

Course Outline

COURSE:	LAWS 3305C – Crime and State in History
TERM:	Winter 2015
PREREQUISITES:	Third-year standing
CLASS:	Day & Time: Thursdays 1805-2055hrs Room: 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: leo@agpllp.ca

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 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 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/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism 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, art works, laboratory reports, research results, calculations and the results of

calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:

<http://www.carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

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 for electronically on cuLearn.

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)

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.

**40% - Paper – 10 page limit – topic to be announced in class.
60% - Final exam**

PAPER

The paper will be due via email to leo@agpllp.ca on March 5th 2014 at no later than 6pm. Please do not email your paper to my Carleton email account.

There will be a 10 point deduction per 24 hours of tardiness. At the start of every 24 hour lateness period, in other words, you will be deducted 10%.

The paper is to use 12 point Times New Roman font, double spaced, with one inch margins on all sides. Failure to adhere to this will result in deduction.

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

EXAM

The exam will include a number of multiple choice/true or false questions, as well as long answers.

This will be a close book exam, 2 hours in duration.

The date of the exam is TBA

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 8th:

Introduction

- Introduction
- Review of course outline
- Expectations of students

- Structure of class
- Suggestions for the paper

Readings: N/A

WEEK 2 – January 15th:

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 22nd:

Development of the Common Law system and reception in Canada

- The Quebec Act, the Criminal Code 1892

Readings:

TEXT: Chapter 1, pp. 13-66

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 29th:

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 5th:

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

WEEK 6 – February 12th:

Miscarriages of criminal justice

Readings:

TEXT: Chapter 2, pp. 68 - 101

WINTER BREAK – February 16th – 20th (no class)**WEEK 7 – February 26th:**

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

WEEK 8 March 5th:

Criminalizing immorality

Readings:

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

REFERENCE ONLY: *Bedford v. Canada*: online at

<http://www.canlii.org/en/ca/scc/doc/2013/2013scc72/2013scc72.html>

WEEK 9 – March 12th:

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 19th:

The development of the modern adversarial system

Readings:

TEXT: Chapter 5, pp. 252 - 310

WEEK 11 – March 26th:

Sentencing and punishment

Readings: s. 718 of the Annotated Criminal Code of Canada

WEEK 12 – April 2nd:

Exam review