University of Toronto, Department of Sociology

SOC354H1S

NEW TOPICS IN SOCIOLOGY: THEORIES OF PUNISHMENT AND LAW

Winter 2025

Lectures: Thursdays 10:10am to 12pm.

Tutorials: Thursdays 12:10pm to 1pm.

Instructor Information

Instructor: **Elliot Fonarev**

Email address: elliot.fonarev@mail.utoronto.ca

Office hours: Tuesdays 3:00-4:30pm, Zoom

Course web site: Quercus

Teaching Assistant: TBC

Office hours: TBA and by appointment via Zoom

Course Description

Duff and Garland (1994) said "punishment is morally problematic as it involves doing things to people that, when not defined as punishment, seem morally wrong." This course explores how this tension—between punitive action and legal justification—has been addressed in legal, criminological, and sociological theory. By critically understanding the problem of legal punishment, students will leave prepared for constructive engagement in sociolegal research, policy problems, and work in related fields.

Prerequisites

This is a program-only course and is restricted to sociology majors and specialists. Completion of SOC201H1, SOC202H1, SOC204H1, plus two of the following: SOC251H1, SOC252H1, SOC254H1 is required. Students without this prerequisite will be removed from the course without notice.

Goals and Learning Objectives

This course aims to introduce students to scholarly debates about punishment and law: how scholars grapple with and contribute to the history of ideas about punishment and its limits, amidst changing social conditions and norms. To that end, students can expect to learn not just through surveying empirical research about the topic, but by participating in seminar-style critical engagement with scholarly ideas, using examples and case studies. As a 300-level course, students can expect to have in-class skills-building opportunities over the term, in preparation for upper-year seminars, independent research, or professional training.

At the end of the course, students will be able to:

- Distinguish between prescriptive and descriptive scholarly debates about punishment and law
- Explain, interpret, and test major socio-legal theories of punishment on real cases
- Critically evaluate approaches to reducing punitiveness in law and society
- Apply arguments and draw connections between ideas when investigating new examples

Teaching Approach

The writer David Foster Wallace said in his famous commencement speech: ""the liberal arts cliché about teaching you how to think is actually shorthand for a much deeper, more serious idea: learning how to think really means learning how to exercise some control over how and what you think. It means being conscious and aware enough to choose what you pay attention to and to choose how you construct meaning from experience."

You may be asking, how can I teach you to exercise awareness, attention, and choice, when I can't read your mind or force your engagement with me? This is where you come in. First, I invite you to cultivate a learning mindset—some have called this a growth mindset, an invitation to resist a 'single story', or a commitment to a beginner's mind. This involves embracing the idea that learning is never finished and has value beyond formal assessments. Learning relies on growing comfortable with not knowing, changing your mind, and finding new questions in the pursuit of answering existing ones.

Second, consider that learning is a practice. This practice relies on participation and dialogue, both written and spoken. Learning is practiced together with others—the authors of your

readings, your peers, and me. This is successful if everyone in the space remains compassionate to ourselves and our peers, chooses to trust others are putting in their best efforts, and embraces difference and dialogue to learn from each other.

Access to Course Materials and Student Resources

Your main hub for course materials and academic resources is the course page on Quercus. There you will find links to weekly readings and materials, slide decks, and other links to supports across the university including:

- Learning Strategists and Programming for enhancing your academic skills.

- UofT's Writing Centre, which has coaching, workshops, and other services.

- Understanding why we cite in academic writing and the ASA Citation Guide.

- Health and Wellness Services at UofT and in the community.

- Accommodations and registering with Accessibility Services.

Communications

1. **Course-related questions** (reading, assignments, deadlines): Quercus Q&A Board.
   a. Q&A with your TA—posts are visible to all students.
   b. Please check the syllabus and/or assignment instructions before posting.

2. **Content-related questions**: my **office hours** are every **Tuesday, 3:00-4:30pm**.
   a. Where: on Zoom.
   b. Use the link on Quercus to drop in. No need to email me in advance.
   c. If you would like to meet and cannot make it at this time, book an appointment with me using the link posted on Quercus.

3. **Questions** (special accommodations, grade review, or anything else you wish to discuss): email me at elliot.fonarev@mail.utoronto.ca.
   a. Emails should be concise, clear, polite. I will answer within 48 hours.
   b. Include the course code (SOC354) in the subject line.
   c. Sign off with your full name and student number.

Evaluation Components:

Type	Date Due	Weight
1. Reading DQ (weeks 2-11)	Weeks 2-11 (10 submissions total)	10%
2. Participation	Ongoing	10%
3. Principles & Passions Comment	February 3	15%
4. Cultural Analysis Assignment	February 24	20%
5. Comparative Essay	April 2	20%
7. Final Exam	Exam period	25%

Handing in Assignments

All assignments must be handed in electronically via Quercus. Do not use the Quercus mobile app to submit your assignments. You are responsible for ensuring your essay was successfully submitted to Quercus; if it is not there, we cannot grade it. This link explains how to double check that you submitted your assignment successfully: https://qstudents.utoronto.ca/submitting-assignments-to-your-course/

Students are expected to keep a back-up, digital copy of your assignment, for your record.

Reading Discussion Questions (10%)

In weeks 2-11 (10 weeks total), you are required to submit on Quercus two thoughtful discussion questions in response on the assigned articles for that week on the discussion board for that week. Submissions are due at 6:00pm on Wednesday before the start of class. Please paste your questions DIRECTLY into Quercus, no attachments, please. Questions will be evaluated based on their depth of reflection, to a maximum of 1 point per week.

Participation (10%)

This class encourages active participation in each seminar and tutorial. Participation grades will be assigned to students' engagement with the instructor and peers in weeks 2-11. Active participation includes both active contributions and active listening: i.e. contributing to class discussion by speaking and by allowing space for peers to speak. Participation includes engaging respectfully with other students' ideas, and contributing to small group and individual active learning activities.

Students are responsible for all material covered in class and in the assigned readings. Students who are absent from a class or tutorial without notifying the instructor of a valid reason for the absence, relating to a circumstance beyond their control, will forego participation grades. Students should give notification for absences for in advance.

> For greater clarity, **valid reasons** for absence do **not** include holiday plans (unless for religious observance/holy day), pre-purchased plane tickets, family plans (unless critical, such as death of an immediate family member), lack of preparation, technology failure, late course registration, traffic or weather-related incidents (unless critical, such as a car accident or weather emergency), or conflicting appointments (unless inflexible or urgent—e.g. a critical medical or legal matter).

Students with valid reasons for an absence will be invited to submit a written engagement with the material for the week, in lieu of participation.

Principles & Passions Comment (15%)

This assignment asks students to apply the ideas in Module 1 to a case by critically analyzing a recent news story (due February 3). Details will be shared in week 2.

Cultural Analysis (20%)

This assignment engages with ideas in Module 2. Students will analyze a cultural object, case, or phenomenon in connection with course themes. Details will be shared in week 4.

Comparative Paper (20%)

This assignment engages with ideas in Module 3. Details will be shared in week 8.

Final Exam (25%)

Detailed instructions TBA.

Procedures and Rules

Missed Deadlines Policy

Students who miss a paper or test deadline will receive a mark of zero; UNLESS the reason is a circumstance beyond the student's control.

Within 3 days of the missed assignment or test, students must send the instructor a request for consideration. Students must document their request with **one of the following:**

- Absence declaration via ACORN (**can only be used once during the semester**)

- U of T Verification of Illness or Injury Form
- College Registrar's letter (e.g., in case of personal/family crisis or emergency)
- Letter of Academic Accommodation from Accessibility Services

Requests should be accompanied by contact information (the student's telephone number and email address).

> For greater clarity, **valid reasons** for missed deadlines do **not** include holiday plans (unless for religious observance/holy day), family plans (unless critical, such as death of an immediate family member), lack of preparation, technology failure, late course registration, traffic or weather-related incidents (unless critical, such as a car accident or weather emergency), or conflicting deadlines.

Assignment Late Policies

Grace period: This course uses a "**time bank**" for submitting assignments past the course deadline, to give students flexibility in managing their own schedules. The total time bank you have at the start of this course is 12 blocks of 6 hours – a total of three days or 72 hours – that you can flexibly 'spend' or add on to your assignment deadline. For example, if you submit your first assignment 5 hours after the stated deadline, you will have spent 1 block of your time bank, and will have 11 blocks left (66 hours) to use for remaining assignments, should you need it. Note you **cannot** use the time bank for weekly reading responses or the final exam.

> When you use your time bank credit for a particular assignment, you must inform us by using the comment box on Quercus when you submit the assignment.

Students registered with **Accessibility Services** should email both the instructor and their Accessibility Advisor directly to obtain approval for an extension of time for an assignment.

Late penalties: Late assignments without the required steps in case of delays (see below) and outside of the time bank limits — will be penalized 10% of the assignment marks per day. The penalty will run from the day the assignment was due until the day it is submitted via Quercus. To prevent greater penalty, proactively contact the instructor by email.

Students who have been approved by me to submit a late paper (beyond the time bank) must do so within 2 days after receiving my permission.

Grade appeals

Mistakes and oversights occasionally happen in the dissemination of grades. If you believe that there is a mathematical error in a grade you received, simply alert the TA of the error.

If you wish to request a re-grade:

1. Wait at least 24 hours after receiving your mark.

2. Carefully re-read your assignment, all assignment guidelines and marking schemes and the grader's comments.

3. Email your TA a written explanation of why you think your mark should be altered. Please note statements such as "I need a higher grade to apply to X" are not compelling. Also, please note that upon re-grade your mark may go down, stay the same, or go up.

4. Attach your original assignment, including the original comments, to your email request.

If you wish to appeal a re-grade: you have up to one month from the date of return of the item to inquire about the mark from the course instructor. In order to meet this deadline, you must inquire about the mark within 15 days after receiving your regrade.

Academic integrity

Academic integrity refers to the ethical values and principled commitments that teachers, learners, and all members of the university are responsible for upholding in the pursuit of learning and scholarship in a university. This is essential to maintaining the mandates of the university as a center of research and educational space that aims to foster fair and honest inquiry and academic achievement. As a result, UofT treats dishonesty, misrepresentation, and unfairness as very serious offenses. Click here for a handy guide on Academic Integrity at UofT.

The University of Toronto's Code of Behaviour on Academic Matters outlines behaviours that constitute academic dishonesty and the process for addressing academic offences. Under the Code, students are prohibited from:

- ***Forging or misrepresenting documents or an academic record*** – includes copying, plagiarizing, falsifying, or circulating medical certificates.
- ***Unauthorized aids*** – *using* or *possessing* an unauthorized aid or obtaining unauthorized assistance in an exam, test, or in connection with any academic work (including essay-writing services or technological aids).

- *Impersonating* – taking the place of another person, or having another take your place, at an exam, test, or in connection with any academic work.

- *Committing plagiarism* – representing *another's* idea, expression of an idea (i.e. a statement or turn of phrase), or work of *as your own*, in an exam, test, or in connection with any academic work.

- *Self-plagiarism* - submitting, without the instructor's knowledge and approval, your own academic work for which credit has previously been obtained or is being sought in another course or program of study in the university or elsewhere (i.e. an assignment already submitted to another course).

- *Falsifying or misrepresenting sources*—e.g. submitting academic work containing a purported statement of fact or reference to a *concocted* source.

- Engaging in any other form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not described above, in order to obtain academic credit or other academic advantage of any kind.

*These offenses not only apply to the person who actually commits the action, but also anyone knowingly *aiding*, *assisting*, or *advising* the person who commits the action.

Any student caught engaging in such activities will be referred to the Dean's office for handling a charge of an academic offence. **Further details of the policy and procedures are found in the Code and above Guide, and students are encouraged to familiarize themselves with it.**

Tips to prevent risk of plagiarism:

Cite sources properly: you are expected to cite sources in all written work and presentations. See these links for: (1) department citation formats: ASA Style Guide. (2) guide for how to use sources well: https://advice.writing.utoronto.ca/using-sources/how-notto-plagiarize/

Complete your own work: UofT encourages students to exchange ideas with each other. This is an essential part of the learning process and is not considered cheating or plagiarism. However, while you may generally discuss an assignment with your classmates, AFTER such discussions you are expected to go away and write up your own work separately. Ensure that any work which you submit is entirely your own work. Do not provide a copy of your finished work (in text form or electronically), or even a draft of your work, to another student in case they are tempted to use it inappropriately in completing their own work (if they do, you too may face an allegation of academic misconduct under the Code).

Use Turnitin.com: students agree that by taking this course all required papers may be subject to submission for textual similarity review to Turnitin.com for the detection of plagiarism. All submitted papers will be included as source documents in the Turnitin.com reference database solely for the purpose of detecting plagiarism of such papers. The terms that apply to the University's use of the Turnitin.com service is described on the Turnitin.com web site.

Assignments not submitted through *Turnitin* will receive a grade of zero (0 %), unless a student instead provides, along with their position paper, sufficient secondary material (e.g., reading notes, outlines of the paper, rough drafts of the final draft, etc.) to establish that the paper they submit is truly their own. The alternative (not submitting via *Turnitin)* is in place because, strictly speaking, using *Turnitin* is voluntary for students at the University of Toronto.

Understand authorized use of Generative AI: each assignment handout will include an AI statement that will describe whether and HOW you can use AI for that specific assignment.

If in doubt, check: your instructor, TA, and academic advisors are here to support and guide you through the academic process. If you are not sure of a practice or policy, reach out.

Generative AI

In this course, you may use generative artificial intelligence (AI) tools, including ChatGPT and Microsoft Copilot, as learning aids to summarize readings and clarify terms that you read, however, doing so will not guarantee that you will achieve a passing reading response grade as you are expected to demonstrate critical engagement with and reflection on the assigned texts yourself. It is recommended that you treat generative AI as a supplementary tool only for exploration. Ultimately, you (and not any AI tool) are responsible for your own learning in this course, and for all the work you submit for credit. It is your responsibility to critically evaluate the content generated, and to regularly assess your own learning independent of generative AI tools. Overreliance on generative AI may give you a false sense of how much you've actually learned, which can lead to poor performance on the assignments, in later courses, or in future work or studies after graduation.

You are not permitted to use generative AI to complete assignments, except for light editing for grammar and clarity.

If you choose to use generative artificial intelligence tools in this course; this use must be documented in an appendix. The documentation should include what tool(s) were used, how they were used (including a screenshot with the prompt used to generate the content), and

how the results from the AI were incorporated into the submitted work. Any content produced by an artificial intelligence tool must be cited appropriately. Many organizations that publish standard citation formats are now providing information on citing generative AI (e.g., MLA: https://style.mla.org/citinggenerative-ai/).

While some generative AI tools are currently available for free in Canada, please be warned that these tools have not been vetted by the University of Toronto and might not meet University guidelines or requirements for privacy, intellectual property, security, accessibility, and records retention. Generative AI may produce content which is incorrect or misleading, or inconsistent with the expectations of this course. These tools may even provide citations to sources that don't exist—and submitting work with false citations is an academic offense. These tools may be subject to service interruptions, software modifications, and pricing changes during the semester.

Student Resources

Accessibility. If you require accommodations or have any accessibility concerns, please visit http://studentlife.utoronto.ca/accessibility as soon as possible.

If required, the link for the Accommodated Testing Services (ATS): https://lsm.utoronto.ca/ats/

The University of Toronto is committed to equity and respect for diversity. All members of the learning environment in this course should strive to create an atmosphere of mutual respect. As the instructor, I will neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual in this course and wish to be alerted to any attempt to create an intimidating or hostile environment. It is our collective responsibility to create a space that is inclusive and welcomes discussion. Discrimination, harassment and hate speech will not be tolerated.

Weekly Topics and Required Readings

January 9: Introduction

Discussion theme: Introduction to the course. How do social scientists approach moral problems?

Pleasants, Nigel. 2021. "Excuse and Justification: What's Explanation and Understanding Got to Do with It?" *European Journal of Social Theory* 24(3):338–55. doi: 10.1177/1368431020986753.

Background—4 moral theories (10-min videos):

    Natural Law Theory: Natural Law Theory: Crash Course Philosophy #34 - YouTube

    Deontology: Kant & Categorical Imperatives: Crash Course Philosophy #35 - YouTube

    Utilitarianism: Utilitarianism: Crash Course Philosophy #36 - YouTube

    Contractarianism: Contractarianism: Crash Course Philosophy #37 - YouTube

MODULE 1: Principles & Passions

January 16: Principles

Discussion theme: Why does society punish? (Part 1)

Excerpt (pgs. 1-8) from Hart, H. L. A. 1959. "The Presidential Address: Prolegomenon to the Principles of Punishment." Pp. 1–26 in *Proceedings of the Aristotelian Society*. Vol. 60.

Harcourt, Bernard E. 2015. "From the Harm Principle to Harm Decisionism: Hart, Feinberg, and the Eclipse of Millian Ambiguity." Th*e Tocqueville Review / La Revue Tocqueville* 36(Issue 1):185–211. doi: 10.3138/TTR.36.1.185.

Kadish, Sanford H. 1994. "The Criminal Law and the Luck of the Draw." *Journal of Criminal Law and Criminology* 84: 679-702.

January 23: Passions

Discussion Theme: Why does society punish? (part 2)

Carvalho, Henrique, and Anastasia Chamberlen. 2018. "Why Punishment Pleases: Punitive Feelings in a World of Hostile Solidarity." *Punishment & Society* 20(2):217–34. doi: 10.1177/1462474517699814.

Garland, David. 2013. "Punishment and Social Solidarity", pp. 23-39 in *The SAGE Handbook of Punishment and Society*. SAGE publications.

MODULE 2: Social Theories on Punishment

January 30: Power

Discussion Theme: How does society punish? (And what explains change?)

Excerpt (pgs. 128-141) from Garland, David. 1991. "Sociological Perspectives on Punishment." *Crime and Justice* 14(May 2024):115–65. doi: 10.1086/449185.

Excerpt (pgs. 3-24) from Foucault, Michel. 1977. *Discipline and Punish: The Birth of the Prison*. Pantheon Books.

Excerpt (pgs. 114-121) from Truth and Reconciliation Commission of Canada. 2015. *Honouring the truth, reconciling for the future: Summary of the final report of the Truth and Reconciliation Commission of Canada*.

Assignment 1 due February 3

February 6: Sensibilities

Discussion theme: How does society punish? (And what explains change?)

Pratt, John. 2013. "Punishment and 'The Civilizing Process'", pp. 90-113 in *The SAGE Handbook of Punishment and Society*. SAGE publications.

Chs. 1 & 7 in Hörnqvist, Magnus. 2021. *The Pleasure of Punishment*. Routledge/Taylor & Francis Group.

Excerpt (pgs. 101-105) from Truth and Reconciliation Commission of Canada. 2015. *Honouring the truth, reconciling for the future: Summary of the final report of the Truth and Reconciliation Commission of Canada*.

February 13: Cultural Approaches

Discussion theme: How does society punish? (And what explains change?)

Smith, Philip. 2013. "Punishment and Meaning: The Cultural Sociological Approach", pp. 114-128 in *The SAGE Handbook of Punishment and Society*. SAGE publications.

Excerpt (pgs. 121-129) from Truth and Reconciliation Commission of Canada. 2015.

February 20 – Reading week, no class

*Assignment 2 due February 24

MODULE 3: Punishment in Legal Processes

February 27: Rehabilitation

Discussion theme: How can legal processes reduce punitiveness?

Excerpt (pgs. 9-12) from Sykes, Gresham. 1958. *The Society of Captives: A Study of a Maximum Security Prison*. Trenton, NJ: Princeton University Press.

Excerpts from Stanley Cohen, *Visions of Social Control*.

Zedner, Lucia. 2016. "Penal Subversions: When Is a Punishment Not Punishment, Who Decides and on What Grounds?" *Theoretical Criminology* 20(1):3–20. doi: 10.1177/1362480615598830.

March 6: Restoration

Discussion theme: How can legal processes reduce punitiveness?

Pgs. 1-20 in Braithwaite, John. 1999. Restorative Justice: Assessing Optimistic and Pessimistic Accounts. *Crime and Justice* 25. https://www.jstor.org/stable/1147608

Kenney, J. Scott, and Don Clairmont. 2009. "Using the Victim Role as Both Sword and Shield: The Interactional Dynamics of Restorative Justice Sessions." *Journal of Contemporary Ethnography* 38(3):279–307. doi: 10.1177/0891241608322814.

Kathleen Daly. 2013. "The Punishment Debate in Restorative Justice", pp. 356-374 in *The SAGE Handbook of Punishment and Society*. SAGE publications.

Course drop deadline: Monday, March 10, 2025.

March 13: Abolition

Discussion theme: How can legal processes reduce punitiveness?

Brown, Michelle, and Judah Schept. 2017. "New Abolition, Criminology and a Critical Carceral Studies." *Punishment & Society* 19(4):440-462.

March 20: Randomization

Discussion theme: How can legal processes reduce punitiveness?

Harcourt, Bernard E. 2007. "Post-Modern Meditations on Punishment: On the Limits of Reason and the Virtues of Randomization (A Polemic and Manifesto for the Twenty-First Century)." *Social Research* 74(2):307–46.

March 27: Mercy

Discussion theme: How can legal processes reduce punitiveness?

Benard, Stephen, Long Doan, D. Adam Nicholson, Emily Meanwell, Eric L. Wright, and Peter Lista. 2022. "To Forgive Is Divine? Morality and the Status Value of Intergroup Revenge and Forgiveness." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 8(6):122–39. doi: 10.7758/RSF.2022.8.6.07.

McEvoy, Kieran and Louise Mallinder. 2013. "Amnesties, Transitional Justice and Governing Through Mercy", pp. 434-462 in *The SAGE Handbook of Punishment and Society*. SAGE publications.

*Assignment 3 due April 2

April 3: Review

Discussion theme: Review class.