

Course Outline

COURSE:	LAWS 3305B/HIST 3305B Crime and State in History
PREREQUISITES:	LAWS Third Year Standing
TERM:	Fall/Winter 2007-08
CLASS:	Day & Time: Monday 6:05-8:55PM
	Room: 202 Tory Building
INSTRUCTOR:	Craig McFarlane
CONTACT:	Office: C476 Loeb
	Office Hrs: Monday 5:30-6:00pm,
	Friday 11:00 - 11:30am or by appointment
	Telephone: 613-520-2600 x. 3693
	Email: teaching@theoria.ca

Students with disabilities needing academic accommodations in this course are required to contact a coordinator at the Paul Menton Centre to complete the necessary *letters of accommodation*. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangement. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is November 9, 2007 for December examinations and March 14, 2008 for April examinations. With regard to accommodations for religious obligations and pregnancy, please see <http://www.carleton.ca/law/accommodations.htm>.

Calendar Description

The history of the relationship between the criminal law system and society. Changing issues in the criminal law and the nature of institutional responses, covering medieval to early nineteenth-century England and nineteenth to early twentieth-century Canada.

Course Overview

The organizing themes of the course this year are “history from below” and “the primitive accumulation” in which we will look at the relation between state, law and economy from the perspective of the mob, crowd, multitude, outsiders, the poor, women, renegades, bandits, smugglers and pirates. Contemporary debates surrounding globalization and international law have increasingly begun to look at the past - especially the early modern period - for guidance in ways to understand the contemporary transformations. Many historians and theorists have turned to the excluded and marginalized in order to understand how resistance to global transformations come to be incorporated into those transformations themselves. The course begins with an overview/review of ‘perspectives on populism.’ The remainder of the course is devoted to studying the relation between various popular movements and the development of modern law (especially the definition of crime), the state and capitalism. The final week turns to a brief consideration of the most infamous form of populism in the twentieth century : fascism.

Required Texts

- Federici, Silvia. *Caliban and the Witch: Women, the Body and Primitive Accumulation*. New York: Autonomedia, 2004. [ISBN 1570270597]
- All other readings are available on WebCT in PDF.

Evaluation

Short papers 50% (2 × 25%)

Take-Home Final 50%

- You **must** complete each component of the course in order to receive a passing grade.

Course Components

Short Papers (2 × 25%) - The best way to learn theoretical concepts is to read and write about them. The first short paper is intended as a short exercise in which the student enquires into the theoretical logic of populism, discussing its strengths, weaknesses, and potential applications. The second paper is intended to provide students with the opportunity to critically engage with concepts and arguments developed throughout an entire book. Accordingly, the second assignment is a critical review of *Caliban and the Witch*. It is expected that papers will extend beyond mere summary and will attempt to critically engage with the concepts. Assignments should be about five pages (1500 words) long.

The due dates for the papers are as follows:

1. What is 'populism'? (Due October 26, 2007)
2. Critical review of *Caliban and the Witch* (Due November 16, 2007)

Guidelines for completing the assignments will be discussed in greater detail closer to the first due-date. However, the following should be kept in mind:

- Failure to do the reading and attend the lectures will make receiving a satisfactory mark quite difficult, if not impossible. The material is difficult and should be treated accordingly.
- No additional or secondary reading is required or expected. The point of the assignments is to engage with the relevant texts.
- Direct quotation is acceptable, but given the length of the papers, it should be kept to a minimum.
- Marking will take the following into account:
 - Have you successfully demonstrated a basic knowledge of the readings and key concepts?
 - Have you successfully identified the important points and arguments?
 - Have you demonstrated a serious attempt to engage with the readings?
 - Is the paper well structured and logically organized?

Take-Home Exam (50%) - The take-home exam is intended to allow students to compare and discuss concepts drawn from the entirety of the course. Students will have about three and a half weeks to complete the take-home exam. Consequently, it is expected that the final product will be in the range of twelve to fifteen pages long. The exam will combine short answer (definition) and essay questions in which students will have some selection regarding which questions they will answer. The take-home exam will be discussed in greater detail in class. The exam is due **no later than 4:00PM** on Thursday December 20, 2007. Late assignments *cannot* be accepted and *will not* be marked per Faculty regulations.

Course Rules

- Students are expected to have completed the readings prior to attending the lectures as the lectures presume students have arrived prepared.

- Students should be able to answer questions in class, not limited to identifying the important concepts, the arguments underlying the concepts, general questions about the historical circumstances discussed in the readings, and connections between the various concepts and readings.
- All assignments *must be* typed using 12pt Times New Roman or Helvetica fonts. Assignments should be double-spaced and there should be no extra spaces between paragraphs. Margins should be set at 1.25" all around the page.
- While you will not be marked on spelling, grammar or style, impressions do matter. This is especially important in borderline cases. Good writing can mean the difference between a B+ and an A-!
- Assignments will *not* be accepted via email - so don't bother asking!
- Unless otherwise stated, late assignments will be deducted one *grade point* per day (i.e., from B+ to B-).
- Do not enclose your assignment in a duo-tang or any other sort of cover.
- Plagiarism and other academic offenses will not be tolerated and *will* result in a failing grade, as well as referring the matter to the relevant authorities.
- All email should be sent from an account that clearly identifies your first and last name (e.g., your Connect account). Inappropriate email addresses should *not* be used (e.g., "sexxybunny69@hotmail.com" or "mack-daddy@gmail.com") under any circumstances! The course code (LAWS 3305/HIST 3305) should be indicated in the subject line. Please use standard spelling and grammar in your correspondence with me.

Schedule

10/09/07 Week 1 - Introduction
No assigned readings.

Part I - Theoretical Introduction

17/09/07 Week 2 - Perspectives (I)
Le Bon, Gustave. *The Crowd: A Study of the Popular Mind*, 13-78, 155-65. New York: The Viking Press, 1960.

24/09/07 Week 3 - Perspectives (II)
Rancière, Jacques. *On the Shores of Politics*, 1-4. London: Verso, 2007.

Rancière, Jacques. *Disagreement: Politics and Philosophy*, 21-42. Minneapolis: University of Minnesota Press, 1999.

Agamben, Giorgio. "What is a People?" In *Means Without End: Notes on Politics*, 29-35. Minneapolis: University of Minnesota Press, 2000.

Virno, Paolo. *A Grammar of the Multitude: For an Analysis of Contemporary Forms of Life*, 21-6. New York: Semiotext(e), 2004.

Montag, Warren. "Who's Afraid of the Multitude? Between the Individual and the State." *The South Atlantic Quarterly* 104, no. 4 (2005): 655-73.

Hill, Christopher. "The Poor and the People." In *The Collected Essays of Christopher Hill: Volume 3, People and Ideas in 17th Century England*, 247-73.

Brighton: Harvester, 1986.

30/09/07 Week 4 - Perspectives (III)

Hobsbawm, E.J. *Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries*, 1-29, 108-25, 150-74. New York: W.W. Norton, 1965.

Hobsbawm, E.J. *Bandits*, 13-49. New York: Delacorte, 1969.

08/10/07 Statutory Holiday: No Classes

Part II - The Rabble, Crowd, Mob

15/10/07 Week 5 - The Moral Economy of the Crowd

Thompson, E.P. "The Moral Economy of the English Crowd in the Eighteenth Century." *Past and Present* 50, no. 1 (1971): 76-136.

22/10/07 Week 6 - Caliban and the Witch (I)

Marx, Karl. "The So-Called Primitive Accumulation." In *The Marx-Engels Reader*, edited by Robert C. Tucker, 431-38. New York: W.W. Norton & Co, 1978.

Federici, Silvia. *Caliban and the Witch: Women, the Body and Primitive Accumulation*. New York: Autonomedia, 2004.

26/10/07

» *First assignment due.*

29/10/07 Week 7 - Caliban and the Witch (II)

Federici, Silvia. *Caliban and the Witch: Women, the Body and Primitive Accumulation*. New York: Autonomedia, 2004.

05/11/07 Week 8 - The London Hanged

Linebaugh, Peter. *The London Hanged: Crime and Civil Society in the Eighteenth Century*, 42-111, 184-218, 371-401. 2nd ed. London: Verso, 2006.

09/11/07

» *Last day to drop fall semester classes.*

» *Last day to submit PMC accommodation forms.*

12/11/07 Week 9 - Pirates! (I)

Hill, Christopher. "Radical Pirates?" In *The Collected Essays of Christopher Hill: Volume 3, People and Ideas in 17th Century England*, 161-87. Brighton: Harvester, 1986.

Linebaugh, Peter, and Marcus Rediker. *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic*, 143-73. Boston: Beacon Press, 2000.

Rediker, Marcus. *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates, and the Anglo-American Maritime World, 1700-1750*, 205-87. Cambridge: Cambridge UP, 1987.

Rediker, Marcus. *Villains of All Nations: Atlantic Pirates in the Golden Age*, 1-102. London: Verso, 2004.

Thomson, Janice E. *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe*, 107-42. Princeton: Princeton UP, 1994.

Winslow, Cal. "Sussex Smugglers." In *Albion's Fatal Tree: Crime and Society in Eighteenth Century England*, edited by Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow, 119-66. New York: Pantheon, 1975.

16/11/07

» *Second assignment due.*

19/11/07 Week 10 - Pirates! (II)

Same as Week 9.

26/11/07 Week 11 - Pirates! (III)

Beasley-Murray, Jon. "The Common Enemy: Tyrants and Pirates." *South Atlantic Quarterly* 104, no. 2 (2005): 217-25.

Schmitt, Carl. *Land and Sea*, 1-59. Corvallis: Plutarch Press, 1997.

03/12/07 Week 12 - Populism Gone Wrong: Fascism

Arendt, Hannah. *The Origins of Totalitarianism*, 306-40. New York: Harcourt, 1985.

Bataille, Georges. "The Psychological Structure of Fascism." In *Visions of Excess: Selected Writings, 1927-1939*, edited by Allan Stoekl, 137-60. Minneapolis: University of Minnesota Press, 1985.

» *Last day to submit assignments.*

20/12/07

» *Take home exam due no later than 4:00PM.*