Carleton University **Department of Law and Legal Studies**

Course Outline Template

COURSE:		**LAWS 5004W – Law, Crime and Social Order**
TERM:		**Winter 2024**
CLASS:	**Day & Time:**	**Wednesdays, 8:35-11:25**
	Room:	**Please check Carleton Central for class schedule.** *(In-person)*
INSTRUCTOR:		**Diana Young**
CONTACT:	**Office Hrs:**	Please contact me by email to arrange a time to meet, either in person or by zoom.
	Telephone:	**(613) 520-2600 ex 1981**
	Email:	**diana.young@carleton.ca**

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 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 **January 10** to **February 7**, and submitted on **February 14** at the latest. The second reflection paper must be on a selection from the readings assigned from **February 14** to **March 6** and submitted on **March 13** 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 **March 20** at the latest. The research paper is due on **April 10**. I will post more detailed instructions for the assignment on Brightspace.

Presentation: 15%

In the last five classes of the semester, each student will be required to do a class presentation on an aspect of their research papers. The presentation should be about 45-50 minutes in length, including time for class discussion. It should be theoretically informed, but may also relate to specific issues in criminal justice. Students should assign a (not too long) article or book chapter for the class to read ahead of time to prepare for the discussion. The presentation should be treated as an opportunity to workshop the ideas you are working on for your research paper. I will post more detailed instructions for the assignment on Brightspace.

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 short-term extensions, 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.

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation

SCHEDULE

January 10

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 *State Punishment: Political Principles and Community Values*: 142-168. London and New York: Routledge. (ebook available through McOdrum Library).
- Bracey, G. 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.

January 17

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. (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.

January 24

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.

January 31

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.

February 7
*****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.)

February 14

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 *Racial Imperatives: Discipline, Performativity, and Struggles Against Subjection*: 15-31. Bloomington: Indiana University Press. (ebook available through the MacOdrum Library)

February 21
***** Reading week – no class*****

February 28

Risk and legal rationalities, risk and responsibilization

- 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).

March 6

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:

March 13
*****Second reflection paper due*****

March 20

March 27

April 3

April 10

Winter 2024 Sessional Dates and University Closures	
Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/	
January 8, 2024	Winter term begins.
January 19, 2024	Last day for registration and course changes (including auditing) in full winter and late winter courses.
January 31, 2024	Last day to withdraw from full winter and the winter portion of fall/winter courses with a full fee adjustment.
February 19, 2024	Statutory holiday. University closed.
February 19-23, 2024	Winter break. No classes.

March 15, 2024	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
March 27, 2024	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in full winter term or fall/winter undergraduate courses, before the official April final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
March 29, 2024	Statutory holiday. University closed.
April 10, 2024	Winter term ends.
	Last day of full winter, late winter and fall/winter term classes.
	Classes follow a Friday schedule (full winter and later winter courses).
	Last day for handing in term work and the last day that can be specified by a course instructor as a due date for term work for full winter term and late winter courses.
	Last day for take home examinations to be assigned.
April 13-25, 2024	Final examinations in full winter, late winter and fall/winter term courses will be held. Examinations are normally held all seven days of the week.
April 25, 2024	All final take-home examinations are due 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.

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: https://carleton.ca/law/student-experience-resources/.

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, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- 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.

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.

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 ACCOMMODATIONS

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 about the accommodation policy, visit the Equity and Inclusive Communities (EIC) website.

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, please go to: https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/

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. You can find the Paul Menton Centre online at: https://carleton.ca/pmc/

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 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/.