

**UNIVERSITY OF CALGARY – DEPARTMENT OF HISTORY
HTST 473 (FALL 2016) – CRIME AND CRIMINAL JUSTICE IN ENGLAND**

Instructor: Dr. Ken MacMillan	Instructor Email: macmillk@ucalgary.ca
Office: SS 628; Phone: 403-220-5927	Lecture Location: ST 059
Office Hours: Tues 12:30-1:30 or by appointment	Lecture Hours: Tues/Thur 9:30-10:45



Introduction

This course investigates various aspects of crime and criminal justice in England from medieval times to the twentieth century. In particular, it illuminates the social and political dimensions of criminality and the extent to which crime and justice were discretionary concepts based on the needs of the society they served. Major topics will include the rise of courts, judges, and juries; trial procedure and punishment; legislation and jurisprudence; and the development of police forces and prisons. Intersecting subjects such as gender, class, order, state centralization, and urban versus rural approaches to crime will also be addressed. No prerequisite knowledge of crime or criminal justice is required, although knowledge of English history will be an asset.

Learning Outcomes

In addition to developing a broad understanding of criminal justice history in England, this course is designed to facilitate the ongoing development of core skills in the study of history, lifelong learning, and active citizenship. These skills include oral and written communication; critical and abstract thinking; methods of historical research, organization, presentation, and argumentation; performing close readings of source material; and working effectively in small group and plenary discussions.

Reading List

Ken MacMillan, ed., *Stories of True Crime in Tudor and Stuart England* (Routledge, 2015)
 Supplementary articles (Historical Abstracts via D2L)
The Proceedings of the Old Bailey (www.oldbaileyonline.org)
The History Student's Handbook: A Short guide to Writing History Essays (D2L)

Grading

Participation	Throughout term	10%
True Crime Essay	October 20	25%
Research Essay	December 1	40%
Take Home Final Exam	December 8-12	25%

Assignments will be given percentage or letter grades based on the Department of History's approved table. Essays are due no later than midnight on the due date. Requests for extensions must be made in advance of the due date and will normally not exceed one week. Late assignments will be penalized 3% or one-third of a letter grade (eg. B+ to B) per day, including weekends.

Participation

Approximately once per week, we will take time to consider the weekly topic and journal article in small groups. The participation grade will be assigned at the end of term based on your contributions during these discussions. Ensure that you have read the relevant article for the beginning of each week, as group work may take place on Tuesdays or Thursdays. There will be no opportunity to make up participation grades lost due to absence, unless this is the result of documented illness, disability, or personal emergency. Please note that you will also be involved in additional exercises, such as brief "think-pair-shares," in which your participation may be evaluated.

True Crime Essay

A popular genre of writing in the seventeenth century was "true crime" literature, which was intended to frighten, titillate, and instruct its audience on human weakness, morality, and proper behaviour. Most of these texts were poorly produced chapbooks, sold by travelling pedlars, of only a few pages in length, and were often read by semi-literates to an audience of illiterates. Thirty of these chapbooks appear in Ken MacMillan, *Stories of True Crime in Tudor and Stuart England*. Using this sourcebook and its introduction, write an essay of about 1500 words (5 double-spaced pages) that examines an important topic or theme about crime in early modern England. Topics or themes might include, for example, a specific type of crime or punishment, community involvement in crime, or investigations of how violence, participation, social status, gender, etc., impacted the criminal justice system. You should draw on **at least four chapbooks** that reflect the topic or theme you have chosen. Consider, in particular, how effective the system of crime and criminal justice was in early modern England. There is no requirement to use other sources for this essay; treat any material discussed in lectures or class as common knowledge. Because you will only be using one source, for this essay you can use parenthetical referencing to cite the text (e.g. p. 145).

Research Essay

The term essay involves a primary source investigation into a topic of your choice. Begin with the *Proceedings of the Old Bailey* (www.oldbaileyonline.org), which contains transcripts of nearly 200,000 cases tried between 1674 and 1913. Use the detailed search engine to find several cases of interest to you. Your search can be based on specific crimes, verdicts, genders, punishments, ages, dates, or a combination of these criteria. Most cases are about one page long, but some are considerably longer. You should strive to examine about 15 to 20 pages of primary material, which will range anywhere from a few to perhaps twenty cases, depending on your topic and the available sources. Gather at least six secondary sources (journal articles, chapters in books, books) directly relevant to your topic. You may use the articles and chapters assigned in this course, but only if they are relevant. Do not use material from general textbooks, popular history, the internet, or class lectures. The Old Bailey website has a bibliography that might help you find some relevant sources (<http://www.oldbaileyonline.org/static/Bibliography.jsp>). Please feel free to consult the instructor

regarding an essay topic or appropriate secondary material. The secondary literature should be used to place your paper into the context of other historians' writings on your subject, and to show in what ways your findings confirm or challenge historians' views. The paper should be approximately 3000 words (10 double-spaced pages). References to the cases must include the case number (e.g. t16770425-6). For this essay, remember to use footnotes or endnotes, not parenthetical referencing.

General Essay Information

Sample essays for each assignment, the essay grading rubric, and *The History Student's Handbook* will be found on D2L. Please consult these resources regarding format, sources, and argument. Both essays in this course require the use of an introduction, thesis statement, and conclusion, plus the judicious application of evidence and argument throughout. Ensure that your papers retain proper historical perspective by not criticizing events of the past or relating your topic to the present day. Do not merely narrate events; instead, carefully evaluate and interpret your primary sources and place them in the context of the central themes of the course. The word count includes all text and notes, but excludes the bibliography; please avoid going more than 10% below or above the stated word count. Both assignments are to be submitted via Digital Dropbox on D2L no later than midnight on the due date.

Classroom Conduct

Please respect your instructor and classmates by refraining from disruptive activities during class. These activities include reading newspapers, opening food packages, and chatting with friends. Research has demonstrated that using electronic devices negatively impacts not only your individual learning, but also the learning of those around you. For this reason, please do not check email, use the internet, a cell phone, or other electronic devices during class time. Students may not record in any format any activity that occurs within the classroom unless they have the express written permission of the instructor. This will normally only be given in the case of certain documented disabilities. Students are advised that failure to adhere to these policies could result in a complaint under the University of Calgary non-academic misconduct policy, about which see <http://www.ucalgary.ca/registrar/misconduct>.

Note on Readings

The readings listed below will be used for small group discussion and the final examination. These readings are all available through D2L. If you are not logged in through the University server, you will be prompted to enter your library authentication information (IT username and password), unless you have already done so during the same session. After you enter your login information, you will be offered one or more options under the "Full Text" heading. Clicking one of these links will take you to a location where a PDF version of the file can be found. This file can then be downloaded and saved onto your computer for reading and future reference. In order to view these files, you will need to install Adobe Acrobat Reader, which can be downloaded for free www.adobe.com. Please note that it is a breach of copyright laws for the instructor to provide you with copies of these files directly on D2L or via email, which is why you must access each article using the procedure discussed above.

Course Outline and Readings

Week 1 (Sep 13-15): Introduction and Medieval England, I

Reading: Krista Kesselring, “Abjuration and Its Demise: The Changing Face of Royal Justice in the Tudor Period,” *Canadian Journal of History* 34 (1999): 345-58.

Week 2 (Sep 20-22): Medieval England, II

Reading: Krista Kesselring, “Felony Forfeiture and the Profits of Crime in Early Modern England,” *Historical Journal* 53 (2010): 271-88.

Week 3 (Sep 27-29): Tudor and Stuart England, I

Reading: Alison Wall, “‘The Greatest Disgrace’: The Making and Unmaking of JPs in Elizabethan and Jacobean England,” *English Historical Review* 119 (2004): 312-32; MacMillan, *Stories of True Crime*, introduction and begin reading texts.

Week 4 (Oct 4-6): Tudor and Stuart England, II

Reading: Cynthia Herrup, “Law and Morality in Seventeenth-Century England,” *Past and Present*, 106 (1985): 102-23; continue reading MacMillan, *Stories of True Crime*.

Week 5 (Oct 11-13): Tudor and Stuart England, III

Reading: Susan Amussen, “Punishment, Discipline, and Power: The Social Meanings of Violence in Early Modern England,” *Journal of British Studies* 34 (1995): 1-34; finish reading MacMillan, *Stories of True Crime*.

True crime essay due October 20

Week 6 (Oct 18-20): Eighteenth Century, I

Reading: Peter King, “Decision-Makers and Decision-Making in the English Criminal Law, 1750-1800,” *Historical Journal* 27 (1984): 25-58.

Week 7 (Oct 25-27): Eighteenth Century, II

Reading: Simon Devereaux, “Recasting the Theatre of Execution: The Abolition of the Tyburn Ritual,” *Past and Present* 202 (2009): 127-74.

Week 8 (Nov 1-3): Eighteenth Century, III

Reading: Robert Shoemaker, “Print and the Female Voice: Representations of Women’s Crime in London, 1690–1735,” *Gender & History* 22 (2010): 75–91.

Week 9 (Nov 8): Research Essay Workshop

Reading: Robert Shoemaker, “The Old Bailey Proceedings and the Representation of Crime and Criminal Justice in Eighteenth-Century London,” *Journal of British Studies* 47 (2008): 559-80.

No class on reading day, November 10

Week 10 (Nov 15-17): Nineteenth Century, I

Reading: J. M. Beattie, “Scales of Justice: Defense Council and the English Criminal Trial in the Eighteenth and Nineteenth Centuries,” *Law and History Review* 9 (1991): 221-67.

Week 11 (Nov 22-24): Nineteenth Century, II

Reading: David Philips, “A ‘Weak’ State? The English State, the Magistracy and the Reform of Policing in the 1830s,” *English Historical Review* 119 (2004): 873-891.

Week 12 (Nov 29/Dec 1): Nineteenth Century, III

Reading: Victor Bailey, “English Prisons, Penal Culture, and the Abatement of Imprisonment, 1895-1922,” *Journal of British Studies* 36 (1997): 285-324.

Week 13 (Dec 6-8): Conclusions

Distribution of final exam

Important Departmental, Faculty, and University Information

Faculty of Arts Program Advising and Student Information Resources:

Have a question, but not sure where to start? The Arts Students Centre is your information resource for everything in Arts! Drop in at SS110, call 403-220-3580, or email artsads@ucalgary.ca. For detailed information on common academic concerns, you can also visit the Faculty of Arts website at <http://arts.ucalgary.ca/undergraduate>.

For program planning and advice, contact the Arts Students Centre, Social Sciences 102, 403-220-3580, or visit <http://arts.ucalgary.ca/advising>.

For registration (add/drop/swap), paying fees and assistance with your Student Centre, contact Enrolment Services at 403-210-ROCK [7625] or visit the office in the MacKimmie Library Block.

Departmental Twitter Handle @ucalgaryhist - For departmental updates and notifications

Writing:

This course will include written assignments. Faculty policy directs that all written assignments (including, although to a lesser extent, written exam responses) will be assessed at least partly on writing skills. Writing skills include not only surface correctness (grammar, punctuation, sentence structure, etc.) but also general clarity and organization. Research papers must be properly documented.

Writing Support:

Students are also encouraged to use Writing Support Services and other Student Success Centre Services, located on the 3rd floor of the Taylor Family Digital Library. Writing Support Services assist with a variety of assignments, from essays to lab reports. Students can book 30-minute one-on-one appointments online, sign up for 15-minute drop-in appointments, and register for a variety of writing workshops. For more information on this and other Student Success Centre services, please visit www.ucalgary.ca/ssc.

Copyright:

The University of Calgary has opted out of the Access Copyright Interim Tariff proposed by the Copyright Board. This means that instructors in all University of Calgary courses will strictly adhere to Copyright Act regulations and the educational exceptions permitted by the Act for both print and digital course material. What this simply means is that no copyrighted material may be placed on course D2L or web sites without the prior permission of the copyright holders. In some cases, this may mean that instructors will require you to purchase a print coursepack from the University of Calgary bookstore or that you will have to consult books on reserve at the library. For more information on the University of Calgary's copyright policy, see

<http://library.ucalgary.ca/copyright>.

Red Box Policy:

Essays and other assignments may be handed in to the red box located outside of the History Department office (SS 656). Assignments received after 4:00 p.m. will be date stamped with the date of the next business day. We do not time stamp any papers. Please do not bring your paper into the office to be stamped. The box is emptied promptly at 8:30 a.m. and at 4:00 p.m. Monday to Friday.

Departmental Grading System:

The following percentage-to-letter grade conversion scheme has been adopted for use in all Canadian Studies, History, and Latin American Studies courses.

Percentage	Letter Grade	Grade Point Value	Description
90-100	A+	4.00	Outstanding
85-89	A	4.00	Excellent—superior performance showing comprehensive understanding of subject matter.
80-84	A-	3.70	
77-79	B+	3.30	
73-76	B	3.00	Good—clearly above average performance with knowledge of subject matter generally complete.
70-72	B-	2.70	
67-69	C+	2.30	
63-66	C	2.00	Satisfactory—basic understanding of the subject matter.
60-62	C-	1.70	Receipt of a grade point average of 1.70 may not be sufficient for promotion or graduation.
56-59	D+	1.30	Minimal pass—marginal performance; generally insufficient preparation for subsequent courses in the same subject.
50-55	D	1.00	
0-49	F	0	Fail—unsatisfactory performance or failure to meet course requirements.

Plagiarism:

Plagiarism occurs when one submits or presents one's work in a course, or ideas and/or passages in a written piece of work, as if it were one's own work done expressly for that particular course, when, in fact, it is not. As noted in *The History Student's Handbook*, plagiarism may take several forms:

- Failure to cite sources properly may be considered plagiarism. This could include quotations, and wording used from another source but not acknowledged.
- Borrowed, purchased, and/or ghostwritten papers are considered plagiarism, as is submitting one's own work for more than one course without the permission of the instructor(s) involved.
- Extensive paraphrasing of one or a few sources is also considered plagiarism, even when notes are used, unless the essay is a critical analysis of those works.
- The use of notes does not justify the sustained presentation of another author's language and ideas as one's own.

Plagiarism is a serious academic offence and written work that appears to contain plagiarized passages will not be graded. All such work will be reported to the Faculty of Arts' associate deans of students who will apply the penalties specified in the *University of Calgary Calendar*.

Universal Student Ratings of Instruction:

At the University of Calgary, feedback provided by students through the Universal Student Ratings of Instruction (USRI) survey provides valuable information to help with evaluating instruction, enhancing learning and teaching, and selecting courses (www.ucalgary.ca/usri). Your responses make a difference. Please participate in USRI Surveys.

Student Accommodations:

Students seeking an accommodation based on disability or medical concerns should contact Student Accessibility Services; SAS will process the request and issue letters of accommodation to instructors. For additional information on support services and accommodations for students with disabilities, visit www.ucalgary.ca/access/.

Students who require an accommodation in relation to their coursework based on a protected grounds other than disability should communicate this need in writing to their Instructor.

The full policy on Student Accommodations is available at http://www.ucalgary.ca/policies/files/policies/student-accommodation-policy_0.pdf.

Other Useful Information:

Faculty of Arts Representatives: 403-220-6551, arts1@su.ucalgary.ca,
arts2@su.ucalgary.ca, arts3@su.ucalgary.ca, arts4@su.ucalgary.ca.

Safewalk and Campus Security: 403-220-5333.

Please also familiarize yourself about the following topics by consulting the information at these links:

Freedom of Information: <http://www.ucalgary.ca/legalservices/foip/foip-hia>

Emergency Evacuation Assembly Points:

<http://www.ucalgary.ca/emergencyplan/assemblypoints>

Safewalk: <http://www.ucalgary.ca/security/safewalk>

Student Union Information: <http://www.su.ucalgary.ca/>

Graduate Student Association: <http://www.ucalgary.ca/gsa/>

Student Ombudsman Office: <http://www.ucalgary.ca/provost/students/ombuds>

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