

Course Outline

COURSE:	LAWS/HIST 3305T Crime and State in History
TERM:	Summer 2020
PREREQUISITE:	Third year standing or above
CLASS:	<p>This course is delivered on CUOL, and is a rebroadcast of LAWS/HIST 3305 section V, Winter Term 2020. Pre-recorded lectures will be released according to the schedule available through the CUOL website and will also be available through the CUOL Video on Demand (VOD) service, at no extra cost.</p> <p>Please note references in that broadcast to Winter term dates and final exam should be disregarded; any discrepancies in information provided may be resolved by reference to information in this course outline.</p>
INSTRUCTOR:	Professor Barry Wright
CONTACT:	<p>Office: D489 Loeb Building</p> <p>Office Hours: No office hours offered Summer Term because of pandemic measures.</p> <p>Email: barry.wright@carleton.ca **Please email the course TA through <i>CULearn</i> <u>first</u> if you have questions <u>before</u> following up with me.</p>

CALENDAR COURSE 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 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 resort to the criminal law.

COURSE ORGANIZATION:

Lectures delivered on CUOL/CUTV. Students will be expected to have completed the required readings from the LAWS 3305 course pack, and/or supplements found on *CULearn* for a particular week's topic before the lecture as specified in the Schedule of Topics and Readings set out on the following pages.

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

(Note: used copies of Fall Term 2019 or Winter Term 2020 course pack editions, with my name on it, are suitable).

This course pack containing assigned readings is produced on campus by Graphic Services and can be ordered online through the Carleton University bookstore website:

<https://www.bkstr.com/carletonstore/home>

The bookstore is currently providing free delivery of online orders:

Note: 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 11 May, due 1 June 2020 via electronic submission on *CULearn*)
- b) **Final Assessment** **50%**
(A two part final made available on *CULearn* during the final exam period, 19- 25 June. Part 1, short answer questions related to the entire term, part 2 a short essay on one of three major thematic topics examined over the term; completed answers to each part to be submitted electronically 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 16 June 2020 and 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 TAs 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 16 June 2020). A completed marking template containing assessment of your essay will be returned to you on ***CULearn*** by 19 June.

Both parts of the Final Assessment are also to be submitted electronically on ***CULearn*** during the examination period, to be completed within three days of posting on ***CULearn***. Note that 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 and 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 Department and the Dean.

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 may help to frame the assigned reading:

Lecture 1 Introduction**Lecture 2 Conceptualizing Legal History and Origins of Canada's Criminal Law System in Medieval and Early Modern England**

Reading: Wright, "Overview: Historical Perspectives on Criminal Law and Legal Historical Research; the Development of Criminal Law from 1066 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 in the Criminal Law in Early Nineteenth Century England"

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: The North West Mounted Police as Agents of National Policy"; Hay, "Controlling the English Prosecutor"

Lecture 7 The Criminal Trial and Legal Personnel (24 Feb. no class 17 Feb. -Reading Week)

Readings: Langbein, "The Criminal Trial Before Lawyers"; Beattie, "The Scales of Justice: Defence Counsel and the English Criminal Trial in the 18th and 19th Centuries"; Wright, "A Note on the Jury and Judges"

Lecture 8 Punishment

Readings: McGowan, "The Images of Justice and Reform in the Criminal Law in Early Nineteenth Century England" (re-read from lecture 4); Taylor, "The Kingston, Ontario 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

Readings: Gavigan, "Petit Treason in 18th Century England"; Backhouse, "Sayer Street Outrage"; Wright, "A Note on Gender and the History of Criminal Law" (Note: no office hours this

week)

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*)

Carleton University OnLine (CUOL) Basics for Students

Information and Assistance

CUOL website: www.carleton.ca/cuol

Video On Demand login page: <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)

****Summer Session 2020 CUOL Course VOD Access****

Due to the COVID-19 precautions in place, CUOL will be waiving Video-on-Demand (VOD) fees for the 2020 Summer Sessions. All students registered in CUOL (T and V section) courses will be able to access their lectures from the CUOL VOD website. Login with your MC1 password. <https://vod.cuol.ca/vod>

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 Services (EIC): <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): <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) <https://carleton.ca/pmc/>

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:* <https://carleton.ca/registrar/academic-integrity/>

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: <https://carleton.ca/studentssupport/svpolicy/>

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/>

Department Policy

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/current-students/>