

COURSE: LAWS 3305 T – Crime and State in History
PREREQUISITES: Third-year standing
TERM: Fall 2015
CLASS: **Day & Time:**
Room: Online Section, recorded version of section B.
Further information here: [CUOL](#)
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

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/>

ACADEMIC INTEGRITY AND OFFENCES

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 POLICIES

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

What is a crime? Who, in any given historical era, is deemed a criminal? What societally forces influence the boundaries of criminal law, and its reach overarching time? These are the core questions explored in this course, which surveys the application of criminal law in the Canadian 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 it has 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

* **Please note:**

- **This is a “blended course” with an in-class and online section.** Students enrolled in section “B” are registered for live, in-class learning. Students enrolled in section “T” are registered through Carleton’s University’s Online Learning (CUOL).
- **Late assignments are not accepted** without establishing a reasonable case for accommodation well ahead of time. In general, last minute requests for accommodation are discouraged; students are expected to ask for accommodations within the first few weeks of our work together.
- **Email policy:** In general, emails to Professor Harden and/or TAs should be brief (i.e.: requiring a “yes” or “no” answer”). If your concern requires a more detailed response, you are expected to arrange a face-to-face meeting (either in person or online), as doing so will convey your commitment to our course. It is not reasonable to expect prompt replies to emails on weekends or during holiday periods.
- **Grades appeal process:** Students are expected to request a face-to-face meeting with their primary evaluator given any concerns with assessed grades. If your evaluator is a TA, please do not approach Professor Harden first. If this process is unsatisfactory, students can pursue a formal grade appeal; the university’s guidelines are available here: <https://carleton.ca/registrar/special-requests/appeal-of-grade/>.

1) Class participation, 20% of your final mark.

Your grade for class participation is based on active engagement in our learning process. Some may assume this requires contributing as often as possible to our online discussions.

That assumption is false. Above all, we are interested in the quality of your contributions, not the quantity of them. We want you to engage in our learning process, and demonstrate a commitment to active listening as others do the same. This means acknowledging other ideas, and contributing to a narrative of thoughtful discussion. Participation without reference to other claims (or course materials) is not helpful or persuasive.

On the other hand, avoiding class participation yields a similar outcome. Our world needs bold thinkers, and our campus is not insulated from this reality. Students who face challenges around shyness should speak to Professor Harden (or their TA) about effective class participation.

So what does effective participation look like? You are expected to actively listen to other ideas, and offer clear, persuasive opinions through your written work and contributions to discussion groups through cuLearn. Your participation in discussion forums will be graded thusly:

- Each post or reply must demonstrate the student’s knowledge and understanding of course materials; be a minimum of three sentences in length; and be coherent and mindful of other students’ opinions, the campus Human Rights Policy (along with related statutes elsewhere), and “netiquette”.

- Students must participate (post or reply) on three separate days each week. Students may make several posts on each day but can only participate effectively by taking part in discussions on three distinct days. A letter grade will be assigned for each week in which students participate, and your average over twelve weeks (starting at week two) will determine your overall grade.

2) Written reflections (500 words each week), 50% of your final mark.

Due: noon on the Friday before our Monday evening class (submitted by cuLearn).

Starting with our week two readings, you will prepare written reflections on our course materials based on a question posed at the end of the previous class. Given weekly reflections comprise half your overall evaluation in this course, here is more detail about what we are looking for:

- a) A thesis (or “central argument”) is the crucial part of your reflection which must be established within your first paragraph. All too often, writers leave readers guessing about their own views, and rattle on citing evidence without reference to any coherent argument. They simply “present information”, and let readers draw their own conclusions. This is a style common to journalism, but it is not a useful approach to social science. Readers of social science are looking for information, but they want different perspectives on that information. Persuasive social science requires the writer to disclose their assumptions as the first step towards persuading others to share their analysis.
- b) Evidence is the next crucial part of your reflection, something often given short shrift by writers who have not done sufficient research to support their thesis. It is not enough to have a strong argument, one needs supporting evidence that demonstrates a rigorous grasp of the issues at hand. This work must also be referenced in a style of your choosing (MLA, APA, Chicago School, or the “McGill Guide” commonly used in Carleton’s Department of Law and Legal Studies).
- c) Once a writer has established a strong thesis, and summoned convincing evidence, the next task is to do something uncomfortable: to present the best objection to your thesis. This is called the antithesis (think of it a “counter-argument”), and it seems counterintuitive for most writers. At most levels of formal education, we are taught to admit little room for doubt and critical reflection in our writing. The goal, instead, is to appear confident, and that confidence (the theory goes) plays a role in convincing readers. In reality, however, pretending one’s thesis is invincible (when you know other persuasive opinions exist) invites trouble. What gets communicated to readers is not confidence, but narrow-mindedness. Powerful writing does not hide doubt — it wrestles with differing opinions, and struggles to formulate the most compelling answer. If this process makes you lose confidence in your original thesis, it’s time to change your argument.
- d) Your synthesis (or “conclusion”) is the moment when your reflection returns to its original thesis having been tested against a tough antithesis. Most often this happens before a paper’s conclusion, or it forms a component of the conclusion itself.

* **Please note:** composing weekly reflections requires you to be focused, prepared, and committed to our learning each week. A letter grade will be assigned for each reflection, and your average mark over twelve weeks (starting at week two) will determine your grade for this aspect of your evaluation.

3) Take home exam, 30% of your final mark.

Our take-home exam will invite you to reflect on several of our key course themes. A certain degree of choice will be available, but you are expected to demonstrate a mastery of overarching narratives in this syllabus. A comparative analysis of different cases will also be important.

Students who devote ample time and effort to their weekly reflections will be in a strong position to offer compelling answers on this final assignment. Our take-home exam will be assigned at the end of our final class (December 7), and due the last day of the exam period (December 21).

COURSE MATERIALS

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

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

CLASS SCHEDULE

1.	September 4	Getting to Know “Us”
2.	September 14	What is a Crime?
3.	September 21	The Métis Nation vs. the Canadian State
4.	September 28	1919: The Winnipeg General Strike
5.	October 5	1935: The On-to-Ottawa Trek and Regina Riot
6.	October 12 Affair	1937, 1945: Quebec’s Padlock Law and Canada’s Gouzenko
7.	October 19	1965-1972: Black Power in Question
*	October 26	Fall Break (No Classes)
8.	November 2	1969-1984: The Pro-Choice Movement
9.	November 9	1975-2003: Queer Rights and the Canadian State

10. November 16 2001-present: Citizenship, Terrorism, and Borders
11. November 23 Contesting Public Space (Part 1): Idle No More
12. November 30 Contesting Public Space (Part 2): The 2012 Québec Student Strike
13. December 7 Contesting Public Space (Part 3): Palestine Solidarity Movements

SYLLABUS

1. Getting to Know “Us”

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

2. What is a Crime?

Jean-Paul Brodeur with Genvieve Ouellet. “What is a Crime? A Secular Answer” in Law Commission of Canada, *What Is a Crime?* Available online at:

<http://www.ubcpres.ca/books/pdf/chapters/whatisacrime/whatcrime.pdf>

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. 1869-1885: The Métis Rebellions

Selections from: Joseph Boyden, *Louis Riel and Gabriel Dumont* (Toronto: Penguin, 2010).

Selections from: Thomas Flanagan, *Riel and the 1885 Rebellion Reconsidered* (Toronto: University of Toronto Press, 2000). Available as an e-book from MacOdrum Library.

Jenna Diubaldo, [“Five Reasons Why Louis Riel was a Badass Motherfucker”](#) *The Manitoban* (February 23, 2013).

4. 1919: The Winnipeg General Strike

Film: Paula Kelly, *The Notorious Mrs. Armstrong*. Directed and Produced by Paula Kelly (Winnipeg: Buffalo Gals Pictures, 2001).

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).

5. 1935: The On-to-Ottawa Trek and Regina Riot

Film: Alan Segal and Elroy Deimert, *Trek: A Documentary Film About the On to Ottawa Trek and Regina Riot*. Directed by Alan Segal, Produced by Elroy Diemert (Regina: SFL, 2011).

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

6. 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). Available as an e-book from MacOdrum Library.

7. 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).

* Recent postscript: Harsha Walia, "[Do Black Lives Matter in Canada?](#)", *Rabble* (December 17, 2014).

8. 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).

Emma Teitel, "Canada's All-or-Nothing Abortion Debate", *Macleans* (October 4, 2012).

9. 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).

10. 2001 – Present: Citizenship, Terrorism, and Borders

Michael G. Zekulin, [Canada's New Challenges: Facing Terrorism at Home](#) (Ottawa: Canadian Defence and Foreign Affairs Institute, 2014).

Susan Bibeau, "[My Son Was Not Part of a Jihadist Organization... He Acted in Despair](#)" [Open Letter to Postmedia News], *Global Research* (October 30, 2014).

Amy Goodman, Harsha Walia and Ihsaan Gardee, "[Attack on Canadian Parliament Fuels 'Anti-Terror' Laws, Ignoring Ties to Mental Illness, Drug Abuse](#)", *Democracy Now!* (October 28, 2014).

Selections from Harden, *Quiet No More*.

11. Idle No More

Christie Blatchford, [“Politicized Policing Around Idle No More Blockades Puts Rule of Law at Risk”](#), *National Post* (January 7, 2013).

Elizabeth MacDonald, [“Injustice Continues in Sarnia’s Chemical Valley”](#), *Ecojustice* (2014).

Selections from Harden, *Quiet No More*.

12. Québec’s Maple Spring, and the 2012 Student Strike

Lysiane Gagnon, [“CLASSE Struggle in Québec”](#), *Globe and Mail* (April 16, 2012).

Selections from Gabriel Nadeau-Dubois, *In Defiance* (Toronto: Between the Lines, 2014).

Selections from Harden, *Quiet No More*.

13. Palestine Solidarity Movements in the Canadian Context

[“The End of SAIA”](#), *The Exalibur* [Undergraduate Student Newspaper at York University] (May 23, 2015).

Terry Glavin, [“Why Aren’t We Talking About the Anti-Israel Lobby?”](#), *The Ottawa Citizen* (October 16, 2014).

Selections from Harden, *Quiet No More*.