



## Department of History

HTST 673

Topics in Legal History: Theory and Practice  
Winter 2022

**Instructor:** Lyndsay Campbell

**Email:** [lcampbe@ucalgary.ca](mailto:lcampbe@ucalgary.ca)

**Office Hours and Location/Method:** SS 650 or MFH 4369 or Zoom, by appointment

**Class Room Location, Days and Times:**

- The class meets on Thursdays from 3-5:45 pm.
- We will meet in SS 639 on January 13 and January 20. We will move to MFH 4365 on January 27, when the JD students join the course.

**Course Delivery:** In person, with the possibility of switching to remote (Zoom) if circumstances so demand, for the instructor and/or the students

### Description

In this course students will be introduced to a set of readings aimed at exploring the transmission of legal ideas, demonstrating how legal sources may be used, and problematizing the relationship between law and society in various places and at various times, with an emphasis on Canada, the United States and the Anglo-American Atlantic since 1800. The course will combine History graduate students and Law JD students, with course expectations adjusted to suit these different students' academic programs.

Through studying a variety of primary and secondary texts, students will foster their understanding of the theories and methodologies of legal history and will explore the interface between law and the travels of people, things and ideas in the British colonial and post-colonial world.

### Learning Outcomes

- students will acquire familiarity with the theories, methodologies, sources and current debates in empires legal history
- students will be able to analyze secondary sources by breaking down their arguments, analytical frameworks and use of sources so as to describe them in historiographical terms
- students will be able to describe the constitutive and normative roles of understandings and misunderstandings of law in empires, especially in Canada and the United States since 1800

- students will be able to use legal texts as primary sources for social, cultural and intellectual history

### Reading Material

These will be on reserve in the Bennett Jones Law Library or available electronically. Students do not need to buy these books, although they may if they wish. As well, other articles and chapters will be posted on the D2L website.

Shaunnagh Dorsett and John McLaren eds., *Legal Histories of the British Empire: Laws, Engagements and Legacies* (London: Routledge, 2014).

H.V. Bowen, Elizabeth Mancke, and John G. Reid, *Britain's Oceanic Empire: Atlantic and Indian Ocean Worlds, c. 1550-1850* (Cambridge: Cambridge University Press, 2012).

Elizabeth Mancke, Jerry Bannister, Denis B. McKim and Scott W. See eds., *Violence, Order, and Unrest: A History of British North America, 1749-1876* (Toronto: University of Toronto Press, 2019).

### Assessment

Method	Due Date	Weight
2 book reviews	MA students will submit two book reviews, on books chosen from a supplementary list supplied by the instructor. Book review #1 is worth 10%, due Thurs. Jan. 27, 2022 at 3 pm Book review #2 is worth 15%, due Tues. Feb. 22, 2022 at 4:30 pm	25%
<b>Either:</b> major research essay  <b>OR</b> historiographical essay	Students may submit <b>either</b>  A major research essay focusing on legal primary sources  <b>OR</b> A historiographical essay on a topic relevant to the course, focusing on about six monographs and four journal articles, chosen in advance based on consultation with the instructor  More information about these assignments will be provided early in the course.  This assignment is due on Thurs. Apr. 7 at 3 pm	60%
Participation	Students are expected to come to class having read the assigned materials and prepared to discuss them. Discussing them means describing and thoughtfully criticizing the sources, arguments	15%

	<p>and methodologies employed in the texts and being prepared, as well, to compare these texts with others.</p> <p>All students will be expected to present their own research work at intervals during the course. As well, class participation includes participating in discussions of other class members' developing research projects and historiographical theories and findings.</p> <p>Attendance will be recorded. If you must be away and would like to participate over Zoom, please ask the instructor know in advance, so that we can facilitate this access, at least through audio.</p>	
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### Grading Policies

Each assessment item will be assigned a letter grade, according to the grading standards of the Faculty of Graduate Studies. The grading scale for graduate courses appears below.

Each student's final grade in the course will be calculated by adding up the weighted numerical values corresponding to the letter grade for each assessment item, and then converting this numerical value back into a letter grade. **However, an MA student who misses more than two classes for unexcused absences will not receive a grade above an A- in the course.** An "excused absence" is one which is caused by events beyond the reasonable control of the student, such as personal illness or a family emergency.

The grade for the course and whether or not a student passes it will be based on the student's accumulated score and will not depend on passing any particular component of the course.

A penalty of half a letter grade (e.g. from A to A-) may be imposed for every 24-hour period, or part thereof, that an assignment is late. Extensions are available when necessary, however: ask.

### Details on Methods of Assessment

Book reviews are to be no more than 1000 words long. Each review will be of a single book. More information, including a list of books to choose from, will be provided by the instructor within the first couple of weeks of the semester. Book reviews are to be submitted via D2L.

The major research essay will give students the opportunity to explore an aspect, theme or moment in the legal history of the British Empire or some geographical part, or parts, of that empire. Each essay will rely heavily on at least one legal primary source. More information will be provided by the instructor within the first couple of weeks of the semester. Major research essays are to be submitted via D2L.

The alternative to the major research essay is an historiographical essay. This assignment will allow students to explore historians' treatment of some particular theme or topic over time. More information will be provided by the instructor within the first couple of weeks of the semester.

Historiographical essays are to be submitted via D2L.

### **Academic Integrity Statement**

Students are permitted – and indeed are encouraged – to discuss their work with each other, but their written work is to be their own.

### **Learning Technologies Requirements**

Students will need a computer and internet access to use D2L, in order to gain access to the readings and be able to submit their assignments. Students should also plan to have access to Zoom, at least over their phones, to address contingencies that may arise.

### **Inclusiveness, Accommodation, Privacy, and Conduct**

The instructor aims to create an inclusive learning environment for all registered students. If you have conditions or circumstances that require a formal accommodation given the parameters of the course, be sure to register with Student Accessibility Services as soon as possible. Such circumstances may include disability or illness whether temporary or permanent, visible or invisible.

If there are other circumstances that should be addressed less formally, such as pronoun preferences, please let the instructor know about them as soon as possible.

To protect the privacy of others, students may not record in any format any activity that occurs within the classroom or online. As outlined in the University Calendar, permission to sound-record lectures will only be given to students registered with Student Accessibility Services.

### **Schedule**

<b>Date</b>	<b>Topic (Readings are on D2L)</b>	<b>Important Dates</b>
Jan 10 -14	Introduction to law and legal history	
Jan 17 - 21	Crime and criminality in empire	
Jan 24 - 28	Newfoundland: An accidental colony	Book review #1 due Jan. 27, 3 pm
Jan 31 - Feb 4	Travels of ideas and people	
Feb 7 - 11	Governance: Corporations and other British institutions	
Feb 14 - 18	A constitutional empire	
Feb 21 - 25	Term Break, no lectures	Book review #2 due Feb. 22, 4:30 pm
Feb 28 – Mar 4	War and security	
Mar 7 - 11	Trade	
Mar 14 - 18	Religion	
Mar 21 - 25	Labour	
March 28 – Apr 1	Indigenous peoples	

Apr 4 – 8	Immigration, race and post-colonial state-formation	Final essay due Apr. 7, 3 pm
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**There is no registrar-scheduled final exam.**

**THE FOLLOWING INFORMATION APPEARS ON ALL DEPARTMENT OF  
HISTORY COURSE OUTLINES**

**Graduate Grading Scale**

<b>Grade</b>	<b>Grade Point Value</b>	<b>Graduate Description</b>
A+	4.00	Outstanding
A	4.00	Excellent - superior performance showing comprehensive understanding of the subject matter
A-	3.70	Very good performance
B+	3.30	Good performance
B	3.00	Satisfactory performance
B-	2.70	Minimum pass for students in the Faculty of Graduate Studies
C+	2.30	All grades below B- are indicative of failure at the graduate level and cannot be counted toward Faculty of Graduate Studies course requirements.
C	2.00	
C-	1.70	
D+	1.30	
D	1.00	
F	0.00	

**Writing**

All written assignments and written exam responses are assessed partly on writing skills. Writing skills include surface correctness (grammar, punctuation, sentence structure, etc.) and general clarity and organization. Research papers must be properly documented according to the format described in [\*The History Student's Handbook\*](#).

**Academic Misconduct**

Academic Misconduct refers to student behavior which compromises proper assessment of a student's academic activities and includes: cheating; fabrication; falsification; plagiarism; unauthorized assistance; failure to comply with an instructor's expectations regarding conduct required of students completing academic assessments in their courses; and failure to comply with exam regulations applied by the Registrar.

For more information, please see the University of Calgary [Student Academic Misconduct Policy](#) documents, and visit the [Academic Integrity Website](#).

**Plagiarism**

Plagiarism occurs when students submit or present the ideas and/or writing of others as if they were their own or when they submit their own work to two different classes. Please see [The](#)

[History Student's Handbook](#) for more details, but to summarize, plagiarism may take several forms:

- Failing to cite sources properly
- Submitting borrowed, purchased, and/or ghostwritten papers
- 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, even when referenced properly, unless the essay is a critical analysis of those works

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 Art's associate deans of students who will apply the penalties specified in [the university calendar](#).

### **Academic Accommodation**

It is the student's responsibility to request academic accommodations according to the [Student Accommodations policy](#). Students needing an accommodation based on disability or medical concerns should contact Student Accessibility Services (SAS) in accordance with the [Procedure for Accommodations for Students with Disabilities](#). Students who require an accommodation in relation to their coursework based on a protected ground other than Disability should communicate this need in writing to their Instructor.

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 [Student Accessibility Services](#).

### **Research Ethics**

If a student is interested in undertaking an assignment that will involve collecting information from members of the public, they should speak with the course instructor and consult the [CFREB Ethics](#) website before beginning the assignment.

### **Instructor Intellectual Property**

Course materials created by instructors (including presentations and posted notes, labs, case studies, assignments and exams) remain the intellectual property of the instructor. These materials may NOT be reproduced, redistributed or copied without the explicit consent of the instructor. The posting of course materials to third party websites such as note-sharing sites without permission is prohibited. Sharing of extracts of these course materials with other students enrolled in the course at the same time may be allowed under fair dealing.

### **Copyright Legislation**

All students are required to read the University of Calgary policy on [Acceptable Use of Material Protected by Copyright](#) and requirements of [the Copyright Act](#) to ensure they are aware of the consequences of unauthorised sharing of course materials (including instructor notes, electronic versions of textbooks etc.). Students who use material protected by copyright in violation of this policy may be disciplined under [the Non-Academic Misconduct Policy](#).

### **Copyright of Educational Materials**

The University of Calgary has opted out of the Access Copyright Interim Tariff proposed by the

Copyright Board. Therefore, 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. 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 course pack from the University of Calgary bookstore or consult books on reserve at the library. Please see the [University of Calgary copyright page](#).

### **Freedom of Information and Protection of Privacy**

Student information will be collected in accordance with usual classroom practice. Students' assignments will be accessible only by the authorized course faculty and teaching assistants. Private information related to the individual student is treated with the utmost regard.

### **Media Recording**

The instructor may use media recordings to record the delivery of a lecture for various reasons, including lecture capture and self-assessment. Students will be informed of media recordings in advance and the recording device will be fixed on the instructor. In the event that incidental student participation is recorded, the instructor will ensure that any identifiable content (video or audio) is masked, or will seek consent from identifiable students, before making a recording available to the class.

### ***Media Recording for the Assessment of Student Learning***

The instructor may use media recordings as part of the assessment of students, by prior arrangement. This may include but is not limited to classroom discussions, presentations, clinical practice, or skills testing that occur during the course. These recordings will be used for student assessment purposes only and will not be shared or used for any other purpose.

### **Sexual Violence Policy**

The University recognizes that all members of the University Community should be able to learn, work, teach and live in an environment where they are free from harassment, discrimination, and violence. The University of Calgary's sexual violence policy guides us in how we respond to incidents of sexual violence, including supports available to those who have experienced or witnessed sexual violence, or those who are alleged to have committed sexual violence. It provides clear response procedures and timelines, defines complex concepts, and addresses incidents that occur off-campus in certain circumstances. Please see the [sexual violence policy](#).

### **Other Useful Information**

Please see the Registrar's [Course Outline Student Support and Resources](#) page for information on:

- Wellness and Mental Health
- Student Success
- Student Ombuds Office
- Student Union (SU) Information
- Graduate Students' Association (GSA) Information



- Emergency Evacuation/Assembly Points
- Safewalk

**Department of History Twitter @ucalgaryhist**

*Winter 2022 (in-person)*



UNIVERSITY OF  
CALGARY

## Department of History

HTST 673

**Topics in Legal History: Theory and Practice**  
Winter 2022

Course Outline Update  
January 10-28, Online

As announced by the University of Calgary on Dec. 22, 2021, almost all classes will be offered online for the first three weeks of the Winter Term, 2022 (Jan 10-28), and possibly longer, depending upon the ongoing Covid-19 situation in the province.

For this period, several important modifications to the original course outline will be in effect.

### Class Time

We will meet on Zoom until January 27 and then afterwards if and as required. Our class meetings will not be recorded.

Here is the Zoom link for the classes:

Join Zoom Meeting

<https://ucalgary.zoom.us/j/98130962492>

Meeting ID: 981 3096 2492

Passcode: legalhist

Topic: HTST 673 L01 /LAW 693 L05 - (Winter 2022) - Topics in Legal History

Jan 13, 2022 03:00 PM

Jan 20, 2022 03:00 PM

Jan 27, 2022 03:00 PM

Feb 3, 2022 03:00 PM

Feb 10, 2022 03:00 PM

Feb 17, 2022 03:00 PM

Mar 3, 2022 03:00 PM

Mar 10, 2022 03:00 PM

Mar 17, 2022 03:00 PM

Mar 24, 2022 03:00 PM

Mar 31, 2022 03:00 PM

Apr 7, 2022 03:00 PM

If you wish, you may download and import the following iCalendar (.ics) files to your calendar system.

Weekly: [https://ucalgary.zoom.us/meeting/tJwsdOmhqDkuE9bpEheEoV2xQ-eyK53oIWoo/ics?icsToken=98tyKuCgrzggE9KXtBCFRow-BYjCc\\_Pwppnbj\\_pfjDrtBgVcVFHuB69HK5kqQ9f5](https://ucalgary.zoom.us/meeting/tJwsdOmhqDkuE9bpEheEoV2xQ-eyK53oIWoo/ics?icsToken=98tyKuCgrzggE9KXtBCFRow-BYjCc_Pwppnbj_pfjDrtBgVcVFHuB69HK5kqQ9f5)

One tap mobile

+16475580588,,98130962492#,,,,\*454154953# Canada

+17789072071,,98130962492#,,,,\*454154953# Canada

Dial by your location

+1 587 328 1099 Canada

**Office Hours**

Just let me know. We will presumably be on Zoom for January, and then we'll see how it goes.

**Online Instruction Specifics**

We should be able to carry on with Zoom more or less as we would in class, but it will be admittedly less fun. Please have your camera on if you possibly can.

**Assessments**

I do not anticipate any changes to assessments.

**Tech. Requirements**

Zoom ....