CRIM2037

Explaining Punishment

Term One // 2020

Course Overview

Staff Contact Details

Convenors

Name	Email	Availability	Location	Phone
Howard Sercombe	h.sercombe@unsw.edu.au	Tuesday 3-5 (by appointment if possible)		0402093106

School Contact Information

School of Social Sciences

Room 159

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Course Details

Credit Points 6

Summary of the Course

In this course you will be introduced to a theoretical and policy-oriented consideration of how and why we punish criminal offending, particularly through the use of imprisonment. You will take an inter-disciplinary approach utilising law, history, sociology, and criminology. You will consider various theoretical contributions that have shaped our understanding of punishment including the work of Durkheim, Foucault, Weber, Marxist approaches, and David Garland. Finally, you will also examine contemporary law and public policy issues, including juvenile detention, women in prison, the imprisonment of ethnic and racial minorities, inequality and imprisonment, privatisation, torture, deaths in custody, the death penalty, and the impact of law and order policies on punishment.

Course Learning Outcomes

1. Explain punishment and penalty in modern society
2. Recognise the relationship between race, gender and class and the administration of punishment
3. Analyse the relationship between punishment and social structure, and the significance of punishment for socio-political order
4. Interrogate the relationship between sentencing and punishment
5. Outline various theoretical contributions to the concept of punishment
6. Investigate contemporary issues in punishment and the related public policy dilemmas

Teaching Strategies

Students participating in this course will be encouraged to engage with specialized knowledge from a variety of sources, including academic, government, media and non-government. Student engagement with the material will occur through private reading and research, critical class discussion, and interaction with the lecturer.

Students are expected to play a key part in all classes. Workshop formats will be varied as much as possible, including open discussion, structured exercises, and use of audio-visual material. Student-led discussion and debate will be encouraged and expected. Completion of topic readings will greatly enhance the learning environment for all participants, and students will be encouraged to share relevant observations and raise issues/questions from the readings.

Assessment

Assessment Tasks

Assessment task	Weight	Due Date	Student Learning Outcomes Assessed
Scoping and Positioning Exercise	20%	16/03/2020 11:59 PM	1,2,6
Theory Position paper	30%	06/04/2020 11:59 PM	1,2,3,5
Research Essay	50%	27/04/2020 11:59 PM	2,3,4,5,6

Assessment Details

Assessment 1: Scoping and Positioning Exercise

Start date:

Length: 750 words

Details: You are required to write a 750 word paper introducing the group that you have chosen for your final essay. Written and rubric feedback will be provided within 10 working days of submission.

Turnitin setting: This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

Assessment 2: Theory Position paper

Start date: Not Applicable

Length: 1500

Details: This assessment requires you to write a 1500 word discussion of the theory(ies) that you will deploy in your final essay.Written and rubric feedback will be provided within 10 working days of submission.

Turnitin setting: This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

Assessment 3: Research Essay

Start date: Not Applicable

Length: 2000

Details: This assessment requires you to present a 2500 word research essay examining a key demographic and their relationship to the penal system.Written and rubric feedback will be provided within 10 working days of submission.

Turnitin setting: This assignment is submitted through Turnitin and students can see Turnitin similarity

reports.

Attendance Requirements

Attendance at all lectures and tutorials is compulsory. If a student's attendance falls below 80%, they will be required to submit detailed notes for the classes missed.

Course Schedule

[View class timetable](#)

Timetable

Date	Type	Content
Week 1: 17 February - 21 February	Lecture	Punishment in Australia: what we do, who we do it to, how much it costs, how the trends are going. Hyperincarceration. Penal culture.
	Tutorial	Introduction to the course and administrative matters. Choosing your assignment topics.
	Fieldwork	Sitting in a session of the District or Local Court.
Week 2: 24 February - 28 February	Lecture	The logic of punishment, and its justifications. What is punishment for? How can we justify the deliberate infliction of pain on another human being? Is punishment necessary?
	Tutorial	*The problem of volition. Punishment assumes the free choice of action by the offender. Is that assumption credible?*
Week 3: 2 March - 6 March	Lecture	Making criminals. What is a 'criminal'? And how are they 'made'? A social history of punishment: Foucault and the birth of the prison
	Tutorial	*The demise of punishments of the body: what does that mean for modern penality? Could it change back?*
Week 4: 9 March - 13 March	Lecture	Who is punishment for? Durkheim, functionalism and the idea of social solidarity. Are there other ways? Restorative justice.
	Tutorial	*Abolitionism: is the elimination of regimes of punishment from society possible, or even desirable? What would happen if we undertook to close all prisons by 2027?*
Week 5: 16 March - 20 March	Lecture	Marxism and punishment: Punishment as mass control. Are there other ways? Justice reinvestment.
	Tutorial	*If criminality is a product of poverty, psychology or biology, how can we justify imprisonment?*
	Assessment	Due Monday 16 March: Assignment 1 Scoping exercise
Week 6: 23 March - 27 March	Lecture	Max Weber. Punishment and legal-rational governance: prisons as a management system. Are there other ways? Technological surveillance.
	Online Activity	*Gendered punishment: women in prisons*

	Tutorial	*Social credit as a penal alternative*
Week 7: 30 March - 3 April	Lecture	Criminalisation and the colonisation project: Indigenous people and imprisonment. Other ways: Circle Courts.
	Tutorial	*How should we deal with customary law?*
Week 8: 6 April - 10 April	Lecture	Mental illness: How do we deal with the problem of people who know what they're doing, but whose brains work differently? Other ways: Health-based approaches to offending.
	Tutorial	*The Glasgow experiment*
	Assessment	Theory paper due Monday April 6, 11:59 pm
Week 9: 13 April - 17 April	Lecture	Punishing children: the juvenile justice system.
	Tutorial	*What do examples like Don Dale and the Chishold Behavioural Management Unit tell us about what we really think about the punishment of children?*
Week 10: 20 April - 24 April	Lecture	The future of punishment: liquid prisons for a liquid society? Or a panopticon on steroids?
	Tutorial	**No tutorial Week 10**
Week 11: 27 April - 28 April	Assessment	Research paper due week 11 Monday 27th April 11:59pm

Resources

Prescribed Resources

Garland, D. (1990) *Punishment and Modern Society*, Oxford University Press.

Recommended Resources

 Cunneen, C., Baldry, E., Brown, D., Brown, M., Schwartz, M. and A. Steel (2013) **Penal Culture and Hyperincarceration**, Ashgate, Farnham.

Pratt, J., Brown, D., Brown, M., Hallsworth, S. and Morrison, W. (2005) *The New Punitiveness. Trends, Theories, Perspectives*, Willan Publishing, Uffculme.

Clear, T. (2007) *Imprisoning Communities*, OUP, New York.

Garland, D. (2001) *The Culture of Control. Crime and Social Order in Contemporary Society*, OUP, Oxford.

Garland, D. (2001) (ed) *Mass Imprisonment*, Sage, London.

Garland, David. 2010. *Peculiar Institution: America's Death Penalty in an Age of Abolition*. Cambridge: Belknap Press.

Scraton, P. and McCulloch, J. (eds) (2009) The Violence of Incarceration, Routledge, New York.

Pratt, J. (2002) *Punishment and civilisation*, Sage, London.

Brown, M. and Pratt, M. (eds) (2000) *Dangerous Offenders. Punishment and Social Order*, Routledge, London.

Cavadino, M. and Dignan, J. (2006) *Penal Systems. A Comparative Approach*, Sage, London.

Cavadino, M. and Dignan, J. (1997) *The Penal System. An Introduction*, Sage, Thousand Oaks.

Carlen, P. (ed) (2008) *Imaginary Penalities,* Cullompton: Willan Publishing

Wacquant, L. 2009. *Punishing the Poor. The Neo-Liberal Government of Social Insecurity*. Durham: Duke University Press.

Course Evaluation and Development

Student feedback will be gathered by seminar in the latter stages of the course, and via a lecturer assessment rubric which broadly mirrors the rubric used to assess students' work. This will include the students grading the lecturer on their effectiveness. Formal evaluation will also happen through the MyExperience facility on the course website.

Submission of Assessment Tasks

Turnitin Submission

If you encounter a problem when attempting to submit your assignment through Turnitin, please telephone External Support on 9385 3331 or email them on externalteltsupport@unsw.edu.au . Support hours are 8:00am – 10:00pm on weekdays and 9:00am – 5:00pm on weekends (365 days a year). If you are unable to submit your assignment due to a fault with Turnitin you may apply for an extension, but you must retain your ticket number from External Support (along with any other relevant documents) to include as evidence to support your extension application. If you email External Support you will automatically receive a ticket number, but if you telephone you will need to specifically ask for one. Turnitin also provides updates on their system status on Twitter.

Generally, assessment tasks must be submitted electronically via either Turnitin or a Moodle assignment. In instances where this is not possible, it will be stated on your course's Moodle site with alternative submission details.

For information on how to submit assignments online via Moodle: https://student.unsw.edu.au/how-submit-assignment-moodle

Academic Honesty and Plagiarism

Plagiarism is using the words or ideas of others and presenting them as your own. It can take many forms, from deliberate cheating to accidentally copying from a source without acknowledgement.

UNSW groups plagiarism into the following categories:

Copying: using the same or very similar words to the original text or idea without acknowledging the source or using quotation marks. This also applies to images, art and design projects, as well as presentations where someone presents another's ideas or words without credit.

Inappropriate paraphrasing: Changing a few words and phrases while mostly retaining the original structure and/or progression of ideas of the original, and information without acknowledgement. This also applies in presentations where someone paraphrases another's ideas or words without credit and to piecing together quotes and paraphrases into a new whole, without appropriate referencing.

Collusion: working with others but passing off the work as a person's individual work. Collusion also includes providing your work to another student before the due date, or for the purpose of them plagiarising at any time, paying another person to perform an academic task, stealing or acquiring another person's academic work and copying it, offering to complete another person's work or seeking payment for completing academic work.

Inappropriate citation: Citing sources which have not been read, without acknowledging the "secondary" source from which knowledge of them has been obtained.

Duplication ("self-plagiarism"): submitting your own work, in whole or in part, where it has previously been prepared or submitted for another assessment or course at UNSW or another university.

Correct referencing practices:

- Paraphrasing, summarising, essay writing and time management
- Appropriate use of and attribution for a range of materials including text, images, formulae and concepts.

Individual assistance is available on request from The Learning Centre (http://www.lc.unsw.edu.au/). Students are also reminded that careful time management is an important part of study and one of the identified causes of plagiarism is poor time management. Students should allow sufficient time for research, drafting and proper referencing of sources in preparing all assessment items.

UNSW Library also has the ELISE tool available to assist you with your study at UNSW. ELISE is designed to introduce new students to studying at UNSW but it can also be a great refresher during your study.

Completing the ELISE tutorial and quiz will enable you to:

- analyse topics, plan responses and organise research for academic writing and other assessment tasks
- effectively and efficiently find appropriate information sources and evaluate relevance to your needs
- use and manage information effectively to accomplish a specific purpose
- better manage your time

- understand your rights and responsibilities as a student at UNSW
- be aware of plagiarism, copyright, UNSW Student Code of Conduct and Acceptable Use of UNSW ICT Resources Policy
- be aware of the standards of behaviour expected of everyone in the UNSW community
- locate services and information about UNSW and UNSW Library

Some of these areas will be familiar to you, others will be new. Gaining a solid understanding of all the related aspects of ELISE will help you make the most of your studies at UNSW.
http://subjectguides.library.unsw.edu.au/elise/aboutelise

Academic Information

For essential student information relating to:

- requests for extension;
- late submissions guidelines;
- review of marks;
- UNSW Health and Safety policies;
- examination procedures;
- special consideration in the event of illness or misadventure;
- student equity and disability;
- and other essential academic information, see

https://www.arts.unsw.edu.au/current-students/academic-information/protocols-guidelines/

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