

Course Outline

COURSE: LAWS 5004F – Law, Crime, and Social Order

TERM: FALL 2019

CLASS: **Day & Time:** Wednesdays, 2:35pm - 5:25pm
 Room: Check Carleton Central for current room location

INSTRUCTOR: Diana Young

CONTACT: **Office:** Room D574 Loeb Building
 Office Hrs: Wednesdays 12:00 pm - 1:00 pm or by appointment
 Telephone: (613) 520-2600 ex 1981
 Email: diana.young@carleton.ca

CALENDAR COURSE DESCRIPTION

Examines issues of crime control and state security through topical, in-depth investigations into contemporary problems. Focus is on critically analyzing the criminal justice system, and crime control strategies, as order maintenance /social control.

COURSE DESCRIPTION

This course aims to introduce students to some basic theoretical principles in the study of law and criminal justice. The materials focus on different concepts of power and how they relate to the way we understand criminal justice – not just how it operates as a means of social control, but also how it is enmeshed in a larger network of power relations. The first part of the course focuses on legal and political theory and problems of the legitimacy of state coercion in modern liberal democracies. We will also look at some specific issues in Canadian criminal law that may trouble some of these theoretical claims. The second part of the course focuses on social theory and the study of the criminal justice system as a social phenomenon. This section will be more familiar to students with a background in criminology – particularly critical criminology – and will examine some core concepts about the nature of power and social relationships, and how they contrast with theoretical approaches that focus on legitimacy and the power of the state.

REQUIRED TEXTS

A coursepack is available at Octopus Books on 116 Third Avenue near Bank Street. Students should also obtain a copy of Michel Foucault's *Discipline and Punish*. Other materials are available online through the MacOdrum Library's collection of ebooks and journals, or on the CuLearn page for this course.

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.

Participation: 25%

Students are expected to do all the required readings every week and come to class prepared to participate in class discussions. Some students at the MA level may not have a background in theory so if, on first reading, you find some of the material difficult to grasp don't despair. If you ask questions about aspects of the readings that you don't understand, it will count toward your participation grade.

Reflection papers: 10% each

Over the course of the semester students will write two short papers (about 600-800 words each) on a selection from the course readings. The papers should be comprised of a summary demonstrating your understanding of the reading selected and some analysis. The requirements of the analysis component are fairly open; for example, you may provide a critique of the text, contrast it to another item from the course reading list, consider how it relates to a current issue in criminal justice, or consider how it relates to your own research interests. You are not expected to do extensive research outside of what we cover in class for these assignments, but please be sure that you provide appropriate references and a bibliography. The first reflection paper must be on a selection from the readings assigned from September 11 to October 2, and submitted on October 9 at the latest. The second reflection paper must be on a selection from the readings assigned from October 9 to November 13 and submitted on November 20 at the latest. Students may submit their reflection papers prior to the deadlines.

Final Assignment: 30%

For the final assignment, students may either complete a take-home exam consisting of two essay questions, or a research paper, 4,000-6,000 words in length, on a topic of their choice that is related to the course. Students who choose the research paper option should discuss the topic with me and submit an outline prior to the end of the semester. The take-home exam will be posted on CuLearn on December 4 and due on December 21.

Presentations: 25%

In the last three classes of the semester, each student will be required to do a class presentation on a text of their choice, which should be about 30 minutes in length including time for class discussion. The text must be theoretically informed but may also relate to specific issues in criminal justice. Students who are choosing the research paper option for their final assignment may present on a text that they will include in their papers. Students should let me know two weeks in advance what text they intend to use for the presentation, so that the reference can be made available to the rest of the class on cuLearn.

SCHEDULE**September 4**

Introduction to course

PART I: Legal Theory and Legitimization**September 11**

Legitimizing coercion: Liberalism and theories of freedom, the individual, and the state.

Readings:

- Kant, I. (1797). The Metaphysics of Morals. In *Immanuel Kant: Practical Philosophy*. Gregor, M.J. (Trans.). New York: Cambridge University Press. pp. 455-477. (in coursepack)
- Taylor, C. (2005). *Modern Social Imaginaries*. Durham and London: Duke University Press. pp. 3-22. (in coursepack)
- Lacy, N. (1988). *Punishment and the Liberal World*. London and New York: Routledge. pp. 142-168. (ebook available through McOdrum Library).

September 18

Legitimizing coercion: Liberalism and theories of freedom, the individual, and the state.
Antagonism, resistance, the right and the political.

Readings:

- Mansbridge, J. (1996). Using Power/Fighting Power. In S. Benhabib, (Ed.). *Democracy and Difference* Princeton: Princeton University Press. (pp. 46-66). (In coursepack)
- Mouffe, C. (1996). Democracy, Power, and the Political. In S. Benhabib, (Ed.). *Democracy and Difference*. Princeton: Princeton University Press, 1996. (pp. 245-256). (in coursepack)
- Dyzenhaus, D. (1994). Pornography and Public Reason. *Canadian Journal of Law and Jurisprudence*. 7(2), 261-281.
- Cossman, B. (2003). Disciplining the Unruly: Sexual Outlaws, Little Sisters, and the Legacy of Butler. *U.B.C.L. Rev.*, 36(1), 77-99.

September 25

Freedom, Morality and the Law

- Dworkin, R. (2011). *Justice for Hedgehogs*. Cambridge, Mass.: Harvard University Press. (Chapters 17 and 19, pp. 364-378; pp. 400-415, available in ebook form through the MacOdrum Library).
- Garland, D. (1993). *Punishment and Social Solidarity: The Work of Emile Durkheim*. In *Punishment and Modern Society* Chicago: University of Chicago Press. pp. 23-46 (in coursepack).
- Khan, U. (2018). *From Average Joe to Deviant John: The Changing Construction of Sex Trade Clients in Canada*. In van der Muellen, E, Durisin, E.M., Bruckert, C., *Red Light Labour: Sex Work Regulation, agency, and Resistance*. Vancouver, Toronto: UBC Press. (pp. 67-81).
- Valverde, M. (2018). *Canadian Feminism and Sex Work Law: A Cautionary Tale*. In van der Muellen, E, Durisin, E.M., Bruckert, C., *Red Light Labour: Sex Work Regulation, agency, and Resistance*. Vancouver, Toronto: UBC Press. (pp. 247-255).

October 2

Crime, Punishment, and Political Economy

- Norrie, A. (2001). *Crime Reason and History*. Cambridge: Cambridge University Press. pp. 15-31. (in coursepack)
- Garland, D. (1990). *The Political Economy of Punishment: Rusche and Kirchheimer and the Marxist Tradition*. In *Punishment and Modern Society* Chicago: University of Chicago Press. pp. 83-110. (in coursepack).
- De Giorgi, A. (2007). *Toward a Political Economy of Post-Fordist Punishment* *Critical Criminology* 15(3), 243-265.
- Chambliss, W. (1975). *Towards a Political Economy of Crime*. *Theory and Society*. 2(1), 149-170.

October 9*****Deadline for First Reflection Paper*****

Foucault and power - discipline

- Foucault, M. (1977). *Discipline and Punish: The Birth of the Prison*. A Sheridan (Trans.) New York: Vintage Books. (pp. 3-31; 170-194; 231-256).
- Michel Foucault, "Governmentality" In Burchell, G. et al., (Eds.). *The Foucault Effect: Studies in Governmentality*. Chicago: University of Chicago Press. pp. 87-116.
- Foucault, M. (1978). *The History of Sexuality: An Introduction (Volume 1)* Hurley, R. (Trans.) New York: Vintage Books Inc. (pp. 135-159).

October 16

Foucault and Power continued – Biopower
Risk Theory

- Ewald, F. (1990). Norms, Discipline, and the Law. *Representations* 30, 138-161.
- Castel, R., From Dangerousness to Risk. In Burchell, G. et al., (Eds.). *The Foucault Effect: Studies in Governmentality*. Chicago: University of Chicago Press. pp. 281-198.
- Ericson, R. and Haggerty, K. (1997). Policing as risk communications. In *Policing the Risk Society*. Toronto: University of Toronto Press. pp. 17-38. (Available in ebook form through the MacOdrum Library)
- O'Malley, Pat. (2004). Risk, Crime Control and Criminal Justice. *In Risk, Uncertainty and Government*. London: Glasshouse. pp. 136-155. (Available in ebook form through the MacOdrum Library).
- Stanko, E. (1997). Warnings to Women: Police Advice and Women's Safety in Britain. *Violence Against Women* 2:1, 5-34.

October 23

Fall Break – no classes

October 30

Risk and legal rationalities, risk and responsabilization

- Haggerty, K. D. (2003). From Risk to Precaution: The Rationalities of Personal Crime Prevention. In Ericson, R.V. and Doyle, A. (Eds.). *Risk and Morality* Toronto: University of Toronto Press. pp. 193- 214. (in coursepack).
- Young, D. (2015). Individual Rights and the Negotiation of Governmental Power: The Risk of HIV Transmission and the Canadian Criminal Law. *Social and Legal Studies* 24(1), 113-134.
- Hannah-Moffat, K. et al. (2009). Negotiated Risk: Actuarial Illusions and Discretion in Probation *Can. J. of Law and Society* 24(3), 391-409.
- Hannah-Moffat, K. (2001). Empowering Prison: Neoliberal Governance. In *Punishment in Disguise* (Toronto: University of Toronto Press, pp. 162-187. (Available in ebook form through the McOdrum Library catalogue).

November 6

Intersectionality, Assemblage and Actor Network Theory.

- Latour, B. (2005). *Reassembling the Social*. Oxford and New York: Oxford University Press. (pp. 1-17. Available in ebook form through the McOdrum Library catalogue).
- Haggerty, K. D., & Ericson, R. V. (2000). The surveillant assemblage. *The British Journal of Sociology*, 51(4), 605–622.
- Puar, J. K. (2012). Becoming-Intersectional in Assemblage Theory. *PhiloSOPHIA*, 2(1), 49–66.
- Hunt, S. (2013). *Decolonizing Sex Work: Developing an Intersectional Indigenous Approach*. In van der Muellen, E, Durisin, E.M., Love, V. Eds. *Selling Sex: Experience, Advocacy and Research on Sex Work in Canada*. pp 82-100. (available in ebook form through McOdrum Library).

November 13

Actor Network Theory cont'd

Transcarceration, Criminal Justice, and Concepts of Community.

- Bennett, J. (2004). The Force of Things: Steps Toward an Ecology of Matter. *Political Theory*. 32(3), 347-372.
- Moore, D. and Singh, R. (2015). Seeing Crime: ANT, Feminism and Images of Violence. In Robert, D. and DuFresne, M. (Eds.). *Actor Network Theory and Crime Studies: Explorations in Science and Technology*. Surrey: Ashgate Publishing Limited. pp. 67-80 (in coursepack).
- Kilty, J.M and Leah DeVellis, Transcarceration and the Production of Grey Space. In *Droits et Voix – Rights and Voices*. Ottawa: University of Ottawa Press. pp. 137-158. (available in ebook form through McOdrum Library).
- Young, D. (2011). Power and Resistance in Community-Based Sentencing. In D. Moore and A. Doyle, eds., *Critical Criminology in Canada* (Vancouver: UBC Press, 2011) pp. 162-182. (Available on CuLearn)
- Hallsworth, S. and Lea, J. (2011). Reconstructing Leviathan: Emerging Contours of the Security State. *Theoretical Criminology*. 15(2), 141-157.

Part III: Student Presentations:

November 20

Deadline for Second Reflection Paper

November 27

December 4

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 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/>