326-338

August 10  Twelve: The Future of Sentencing

Allan Manson, The Law of Sentencing (Toronto: Irwin Law, 2011), Chapter 13


August 12  Thirteen: Review Class