
COURSE:	LAWS/HIST 3305 B Crime and State in History
TERM:	FALL 2020
PREREQUISIT E:	Third year standing or above
CLASS:	Thursdays 2:35 pm Delivered via Carleton University Online CUOL and Videos on Demand VOD. A rebroadcast of lectures delivered to a live class in Winter Term 2020. (References to Winter Term dates and final exam in the recordings may be disregarded, all discrepancies in such information resolved by reference to this course outline and the introductory lecture 1).
INSTRUCTOR:	Professor Barry Wright
CONTACT:	Office: D489 Loeb Building (ext. 8201; no office hours because of pandemic measures)
	Email: barry.wright@carleton.ca **Please email the course TA, Casey Babb, via <i>CULearn</i> in the first instance <u>before</u> following up with me: caseybabb3@cmail.carleton.ca

Online Information and Assistance:CUOL website: www.carleton.ca/cuolVideo On Demand login page (use your MC1 password): <https://vod.cuol.ca/vod>

CUOL Student Centre: D299 Loeb, 613-520-4055

Email: cuol@carleton.ca (general information)Email: vod@carleton.ca (Video On Demand support and questions)

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

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 18th and 19th

century England, and on the adoptions of the English criminal law and institutions in late 18th and 19th 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:

Lectures delivered weekly Thursdays 2:30 pm on CUOL/VOD. Students are expected to complete the required readings set out in the Topics and Readings Schedule below before viewing the lectures.

REQUIRED TEXT:

Barry Wright, LAWS 3305 HIST 3305 *Crime and State in History* (2020 ed.)

This course pack containing most of the assigned readings is produced on campus by Graphic Services and can be ordered and purchased online through the Carleton University Bookstore website: <https://www.bkstr.com/carletonstore/home>. Online orders may be picked up on campus (Carleton University Bookstore Service Counter) or delivery can be arranged when placing your order. (If it is indicated online as 'out of stock' please follow up with the Bookstore textbooks@carleton.ca and more copies will be printed. Also note that used copies of Fall 2019 or Winter Term 2020 course pack editions, with my name on it, are suitable

Required supplementary readings, along with abstracts/outlines of lectures set out below are posted on *CULearn*

EVALUATION:

- a) **Research Essay** **50%**
8-10 pages, topics made available week of 5 October, due 12 November (via electronic submission on *CULearn*)
- b) **Final Assessment** **50%**
A two part open-book final exam made available on *CULearn* during the formal examination period in December. (Part 1 short answer questions and part 2 short essays on two of three major topics to be completed as specified on *CULearn*).

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 11 December 2020. Any deferrals of the Essay or Final Assessment, following the same format, may only be considered 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 *CULearn* 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 *CULearn*. 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 (and note that late essays will not be accepted after 11 December 2020). A completed marking template containing assessment of your essay will be returned to you on **CULearn** by 14 December. Both parts of the Final Assessment are to be submitted electronically on **CULearn** during the examination period, to be completed within the specified period of posting on **CULearn**. Your answers on the Final Assessment must reflect your own work and you may not collaborate with other students in completing it

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 CULearn are provisional. Grades 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 from course pack, unless otherwise indicated, and should be completed before the lecture. The lecture outlines can also be accessed in advance on *CULearn* and will help to situate the readings:

Lecture 1 Introduction (important information specific to LAWS/HIST 3305 B Fall Term 2020)

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

Reading: Wright, "Overview; Medieval to late Early Modern England"

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

Lecture 3 **Eighteenth Century England**

Readings: Hay, "Property, Authority and the Criminal Law" (supplementary reading in *CULearn*)

Langbein, "Albion's Fatal Flaws" (course pack)

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**

Readings: Hay, "The 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"; Wright, "A Note on Law Enforcement and Prosecutions"; 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"; Wright, "A Note on the Jury and Judges"

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” (NB. Essays due on CULearn 12 November)

Lecture 10 **The Experiences of Women**

Readings: Gavigan, "Petit Treason in 18th Century England"; Backhouse, "Sayer Street Outrage"; Wright, "A Note on Gender Law"

Lecture 11 **Politics and the Rule of Law in Canada**

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

*Note Exam Review posted on *CULearn* 3 Dec.; completed essay assessments returned on *CULearn* by 14 Dec.

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 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

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

Accommodation for Student Activities:

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>

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/>