

Course Outline

COURSE:	LAWS 3305D – Crime and State in History
PREREQUISITES:	Third-year honours standing
TERM:	Winter 2014
CLASS:	Day & Time: Thursday, 8:35 - 11:25
	Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Joel Harden
CONTACT:	
	Office: B442 Loeb Building
	Office Hours: Tuesday, 2pm-4pm (or by appointment)
	Email: Joel.Harden@carleton.ca
	Web: www.joelharden.org

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/>

COURSE DESCRIPTION

What is a crime? Who, in any given historical era, is deemed a criminal? What societal forces influence the boundaries of criminal law, and its reach over time? These are the core questions explored in this course, which surveys the development of criminal law in the Canadian and Quebec historical context.

This course is located in the critical criminology tradition and, as such, avoids a singular focus on legal experts and institutions. Instead, we also explore the evolution of criminal law against its alleged transgressors, and analyze how the law changed over time in the face of controversy.

In doing so, we review the application of criminal law against Canada's earliest dissidents to more recent protest movements. Our intent is to establish themes to inform contemporary assessments of criminal law.

EVALUATION

What is a Crime? (3-4 pages) Due: January 23, 2014	10% of Final Mark
Major Essay Proposal (5-6 pages) Due: February 13, 2014	10% of Final Mark
Major Essay (15 - 20 pages) Due: April 3, 2014	50% of Final Mark
Class Participation	30% of Final Mark
15% for group participation 15% for attendance and individual participation	

Your grade for class participation is based on your active engagement in our learning process. Some may think this means speaking frequently in tutorial or lecture, while others who are shy might assume they can hold back and express themselves privately.

Both assumptions are false. Above all, we are interested in the quality of your contributions, not the quantity of them. Students who face challenges around shyness should speak to me (or their tutorial assistant) about how they can facilitate effective class participation.

At a minimum, we expect you to discuss the merits of our course readings. We also expect you to engage in our learning process, and demonstrate a commitment to active listening and appreciative inquiry as others do the same (we will establish our expectations for these and other things during our first day of class).

COURSE MATERIALS

Chester Brown, *Louis Riel: A Comic Strip Biography*, Tenth Anniversary Edition (Montreal: Drawn & Quarterly, 2013).

David Austin, *Fear of a Black Nation: Race, Sex, and Security in Sixties Montreal* (Toronto: Between the Lines Books, 2013).

Harsha Walia, *Undoing Border Imperialism* (Oakland, CA: AK Press, 2013).

Joel D. Harden, *Quiet No More: New Political Activism in Canada and Around the Globe* (Toronto: Lorimer, 2013).

- **Please note:** these are available at Octopus Books (116 Third Avenue, in the “Glebe”). Any additional readings are online at www.joelharden.org.

CLASS SCHEDULE

1. January 9: Getting to Know “Us”
2. January 16: What is a Crime?
3. January 23: The Historical Emergence of Criminal Law in Quebec and English Canada
* **Deadline for your first essay.**
4. January 30: 1869-1885: The Red River Rebellion
5. February 6: 1919: The Winnipeg General Strike
6. February 13: 1935: The On-to-Ottawa Trek and Regina Riot
* **Deadline for your major essay proposal.**
- * February 20: Winter Break (No Classes).
7. February 27: 1937, 1945: Quebec’s Padlock Law and Canada’s Gouzenko Affair
8. March 6: 1965-1972: Black Power in Question
9. March 13: 1969-1984: The Pro-Choice Movement
10. March 20: 1975-2003: “Queer” Rights and the Canadian State
11. March 27: 2000-present: Citizenship, Terrorism, and Borders
12. April 3: Occupy Wall Street, the 2012 Quebec Student Strike, and Idle No More
* **Deadline for your major essay.**

SYLLABUS

2. What is a Crime?

Nathalie Des Rosiers and Steven Bittle. “Introduction” in Law Commission of Canada, *What Is a Crime? Defining Criminal Conduct in Contemporary Society* Vancouver: UBC Press (2004). Available online at <http://www.ubcpress.ca/books/pdf/chapters/whatisacrime/whatcrime.pdf>

Jean-Paul Brodeur with Genvieve Ouellet. "What is a Crime? A Secular Answer" in Law Commission of Canada, *What Is a Crime?* Available online as above.

Byran Palmer. "What's Law Got to do With It? Historical Considerations on Class Struggle, Boundaries of Constraint, and Capitalist Authority". *Osgoode Hall Law Journal* Vol. 41, Nos. 2&3 (2003). Available online at http://www.ohlj.ca/archive/articles/41_23_palmer.pdf

3. The Historical Emergence of Criminal Law in Quebec and English Canada

Graham Parker. "The Origins of the Canadian Criminal Code" in Flaherty, ed., *Essays in the History of Canadian Law*, Vol. 1, (Toronto: University of Toronto Press, 1981).

Douglas Hay. "The Meanings of the Criminal Law in Quebec, 1764-1774" in Louis Knafla, ed., *Crime and Criminal Justice in Europe and Canada* (Waterloo: Wilfred Laurier University Press, 1985).

4. 1869-1885: The Red River Rebellion

Selections from: Chester Brown, *Louis Riel: A Comic Strip Biography*, Tenth Anniversary Edition (Montreal: Drawn & Quarterly, 2013).

5. 1919: The Winnipeg General Strike

Selections from: Tom Mitchell and Reinhold Kramer, *When the State Trembled: How A.J. Andrews and the Citizens Committee Broke the Winnipeg General Strike* (Toronto: University of Toronto Press, 2010).

6. 1935: The On-to-Ottawa Trek and Regina Riot

Selections from: Bill Waiser, *All Hell Can't Stop Us: The On-to-Ottawa Trek and Regina Riot* (Toronto: Fitzhenry and Whiteside Ltd., 2003).

7. 1937, 1945: The Padlock Law and Gouzenko Affair

Selections from: Reg Whitaker and Gary Marcuse, *Cold War Canada: The Making of a National Insecurity State* (Toronto: University of Toronto Press, 1994).

8. 1965-1972: Black Power in Question

Selections from: David Austin, *Fear of a Black Nation: Race, Sex, and Security in Sixties Montreal* (Toronto: Between the Lines, 2013).

9. 1969-1984: The Pro-Choice Movement

Carolyn Egan, "Twenty-Five Years On: How We Won Abortion Rights", *Rabble.ca* (January 23, 2010), <http://rabble.ca/news/2013/01/twenty-five-years-how-we-won-abortion-rights>

Selections from: Judy Rebick, *Ten Thousand Roses: The Making of a Feminist Revolution* (Toronto: Penguin, 2005).

10. 1975-2003: Queer Rights and the Canadian State

Selections from: Gary Kinsman and Patrizia Gentile, *The Canadian War on Queers: National Security as Sexual Regulation* (Vancouver: UBC Press, 2010).

Selections from: Graeme Truelove, *Svend Robinson: A Life in Politics* (Vancouver: New Star Books, 2013).

11. 2001 – Present: Citizenship, Terrorism, and Borders

Selections from: Harsha Walia, *Undoing Border Imperialism* (Oakland, CA: AK Press, 2013).

12. Occupy Wall Street, Idle No More, and Emerging Protest Movements

Selections from: Joel Davison Harden, *Quiet No More: New Political Activism in Canada and Around the Globe* (Toronto: Lorimer, 2013).