COURSE DESCRIPTION

By the end of the course, students should understand the doctrinal dimensions of sentencing in Canada. Students should also be able to situate these dimensions in their broader socio-legal context, with a particular emphasis on the complex relationships between sentencing and gender, race, sexuality, disability and indigenous perspectives.

The aim of the course is to help students develop a critical understanding of the sentencing process and to gain an appreciation of its importance in the Canadian criminal justice system. The focus of the course will be on the intersections between sentencing and gender, race, sexuality, disability and indigenous perspectives. Students should be prepared to address and explore the ways in which the doctrinal dimensions of sentencing may reflect and exacerbate contemporary social inequalities in Canada. They should also be prepared to consider how the current sentencing regime in Canada might be reformed to better address these inequalities.

REQUIRED TEXTS

Allan Manson, The Law of Sentencing (Toronto: Irwin Law, 2001). New copies are available at the Carleton University bookstore. Students are encouraged to obtain used copies of the text.

All other required materials will be posted on WebCT.
EVALUATION
(All components must be completed in order to earn a passing grade)

1. Student Facilitation (10%)

Each student will select one reading or case from the list circulated on the first day of class. Each student will provide a very short summary of the assigned material and facilitate a critical discussion with the class. For example, what assumptions does the author make? How does the article or case connect to other themes we have explored in the course? What is the strongest argument developed in the article or case? What is the weakest?

2. Participation (20%)

Student grades will incorporate recognition of attendance and participation in the class. Students who come to class prepared and contribute to the class discussion will be given higher grades. Students who come to class unprepared and who fail to contribute to the class discussion will be given lower grades.

3. Critical Reflections (20%)

Students will submit four critical reflection pieces over the term. Each reflection should reference the assigned readings being covered during the selected class, and should develop a short argument. Each reflection will be 2 pages (12 pt. Times New Roman font with one-inch margins). The reflection must be submitted to the instructor at the beginning of the class. Each reflection will be worth 5%. Students are encouraged to submit their reflections early in the term to obtain feedback from the instructor.

4. Final Essay (50%): Outline (5%) & Essay (45%)

Students will select a sentencing topic of their choice related to some aspect of the course. Students will prepare a 2 page outline due on July 13, 2010. The first page of the outline will summarize the proposed argument, and the second page will provide a working annotated bibliography. On July 13, 2010, each student should come to class prepared to briefly discuss their topic and to obtain feedback from the class. The instructor will return the outlines on July 15, 2010 and will provide feedback. Students will submit a final essay (12-15 double-spaced pages in 12 pt. Time New Roman font with one-inch margins) on August 10, 2010. Late papers will be reduced by 2% for every day they are late.
SCHEDULE

July 6, 2010  Introductions; Justifications of Punishment
Note: Each student to select an article or case for class facilitation. Instructor to circulate sign-up sheet.


July 8, 2010  Principles and Rules of Sentencing; Aggravating and Mitigating Factors

Readings: Allan Manson, The Law of Sentencing (Toronto: Irwin Law, 2001), pp. 56-78; 83-161

July 13, 2010  Sentencing Options
Note: Essay outline due. Students should come to class prepared to briefly discuss their essay topics and to obtain feedback from the class.


July 15, 2010  Colonialism and Indigenous Perspectives on Sentencing (Part I)


July 20, 2010  Colonialism and Indigenous Perspectives on Sentencing (Part II)


July 22, 2010  Race, ‘Drug Mules’ and Sentencing

July 27, 2010  **Gendered Violence, Sexual Assault, and Sentencing**


July 29, 2010  **Queer Hate Crimes**


Aug 3, 2010  **Mental ‘Disorder’ and Sentencing**


Aug 5, 2010  **Constructions of Youth in the Sentencing Process**

Youth Criminal Justice Act, R.S.C. 2002, c. 1, ss. 3, 38, 39, 40, 41 and 42.

Aug 10, 2010  **The Lived Reality of Prisons and the Politics of Mandatory Minimum Sentences**

*Note: final essay due.*

Selected series of short news articles on proposed legislative changes to sentencing regime in Canada.

Aug 12, 2010  **Looking Forward**

*Note: Students should come to class prepared to discuss one possible reform strategy for the current sentencing regime in Canada.*