

## Course Outline

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<b>COURSE:</b>	<b>LAWS 3308C – Punishment and the Law</b>
<b>TERM:</b>	<b>Winter 2023</b>
<b>PREREQUISITES:</b>	LAWS 2301 and 0.5 credit in LAWS at the 2000 level.
<b>CLASS:</b>	<b>Day &amp; Time: Tuesday 11:35 – 2:35</b> <b>Room: Please check Carleton Central for current Class Schedule.</b>
<b>INSTRUCTOR:</b>	Dr. Dawn Moore TA Monisha Logan <a href="mailto:monishalogan@cunet.carleton.ca">monishalogan@cunet.carleton.ca</a>
<b>CONTACT:</b>	<b>Office: D573</b> <b>Office Hrs: Mondays 9:30 – 11:30 on Zoom</b> <b>Telephone:</b> <b>Email: <a href="mailto:dawnmoore@cunet.carleton.ca">dawnmoore@cunet.carleton.ca</a></b>

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### **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.

#### **Learning Outcomes:**

- Establish and challenge existing personal, communal, national and global assumptions about punishment and the use of prisons
- Develop critical tools to interrogate practices of punishment from an intersectional perspective
- Develop empathy through exposure to those with lived experience of incarceration
- Develop an introductory understanding of alternatives to punishment and prisons

**Standing in a course is determined by the course instructor subject to the approval 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 Dean.**

### **Equity, Diversity and Inclusion Policy**

**Everyone of us deserves to inhabit learning spaces that are free from discrimination, violence, stigma and exclusion. Students are expected to use respectful language in class and assignments, to take seriously the practice of unlearning biases and to work collectively to create the healthiest learning environment possible. Stigmatizing, hateful and discriminatory words and actions will not be tolerated in this class. Students are asked to be especially mindful of others, especially those with lived experience of incarceration.**

### **PLAGIARISM**

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else;
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

For the purposes of this course, the use of materials produced for another course is strictly prohibited.

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

### **Statement on Student Mental Health**

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please

speak to someone. There are numerous resources available both on- and off-campus to support you. Here is a list that may be helpful:

**Emergency Resources (on and off campus):** <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

**Carleton Resources:**

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

**Off Campus Resources:**

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

**Statement on Pandemic Measures**

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

**Feeling sick?** Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you should follow Carleton's [symptom reporting protocols](#).

**Masks:** Masks are no longer mandatory in university buildings and facilities. However, we continue to recommend masking when indoors, particularly if physical distancing cannot be maintained. We are aware that personal preferences regarding optional mask use will vary greatly, and we ask that we all show consideration and care for each other during this transition.

**Vaccines:** While proof of vaccination is no longer required to access campus or participate in in-person Carleton activities, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent

information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact [covidinfo@carleton.ca](mailto:covidinfo@carleton.ca).

### **ACADEMIC ACCOMMODATION**

You may need special arrangements to meet your academic obligations during the term. If you require an academic accommodation please refer to the regulations [here](#). Please note the sooner you let me know you require an accommodation the easier it is for me to offer it.

### **REQUIRED TEXTS**

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

### **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.**

Personal Reflection	0%
Journal 1	5%
Journal 2	25%
Journal 3	40%
Final Exam	30%

**\*LATE PENALTY of 2% 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.

### **Personal Reflection**

In the first class time will be set aside for students to write a short personal reflection on their assumptions about punishment and prisons, their positionality with regards to the subject matter of the course (including points of privilege, discrimination or exclusion) and their level of political, social and intellectual interest in the course itself. This assignment is MANDATORY but will not be graded. It will however be used in subsequent assignments so please make sure you complete this. It will not be seen by anyone other than the TA and myself. Only disclose to your level of comfort and what is relevant to the course. I will provide more instructions in class.

### **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. Your TA 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. Journals should not follow formal writing structure but they MUST be grammatically correct and follow proper citations.

Journals will be assessed on the following criteria:

- ability to correctly identify and explain an argument excerpted from the readings
- ability to draw connections between this argument, issues raised in class or other class materials / readings
- ability to point out any weaknesses in the argument
- ability to apply another critical perspective learned in class to analyze the argument
- proper spelling and grammar (including inclusive language)

### **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 10**

##### **Introduction to class.**

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

<https://journals.sagepub.com/doi/full/10.1177/0306396811414338?journalCode=rach>

#### **January 17**

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

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

PODCAST: Beyond Prisons: Episode June 7 2018 "Fight Toxic Prisons"

**January 24****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 17)**

**January 31****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 7****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 14****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 24, Jan 31, FEB 7)**

**February 28****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 7**

#### **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](http://www.jpp.org/back_issues.html)

### **March 14**

#### **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, Kemba. (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 21**

#### **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](https://www.academia.edu/2004620/Erving_Goffman_and_the_Total_Institution)

\*Ben-Moshe, Liat. (2020) *Decarcerating Disability: Deinstitutionalization and Prison Abolition*. Ch 1 The Perfect Storm.

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](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 28**

### **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>

\*Davis, Angela, Gina Dent, Erica Meiners and Beth Richie (2022) Abolition. Feminism. Now. Ch 1 Abolition.

**JOURNAL 3 DUE (FEB 14, Feb 28, MAR 7, 14, 21, 28)**

## **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](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**

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](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. 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/>.

<b>Winter 2023 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>January 9, 2023</b>	Winter term begins.
<b>January 20, 2023</b>	Last day for registration and course changes (including auditing) in full winter and late winter courses.
<b>February 20, 2023</b>	Statutory holiday. University closed.
<b>February 20-24, 2023</b>	Winter break. No classes.
<b>March 15, 2023</b>	Last day for academic withdrawal from full winter, late winter, and fall/winter courses
<b>April 7, 2023</b>	Statutory holiday. University closed.
<b>April 12, 2023</b>	Winter term ends. Last day of full winter, late winter, and fall/winter classes.
<b>April 15-27, 2023</b>	Final examinations in full winter, late winter, and fall/winter courses will be held. Examinations are normally held all seven days of the week.
<b>April 27, 2023</b>	All final take-home examinations are due on this day.