

Course Outline

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**COURSE:** LAWS 2301E – Criminal Justice System

**TERM:** WINTER 2020

**PREREQUISITES:** LAWS 1001 and LAWS 1002

**CLASS:**           **Day & Time:** Wednesdays, 14.35 – 17.25  
                          **Room:** Please check with Carleton Central for current room location

**INSTRUCTOR:**                   **Dr. Caglar Dolek**  
**(CONTRACT)**

**CONTACT:**                   **Office:** B442 Loeb Building (Contract Instructor’s Office)  
                          **Office Hrs:** Wednesdays, 12.00 – 14.00  
                          **Telephone:**  
                          **Email:** [caglar.dolek@carleton.ca](mailto:caglar.dolek@carleton.ca)

You are warmly encouraged to consult with me and Teaching Assistants (TAs) during regular business hours, and well in advance of the due dates of the assignments and exam. Please use your Carleton account for all email communication. Please also expect a reasonable response time (24 hours) for receiving replies to your inquiries.

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**CALENDAR COURSE DESCRIPTION**

The institutional and social production of criminal law in Canada. Processes, personnel, and agencies in the criminal legal system. The role of discretion and mechanisms of accountability. The accused and the place of the victim. Issues and problems in sentencing and punishment.

**COURSE DESCRIPTION**

This course offers an interdisciplinary and critical examination of the issues pertaining to the criminal justice system with a particular focus on Canada. It examines the institutions, processes, rules, and actors influencing the organization and operation of the criminal justice system. It takes a historical approach to the examination of the production and regulation of criminal law while providing an overview of the critical perspectives on the socio-legal sphere. By so doing, the course will relate three fundamental dimensions of power - race, gender, and class - to the origins, organization, and functioning of the criminal justice system.

The course aims to stimulate critical thinking among students with theoretically informed and historically sophisticated accounts of modern criminal justice system. By the end of the course, students are expected to be able to:

- demonstrate a critical and deep understanding of the historical roots, trends, and transformations in criminal justice system in Canada on a comparative-historical basis,
- Develop a relational perspective on race, gender, and class while examining formations and operations of the institutions of criminal justice,
- Apply course material to critically analyze historical trends and current issues pertaining to criminal justice system,
- Develop critical reading, writing, and analytical skills.

### **REQUIRED TEXTS**

Please see the course schedule for the required readings on weekly themes.  
All the required readings will be uploaded to the course website.

### **WEBSITE**

Further course information, lecture summary slides, updates and other important materials will be posted on the course website on CULearn. Announcements and grades will also be communicated this way. Students are strongly encouraged to regularly check the website.

Visit <https://culearn.carleton.ca>, and login using the same username and password that you use for your cmail or Connect accounts. You must be registered in the course to access the course website.

### **IMPORTANT DATES**

<b>January 6</b>	Winter term begins
<b>February 17</b>	Statutory holiday
<b>February 17 – 21</b>	Winter Break
<b>April 7</b>	Winter term ends
<b>April 13 – 25</b>	Formally scheduled exam period

For more details, please visit: <https://calendar.carleton.ca/academicyear/>

### **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.

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

Course requirement	%	Description	Due date
Reading Quizzes	20%	<b>Close reading of the assigned texts</b> is extremely important in this course. Students are expected to do all the weekly readings <b>before</b> each class. To help encourage weekly reading, students are required to complete a short quiz on the week's assigned readings. Quizzes will be posted on CULearn on Sundays and close on Wednesdays at 2 pm. There will be a quiz each week, excluding the first and the mid-term exam weeks. You will have 60 minutes to complete an individual quiz. <b>Students have to complete 8 quizzes (out of 10) to receive full marks (1 quiz X 2,5 points = 20%).</b> Quizzes will be composed of multiple choice, true/false and/or short-answer questions. Students must get at least 50% correct to receive full credit. Please ensure that you have a secure and reliable internet connection when completing the quizzes as they will be timed.	Weekly
Mid-term Exam	20%	The mid-term exam covers <b>all the course material</b> (assigned readings, in-class discussions, PowerPoint slights, short videos, etc.) covered from weeks 1 to 5. It will have a closed-book format and include short answer questions. Students have to answer four short-answer questions out of a pool of six questions ( <b>4 short-answers X 5 points = 20%</b> ). Students will have two hours to complete the mid-term exam.	FEB 12
Research Paper #1: History essay	30%	The research paper #1 is worth <b>30% of the final grade</b> . It will be up to 2,000 words long, not including footnotes and bibliography. Students will select one question from a list of three topics on historical themes of criminal justice system. <b>The list of questions and relevant instructions will be posted to the course website by mid-January.</b> The essay will be due by 11.59 pm on Sunday March 1, and submitted online through the course website.	MAR 1
Research Paper #2: Op-ed article	30%	The research paper #2 is worth <b>30% of the final grade</b> . It will be around 1,500 words long, not including footnotes and bibliography. Students will select one question from a list of three topics. This writing assignment will be prepared in an op-ed article format. <b>The list of questions and relevant instructions will be posted to the course website by mid-February.</b> The essay will be due by 11.59 pm on Wednesday April 1, and submitted online through the course website.	APR 1

**IMPORTANT NOTE:** Students must provide a medical or other appropriate documentation for any request for deadline extension for the research papers. A late penalty of -5% per day or partial day, including weekends, will be applied to individual assignments submitted past the due date. Assignments submitted beyond one week late will be accepted towards course completion, but will receive a grade of 0.

## COURSE SCHEDULE

**JAN 8 Introduction and course overview**

No required reading

**JAN 15 Modern state and criminal justice: a world-historical perspective**

Required readings

Lea, J. (2002) *Crime and Modernity: Continuities in Left Realist Criminology*, London: SAGE.  
 "Chapter 1: Practical criminality" (pp. 1-23) & "Chapter 2: Modernization and crime control" (pp. 24-51).

Garland, D. (2001) *The Culture of Control: Crime and Social Order in Contemporary Society*, The University of Chicago Press, "Chapter 2: Modern criminal justice and the penal-welfare state," pp. 27-53.

**JAN 22 Criminal law reform in Canada: origins and development**

Required readings

Brogden, M. (1990) "Law and criminal labels: The case of the French Métis in Western Canada," *The Journal of Human Justice*, 1(2): 13-32.

Macleod, R. C. (1978) "The shaping of Canadian criminal law, 1892-1902," *Historical Papers*, 13(1): 64-75.

Wright, B. (2007) "Self-governing codifications of English criminal law and Empire: The Queensland and Canadian experiences," *University of Queensland Law Journal*, 26(1): 39-66.

**JAN 29 The rise and consolidation of the "police machine"**

Required readings

McMullan, J. L. (1998) "Social surveillance and the rise of the 'police machine'," *Theoretical Criminology*, 2(1): 93-117.

Bell, C. and Schreiner, K. (2018) "The international relations of police power in settler colonialism: The 'civilizing' mission of Canada's Mounties," *International Journal: Canada's Journal of Global Policy Analysis*, 73(1): 111-128.

Boritch, H. and Hagan, J. (2005) "Crime and the changing forms of class control: Policing public order in 'Toronto the Good', 1859-1955," in C. McCormick and L. Green (eds.) *Crime and Deviance in Canada: Historical Perspectives*, Toronto: Canadian Scholars' Press, pp. 187-197.

**FEB 5 Punishment and the prison system**

Required readings

Cellard, A. (2000) *Punishment, prison, and reform in Canada, from New France to the present*, Canadian Historical Association Historical Booklet, No. 60.

Ignatieff, M. (1981) "State, civil society, and total institutions: A critique of recent social histories of punishment," *Crime and Justice*, 3: 153-192.

McCoy, T. (2009) "The unproductive prisoner: Labor and medicine in Canadian penitentiaries, 1867-1900," *Labor: Studies in Working-Class History of the Americas*, 6(4): 95-112.

**FEB 12 MID-TERM EXAM**

FEB 17 – 21 Winter break

**FEB 26 Contemporary trends in criminal justice: a global perspective**

Required readings

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

Lea, J. and Hallsworth, S. (2011) "Reconstructing Leviathan: Emerging contours of the security state," *Theoretical Criminology*, 15(2): 141-157.

DeKeseredy, W. S. (2009) "Canadian crime control in the new millennium: the influence of neo-conservative US policies and practices," *Police Practice and Research*, 10(4): 305-316.

**MAR 1 RESEARCH PAPER #1 DUE**

**MAR 4 The politics of criminal justice in "the Charter era"**

Required readings

Russell, P. H. (1983) "The political purposes of the Canadian Charter of Rights and Freedoms," *Canadian Bar Review*, 61(1): 30-54.

Stuart, D. (2017) "The Charter and Criminal Justice," in P. Oliver et. al. (eds.) *The Oxford Handbook of The Canadian Constitution*, Oxford University Press, pp. 795-813.

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.

**MAR 11 The politics of "emergency powers": from the October Crisis to the 2010s**

Required readings

Lindsay, J. (2014) "The power to react: Review and discussion of Canada's emergency measures legislation," *The International Journal of Human Rights*, 18(2): 159-177.

Dafnos, T. (2019) "The enduring settler-colonial emergency: Indian affairs and contemporary emergency management in Canada," *Settler Colonial Studies*, 9(3): 379-395.

Neocleous, M. (2006) "The problem with normality: Taking exception to 'permanent emergency'," *Alternatives*, 31(2): 191-213.

**MAR 18**      **Racialized encounters with criminal justice**

Required readings

Van Cleve, N. G. and Mayes, L. (2015) "Criminal justice through 'colorblind' lenses: A call to examine the mutual constitution of race and criminal justice," *Law & Social Inquiry: Journal of the American Bar Association*, 40(2): 406-432.

Cesaroni, C., Grol, C. and Fredericks, K. (2018) "Overrepresentation of Indigenous youth in Canada's criminal justice system: Perspectives of Indigenous young people," *Australian & New Zealand Journal of Criminology*, 52(1): 111-128.

Young, D. (2019) "Your ways or our ways? Addressing Canadian neo-colonialism and restorative justice," *Salus Journal*, 7(2): 85-108.

**MAR 25**      **Gendered encounters with criminal justice**

Required readings

Maidment, M. R. (2006) "Transgressing boundaries: Feminist perspectives in Criminology," in W. S. DeKesedery and B. Perry (eds.) *Advancing Critical Criminology: Theory and Application*, Lexington Books, pp. 43-62.

Allspach, A. (2010) "Landscapes of (neo)liberal control: The transcarceral spaces of federally sentenced women in Canada," *Gender, Place and Culture*, 17(6): 705-723.

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): 52, ; doi:10.3390/socsci6020052.

**APR 1**      **Beyond criminal justice system: debating alternatives**

Required readings

Meiners, E. R. (2011) "Ending the school-to-prison pipeline/building abolition futures," *Urban Review*, 43: 547-565.

Moore, J. M. and Roberts, R. (2016) "What lies beyond criminal justice? Developing transformative solutions," *Justice, Power, and Resistance*, 115-136.

Webb, D. (2010) "Paulo Freire and 'the need for a kind of education in hope'," *Cambridge Journal of Education*, 40(4): 327-339.

**APR 1**      **RESEARCH PAPER #2 DUE**

**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 Equity Services website:

**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](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) [www.carleton.ca/pmc](http://www.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:* <http://carleton.ca/studentaffairs/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: [carleton.ca/sexual-violence-support](http://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://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. <http://carleton.ca/law/current-students/>