

Course Outline

COURSE:	LAWS 3308 – Punishment and the Law
TERM:	SUMMER 2020
PREREQUISITES:	LAWS 2301 and 0.5 credit at the 2000 level
CLASS:	Day & Time: Course will be delivered on Big Blue Button live – no recordings. Link will be available on CULearn in the hour before class begins.
	Room:
INSTRUCTOR:	Dr. Dawn Moore
CONTACT:	Office Hrs: By appointment
	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. Those materials not posted directly to CULearn can be accessed remotely through the library. Please note you **MUST LOGIN TO THE LIBRARY** to access these materials. Please ensure you know how to do this before the class begins.

EVALUATION

(All components must be completed in order to gain credit)

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.

Journal 1	10%	
Journal 2		25%
Journal 3		35%
Final Exam		30%

***LATE PENALTY of 5% per day will be applied to all assignments** EXTENSIONS will be granted in keeping with the exceptional circumstances of COVID.

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, 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 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.

Journal Submission Schedule – Read this CAREFULLY

- A journal entry of 2 pages submitted 3 times as per schedule below
- Journals 2 and 3 should be submitted as one document with a clear separation between each class– you can use headings based on the date or topic
- ALL journal MUST be submitted online
- Any work submitted that raises submissions of plagiarism will be fully investigated, documented and submitted to the Dean. DO NOT plagiarise. It is dishonest, unfair and has a high certainty of being discovered. I use algorithms to track for plagiarism.

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.

SCHEDULE

Lecture Schedule

May 4

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>

May 6

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)

May 11

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 (May 6 class – Garland OR Moore)

May 13

Traditional Justifications 2: Deterrence & Incapacitation

*Beccaria, Cesare (1739). "On Crimes and Punishments." in *Theories of Punishment*. Grupp (ed) (CULearn)

*Mill, John Stuart. (1793). "Utilitarianism." in *On Liberty and Other Essays*. Gray (ed.) (CULearn)

May 20

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>

May 25

The Right to Punish

*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 May 20 (Pasquino OR Brennan et al OR Hannah-Moffat)

May 27

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.

June 1

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

June 3

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)

June 8

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>

June 10

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 May 25 (Lacey OR Simon), June 1 (Foucault OR Hartman), June 8 (Sykes OR Goffman).

TAKE HOME EXAM DISTRUBUTED

TAKE HOME EXAM DUE TBA

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 Equity Services website: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

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) www.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:* <http://carleton.ca/studentaffairs/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: carleton.ca/sexual-violence-support

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. <http://carleton.ca/law/current-students/>