

Course Outline

COURSE:	CRCJ 3201 B Special Topics: Crime and Punishment in Canadian History
TERM:	Winter 2024
PREREQUISITES:	CRCJ 1000, third-year standing, and enrollment in a B.A. or Minor in Criminology and Criminal Justice
CLASS:	Day & Time: Fridays 8:35-11:25am. Last class April 10th. Room: Please check Carleton Central for current room location.
INSTRUCTOR: (CONTRACT)	Jacqueline Briggs
TEACHING ASSISTANT	Dennis Li (DennisLi4@cmail.carleton.ca)
CONTACT:	Office: n/a Office Hrs: Immediately following class on Fridays, or via appointment. Telephone: n/a *Email: jacquelinebriggs@cunet.carleton.ca

*You must use your Carleton email address in all correspondence with the instructor.

Link to Brightspace page:

ACKNOWLEDGEMENT & AFFIRMATION

ANISHNABE

Ni manàdjiyànànig Mamiwinini Anishinàbeg, ogog kà nàgadawàbandadjig iyo aki eko weshkad. Ako nongom ega wikàd ki mìgiwewàdj.

Ni manàdjiyànànig kakina Anishinàbeg ondaje kaye ogog kakina eniyagizidjig enigokamigàg Kanadàng eji ondàpinangig endàwàdjìn Odàwàng.

Ninìsidawinawànànig kenawendamòdjig kije kikenindamàwin; weshkinigidjig kaye kejejàdizidjig. Nìgijewenimànànig ogog kà nìgànì sòngideyedjig; weshkad, nongom; kaye àyànikàdj.

ENGLISH

We pay respect to the Algonquin people, who are the traditional guardians of this land. We acknowledge their longstanding relationship with this territory, which remains unceded.

We pay respect to all Indigenous people in this region, from all nations across Canada, who call Ottawa home.

We acknowledge the traditional knowledge keepers, both young and old.

And we honour their courageous leaders: past, present, future

COURSE DESCRIPTION

This course examines the history of crime and punishment in Canada, emphasizing how history informs and has shaped present discourses, practices, and issues in the criminal justice system. Topics include historic and modern courthouse symbolism; the architecture of imprisonment; the death penalty, mercy, and abolition; connecting the initial application of settler law to Indigenous peoples, to Indigenous over-incarceration today; connections between histories of segregation and racialized criminalization in the present; wrongful convictions; the battered women's defence; and prisoner reform organizations. Activities include the co-creation of a class-wide quiz game: 'Who Wants to be a Criminologist?'; a walking tour of old and new courthouses in downtown Ottawa; and a podcast or video presentation tracing change over time in the criminal justice system.

LEARNING OUTCOMES

- Connect historical knowledge of events, issues, cases and practices to present-day concerns and critiques of the justice system.
- Develop humanistic skills in the areas of the 4 C’s: Communication, Collaboration, Critical Thinking, and Creativity.
- Participate in ‘game-based learning’ through co-creation of, and participation in, an ongoing quiz-game titled ‘Who Wants to be a Criminologist?’
- Track historical ‘change over time’ in the justice system, and present findings via a podcast or slideshow presentation.

TEXTS

All readings are listed below and will be available via the MacOdrum Library website/ARES. If you are having trouble finding any of the readings please speak with the instructor.

COURSE CALENDAR.

Weekly topics	Readings
<p>[Class meeting cancelled] Week One: January 12 Course Introduction</p>	<p>(Class meeting cancelled due to last minute Instructor change – please read the Backhouse chapter for Week Two)</p> <p>Backhouse, Constance. “What is Access to Justice?” in <i>Access to Justice for a New Century: The Way Forward</i> edited by Julia Bass, W.A. Bogart and Frederick H. Zemans, 113-46. Toronto: Law Society of Upper Canada, 2005.</p>
<p>Week Two: January 19 Courthouses Past and Present</p>	<p>Resnik and Curtis. “Representing Justice: From Renaissance Iconography to Twenty-First-Century Courthouses.” <i>Proceedings of the American Philosophical Society</i> 151, no. 2 (2007): 139-183.</p> <p>Optional reading: DesBaillets, David. 2017. “Representing Canadian Justice: Legal Iconography and Symbolism at the Supreme Court of Canada.” <i>International Journal of Law in Context</i> 14, no 1 (2018): 132–156.</p>
<p>Week Three: January 26 Ottawa Courthouse Walking Tour</p>	<p>Ottawa Walking Tour: Elgin Street Ottawa Courthouse, ‘Arts Court’ on Daly Street, and the Old Ottawa Jail Hostel.</p> <p>Meet at 9 am outside the Ottawa Courthouse, 161 Elgin Street.</p>
<p>Week Four: February 2 Prisons and Conditions of Imprisonment</p>	<p>Taylor, C. “The Kingston, Ontario Penitentiary and Moral Architecture.” <i>Histoire Sociale - Social History</i> 12, no. 24 (1979): 385.</p> <p>Oliver, Peter. “‘Moral Monsters,’ Refractory Females, Children and Workers” in <i>‘Terror to Evil-Doers’: Prisons and Punishments in Nineteenth-Century Ontario</i>. Toronto: University of Toronto Press, 1998, pgs. 231-256.</p> <p>Walby and Piché. “Making Meaning out of Punishment: Penitentiary, Prison, Jail, and Lock-up Museums in Canada.” <i>Canadian Journal of Criminology and Criminal Justice</i> 57, no. 4 (2015): 475-502.</p> <p>For discussion: Mandhane, Renu. “Adam Capay case shows Ontario must eliminate the inhumane practice of segregation.” February 26, 2019. Online:</p>

	https://www.ohrc.on.ca/en/news_centre/adam-capay-case-shows-ontario-must-eliminate-inhumane-practice-segregation
<p>Week Five: February 9 Settler Law and Indigenous Justice</p> <p>Walking Tour Reflection due (10%)</p>	<p>Walters, Mark. "The Extension of Colonial Criminal Jurisdiction over the Aboriginal Peoples of Upper Canada: Reconsidering the Shawanakiskie Case (1822-1826)" <i>University of Toronto Law Journal</i> 46, no. 2 (1996): 273-310.</p> <p>For discussion: Arbel, Efrat. "Rethinking the "Crisis" of Indigenous Mass Imprisonment." <i>Canadian Journal of Law and Society</i> 34, no. 3 (2019): 437-456.</p>
<p>Week Six: February 16 The Death Penalty</p>	<p>Briggs, Jacqueline. "Exemplary Punishment: T.R.L. MacInnes, the Department of Indian Affairs, and Indigenous Executions, 1936-1952." <i>The Canadian Historical Review</i> 100, no. 3 (2019): 398-438.</p> <p><i>Miller et al. v. The Queen</i>, 1976 CanLII 12 (SCC), [1977] 2 SCR 680, <http://canlii.ca/t/1mx57></p> <p>House of Commons Debates, 30th Parliament, 1st Session. http://parl.canadiana.ca/browse/eng/c/debates/30-1 [re: <i>An Act to Amend the Criminal Code in Relation to the Punishment for Murder and Certain Other Serious Offences</i>, 1st Session, 30th Parliament, C-84 – passed July 14, 1976.]</p>
<p>Week Seven: Feb 23 Reading Week: No Class</p>	
<p>Week Eight: March 1 Racialization, Criminalization, Reform</p> <p>In-Class Mid-Term Test (15%)</p>	<p>9 to 10 am: In-Class Mid-Term Test (multiple choice, short answer, long answer)</p> <p>10:15 to 11:25 am: Lecture</p> <p>Backhouse, Constance. " 'Bitterly Disappointed' at the Spread of 'Colour-Bar Tactics': Viola Desmond's Challenge to Racial Segregation, Nova Scotia, 1946" in <i>The African Canadian Legal Odyssey</i>, Ed. Barrington Walker. Toronto: University of Toronto Press, 2012, pgs 101-166.</p> <p>Archival documents for the Desmond case: https://novascotia.ca/archives/desmond/results.asp?Search=&Start=1</p> <p>Walker, Barrington. 2010. "Nationhood, Mercy, and the Gallows" in <i>Race on Trial: Black Defendants in Ontario's Criminal Courts, 1858-1958</i>. Toronto: University of Toronto Press, 2010, pgs. 45-88.</p> <p>For discussion: Ontario Human Rights Commission. "From Impact to Action: Final report into anti-Black racism by the Toronto Police Service." December 2023. Online: https://www.ohrc.on.ca/en/impact-action-final-report-anti-black-racism-toronto-police-service</p>
<p>Week Nine: March 8 Wrongful Convictions</p>	<p><i>Sankey v. The King</i>, 1927 CanLII 43 (SCC), [1927] SCR 436, <https://canlii.ca/t/21v6c></p> <p>Roach, Kent. "Canada's False Guilty Pleas: Lessons from the Canadian Registry of Wrongful Convictions." <i>Wrongful Conviction Law Review</i> 4, no. 1 (2023): 16-47.</p> <p>For discussion: The Canadian Registry of Wrongful Convictions</p>

	https://www.wrongfulconvictions.ca/
Week Ten: March 15 The Battered Women Defence	Dubinsky, Karen, and Franca Iacovetta. "Murder, Womanly Virtue, and Motherhood: The Case of Angelina Napolitano, 1911–1922." <i>The Canadian Historical Review</i> 72, no. 4 (1991): 505–31. Podcast episode for discussion: Jana G. Pruden. In Her Defence, Episode 5: The Battered Woman Defence. Online: https://www.theglobeandmail.com/podcasts/inherdefence/article-in-her-defence-episode-5-the-battered-woman-defence/
Week Eleven: March 22 Sexual Assault and Feminism	<i>R. v. Ewanchuk</i> , 1999 CanLII 711 (SCC), [1999] 1 SCR 330, http://canlii.ca/t/1fqpm Backhouse, Constance. "Ewanchuck" and "Ewanchuck, an Epilogue" in <i>Claire L'Heureux-Dube: A Life</i> . Vancouver: UBC Press for the Osgoode Society for Canadian Legal History, 2017, pgs. 8-19 and 486-502.
Week Twelve: March 29 Statutory Holiday: No Class	
Week Thirteen: April 5 Reformers and Rehabilitation Podcast/Presentation due (15%).	Sangster, Joan. "Reforming Women's Reformatories: Elizabeth Fry, Penal Reform, and the State, 1950-1970." <i>The Canadian Historical Review</i> 85, no. 2 (2004): 227-252. Optional student presentations in class (or record and submit online).
Week Fourteen: Wednesday April 10th Final Exam Review	The Final Exam Review will include our final session of the 'Who Wants to be a Criminologist?' quiz game, as well as overview of course themes and possible essay questions that may be on the exam. **Note that this Wednesday meeting is a make-up class for the March 29 statutory holiday.
Final exam period: April 13-25 Exam worth 40%	The final exam will be scheduled by the exam office. Time, date, and location will be announced in February 2024.

EVALUATIONS

Assignment	Due date	Weight% of final grade
Individual and Group Participation	Throughout the term	5%
'Who Wants to be a Criminologist?' quiz game Participation	Throughout the term	10%
Courthouse Walking Tour Reflection	February 9 th (submit online)	10%
Mid-term test (multiple choice, short and long answers)	March 1st – in class	15%
Podcast or slideshow presentation	Anytime up to the penultimate class on April 5 th (submit online or present in class)	20%
Final exam	Scheduled by final exam office	40%

Standing in a course is determined by the course instructor subject to the approval 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 Dean.

EVALUATION DETAILS

Participation 5% (Ongoing through the term). Throughout the course, students will engage in individual and/or small group activities during class time. Activities may include short reflective writing exercises; posting comments to a discussion board on the Brightspace course page; engaging in group discussions of the course readings; or low-stakes in-class quizzes (notice will be given in advance of any quizzes). These short activities are designed to encourage student engagement during the class.

'Who Wants to be a Criminologist?' Quiz Game Participation 10% (Ongoing through the term). 'Who Wants to be a Criminologist' is a collaborative quiz-game co-created by the students and instructor, in the style of 'Who Wants to be a Millionaire'. Participation points are earned when students create questions for the game based on the course readings and lecture material, and submit them at regular intervals to the instructor to include in the game play. Student participation in the game as 'contestants' is voluntary, and will not be evaluated.

Courthouse Walking Tour Reflection 10% (Due February 9, submit online). Following our walking tour of the Elgin Street Ottawa Courthouse, 'Arts Court' on Daly Street, and the Old Ottawa Jail Hostel, students will write a short reflection on their observations of the buildings, making connections to relevant readings on 'justice' symbolism, moral architecture, jail museum tourism, and/or courthouse architecture.

Mid-term test 15% (March 1st, in class). The in-class mid-term test will include multiple choice, short-answer, and long-answer questions. It will last approx. one hour, and be written by hand on paper exam booklets provided by the Instructor. The mid-term will cover material prior to reading week (up to and including the Feb 16th lecture).

Podcast or slideshow presentation 20% (Due April 5th online, or present to the class). Imagine you have been asked by your favourite podcaster or news program to create a mini-podcast about this history of a current institution, policy or practice in the criminal justice system in Canada. What do you want to tell the listeners about the criminal justice system in Canada, from a historical perspective? For this assignment students will conduct research on the history of an institution, policy or practice in the Canadian justice system, then record a short podcast aimed towards a public, generalist audience. The length of the podcast should be minimum 4 minutes long, to maximum of approx. 10 minutes long. Students also have the option of creating slides to accompany their audio file, or to make a presentation to the class (by April 5th at the latest).

Final Exam 40% (Date/time/location will be scheduled by the Exam Office). The final exam will be in-person, written by hand on paper exam booklets, and will last approximately 3 hours. The exam will include short-answer and essay-length questions. Content from the entire course (lectures, readings) may be included on the exam.

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as "*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one's own.*" This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);

- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one's own; and
- failing to acknowledge sources through the use of proper citations when using another's work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

REGARDING AI

The use of generative technology for research or writing is not permitted in this course.

INTELLECTUAL PROPERTY

Classroom teaching and learning activities, including lectures, discussions, presentations, etc., by both instructors and students, are copy protected and remain the intellectual property of their respective author(s). All course materials, including PowerPoint presentations, outlines, and other materials, are also protected by copyright and remain the intellectual property of their respective author(s).

Students registered in the course may take notes and make copies of course materials for their own educational use only. Students are not permitted to reproduce or distribute lecture notes and course materials publicly for commercial or non-commercial purposes without express written consent from the copyright holder(s).

STATEMENT ON STUDENT MENTAL HEALTH

As a University student, you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you. Here is a link to information about all of the resources, both on campus and off, that you may find helpful: <https://carleton.ca/wellness/>

ACADEMIC ACCOMMODATION

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes can be found at the below link:
<https://students.carleton.ca/course-outline/>