

Course Outline

COURSE:	LAWS 3305B/HIST 3305C – Crime and State in History
TERM:	Winter 2023
PREREQUISITES:	<i>For registrants in LAWS 3305A:</i> 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 <i>For registrants in HIST 3305A:</i> A 2000-level history course or third-year standing and 1.0 credit in history
CLASS:	Day & Time: Tuesday, 6:05pm-8:55pm (discussion sections) Room: This is an online course. Lectures will be delivered weekly through pre-recorded videos posted on Brightspace. There will also be biweekly “live” discussion sessions hosted during our regularly scheduled class time, via the Zoom videoconferencing platform, as well as a biweekly written discussion forum on Brightspace. See below for more details.
INSTRUCTOR:	Joel Kropf
CONTACT:	Office Hrs: Tuesdays, 11:00am-noon, on Zoom (see Brightspace page for meeting information), or by appointment Telephone: (613) 297-9028 Email: Joel.Kropf@carleton.ca

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 will explore the changing nature of criminal justice over the past four centuries within the geographical area we now know as Canada. Many of the criminal laws, judicial structures, and penal practices in the settler societies established by France and Great Britain in North America reflected developments in the Old World, and we will therefore take note of a few important shifts that occurred in Britain or continental Europe. But most of our discussion will centre on events in Canada, which will themselves give us a sense of the major trends within the broader English-speaking world.

The most pivotal parts of our story arguably took place in the late eighteenth and the nineteenth

century, with the adoption of British criminal law, the rise of the legal profession, the transition to imprisonment, the establishment of regular police forces, and so forth. However, the course will also provide a brief taste of the intriguing early-modern French form of criminal justice employed in New France prior to the British conquest. Moreover, the later lectures will consider how such factors as juvenile justice, parole, and dangerous-offender legislation partly re-flavoured the state's approach to crime during the twentieth century. We will make a special effort throughout to pay attention not only to the practical and procedural logic of criminal justice, but also to the cultural norms and symbolic meanings to which it gave expression.

LEARNING OUTCOMES

By the end of the semester, you will be able:

1. To discuss the nature and possible causes of broad changes that took place in criminal justice over the past four centuries, especially changes that produced the key components of our current criminal justice system, such as police forces, adversarial trials, prisons, and parole.
2. To use specific historical evidence from documents, articles, or lectures to make broader interpretive arguments. This can involve:
 - a) articulating a central question which you are trying to answer through your research, and which you will realistically be able to answer within the time you have available;
 - b) articulating a thesis that sums up the overarching point you want to make with the evidence you've found;
 - c) synthesizing evidence from several diverse sources to support your argument, as you either:
 - narrate what happened in the past, or
 - explain why it happened.
3. To evaluate articles and lectures by historians, by:
 - a) identifying the central argument being made, and
 - b) deciding whether the evidence being offered provides convincing support for that argument.
4. To show that you are learning to "get inside the head" of people from the past, by using bits and pieces of available evidence to:
 - a) imagine and express what people in the past thought or felt about the world.
 - b) discern the logic of practices with which we are unfamiliar today.

REQUIRED TEXTS

There is no required textbook or coursepack for this class. The required weekly readings will be accessed through links provided on the course Brightspace page. For a list of the readings assigned each week, see the provisional schedule on pages 6-11 of this course outline.

COURSE STRUCTURE

The lectures in this course will be pre-recorded and posted on Brightspace by 6:00 pm each Tuesday; you will watch them on your own schedule (although you will want to watch each week's lecture by

Friday, which will be the deadline to submit answers for the week's bonus question about the lecture). As explained below, there is also a discussion component to the class, which you will fulfill by 1) participating in a biweekly Tuesday evening videoconference on Zoom and 2) participating in a biweekly written comment forum on Brightspace (where you can post comments at any time during the week). Announcements, readings, and assignments will generally be provided or submitted through Brightspace, which is the main hub for this course.

EVALUATION

(All required components must be successfully completed in order to get a passing grade)

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.

Participation: 10%

Reading responses: 25%

Research essay: 25%

Critical response assignment: 10%

Final Exam: 30%

1. Participation (10%):

Although this class will not meet on campus, you will be required to participate each week in a discussion with your classmates, either orally or in writing. You may earn weekly marks toward your overall participation grade in two ways, on alternating weeks:

Zoom discussion: Every other week, you will attend a videoconference/teleconference via Zoom for a little over an hour on Tuesday evening, so that we can talk as a group about the week's readings. The dates and start times of your Zoom group will depend on the first letter of your surname; see the provisional schedule below, on page 4. (The schedule or the group to which you are assigned may change, especially if changes to the student roster in January necessitate the rebalancing of the groups; but all meetings will occur on Tuesday evening.) Meeting links and connection information will be provided on the course Brightspace page.

For the weeks when you are assigned to the Zoom discussion, your participation mark will be based partly on your attendance, and partly on the quality of your participation in the discussion. A grading scale describing the assessment criteria is found in the "Participation assessment form" that is posted in the "Before You Start ..." module at the top of the course Brightspace page. Mainly I am looking for willing participation, not for any special brilliance; the discussion is meant to be an easygoing session where we think out loud together. You can put yourself in best position for top marks by completing all of the readings, by showing through your comments that you are thinking about the topic, and, most of all, by engaging with your classmates' comments in a natural conversation.

Written discussion forum on Brightspace: On the alternating weeks when your Zoom group is not scheduled to meet, you will earn your discussion marks by participating in a blog-style forum on the course Brightspace site. Each week's forum will open at 6:00 pm on Tuesday; you may leave comments at any time until 6:00 pm on the following Tuesday, when the forum for that week will close.

You may reply to an existing comment from another participant, or you may leave a separate comment to start a new thread. The instructor will participate in the forum to some extent, but there is no need to wait for him to post a question or a response—the main idea is for you to discuss the topic with one another.

For each week when you are scheduled to join in the written discussion, your mark will be based on the quantity and quality of your participation. Aim to leave two or more comments each of these weeks. If you leave no comments, you will receive a zero for that week. If you leave two on-topic comments, you will get a strong mark. To get top marks, you will probably have to leave more than just two comments. However, there is no hard-and-fast rule here. Sometimes you may wish to leave a lengthy, involved comment to explain your thoughts; at other times a very brief reply to a fellow student will fit into the conversation more naturally. The key is to demonstrate that you are thinking about the topic, and to contribute helpfully to the discussion.

Vigorous debate is welcome, but you must maintain a civil tone. Simply show the same respect for one another that you would display in a face-to-face discussion in the classroom.

Provisional discussion schedule (both this schedule and the group to which you are assigned may change, especially if shifts in the student roster in January require the groups to be rebalanced)

Surname	Zoom schedule	Written discussion forum schedule (forum open from 6:00pm on the dates below until 6:00pm on the following Tuesday):
A-C	6:00-7:15pm, Jan. 17, Jan. 31, Feb. 14, March 7, March 21, April 4	Jan. 24, Feb. 7, Feb. 28, March 14, March 28
D-H	7:30pm-8:45pm, Jan. 17, Jan. 31, Feb. 14, March 7, March 21, April 4	Jan. 24, Feb. 7, Feb. 28, March 14, March 28
I-O	6:00pm-7:15pm, Jan. 24, Feb. 7, Feb. 28, March 14, March 28	Jan. 17, Jan. 31, Feb. 14, March 7, March 21, April 4
P-Z	7:30pm-8:45pm, Jan. 24, Feb. 7, Feb. 28, March 14, March 28	Jan. 17, Jan. 31, Feb. 14, March 7, March 21, April 4

2. Reading responses (25%):

Each week, students will submit a 300- to 500-word written response to the readings assigned for that week. Your response must answer the question listed for that day in the provisional schedule on the following pages of this course outline. You must submit it electronically on the course Brightspace page by **6:00 pm on Tuesday**.

There are eleven discussions planned for the semester; you are required to submit a reading response for **five** of these. However, the response for week 8, due on March 7, will be twice as long (600-1,000 words) as a normal response, and will count as two of the required five responses. If you choose to complete more than five responses in all, I will use your best five marks to calculate your grade. Please note that you **must** submit at least five in order to pass this course.

3. Research essay (25%):

The major assignment for the term is an 8- to 10-page research essay. This will be due at 11:00 pm on **Tuesday, March 14**. You will write on a topic of your choice, but you must clear your proposed topic with the instructor before proceeding with the essay. As a preliminary step, on **Tuesday, February 7**, you will be required to submit a very brief proposal, consisting of 1) a one-sentence statement of your general topic, 2) the specific question that your essay will try to answer, and 3) the titles of two of the articles or books that you plan to use as sources. For further details on the essay, see pages 12-13 of this course outline.

4. Critical response assignment (10%):

Along with your research essay, you will be required to submit a 2- or 3-page response to your own paper. For this second part of the assignment, you will imagine that you are an individual involved in the historical practice, event, or phenomenon that the essay has analyzed, and you will write what you think that person might have said if he or she were to have read the essay. The response will provide that individual's assessment of your analysis. The response is due at the same time as the research essay, at 11:00 pm on **Tuesday, March 14**. For further details on this assignment, see pages 13-15 of this course outline.

5. Final exam (30%):

The final exam for this course will be a sit-down examination which the university will schedule at some point in its regular exam period (April 15-27, 2023). The exam will include both paragraph answers and an essay, and will be based primarily upon the lectures, although you should also be ready to demonstrate what you have learned from the class discussions and the course readings.

***Opportunity for bonus marks: weekly bonus question(s) (up to 3% in total):**

Each week, one or two optional questions will be posted on Brightspace, to be answered after you watch the lecture videos for that week. The lecture videos will be posted on Tuesday of each week, and the deadline to answer the week's bonus question(s) will be 11:00 pm on Friday. Sometimes the question will be multiple choice, and sometimes the question may ask you to write a three- or four-sentence answer. Correct answers will earn a small bonus mark; it will be possible to earn up to 0.25% each week, which would add up to a maximum possible bonus mark of 3% over the semester. (There will be no bonus question in the last week before exams.)

You do not have to answer these weekly bonus questions, and you will not *lose* any marks (from your overall course grade) for incorrect answers or non-responses. However, you are strongly encouraged to submit answers, since it is a simple way to nudge your grade upward. Moreover, it will give you a way to check whether you are understanding the lecture content, and your answers will help the instructor to see whether the lectures are successfully communicating the ideas he intends.

Required Assignments:

Please note that students **must** submit **all** required assignments (the **research essay**, the **critical response**, and **five** weekly reading responses) in order to pass this course.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Late essays and critical response assignments will be subject to a penalty of 2% per day, up to a maximum of 15%.

The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than seven days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions for longer than seven days will normally not be granted. In those extraordinary cases where extensions lasting longer than seven days are granted, the student may be required to provide additional information to justify the longer extension.

PROVISIONAL SCHEDULE

(Note: **the instructor reserves the right to revise the lecture topics, discussion topics, readings, or questions** as the term progresses.)

January 9 – Winter Term Begins

PART I: EARLY-MODERN FRENCH JUSTICE

Week 1: January 10

Introduction

Lecture: Violence, Pain, Honour, and Law in the Early Modern European World

Week 2: January 17

Lecture: A Place of Honour: Crime and Punishment in New France

Discussion: Attitudes toward violence and pain

- Readings:
 - Excerpts from the *Jesuit Relations*, from Canadiana Online (**links provided on the course Brightspace page**). For each selection, the Brightspace link takes you to the first page in the excerpt; you will then have to use the arrow buttons at the top left of the image to click to the following pages. Note that these pages alternate between French text and English translation; you are of course required only to read the English text, which appears on every second page.
 - Volume 5, pp. 219-221 (Father Paul Le Jeune, 1633)
 - Volume 13, pp. 37-83 (Father François Joseph Le Mercier, 1637)
 - Volume 47, pp. 303-305 (Father Jerome Lalemant, 1663)
 - Volume 51, pp. 205-209 (Father François Le Mercier, 1667-1668)
 - Paul Friedland, "Beyond Deterrence: Cadavers, Effigies, Animals and the Logic of Executions in Premodern France," *Historical Reflections/Réflexions Historiques* 29, no. 2 (Summer 2003): 295-317 (**link on course Brightspace page**)
- Question: How would you describe the Jesuit missionaries' attitude toward violence and toward pain? How (if at all) might the Friedland article help us to understand their attitudes?

PART II: THE ERA OF BRITISH JUSTICE

Week 3: January 24

Lecture: A Legitimate Government? Criminal Justice under British Rule from the Conquest to the Rebellions

Discussion: Criminal justice in eighteenth-century England

- Readings (links provided on course Brightspace page):
 - Douglas Hay, "Property, Authority and the Criminal Law," in Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London: Allen Lane, 1975), 17-63
 - John H. Langbein, "Albion's Fatal Flaws," *Past and Present*, no. 98 (February 1983): 96-120
- Question: Which one of these two essays is more convincing? In your answer, provide a one- or two-sentence summary of the thesis of each essay (in your own words), and explain which one gets closest to the truth, in your estimation.

Week 4: January 31

Lecture: Simon Says "Build a Prison": The Transition to Incarceration

Discussion: The creation of Kingston Penitentiary

- Readings (links provided on course Brightspace page):
 - "Sundry Documents: Report of Select Committee on Expediency of Erecting a Penitentiary," *Appendix to Journal of the House of Assembly of Upper Canada* (1831) ([Toronto: J. Carey, 1831]), 211-212, Canadiana Online (the link on the Brightspace page takes you to the first page in the document; you will then have to use the arrow buttons at the top left of the image to click to the following page)
 - "The Penitentiary," *Kingston Chronicle & Gazette*, December 14, 1833
 - A Tradesman, letter to the editor, *Kingston Chronicle & Gazette*, December 21, 1833
 - "For the Chronicle and Gazette" (proceedings of a public meeting), *Kingston Chronicle & Gazette*, February 14, 1835
 - A Plain Man, letter to the editor, *Kingston Chronicle & Gazette*, June 18, 1836
 - Scraper, letter to the editor, *Kingston Chronicle & Gazette*, June 29, 1836
 - Charles Duncombe, "Report of Commissioners on the Subject of Prisons, Penitentiaries, Etc." *Appendix to the Journal of the House of Assembly of Upper Canada of the Second Session of the Twelfth Provincial Parliament, Session 1836, Vol. 1, No. 71*, pp. 1-5, Canadiana Online (the link on the Brightspace page takes you to the first page in the excerpt; you will then have to use the arrow buttons at the top left of the image to click to the following pages)
- Question: Which one of the following options best describes why Kingston Penitentiary was created?
 - 1) because Canada needed prisons to make its justice system work better
 - 2) because the authorities wanted to reform criminals
 - 3) because Canadian leaders wanted to make money.

Week 5: February 7**11:00 pm, Tuesday, February 7: Research essay topic proposal due**

Lecture: From Local to Legal: Trials, Lawyers, and Juries

Discussion: Public executions in the mid-nineteenth century

- Readings (**PDF provided on course Brightspace page**):
 - "Execution of Thomas Corner at Milton," *The Globe*, December 2, 1858
 - "The Wellington-Street and Georgina Murders," *The Globe*, March 5, 1859
 - "Execution of Dr. King at Cobourg," *The Globe*, June 10, 1859
 - "The Cant of Executions," *Montreal Witness, Commercial Review and Family Newspaper*, July 2, 1859
- Question: Based on these documents, how would you A) describe and B) explain the behaviour of 1) the spectators and 2) the convicts at public executions?

Week 6: February 14

Lecture: The Rule of Law? Establishing Dominion over Indigenous Nations in the West

Discussion: The dispute over Louis Riel's sanity

- Readings (**links provided on course Brightspace page**):
 - Louis Riel, "Address to the Jury," in *The Collected Writings of Louis Riel, Volume 3: 5 June-16 November 1885*, ed. Thomas Flanagan, 523-539 (Edmonton: University of Alberta Press, 1985)
 - C.K. Clarke, "A Critical Study of the Case of Louis Riel" (part 1), *Queen's Quarterly* 12, no. 4 (April, 1905): 379-388
 - C.K. Clarke, "A Critical Study of the Case of Louis Riel" (part 2), *Queen's Quarterly* 13, no. 1 (July, 1905): 14-26
- Question: In these documents we encounter several different opinions about whether or not Louis Riel was insane, partly because different people used different definitions of insanity. Articulate two or three of the definitions that people appear to have had in mind; explain which one of those definitions you find most believable, and why.

February 20-24: Winter Break – No Classes**Week 7: February 28**

Lecture: An Orderly Dominion? Policing Public Disorder from the Rebellions to the Red Scare

Discussion: The function of police forces

- Readings (**links provided on course Brightspace page**):
 - "Trouble among the Laborers," *Daily Morning News* [Saint John, New Brunswick], June 14, 1870, p. 2
 - "The Police Department," *The Globe*, May 18, 1886, p. 2

- C.S. Clark, *Of Toronto the Good. A Social Study. The Queen City of Canada as It Is* (Montreal: Toronto Publishing Company, 1898), pp. 24-26, CIHM no. 00659, Canadiana Online, <https://www.canadiana.ca/view/oocihm.00659/35?r=0&s=2>
- John Wilson Murray [with Victor Speer], *Memoirs of a Great Detective: Incidents in the Life of John Wilson Murray* (London: William Heinemann, 1904), pp. 60-69
- "City's Wife Deserters Paid Police \$13,000 in Alimony," *Toronto Star Weekly*, May 30, 1914, p. 9
- S.B. Steele, *Forty Years in Canada: Reminiscences of the Great North-West with Some Account of His Service in South Africa by Colonel S.B. Steele, C.B., M.V.O., Late of the N.W.M. Police and the S. African Constabulary*, ed. Mollie Glen Niblett (Toronto: McClelland, Goodchild & Stewart Limited, 1915), pp. 238-261
- RCMP Intelligence Bulletin No. 5, "Notes on the Work of the C.I.B. Division for the Two Weeks Ending 31st December, 1919," in *R.C.M.P. Security Bulletins: The Early Years, 1919-1929*, ed. by Gregory S. Kealey and Reg Whitaker (St. John's: Canadian Committee on Labour History, 1994), pp. 23-24
- Question: In light of these readings, which one of the following is the best description of the main reason why the Canadian state has created and maintained police forces?
 - 1) to prevent underprivileged people or difficult individuals from bothering affluent citizens
 - 2) to protect vulnerable people from harm
 - 3) to make the rabble behave themselves
 - 4) to ensure that no one would rebel against the government.

Week 8: March 7

Lecture: Home Remedies: Jails, Prisons, and Juvenile Institutions in Victorian and Edwardian Canada

Discussion: The experiences of offenders and prison staffers

- Readings (links provided on course Brightspace page):
 - Jack Black, *You Can't Win*, 2nd ed., intro. William S. Burroughs (Edinburgh and San Francisco: AK Press/Nabat, 2000; originally published 1926), 177-190
 - Velma Demerson, *Incorrigible* (Waterloo, ON: Wilfrid Laurier University Press, 2004), 51-61
 - Harvey Blackstock, *Bitter Humour: About Dope, Safe Cracking and Prisons* (Toronto: Burns & MacEachern Limited, 1967), 233-256
 - J. Michael Yates, *Line Screw: My Twelve Riotous Years Working Behind Bars in Some of Canada's Toughest Jails* (Toronto: McClelland & Stewart, 1993), 25-45
 - Rose Ricciardelli, *Surviving Incarceration: Inside Canadian Prisons* (Waterloo, ON: Wilfrid Laurier University Press, 2013), 21-26
 - OPTIONAL recommended reading: Ted McCoy, "Bridget's Life Sentence," in *Four Unruly Women: Stories of Incarceration and Resistance from Canada's Most Notorious Prison* (Vancouver: UBC Press, 2019), 16-41
- Question: In your estimation, which one of the above readings sheds the most light on the history of crime or criminal justice? In explaining why you consider that reading most revealing, you should compare or contrast it with the other readings. (**Note:** today's written response should be **twice as long** [600-1,000 words] as usual. It will count as **two** of your required five

responses for the course.)

PART III: TWENTIETH-CENTURY DEPARTURES

Week 9: March 14

11:00 pm, Tuesday, March 14: Research essay and critical response assignment due

Lecture: Drunk with Money: Vice, Organized Crime, and the International Border

Discussion: Attitudes toward gambling

- Readings (links provided on course Brightspace page):
 - “The Surroundings of the Exhibition,” *Montreal Daily Witness*, September 15, 1880, p. 3
 - Commentary on gambling in *The Manitoban*, June 1892, pp. 215-216, Canadiana Online
 - “Benevolent Games of Chance,” *Saturday Night*, November 26, 1927, p. 26
 - Speech by J.S. Woodsworth, *House of Commons Debates*, 17th Parl., 5th Sess., Vol. 3 (22 May 1934), pp. 3297-3299
 - Ted Farah, “Bingo Sweeps from Halifax to Vancouver,” *Vancouver Sun*, February 12, 1937, pp. 1, 3
 - Jacques G. Francoeur, “‘Pineapple’ Variety Bomb Tossing May Set Off Gang War, Police Say,” *Montreal Gazette*, July 20, 1946, p. 11
- Question: Describe Canadians’ attitudes toward gambling during the half-century from which this week’s readings are drawn.

Week 10: March 21

Lecture: A Long, Loose Leash? Juvenile Justice, Probation, and Parole

Discussion: Parole and mandatory supervision

- Readings (links provided on course Brightspace page):
 - T. George Street, “Parole as a Social Control,” *Canadian Journal of Corrections* 7, no. 1 (January 1965): 5-7
 - W.R. Outerbridge, “The Tyranny of Treatment ...?” *Canadian Journal of Corrections* 10, no. 2 (April 1968): 378-387
 - Mac Haig, “Crippling the Long Arm of the Law,” *Maclean’s* 94, no. 49 (December 7, 1981): 10
 - John Hay, with Malcolm Gray, “A Mandate for Supervision,” *Maclean’s* 95, no. 46 (November 15, 1982): 30
 - Graham Stewart, “Mandatory Supervision: Politics and People,” *Canadian Journal of Criminology* 25, no. 1 (January 1983): 97-103
 - Ruth Morris, “What to Do with Dangerous Offenders,” *Canadian Dimension* 23, no. 2 (March 1989): 6-7
- Question: Which one of the following options is the best way to describe Canadians’ attitudes toward prison and parole in the second half of the twentieth century? Provide evidence to support your answer.
 - 1) They thought prison did not allow the state to control criminals thoroughly enough,

- and they wanted to find a new means of more thorough control.
- 2) They thought prison was pernicious, and wanted to find a more humane form of punishment.
 - 3) They thought parole was too lenient, and wanted to use imprisonment more often.

Week 11: March 28

Lecture: Violence, Death, and Bureaucracy: The Abolition of the Death Penalty and the Creation of Dangerous-Offender Legislation

Discussion: The waning of bodily punishment in the mid-twentieth century

- Readings (links provided on course Brightspace page):
 - Carolyn Strange, "The Undercurrents of Penal Culture: Punishment of the Body in Mid-Twentieth-Century Canada," *Law and History Review* 19, no. 2 (2001): 343-385
 - Paul Axelrod, "No Longer a 'Last Resort': The End of Corporal Punishment in the Schools of Toronto," *Canadian Historical Review* 91, no. 2 (June 2010): 261-285
- Question: Summarize the thesis of each author in two or three sentences. Which article best helps us to understand the process by which Canadians turned away from using bodily punishments?

Week 12: April 4

Lecture: The Era of Rehabilitative Corrections and Its Aftermath

Discussion: Televised portrayals of convicts and the wrongfully convicted

- Broadcasts to watch (links provided on course Brightspace page):
 - "Steven Truscott: His Word against History," *The Fifth Estate*, CBC Television, aired March 29, 2000, <https://www.cbc.ca/player/play/2647922641>
 - Bob McKeown, "My Friend the Bank Robber," *The Fifth Estate*, CBC Television, directed by Oleh J. Rumak, aired March 25, 2011, <https://gem.cbc.ca/media/the-fifth-estate/s36e22>
- Question: If you showed these two *Fifth Estate* episodes to a group of Canadians today, which one do you think would be more likely to alter viewers' existing assumptions about crime or criminal justice? In the course of explaining your answer, you should provide a one-sentence summary of the main point that you think each documentary was trying to make.

Week 13: April 11

Lecture: The Era of Rehabilitative Corrections and Its Aftermath [continued from week 12]

April 12 - Last Day of Winter Term Classes

Formally scheduled exam period – April 15-27, 2023

RESEARCH ESSAY

The major assignment for the term is an 8- to 10-page research essay, written on a topic of your choice. Any topic related to the history of criminal law or justice is potentially fair game: you could write about the history of piracy, the life of a particular criminal, the history of gun control, the history of fingerprinting, the unfolding of a specific trial, or any number of other subjects. Think broadly and choose something in which you are genuinely interested. However, you must clear your proposed topic with the instructor before proceeding with the essay. Your subject does not necessarily have to relate to Canada; you may want to write about another country instead. Again, though, you must clear your topic with the instructor ahead of time. As a preliminary step, on **Tuesday, February 7**, you will be required to submit a very short proposal, consisting of 1) a statement of your general topic, 2) the specific question that your essay will try to answer, and 3) the titles of two of the articles or books that you plan to use as sources.

Your essay itself should draw on eight or more scholarly sources. If the topic on which you wish to write seems obscure and you doubt that there will be eight relevant sources available, speak with me about it—do not automatically rule out the topic if it interests you.

Please note that you may not submit an essay which you have submitted for another course. Your essay must be a new paper written for this class.

As in other university essays, it is essential that you make a clear argument, stating your thesis crisply near the beginning of the essay and developing your argument in a logical manner throughout the body of the paper. Avoid making a trite argument: your thesis should be debatable in some respect, or should at least tell readers something that they do not already know.

The essay is due on Brightspace at **11:00 pm on Tuesday, March 14**, and is worth **25 percent** of your final grade. It should be 8-10 pages long, double-spaced, with 12-point font and 1-inch margins (i.e. it should be 2,250-3,000 words in length, not including the bibliography). You must follow the usual scholarly requirements for citing your sources. I would prefer that you use footnotes or endnotes, formatted in accordance with the Canadian Guide to Uniform Legal Citation or the Chicago Manual of Style. However, if most courses in your major use a different citation system (e.g. APA or MLA), then you may use that instead. Please note, though, that your citations must include the page number(s) in the source from which you are drawing the information (even if the citation style [e.g. APA] does not normally require that). Whether you use footnotes or in-text citations, you must provide a bibliography. Make sure to include your name, your student number, the course number/section letter, and the date of submission on the title page.

The following descriptions provide a general sense of the criteria that will be used to grade the paper:

- **A** — An “A” essay has a clear, interesting, and debatable thesis, smoothly stated at some point near the beginning of the paper. The discussion throughout the essay remains focused on proving the thesis, offering a large amount of relevant, specific evidence drawn from an ample number of scholarly sources. The student provides insightful analysis, the argument unfolds logically, and all the writing flows smoothly, with no (or very few) errors in spelling, grammar, or expression. Readers can understand the argument and each supporting point easily on their first pass through the essay.

- **B** — A “B” essay has a clear thesis statement that sums up the argument actually provided in the body of the essay. The essay is generally well organized but might require a small amount of restructuring. The paper provides a satisfactory amount of specific evidence and cites an adequate number of sources, but there may be some room for improvement in either the research or the analysis. Although the writing is competent, it may contain some awkward wording or a limited number of misspellings and grammatical errors.
- **C** — A “C” essay attempts to make an argument, but the thesis statement provided near the beginning might be unclear, or might not fully match what the body of the essay actually argues. There may be significant problems in the organization of the paper. Although the essay provides some specific evidence to support the thesis, the research may be too limited, and the connection between the evidence and the thesis may not always be apparent. There might be a significant amount of awkward wording or a large number of grammatical and spelling errors.
- **D** — A “D” essay does not satisfactorily fulfill the aims of the assignment. There are severe shortcomings in the argument, the evidence, the research, or the writing, or the essay in some other way fails to measure up to normal expectations.

CRITICAL RESPONSE ASSIGNMENT

At the same time that you submit your research essay (**11:00 pm, Tuesday, March 14**), you will also be required to hand in a 2- or 3-page response to your own paper. For this second part of the assignment, you will imagine that you are an individual involved in the historical practice, event, or phenomenon that the essay has analyzed, and you will write what you think that person might have said if he or she were to have read the essay. The response will provide that individual’s assessment of your analysis. Would she agree with the essay? Would he feel that it left out the most important part of the story? Would she try to clear up something that she perceived as a misunderstanding? Would he find part of the essay incomprehensible? Would she be annoyed? Amused? Indifferent? Would he be grateful that finally, after all these years, someone has taken his side? Would she cite another event in her life to explain why she acted as she did? These are some of the questions you could potentially consider, although you have wide leeway to take this in whatever direction you think best.

For instance, suppose your essay was about a murder case in which the accused was found guilty and sentenced to death, but in which Prime Minister Wilfrid Laurier used the royal prerogative of mercy to cancel the death sentence and send the offender to prison instead. You might choose to write your response from the perspective of Laurier, explaining what he thinks about the essay. Or you might instead assume the vantage point of one of the other people involved in the story—the offender, the judge, the newspaper reporter, the offender’s daughter, or some other relevant individual.

If you discuss one or more specific people in the course of your essay, then you should probably write your response from the perspective of one of these historical individuals. However, depending on your topic, it is possible that the essay may not discuss any specific person from the most relevant group. For example, if you write about the prosecution of vagrants in the nineteenth century, you might not know any of these vagrants’ names. In that case, you may invent a name/persona and write as if you were one of these homeless people. At the top of the response, you should include a title that identifies the

person in whose name it is written (e.g. “Response by Wilfrid Laurier, Prime Minister,” or “Response by Isaac Galway, Canal Labourer,” or “Response by Mary Haggerty, of the Kingston Ladies’ Benevolent Society”). If that individual is not mentioned in your essay, use a footnote in the response to indicate whether he or she is a real or fictitious person. Either way, whether you choose a real or invented individual, write from his or her perspective in the first person (e.g. “I, Mary Haggerty, had quite a laugh when I read this essay about my life ...”).

The purpose of this exercise is to:

1. practice thinking critically about your own perspective
2. imagine, with the aid of the historical knowledge that you are gaining, how the world might have looked to someone living at a different point in time
3. exercise creativity.

Point number 2 above is the most challenging bit. In writing the response, you will need to be mindful of the customs and assumptions that were prevalent in that particular historical period (the late nineteenth or early twentieth century, in the case of the Laurier example). You will have learned about some of those customs and ideas through the secondary sources that you use for your essay, as well as through the class lectures and discussions. Your job is to write a response which conveys what that kind of person living in that period of history might have thought.

Use normal citation practices to indicate the source of your ideas and to demonstrate that you know what you are talking about. If you have a reference from a primary or secondary source that would support (or help to explain) a statement you make in your response, then you should cite that source in a footnote. For instance, suppose your response was written from the perspective of Wilfrid Laurier and included the following statement: “There was nothing out of the ordinary about my decision to commute MacTavish’s sentence. After all, we have been recommending clemency to His Excellency the Governor General in nearly every third case.” If you made this statement because one of the articles you read said that the royal prerogative of mercy was exercised in 32 percent of capital cases in the first decade of the twentieth century, then you should provide a footnote citing this article. Also, if you do not think the instructor will understand how a particular statement in the response reflects the mind-set typical of the historical period in question, then you may explain your reasoning in a footnote, if you wish.

Depending on your topic, however, the research for the essay may not have provided much specific evidence about how people of that time would have thought or felt about the issue under discussion. In that case, you will simply need to make your own best guess as you write the response, and you may not have any supporting references to cite. That is alright; the response is necessarily an imaginative and at least partially speculative exercise, and it is meant to give you a chance to think and write creatively.

Your response will be graded primarily on the basis of the following criteria:

1. Have you demonstrated that you understand (or have you made a clear attempt to understand) how someone living during the historical period in question would likely have thought about the topic discussed in the essay?
2. Have you shown creativity?
3. Is the response well written? (Note: you do not have to write the response in an academic tone; you may certainly use an informal style or idiomatic language if that is appropriate for the personality from whose perspective you are writing. However, regardless of what style you use,

you are expected to craft the writing well, rather than being sloppy [e.g. avoid needless typos].)

The response is worth **10 percent** of your final grade.

Winter 2023 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website:</i> https://calendar.carleton.ca/academicyear/	
January 9, 2023	Winter term begins.
January 20, 2023	Last day for registration and course changes (including auditing) in full winter and late winter courses.
February 20, 2023	Statutory holiday. University closed.
February 20-24, 2023	Winter break. No classes.
March 15, 2023	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
April 7, 2023	Statutory holiday. University closed.
April 12, 2023	Winter term ends. Last day of full winter, late winter, and fall/winter classes.
April 15-27, 2023	Final examinations in full winter, late winter, and fall/winter courses will be held. Examinations are normally held all seven days of the week.
April 27, 2023	All final take-home examinations are due on this day.

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

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 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/>.

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy 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 accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

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 [click here](#).

Academic Accommodations for Students with Disabilities

[The Paul Menton Centre for Students with Disabilities](#) (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 have a disability requiring academic accommodations in this course, please contact 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 to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

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: <https://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 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. 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/>.