

Course Outline

COURSE: **LAWS 3308C**

TERM: **Winter 2018**

PREREQUISITES: **LAWS 2004 (no longer offered) LAWS 2301**

CLASS: **Day & Time:** **Thursday 11:35 – 2:25**
Room: **Please check with Carleton Central for current room location**

INSTRUCTOR: **Dr. Dawn Moore**

TA **Safiyah Rochelle**
SafiyahRochelle@cmail.carleton.ca

CONTACT: **Office:** **D573 Loeb Building**
Office Hrs: **By appointment**
Telephone: **Please email.**
Email: Dawn_moore@carleton.ca

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 more details visit the Equity Services website: <http://www2.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 Equity Services website: <http://www2.carleton.ca/equity/>

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 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*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

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.

EVALUATION

(All components must be completed in order to get a passing grade)

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

***LATE PENALTY of 5% per day will be applied to all assignments. NO EXTENSIONS will be granted except in the most extreme of circumstances.**

Journals

Three times in throughout the term you are expected to turn in a journal that covers the preceding classes. This journal should be between 1 and 2 pages, focusing on ONE academic)look foir the asterix) reading and should 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. You can also incorporate into your journal news items, artistic representations of punishment, other books you've read and so on.

An example journal will be placed on the CULearn site. Additionally tutorials will be held throughout the term to support students in writing the journals.

Materials

Where possible, I have opted for course materials available online (via web-sites or through online academic sources). Anything not online will be placed on reserve.

January 11

Introduction to class.

January 18

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.

January 25

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 18 Class

February 1**Traditional Justifications 2: Deterrence & Incapacitation**

*Beccaria, Cesare (1973). “On Crimes and Punishments.” in *Theories of Punishment*. Grupp (ed)

*Mill, John Stuart. (1975). “Utilitarianism.” in *On Liberty and Other Essays*. Gray (ed.)

February 8**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).

*Tim Brennan, William Dieterich, and William Oliver. (2017) “Risk Assessment” in Oxford Encyclopedia of Criminology.

<http://criminology.oxfordre.com/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-100?rskey=hRe40N&result=4>

*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 15**The Right to Punish**

*Lacey, Nicola. (1998). *State Punishment: Political Principles and Community Values*. Ch 4 New York: Routledge.

*Simon, Jonathan. (2014). “The House of Fear: Dignity and Risk in Madrid v. Gomez.” In *Mass Incarceration on Trial*. London: New Press.

*Shephard and Willis-Esqueda. (2017). Indigenous perspectives on violence risk assessment: A thematic analysis. *Punishment and Society*. <http://journals.sagepub.com/doi/abs/10.1177/1462474517721485>

Journal 2 Due January 28 – February 8.

March 1**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.

March 8

The Total Institution & Prisoners Rights

Guest: Deanna Deal, Prison Transparency Project

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

*Erving Goffman and the Total Institution.

https://www.academia.edu/2004620/Ervings_Goffman_and_the_Total_Institution

*Goffman, Erving. (1961). Asylums – Excerpts from Chapter 1.

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>

March 15

Punishing Bodies & Souls

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

*Hartman, Kenneth. (2009). "The Other Death Penalty." In Journal of Prisoners on Prisons 18 (1/2).

March 22

Current Debates 1: Solitary and Immigration Detention

Guest: Yavar Hameed, Immigration and Refugee, Human Rights lawyer.

*T. Blair & Reiter, K (2015). Punishing Mental Illness: Trans-institutionalization and Solitary in the United States. in Radical Philosophy. http://link.springer.com/chapter/10.1057/9781137441157_10

*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. PDF Will be posted.

March 29**Current Debates 2: Health**

Guest: Frederique Charbot, Action Canada for Sexual Health and Rights

More Stormy Weather or Sunny Ways? A Forecast for Change by Prisoners of the Canadian Carceral State Jarrod Shook and Bridget McInnis (2017). Journal of Prisoners on Prisons.

<https://uottawa.scholarsportal.info/ojs/index.php/jpp/article/view/2284/1986>

*Kilty, Jennifer. (2012). 'It's like they don't want you to get better': Psy control of women in the carceral context. <http://journals.sagepub.com/doi/abs/10.1177/0959353512439188>

April 5**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.

<http://www.lexisnexis.com.proxy.library.carleton.ca/us/lnacademic/api/version1/sr?csi=7359&sr=AUTH%20OR%28Braithwaite%29+AND+TITLE%28A+future+where+punishment+is+marginalized%3A+Realistic+or+utopian%3F%29+AND+DATE+IS+1999&shr=t&secondRedirectIndicator=true>

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.

JOURNAL 3 DUE February 15 – April 5

TAKE HOME EXAM DISTRUBUTED

TAKE HOME EXAM DUE TBA

