

Course Outline

COURSE:	LAWS 3308 B– Punishment and the Law
TERM:	Winter 2022
PREREQUISITES:	LAWS 2301 and 0.5 credit in LAWS at the 2000 level.
CLASS:	Day & Time: Wednesday 11:35am– 2:25pm Room: Please check Carleton Central for current Class Schedule. This class will be delivered on Brightspace synchronously with no recordings. Students MUST be prepared to attend live.
INSTRUCTOR:	Dr. Dawn Moore TA Mary McCluskey marymcccluskey@cmail.carleton.ca
CONTACT:	Office: D573 Office Hrs: Wednesday 2 – 3pm Telephone: Email: dawnmoore@cunet.carleton.ca

CALENDAR COURSE DESCRIPTION

This course explores justifications and practices of punishment and social control from a socio-legal perspective. Rationalizations and justifications for punishment are considered. Different forms of punishment and control within the law will be examined as well as different theoretical perspectives of punishment.

COURSE DESCRIPTION

This course explores justifications and practices of punishment and social control from a socio-legal perspective. Why do we punish? Are prisons the best option? What are the purposes of punishment? Students are encouraged to explore these issues from a critical and theoretical perspective. This is not a course on best practices in carceral environments or how to improve prisons.

REQUIRED TEXTS

All course materials are available online either through the library or on Brightspace.

SUPPLEMENTARY TEXTS

Often students ask me what texts they should read to either prepare for this course or enhance their learning. Below I've given you a few suggestions. These are NOT mandatory readings but they will push you in your thinking not just through your university studies but through your lives. We are teaching and learning together at an unprecedented moment in history and I am suggesting these readings to help you improve your knowledge and skill sets especially in navigating complicated political and social terrains. If you want the world to change, these books will help. They don't have all the answers but they contain vital insights.

DiAngelo, Robin. White Fragility and Nice Racism

Kendall, Mikki and A D'Amico Amazons, Abolitionists and Activists (graphic history of women's fight for their rights)

Ben-Moshe, Liat. Decarcerating Disability

Getty, Stuart. How to They/Them: A visual guide to the world of gender fluidity

Keptwo, Suzanne. We all go back to the Land: The Who, Why and how of Land Acknowledgements

Jewell, Tiffany. This Book is Anti-Racist

Coulthard, Glen. Place Against Empire: Understanding Indigenous Anti-colonialism.

YOUR EDUCATION AND REMOTE LEARNING: READ THIS

After two years of teaching remotely I am keenly aware that students are suffering from remote learning. You are missing out on the benefits of getting to know your classmates, having spontaneous discussions about course materials with me, your TA or other students in hallways and on class breaks. These are all vital parts of 'soft' learning that help you to not only gain further mastery over the course materials but also develop relationships and connections that will be important to your future endeavors whether you are headed to the workforce, graduate school, or law school.

I am also missing out on getting to know you, having a sense of who is in my class and even seeing your faces while I am teaching – a crucial way that I gauge how you are receiving lecture materials. Online learning also hampers my usual chatty, discussion focused teaching style. To soften the blow, I teach this class synchronously with no recordings to encourage live attendance and, ideally, participation. To make this the best learning experience for you despite the ongoing restrictions brought by COVID, I invite you to assist me in creating the best classroom environment possible by keeping cameras on during lecture and actively participating in lecture discussions through the chat or by unmuting yourself to the best of your ability. While I realize that these practices may not be possible for all, these adaptations on your part will not only make this a better learning experience for all, they give me a better chance to get to know you. I want to know who I am teaching so that I can better tailor the course content to your needs and so that I can support you in your future endeavors by doing things like recommending volunteer or career opportunities, writing letters of reference or talking about scholarships and graduate studies options. It is exceedingly difficult for me to do

any of these things, especially write letters of reference, if I have never seen your face and have never engaged with you in class or during office hours. The decision is ultimately yours, but I STRONGLY recommend you do what you can to help me forge relationships with you so that if you need me in the future, I can say more about you than simply you were a name on my screen.

Keep in mind as well that faculty are not offered any COVID accommodations even if we have caregiving duties that conflict with our work duties. When schools are closed, I am working and parenting fulltime, at the same time, as are many of your profs, TAs and some of your fellow students. These circumstances make it very difficult to respond to last minute requests or emails. Help me help you by first making sure that you have read the entire course outline before asking a question – many student questions are answered in the outline and due to COVID restraints neither Mary nor I have the time to respond to questions for which you already have the answers. Likewise, if you miss a class, please do not ask me to get you caught up. I encourage you to share notes with each other in these circumstances. Giving me plenty of notice if you need an accommodation or are struggling with a component of the class also ensures that I can meet your needs to the best of my abilities. I will find the time for you, but I need leeway to make that happen. This also means that I will likely be slower to respond to emails. Your patience is appreciated. I strongly encourage you to email your excellent TA Mary (email above) regarding anything urgent. Mary is currently able to respond more quickly than I to any urgent requests.

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.

NOTE: All assignments MUST be submitted in order to pass this course. Failure to submit an assignment will result in a failing grade without exception.

Journal 1	5%
Journal 2	25%
Journal 3	40%
Final Exam	30%

***LATE PENALTY of 5% per day will be applied to all assignments** EXTENSIONS will be granted in keeping with university policies regarding the exceptional circumstances of COVID. Medical notes are not required but students are required to fill out a [general attestation](#) instead.

Journals

Three times in the term you are expected to turn in a journal that covers the preceding classes. This journal should be between 1 and 2 pages per class (SEE THE SCHEDULE BELOW) (MAXIMUM), focusing on ONE academic reading (marked by an asterix* in the syllabus). These assignments are intended to assist you in keeping a pace with course materials as well as ensuring you receive regular feedback as to your mastery of course materials throughout the term. Journals are also immeasurably helpful for the final exam as they also serve as study notes. I cannot stress enough the importance of asking for help with journals early on. Mary and I will do all we can to support you but you have to let us know you need help.

I will discuss journals in class and will also provide an example of a good journal entry. To get started, select the academic reading you will focus on, read it, make sure you understand it and, contact your TA or the Professor should you require clarification on the content.

To shape the content of your entry you may wish to consider the following:

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?

Good journals will also relate to class discussions and teaching materials. Please limit yourselves to these materials. Outside sources are prohibited. Do NOT summarize readings.

Journal Submission Schedule – Read this CAREFULLY

- Pay **very careful attention** to the submission schedule as laid out below. Under each due date you will see a list of dates that must be covered for the submission. You will write a journal entry for EVERY class but you will only submit them 3 times in a semester. Each submission is bundled with a clear separation between weeks. **Please do not email me or the TA asking what must be covered in the journals.** It is all listed below.
- ALL journals MUST be submitted online
- **All submission must be titled starting with your last name** and then the journal number (ie Moore Journal 2). Please do not title your submission Journal ** without your name preceding.
- Any work submitted that raises suspicions of plagiarism will be fully investigated, documented, and submitted to the Dean. **DO NOT plagiarize.** It is dishonest, unfair and has a high certainty of being discovered. Please note plagiarism detection software is used in this class and all assignments previously submitted to this class are archived in a searchable database. Do not buy previous assignments from former students or on the web. You will get caught. Penalties for plagiarism range from failing an assignment to expulsion. It is your responsibility to familiarize yourself with the university's [Academic Integrity Policy](#). Ignorance is not a defense for this behaviour.

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).

SCHEDULE

January 12

Introduction to class.

The Attica Liberation Faction Manifesto of Demands. In *Race and Class*. 53(2).

<https://journals.sagepub.com/doi/abs/10.1177/0306396811414338?journalCode=racb>

January 19

What is Imprisonment? What kinds of questions can we ask?

*Moore, Dawn. (2017). "Prisoners' Experiences of Incarceration." In *Oxford Encyclopaedia of Criminology*.

<http://criminology.oxfordre.com/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-238?rskey=fcUUql&result=6>

*Garland, David. (1991). *Punishment and Modern Society*. Chicago: University of Chicago Press. Ch 1. (On CULearn)

January 26

Traditional Justifications 1: Denunciation, Retribution

*Lacey, Nicola. (1988). *State Punishment: Political Principles and Community Values* 16 - 27

*Garland, David. (1991). *Punishment and Modern Society*. Ch 2 23 – 47.

JOURNAL 1 DUE (JANUARY 19)

February 2

Traditional Justifications 2: Deterrence & Incapacitation

*Beccaria, Cesare (1973). "On Crimes and Punishments." in *Theories of Punishment*. Grupp (ed) (CULearn)

*Mill, John Stuart. (1975). "Utilitarianism." in *On Liberty and Other Essays*. Gray (ed.) (CULearn)

February 9

Traditional Justifications 3: Rehabilitation

*Pasquino, Pasquale. (1991). "Criminology: The Birth of A Special Knowledge." In *The Foucault Effect: Studies in Governmentality*. Burchell, Gordon, Miller (eds). (CULearn)

*Hannah-Moffat, Kelly. (2005). "Criminogenic needs and the transformative risk subject Hybridizations of risk/need in penalty" in *Theoretical Criminology*. 7(1).
<http://journals.sagepub.com/doi/abs/10.1177/1462474505048132>

February 16**The Right to Punish**

Guest lecture from someone with lived experience of incarceration.

*Lacey, Nicola. (1998). *State Punishment: Political Principles and Community Values*. Ch 4
 New York: Routledge. (CULearn)

*Simon, Jonathan. (2014). "The House of Fear: Dignity and Risk in Madrid v. Gomez." In *Mass Incarceration on Trial*. London: New Press. (CULearn)

JOURNAL 2 DUE (JAN 26, Feb 2, FEB 9)

March 2**Current Debates 1: Solitary and Immigration Detention**

*Kerr, Lisa. (2017). *Sentencing Ashley Smith: How Prison Conditions Relate to the Aims of Punishment*. *Canadian Journal of Law and Society*.
<https://www.cambridge.org/core/journals/canadian-journal-of-law-and-society-la-revue-canadienne-droit-et-societe/article/sentencing-ashley-smith-how-prison-conditions-relate-to-the-aims-of-punishment/CB6F8FA60BA4940917FDDB7DC9C15CA7>

*Bosworth, M. and S. Turnbull (2015). *Immigration detention and the expansion of penal power in the United Kingdom*. *Extreme Punishment: Comparative Studies in Detention, Incarceration and Solitary Confinement*. K. Reiter and A. Koenig. London, Palgrave Macmillan: 50-67. E-book available in the library.

March 9**Punishing Bodies & Souls**

*Foucault (1977) *Discipline and Punish* Part 1 – Torture & The Birth of the Prison. Part 3 ch 2. (On reserve and CULearn).

*Hartman, Kenneth. (2009). "The Other Death Penalty." In *Journal of Prisoners on Prisons* 18 (1/2). http://www.jpp.org/back_issues.html

March 16**The Prison Industrial Complex**

*Dari Green, Melinda R. Jackson (2017). The Prison Industrial Complex. In the Encyclopedia of Corrections.

<http://onlinelibrary.wiley.com/doi/10.1002/9781118845387.wbeoc242/abstract;jsessionid=7ECE00326301ED2D9082B27380B566C2.f01t03?systemMessage=Wiley+Online+Library+usage+report+download+page+will+be+unavailable+on+Friday+24th+November+2017+at+21%3A00+EST+%2F+02.00+GMT+%2F+10%3A00+SGT+%28Saturday+25th+Nov+for+SGT+&userIsAuthenticated=false&deniedAccessCustomisedMessage>

*Davis, Angela. (1998). Masked Racism: Reflections on the Prison Industrial Complex.

<http://www5.austlii.edu.au/au/journals/IndigLawB/2000/12.html>

*Smith, Kembra. (2005). “Modern Day Slavery: Inside the Prison Industrial Complex.” In Sudbury (ed). Global Lockdown: Race, Gender and the Prison-Industrial Complex. (E-book available through library)

March 23

The Total Institution & Prisoners Rights

*Sykes, Gresham. (1958). The Society of Captives: A Study of Maximum Security Prison. Princeton: Princeton University Press. Ch 4 (CULearn)

*Erving Goffman and the Total Institution.

https://www.academia.edu/2004620/Erving_Goffman_and_the_Total_Institution

*Goffman, Erving. (1961). Asylums – Excerpts from Chapter 1. (CULearn and on reserve)

United Nations Standard Minimum Rules for the Treatment of Prisoners

https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf

Marin, Andree & Ontario (2011). The Code: Report of the Ontario Ombuds on the Excessive Use of Force in Provincial Jails and Prisons

<https://www.ombudsman.on.ca/Files/sitemedia/Documents/Investigations/SORT%20Investigations/The-Code-EN.pdf>

Province of Ontario. (2012). Verdict of the Coroner’s Jury – Ashley Smith Death in Custody.

<http://www.csc-scc.gc.ca/publications/005007-9009-eng.shtml>

March 30

Abolition and Other Alternatives

*Barker, (2012) Nordic Exceptionalism revisited: Explaining the paradox of a Janus-faced penal regime. Theoretical Criminology.

<http://journals.sagepub.com/doi/abs/10.1177/1362480612468935>

*Davis, Angela (2008). Lecture on Penal Abolition.
<https://www.youtube.com/watch?v=Q9NAbhbp4co>

*The Pelican Bay Hunger Strike: Resistance within the Structural Constraints of a US Supermax Prison

[Keramet Reiter](#) *South Atlantic Quarterly* (2014) 113 (3): 579-611.

<https://catalogue.library.carleton.ca/record=b4550145>

JOURNAL 3 DUE (FEB 16, Mar 2, MAR 9, 16, 23, 30)

April 6

Wrap up, catch up and discuss final exam.

TAKE HOME EXAM DISTRUBUTED

COVID-19 PREVENTION MEASURES

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

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://students.carleton.ca/course-outline/>.

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. Read more here: <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/student-experience-resources/>.