

## Course Outline

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<b>COURSE:</b>	<b>LAWS 5004F Law, Crime and Social Order</b>
<b>TERM:</b>	<b>Fall 2021</b>
<b>CLASS:</b>	<b>Day &amp; Time: Wednesdays 2:35-5:25</b> <b>Room: Please check Carleton Central for current Class Schedule.</b> Classes will be held in person.
<b>INSTRUCTOR:</b>	Diana Young
<b>CONTACT:</b>	<b>Office: C574 LA</b> <b>Office Hrs:</b> Students who would like to meet with me should set up an appointment by email. Meetings will take place via zoom. <b>Telephone: (613) 520-2600 ex 1981</b> <b>Email: diana.young@carleton.ca</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 – 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 considers 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 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.

#### **Participation: 25%**

Students are expected to do all the required readings every week and come to class prepared to participate in class discussions. The participation grade is based on a combination of attendance, frequency of students' participation in class discussions and the degree to which students' comments and questions show thoughtfulness and preparation.

#### **Reflection papers: 15% each**

Over the course of the semester students will write two short papers (about 1,000 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 your own 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 15 to October 6**, and submitted on **October 13** at the latest. The second reflection paper must be on a selection from the readings assigned from **October 13 to November 10** and submitted on **November 17** at the latest. Students are encouraged submit their reflection papers prior to the deadlines. I will post more detailed instructions for the assignment on Brightspace.

#### **Research Paper: 30%**

For the final assignment, students should submit a research paper, about 4,000 - 5,000 words in length, on a topic of their choice that is related to the themes of the course. Students should discuss the topic with me and submit a brief outline by November 17 at the latest. The research paper is due on December 10. I will post more detailed instructions for the assignment on Brightspace.

#### **Presentation: 15%**

In the last four classes of the semester, each student will be required to do a class presentation on an article or book chapter that they will be citing in their final research papers. The presentation 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 should let me know two weeks in advance what text they intend to use for the presentation, so that it can

be made available to the rest of the class. I will post more detailed instructions for the assignment on Brightspace.

### **LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

*Extensions on assignments will only be granted in extenuating circumstances, such as a verifiable medical condition or family emergency. Please speak to me about your request for an extension prior to the due date. Late assignments will be subject to a penalty of 2% per day.*

### **SCHEDULE**

#### **September 8**

Introduction to course

#### **September 15**

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 through Ares)
- Lacy, N. (1988) Punishment and the Liberal World: Liberalism and Theories of Punishment. In *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 22**

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 through Ares)
- Dyzenhaus, D. (1994) Pornography and Public Reason. *Canadian Journal of Law and Jurisprudence*, 7(2): 261-281.
- Cossman, B. (2020) The 1969 Criminal Amendments: Constituting the Terms of Gay Resistance. *University of Toronto Law Journal*, 70(3): 245-262.
- Shelby, T. (2007) Justice, Deviance, and the Dark Ghetto. *Philosophy and Public Affairs*, 35(2): 126-160.

## September 29

### 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: A Study in Social Theory*: 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 6

### Crime, Punishment, and Political Economy

- Norrie, A. (2014) The Historical Context of Criminal Doctrine. In *Crime Reason and History*: 19-38. Cambridge: Cambridge University Press. (ebook available through the MacOdrum Library)
- Garland, D. (1990) The Political Economy of Punishment: Rusche and Kirchheimer and the Marxist Tradition. In *Punishment and Modern Society: A Study in Social Theory*: 83-110. Chicago: University of Chicago Press. (ebook available 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 13

\*\*\*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).
- Foucault, M. (1991) Governmentality. In (Burchell, G. et al., eds.) *The Foucault Effect: Studies in Governmentality*: 87-104. Chicago: University of Chicago Press. (Available 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 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. (ebook available through the MacOdrum Library.)

### October 20

#### 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, P. (2004) Risk, Crime Control and Criminal Justice. In *Risk, Uncertainty and Government*: 136-155. London: Glasshouse. (ebook available 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 27

**Fall Break – no classes**

**November 3**

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. (ebook available 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. (ebook available through the McOdrum Library).

**November 10**

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.

**Student Presentations:****November 17**

\*\*\*Second reflection paper due\*\*\*

**November 24****December 1****December 8**

<b>Fall Term 2021 Sessional Dates and University Closures</b>	
<i>Please find a full list of important academic dates on the calendar website: <a href="https://calendar.carleton.ca/academicyear/">https://calendar.carleton.ca/academicyear/</a></i>	
<b>September 6, 2021</b>	Statutory holiday. University closed.
<b>September 8, 2021</b>	Fall term begins. Fall and fall/winter classes begin.
<b>October 11, 2021</b>	Statutory holiday. University closed.
<b>October 25-29, 2021</b>	Fall break, no classes.
<b>November 26, 2021</b>	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade before the official examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
<b>December 10, 2021</b>	Fall term ends. Last day of fall term classes. Classes follow a Monday schedule.
<b>December 11-23, 2021</b>	Formally Scheduled Final Exams may be held.
<b>December 23, 2021</b>	<b>All take home examinations are due</b> on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.
<b>December 25, 2021 through January 1, 2022 inclusive</b>	University closed.

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### **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](mailto: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**

### **Academic Accommodation**

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 accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

**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 [click here](#).

**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 [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 to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

### **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 where 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/equity/sexual-assault-support-services>

### **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 will be provided to students who compete or perform at the national or international level. 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: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

### **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/>.

### **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 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/>.