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<b>COURSE:</b>	<b>LAWS 5004F Law, Crime and Social Order</b>
<b>TERM:</b>	<b>FALL 2020</b>
<b>CLASS:</b>	<b>Day &amp; Time: Wednesdays 8:35-11:25</b>
	<b>Room: All Courses in the Fall 2020 term are offered online. Please check Carleton Central for current Class Schedule.</b>
<b>INSTRUCTOR:</b>	<b>Diana Young</b>
<b>CONTACT:</b>	<b>Office:</b>
	<b>Office Hrs: Please set up an appointment for a zoom meeting by email.</b>
	<b>Telephone:</b>
	<b>Email: <a href="mailto:diana.young@carleton.ca">diana.young@carleton.ca</a></b>

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### **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**

The readings are available either through Ares on cuLearn or through the MacOdrum library collection of journals and ebooks. Students should also obtain a copy of Michel Foucault's *Discipline and Punish*.

## **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.

Welcome to our online course. Since this is a graduate seminar all classes will be held synchronously every Wednesday at 8:35 via zoom. Often graduate students benefit a great deal from connecting with each other to discuss their ideas, and obviously an online format is not ideal for this aspect of the graduate experience. In an effort to encourage a more collegial environment, I will, from time to time, divide the class into smaller groups so that you can discuss the material amongst yourselves in a zoom virtual “breakout room”. I will also encourage you to post questions or comments on the material – and respond to your classmates’ questions or comments – in the forum pages on cuLearn. In addition every week I will post some questions that I would like you to think about for our next class. A note about online etiquette: as with weekly class discussions you are free to disagree with my views or the views of any of your classmates, but any debates must be carried out in a courteous manner.

### **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 please ask questions about aspects of the readings that you don’t understand. It will count toward your participation grade. I will also take account of any posts or responses to your classmates’ posts on the forum page.

### **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 16 to October 7**, and submitted on **October 14** at the latest. The second reflection paper must be on a selection from the readings assigned from **October 14 to November 11** and submitted on **November 18** at the latest. Students are encouraged 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, 3,000-4,000 words in length, on a topic of their choice that is related to the themes of 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 research paper is due on December 11. The take-home exam will be posted on CuLearn on December 9 and due on December 23.

**Presentations: 25%**

In the last four classes of the semester, each student will be required to do a class presentation on a text of their choice, about 20-30 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.

**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****September 9**

Introduction to course

**September 16**

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

*Readings:*

- Taylor, C. (2005) *Modern Social Imaginaries*: 3-22. Durham and London: Duke University Press. (available on CuLearn through Ares)
- Lacy, N. (1988) Punishment and the Liberal World: Liberalism and Theories of Punishment. *Punishment and the Liberal World*: 142-168. London and New York: Routledge. (ebook available through McOdrum Library).
- Bracey, Glenn E. (2015) Black Movements Need Black Theorizing: Exposing Implicit Whiteness in Political Process Theory. *Sociological Focus*, 49(1): 11-27.
- Norrie, A. (1996) The Limits of Justice: Finding Fault in the Criminal Law. *The Modern Law Review*, 59(4): 540-556.

**September 23**

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

*Readings:*

- Mouffe, C. (1996) Democracy, Power, and the Political. In (Benhabib, S. ed.) *Democracy and Difference*: 245-256. Princeton: Princeton University Press, 1996. (available on CuLearn through Ares)
- 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.
- Shelby, T. (2007) Justice, Deviance, and the Dark Ghetto. *Philosophy and Public Affairs*, 35(2): 126-160.

### September 30

#### 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, ebook available through the MacOdrum Library).
- Garland, D. (1993) Punishment and Social Solidarity: The Work of Emile Durkheim. In *Punishment and Modern Society*: 23-46. Chicago: University of Chicago Press. (ebook available through the MacOdrum Library).
- 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., eds.) Red Light Labour: Sex Work Regulation, agency, and Resistance: 67-81. Vancouver, Toronto: UBC Press. (ebook available through the MacOdrum Library).
- Giddens, T. (2015) Criminal Responsibility and the Living Self. *Criminal Law and Philosophy*, 9(2): 189-206.

### October 7

#### Crime, Punishment, and Political Economy

- Norrie, A. (2001) The Historical Context of Criminal Doctrine. In *Crime Reason and History*: 5-31. Cambridge: Cambridge University Press.
- Garland, D. (1990) The Political Economy of Punishment: Rusche and Kirchheimer and the Marxist Tradition. In *Punishment and Modern Society*: 83-110. Chicago: University of Chicago Press. (available in ebook form through the MacOdrum Library)
- De Giorgi, A. (2007) Toward a Political Economy of Post-Fordist Punishment. *Critical Criminology* 15(3): 243-265.
- Thompkins, D.E. (2010) The Expanding Prisoner Reentry Industry. *Dialectical Anthropology*, 34(4): 589-604.

### October 14

\*\*\*First reflection paper due\*\*\*

#### Foucault and power

- 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*: 87-104. Chicago: University of Chicago Press. (Available on CuLearn through Ares)
- Foucault, M. (1978) Right of Death and Power of Life. In *The History of Sexuality: An Introduction (Volume 1)* (Hurley, R., trans.): 135-159. New York: Vintage Books Inc. (Available on CuLearn through Ares)
- Dua, E. (2014) Revisiting Genealogies: Theorizing Anti-Racism Beyond the Impass. In (Bakan et al., eds.) *Theorizing Anti-Racism: Linkages in Marxism and Critical Race Theories*: 19-38. Toronto: University of Toronto Press. (Available in ebook form through the MacOdrum Library.)

### October 21

Foucault and Power continued – Biopower, Power and Subjectivity, Risk Theory

- Ewald, F. (1990) Norms, Discipline, and the Law. *Representations* 30: 138-161.
- Ericson, R. and Haggerty, K. (1997). Policing as risk communications. In *Policing the Risk Society*: 17-38. Toronto: University of Toronto Press. (ebook available through the MacOdrum Library)
- O'Malley, Pat. (2004) Risk, Crime Control and Criminal Justice. In *Risk, Uncertainty and Government*: 136-155. London: Glasshouse. (Available in ebook form through the MacOdrum Library).
- Ehlers, N. (2012) Racial Disciplinarity. In *Discipline, Performativity, and Struggles Against Subjection*: 15-31. Bloomington: Indiana University Press. (ebook available through the MacOdrum Library)

### October 28

**Fall Break – no classes**

### November 4

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*: 193-214. Toronto: University of Toronto Press. (Available in ebook form through the MacOdrum Library).
- 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 MacOdrum Library catalogue).

**November 11**

## Penal Abolition, The State, and Public Order

- McDowell, M. (2019) Insurgent safety: Theorizing alternatives to state protection. *Theoretical Criminology* 23(1), 43-59.
- Palacios, L. (2016) Challenging Convictions: Indigenous and Black Race-Radical Feminists Theorizing the Carceral State and Abolitionist Praxis in the United States and Canada. *Meridians: Feminism, Race, Transnationalism*, 15(1): 137-165.
- McDowell, M.G. & Fernandez, L.A. (2018) 'Disband, Disempower, and Disarm': Amplifying the Theory and Practice of Police Abolition. *Critical Criminology*, 26(3): 373-391.
- McQuade, B. (2018) Histories of Abolition, Critiques of Security. *Social Justice*, 45(2): 1-23.
- Carrier, N. & Piché, J., (2018) On Injustice: Undisciplined Abolitionism in Canada. *Social Justice*, 45(4): 35-56.

**Student Presentations:****November 18****\*\*\*Second reflection paper due\*\*\*****November 25****December 2****December 9**

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**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](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) <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/studentssupport/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/>