

Course Outline

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<b>COURSE:</b>	<b>LAWS/HIST 3305 V Crime and State in History</b>
<b>TERM:</b>	<b>Summer 2021</b>
<b>PREREQUISITE:</b>	<b>Third year standing or above</b>
<b>CLASS:</b>	<b>Pre-record CUOL lectures delivered via <i>Brightspace</i>.<sup>*</sup> Two lectures per week will be made available in Brightspace commencing 6 May according to the schedule on page 3 below. (Lectures 2 to 11 were recorded Winter Term so references to dates in that term may be disregarded; any discrepancies in information may be resolved by reference to this course outline).</b>
<b>INSTRUCTOR:</b>	<b>Professor Barry Wright</b>
<b>CONTACT:</b>	<b>Office: D489 Loeb Building (ext. 8201; no office hours because of pandemic measures)</b>
	<b>Email: <a href="mailto:barry.wright@carleton.ca">barry.wright@carleton.ca</a> Please email your course TA through <u><i>Brightspace</i></u> in the first instance before following up by email with me</b>

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**\*Online Learning Information:**

The *Brightspace* Learning Management System replaces CULearn for all Carleton University courses commencing Summer Term 2021 (it has the same functions and greater capabilities). For more information see [www.carleton.ca/brightspace](http://www.carleton.ca/brightspace)

Log into *Brightspace* using your usual MyCarleton (MC1) credentials and your password to access this course. Please see the student support portal in [www.carleton.ca/brightspace](http://www.carleton.ca/brightspace) for assistance or questions you may have about this new LMS.

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**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 19<sup>th</sup> century England and 19<sup>th</sup> to 20<sup>th</sup> century Canada.

**Detailed Course Description:**

This course surveys historical changes in the definition of crime and the administration of criminal law. While the adversarial criminal trial with jury is associated with the medieval origins of the common law, the basic elements of our current criminal justice system reflect relatively recent transformations in law enforcement, the criminal trial and punishment. These transformations are associated with the rise of the modern state and were responses to the effects of industrialization, urbanization, and colonization. The course focuses on 18<sup>th</sup> and 19<sup>th</sup> century England, and on the adoptions of the English criminal law and institutions in late 18<sup>th</sup> and 19<sup>th</sup> century Canada. Selected issues in criminal law history are also explored including Indigenous experiences, the experience of women, and political trials or national security resorts to the criminal law

**Course Organization:**

Due to the pandemic, the CUOL lectures are delivered asynchronously on the *Brightspace* course site. Students are expected to complete the required readings set out in the Topics and Readings Schedule below before viewing the lectures each week, and to comply with all deadlines and due dates set out below. High-speed internet access and a computer are therefore required for this course..

**REQUIRED READINGS:**

All assigned readings are available on the *Brightspace* course site via ARES or as a PDF file. It is recommended that students also review the lecture abstract before each class to situate the readings and to familiarize yourselves with the key points elaborated in each class.

**EVALUATION:**

- a) **Research Essay** **50%**  
8-10 pages, topics made available week of 17 May and is **due Thursday 3 June** via electronic submission on *Brightspace*.
  
- b) **Final Assessment** **50%**  
A two part final exam made available and submitted on *Brightspace* during the formally scheduled examination period in June. Note that the final examination may use a remote proctoring service provided by Scheduling and Examination Services (for more information see <https://carleton.ca/ses/e-proctoring>)

**IMPORTANT NOTES ABOUT ASSESSMENT AND EVALUATION**

All assessed components must be completed in order to receive a passing grade. Late essays will not be accepted after 17 June 2021. Any deferrals of the Essay or Final Assessment, following the same format, will be considered only upon application to and approval from the Registrar's Office.

Research Essays should be submitted as an electronic pdf or MSWord file through the essay submit link on *Brightspace* by 4:00 pm on the due date. Corrupted files will not be accepted as valid submissions and essays will be deemed received only when they can be first accessed by me or the TA on *Brightspace*. Please retain a secure, dated file copy of the submitted essay. Late essays will be marked down 2 marks out of 50 for each day late after the due date without authorized extension. Extension requests should be made in advance of the due date (emergencies excepted) and will require documented support. A completed marking template containing assessment of your essay will be returned to you via *Brightspace* by 17 June. Both parts of the Final Exam are to be submitted electronically on *Brightspace* during the examination period, to be completed within the specified period of posting on *Brightspace*. Your answers on the Final Exam must reflect your own work and you may not collaborate with other students in completing it. Answers will be audited and suspected violations of academic integrity will be reported to the Chair and Dean.

All students are expected to engage in respectful and courteous communication and contribute towards an engaging, inclusive, and safe learning environment. Please note regulations concerning academic integrity and related instructional offences noted in the Academic Regulations below and in the Undergraduate Calendar. Prior approval of the instructor must be obtained if it is intended to submit work that has previously or concurrently been submitted for credit in this or another course. Standing in a course is determined by the course instructor subject to the approval of the Department Chair and of the Faculty Dean. Grades recorded on *Brightspace* are provisional and are not final until they have been approved by the Chair and the Dean and are posted on Carleton Central.

**SCHEDULE OF TOPICS AND READINGS:** (All readings may be accessed from Brightspace and are available via ARES unless otherwise indicated as pdfs):

**Lecture 1**      **Introductory Class (6 May 2021)**

**Lecture 2**      **Conceptualizing Legal History and Origins of Canada's Criminal Law System in Medieval and Early Modern England**

**Part 1: Overview of Developments in Criminal Law, Historiographic Debates**

**Lecture 3**      **Eighteenth Century England**

Hay, Readings: Hay, "Property, Authority and the Criminal Law" (pdf)  
Langbein, "Albion's Fatal Flaws" (ARES)

**Lecture 4**      **Nineteenth Century Britain: The Great Transformation -Reform or More Efficient Repression?**

Reading: McGowan, "The Images of Justice and Reform"

**Lecture 5**      **The Reception of English Criminal Law in Canada**

Hay, Meanings of the Criminal Law in Quebec, 1764-1774";  
Glavin, "The Nisga'a Treaty: Death of an Ideology";  
Parker, "The Origins of the Canadian Criminal Code"

**Part 2: Institutional Developments and the Administration of Criminal Law**

**Lecture 6**      **Law Enforcement, the Rise of Police and Public Prosecutions**

Readings: Storch, "The Plague of Blue Locusts"  
Macleod, "Canadianizing the West"; Hay, "Controlling the English Prosecutor"

**Lecture 7**      **The Criminal Trial and Legal Personnel**

Readings: Langbein, "The Criminal Trial Before Lawyers";  
Beattie, "The Scales of Justice"

**Lecture 8**      **Punishment**

Readings: McGowan, "The Images of Justice and Reform"(re-read from lecture 4);  
Taylor, "Kingston Penitentiary and Moral Architecture"

**Part 3: Selected Issues in Canadian Criminal Law History**

**Lecture 9**      **Conquest and the Experiences of Indigenous Nations in Canada**

Readings: Loo, "The Road from Bute Inlet";  
Schuh, "Justice on the Northern Frontier: Early Murder Trials of Native Accused"

**Lecture 10**      **The Experiences of Women (W10 2021)**

Readings: Gavigan, "Petit Treason in 18th Century England";  
Backhouse, "Sayer Street Outrage";

**Lecture 11**      **Politics and the Rule of Law in Canada (W11 2021)**

Readings: McNaught, "Political Trials and the Canadian Political Tradition";  
Wright, "State Trials in Post Revolution British North America" (pdf)

**\*Note:** An exam review document will be posted on *Brightspace* 15 June (no lecture); essay assessments returned 17 June before the examination period commences.

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**ACADEMIC ACCOMMODATIONS:**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

**Pregnancy obligation:**

Please contact 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 Department of Equity and Inclusive Communities (EIC) website: <https://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 Department of Equity and Inclusive Communities (EIC) website: <https://carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:**

If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or [pmc@carleton.ca](mailto: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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) [www.carleton.ca/pmc](http://www.carleton.ca/pmc)

**Survivors of Sexual Violence:**

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: [carleton.ca/sexual-violence-support](http://carleton.ca/sexual-violence-support)

**ACADEMIC INTEGRITY:**

**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://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://carleton.ca/law/current-students/>