

Course Outline

COURSE:	LAWS/HIST 3305 C Crime and State in History
TERM:	Winter 2022
PREREQUISITE:	1.0 credit in LAWS at the 2000 level, or 0.5 credit in LAWS at the 2000 level and 0.5 credit in HIST at the 2000 level. Third year standing or above
CLASS:	Lectures and discussion Mondays 2:35 – 5:25 pm following the weekly schedule on page 3 below. Should pandemic circumstances require, we will ‘pivot’ to pre-recorded lectures which will be posted in <i>Brightspace</i>.* You are responsible for all academic content in the lectures, and will be assessed on it (administrative references in recorded lectures to old university term dates, to <i>CULearn</i>, and to the coursepack may be disregarded if resort to them is necessary).
INSTRUCTOR:	Professor Barry Wright
CONTACT:	Office: D489 Loeb Building (ext. 8201) Office hours: Tuesdays 1:00 to 4:00 pm (pandemic measures permitting)
	Email: barry.wright@carleton.ca Please email the course TA, in the first instance before following up with me

***Online Learning Information:**

Brightspace is the new Learning Management System (LMS) that replaces *CULearn* for Carleton University courses. For more information see: www.carleton.ca/brightspace

-Log into *Brightspace* brightspace.carleton.ca using your MyCarleton (MC1) credentials (MyCarleton1 username and password) to access this course.

-Need help logging in? Contact the [ITS Service Desk](#) for assistance.

-Other questions? For more information see the TLS student support portal

<https://carleton.ca/brightspace/students/#portal1>.

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, from medieval to early 19th century England and 19th 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 live, in person. University COVID 19 preventions measures must be followed (see p.4 below). If pandemic circumstances require, previously recorded lectures will be posted in the relevant class modules on the *Brightspace* course site. High-speed internet access and a computer are required for access to *Brightspace* and completion of course requirements. Students are expected to complete the required readings set out in the

Topics and Readings Schedule below before each week's lecture, and to comply with all deadlines noted below.

REQUIRED READINGS:

All assigned readings can be accessed on the *Brightspace* course site via ARES (online MacOdrum Library reserves) or as a PDF file. In addition to these readings it is recommended you also review the relevant lecture abstract before each class to situate the readings and to familiarize yourselves with the key points as elaborated in each lecture.

EVALUATION:

- a) **Research Essay** **50%**
8-10 pages (topics made available 31 January), **due Monday 14 March** via electronic submission in *Brightspace*.
- b) **Final Examination** **50%**
A two part, open book 3 hour online final assessment accessed and submitted on *Brightspace* during the formally scheduled examination period in April.

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 April 2022. Any deferrals of the Essay or Final Exam, 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 in *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), will not normally be granted based on workload, and may require documented support or completion of a formal academic accommodation request from the Registrar's Office using the [self-declaration form](#). A completed marking rubric containing an assessment of your essay will be returned to you via *Brightspace* by 12 April.

The final exam is held during the formal examination period (14-28 April). It is an open book 'limited duration within range' exam, to be completed within the specified period of posting by Carleton Scheduling and Examination Services in *Brightspace*. The exam may not be disclosed to others, it 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. (Also note that in specified circumstances there may also be resort to a remote proctoring service provided by Examination Services - see <https://carleton.ca/ses/e-proctoring>).

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 in the *Brightspace* gradebook 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 REQUIRED READINGS (All readings may be accessed via links in Brightspace to MacOdrum Library ARES reserves, unless otherwise indicated as pdfs on course site):

Lecture 1 **Introductory Class (10 January 2022)**

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** (*nb.no class Reading Week break*)

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** (21 March, no class on essay due date)

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**

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

Lecture 11 **Criminal Law and Political Order**

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

Lecture 12 **Review Class** (11 April) Exam review document posted on *Brightspace* for this last class, essay assessments will be returned on Brightspace by 12 April, final exam will be posted and answers

submitted online via Brightspace during 14-28 April exam period (not 'take home' exam status).

GENERAL UNIVERSITY REGULATIONS

COVID-19 PREVENTION MEASURES:

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and mandatory self-screening prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory symptom reporting tool. For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the COVID-19 website.

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the University's COVID-19 webpage and review the Frequently Asked Questions (FAQs). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the Student Rights and Responsibilities Policy. Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

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 (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 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). Please consult the PMC Website for their

deadline to request accommodations for the formally-scheduled exam.

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 where 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/equity/sexual-assault-support-services

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 will 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. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please 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/>

DEPARTMENTAL 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. <https://carleton.ca/law/student-experience-resources>