

Course Outline

COURSE:	LAWS 3308A – Punishment and the Law
TERM:	Fall 2023
PREREQUISITES:	LAWS 2301 and 0.5 credit in LAWS at the 2000 level.
CLASS:	Day & Time: Wednesday 11:35 – 2:35 Room: Please check Carleton Central for current Class Schedule
INSTRUCTOR:	Dr. Dawn Moore
CONTACT:	Office: D573 Office Hrs: TBA 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.

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>

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	10%
Podcast	40%
Podcast Draft Outline	20%

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.

Podcasts

At the start of term you will be placed in groups of five, each group is responsible for producing one podcast episode. You will be provided some training as well as a loose show format to follow. Before recording your Pod your group will have to select a topic that must be approved by me. After that your group will have to submit an outline with references to me for approval. You will be provided with studio time at CKCU to record your Pod. I will grade the final product, assigning group marks. High quality podcasts will air on our newly launched Prison Radio show in the Winter of 2024. Note: not all podcasts will go to air.

Those who do not wish to do group work and / or are unable to may elect to work alone following the same process but creating a commentary on a specific prison issue (see this website for examples <https://www.prisonradio.org/commentaries/>). This will likely be more work but you will be graded individually.

NOTE: I will not be sorting out group conflicts. I will walk you through the principles of collective work and conflict resolution. If there are conflicts in your group you will have to solve them yourselves. Of course if anyone is engaging in harassing, offensive or threatening behaviour or has broken the student [Code of Conduct](#) I should be notified immediately.

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 6

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>

September 13

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. (E-book available through the library)

PODCAST: Beyond Prisons: Episode 01.05.18 "Hope is a Discipline featuring Mariame Kaba"

September 20

Traditional Justifications 1: Denunciation, Retribution

*Lacey, Nicola. (1988). *State Punishment: Political Principles and Community Values* 16 – 27 (E-book available through the library)

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

*****Prof. Adrian Harewood from the Journalism school will give a guest mini-lecture on storytelling and media to help prepare you for the podcasts – do everything you can NOT to miss this lecture.

September 27

Traditional Justifications 2: Deterrence & Incapacitation

*Beccaria, Cesare (1973). *On Crimes and Punishments*. Part 1 pp 10 – 40 (E-book - library)

*Mill, John Stuart. (1975). "Utilitarianism." Chapter 3

<https://www.earlymoderntexts.com/assets/pdfs/mill1863.pdf>

PODCAST TOPIC APPROVAL DATE

October 4**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). (Ares)

*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>

October 11**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)

October 18**Prisoner’s Rights****Guest Lecture: Jeff Hartman – Prison Litigator**

*Parkes, Debra, 2007. “A Prisoners’ Charter” Reflections on Prisoner Litigation Under the Canadian Charter of Rights and Freedoms. In *University of British Columbia Law Review* 629.

*Iftene et al. 2014. Tort Claims and Canadian Prisoners. In *Queen’s Law Journal* 655.

PODCAST OUTLINE DUE

October 25 – University Closed, No Class

November 1**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.)

November 8**Punishing Bodies & Souls**

*Foucault (1977) *Discipline and Punish* Part 1 – Torture & The Birth of the Prison. Part 3 ch 2. (E-book, library).

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

November 15**Lived Experiences of Incarceration****Guest Panel on Lived Experience**

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

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>

<https://vanierinstitute.ca/lived-experience-understanding-families-affected-by-incarceration/>

November 22

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. (E-book, library).

November 29

Working Class – Full three hours to finalize assignments

FINAL PODCAST DUE – Extension with no late penalty until Dec 6

December 6

TAKE HOME EXAM DISTRUBUTED

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/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/>.