

## Course Outline

COURSE:	LAWS 3305C – Crime and State in History
TERM:	Winter 2014
PREREQUISITES:	Third-year standing
CLASS:	Day & Time: Wednesdays 18:05 – 20:55 Room: Loeb C264 (Please check with Carleton Central for current room location)
INSTRUCTOR: (CONTRACT)	Leo S. Russomanno
CONTACT:	Office: B442LA – Contract Instructors' Office Office Hrs: TBA Telephone: (613) 296-2551 Email: <a href="mailto:russomanno@wsgalaw.com">russomanno@wsgalaw.com</a>

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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](mailto: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/>

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## COURSE DESCRIPTION

**This course explores dramatic, historical transformations in the perception and definition of crime and the administration of criminal law. We will trace the origins of the criminal law and highlight important developments which resulted in changes that reverberate in our modern adversarial system.**

**The course begins with a broad historical overview and then moves into an analysis of**

**specific issues, always tracing the important historical context. Selected issues include the historical treatment of women under criminal law, miscarriages of justice, sentencing, and the rule of law.**

### **ATTENTION**

**Please pay special attention to Carleton University's rules and regulations concerning academic integrity. Please note that any suspected cases of academic dishonesty are forwarded directly to the Dean of the faculty.**

### **REQUIRED TEXTS**

**Students require John H. Langbein, *The Origins of the Adversary Criminal Trial*. A copy of the same is on reserve at the library. All other materials will be provided.**

**Students are expected to come to class having completed the readings and to participate in class discussions.**

### **EVALUATION**

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

**40% - Paper – 12 page limit**

**60% - Final exam**

### **PAPER**

The paper will be due via email to [Russomanno@wsgalaw.com](mailto:Russomanno@wsgalaw.com) on March 5<sup>th</sup> 2014 no later than 6pm.

There will be a 10 point deduction per day for late submissions.

The paper is to use 12 point Times New Roman font, double spaced, with one inch margins on all sides.

You must choose a topic which corresponds to the themes covered in the course. This is an opinion paper and you are expected to take a position with respect to your topic and provide support for your argument.

You will be evaluated on your writing (20 points), the substance (40 points), and the quality of your argument (4 points).

### **EXAM**

The exam will include a number of questions from which students are asked to choose from to provide long answers.

Your mark on the exam will be based on your ability to reflect the principles and concepts discussed in class. Attendance is crucial to your ability to your understanding of the course materials.

**SCHEDULE** (subject to modification)

**WEEK 1 – January 8<sup>th</sup>:**

**Introduction**

- Introduction
- Review of course outline
- Expectations of students
- Structure of class
- Suggestions for the paper

Readings: N/A

**WEEK 2 – January 15<sup>th</sup>:**

**Origins of the Common Law system**

- Towards a unified criminal law
- The advent of the adversarial system

**Readings:**

**TEXT:** Introduction, pp. 1-9

**WebCT reading:** David Bentley, “English Criminal Justice in the Nineteenth Century”, Ch. 1, The System

**WEEK 3 – January 22<sup>nd</sup>:**

**Development of the Common Law system and reception in Canada**

- The Quebec Act, the Criminal Code 1892

**Readings:**

**Michel Morin, “The Canadian Experience of Codification”, online at**

**<http://publications.gc.ca/collections/Collection/JL2-9-2000E.pdf> pp. 151-177**

**WEEK 4 – January 29<sup>th</sup>:****The rule of law****Readings:***Roncarelli v. Duplessis:*<http://canlii.ca/en/ca/scc/doc/1959/1959canlii50/1959canlii50.html>*The Manitoba Language Reference:*<http://canlii.ca/en/ca/scc/doc/1985/1985canlii33/1985canlii33.html> paragraphs 55-112**WEEK 5 – February 5<sup>th</sup>:****Habeas Corpus**

- Historical overview
- The October Crisis
- Internment of Canadians during WWII

**Readings:**

Video: Apology to Japanese Canadians: online at

<http://www.youtube.com/watch?v=fxVZtQULIMQ>Dominic Clement: The October Crisis of 1970: Human Rights Abuses under the *War Measures Act*, online at: [http://www.historyofrights.com/PDF/article\\_JCS.pdf](http://www.historyofrights.com/PDF/article_JCS.pdf)**WEEK 6 – February 12<sup>th</sup>:****Miscarriages of criminal justice****Readings:**

TEXT: pp. 68 - 101

**WEEK 7 – February 26<sup>th</sup>:****Miscarriages of criminal justice: part II****Readings:**

The Donald Marshall Inquiry Report:

[http://novascotia.ca/just/marshall\\_inquiry/docs/Royal%20Commission%20on%20the%20Donald%20Marshall%20Jr%20Prosecution\\_findings.pdf](http://novascotia.ca/just/marshall_inquiry/docs/Royal%20Commission%20on%20the%20Donald%20Marshall%20Jr%20Prosecution_findings.pdf)

**WEEK 8 March 5<sup>th</sup>:****Criminalizing immorality****Readings:**

Roach, Healy, Berger, Stribopoulos, *Criminal Law and Procedure: Cases and Materials*, pp. 45 – 70

REFERENCE ONLY: *Bedford v. Canada* 2010 ONCA 814: online at <http://canlii.ca/en/on/onca/doc/2010/2010onca814/2010onca814.html>

**WEEK 9 – March 12<sup>th</sup>:****Women and the law**

- Violence against women
- Battered Woman Syndrome – *R v. Lavallee*

**Readings:**

Constance Backhouse, “Petticoats and Prejudice”, pp. 80 – 111

REFERENCE: *R v. Lavallee* [1990] 1 SCR 852, online at: <http://canlii.ca/en/ca/scc/doc/1990/1990canlii95/1990canlii95.html>

**WEEK 10 – March 19<sup>th</sup>:****The development of the modern adversarial system****Readings:**

TEXT: pp. 252 - 310

**WEEK 11 – March 26<sup>th</sup>:****Sentencing and punishment****Readings:****WEEK 12 – April 2<sup>nd</sup>:****Exam review**