

**UNIVERSITY OF CALGARY – DEPARTMENT OF HISTORY**  
**HTST 473 (FALL 2018) – CRIME AND CRIMINAL JUSTICE IN ENGLAND**

Instructor: Dr. Ken MacMillan	Email: <a href="mailto:macmillk@ucalgary.ca">macmillk@ucalgary.ca</a>
Office: SS 628	Lecture Location: PF 128
Office Hours: Tues/Thurs 11:00-12:00 or by appt.	Lecture Hours: Tues/Thur 12:30–1:45



**Introduction**

This course investigates crime and criminal justice in England from medieval times to the present. 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 criminal 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 legal history is required but general understanding 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 (via *Historical Abstracts*)

*The Proceedings of the Old Bailey* ([www.oldbaileyonline.org](http://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 16	25%
Research Essay	November 22	40%
Take Home Final Exam	December 6–10	25%

Assignments will be given percentage grades based on the Department of History's approved table. 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% 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. Please read the relevant article for the beginning of each week, as group work may take place on Tuesdays or Thursdays. Ensure that your name is recorded on all group worksheets. 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.

### True Crime Essay

A popular genre of writing in early modern England was “true crime” literature, which was intended to frighten, titillate, and instruct its audience on human weakness, morality, orderly behaviour, and obedience to the state and church. Most of these texts were poorly produced pamphlets, or “chap-books,” sold by travelling peddlars (chapmen), of only a few pages in length, and were often read by semi-literates to an audience of illiterates. Thirty of these pamphlets 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 one 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 pamphlets** that reflect the topic or theme you have chosen. Consider, in particular, how effective the system of crime and criminal justice was, and the “grey area” between the rule and practice of law 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](http://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 one 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, 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 but excludes notes and the bibliography. Please avoid going more than 10% above or below the stated word count. Assignments are to be submitted via 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 opening food packages, chatting with friends, checking email, or using electronic devices. 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 and Attendance

The readings listed below will be used for small group discussion and the final examination. These readings are all available in PDF format via *Historical Abstracts* through the university library website. These files 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 at [www.adobe.com](http://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. Because this course does not rely on a standard textbook, regular attendance is highly recommended. Lectures will not be available on D2L.

### Course Outline and Readings

Week 1 (Sep 6): Introduction

Week 2 (Sep 11, 13): Medieval England, I

Reading: Samantha Sagui, "The Hue and Cry in Medieval English Towns," *Historical Research* 87 (2014): 179–93.

Week 3 (Sep 18, 20): Medieval England, II

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

Week 4 (Sep 25, 27): Tudor and Stuart England, I

Reading: Cynthia Herrup, "Law and Morality in Seventeenth-Century England," *Past and Present*, 106 (1985): 102–23; MacMillan, *Stories of True Crime*, introduction and begin reading texts.

Week 5 (Oct 2, 4): Tudor and Stuart England, II

Reading: Ken MacMillan and Melissa Glass, "Murder and Mutilation in Early-Stuart Eng-

- land: A Case Study in Crime Reporting,” *Journal of the Canadian Historical Association* 27 (2016): 61–91; continue reading MacMillan, *Stories of True Crime*.
- Week 6 (Oct 9, 11): 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*.
- Week 7 (Oct 16, 18): Eighteenth Century, I  
 Reading: Peter King, “Decision-Makers and Decision-Making in the English Criminal Law, 1750-1800,” *Historical Journal* 27 (1984): 25-58.  
**True crime essay due October 16**
- Week 8 (Oct 23, 25): 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 9 (Oct 30, Nov 1): 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 10 (Nov 6, 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.
- Week 11 (Nov 13, 15): **Reading Week, no classes**
- Week 12 (Nov 20, 22): 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.  
**Research essay due November 22**
- Week 13 (Nov 27, 29): 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 14 (Dec 4, 6): 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.  
**Distribution of final exam**

### **Important Departmental, Faculty, and University Information**

**\*Attention history majors: History 300 is a required course for all history majors. You should normally take it in your second year.\***

*Department Twitter @ucalgaryhist*

#### **Faculty of Arts Program Advising and Student Information Resources:**

- Have a question, but not sure where to start? The Arts Students Centre (ASC) is your information resource for everything in Arts! Drop in at Social Sciences 102, call 403-220-3580, or email [artsads@ucalgary.ca](mailto: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 (ASC) in SS 102, call 403-220-3580, email [artsads@ucalgary.ca](mailto:artsads@ucalgary.ca), or visit <http://arts.ucalgary.ca/advising>.
- For registration issues, paying fees and assistance with your Student Centre, contact Enrolment Services at 403-210-ROCK (7625), visit the office in the MacKimmie Library Block (MLB) or their website at <http://www.ucalgary.ca/registrar/>.

#### **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 3<sup>rd</sup> floor of the Taylor Family Digital Library (TFDL). 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](http://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 course pack 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 (Social Sciences, Room 656). Please include the following information on your assignment: 1) **course name and number**, 2) **instructor**, 3) **your name** and 4) **your student number**. 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.

<b>Percentage</b>	<b>Letter Grade</b>	<b>Grade Point Value</b>	<b>Description</b>
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* ([http://hist.ucalgary.ca/sites/hist.ucalgary.ca/files/history\\_students\\_handbook\\_2015.pdf](http://hist.ucalgary.ca/sites/hist.ucalgary.ca/files/history_students_handbook_2015.pdf)), 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 (USRI):**

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

**Academic Accommodations (implemented July 1, 2015):**

The student accommodation policy can be found at: [ucalgary.ca/access/accommodations/policy](http://ucalgary.ca/access/accommodations/policy).

Students needing an Accommodation because of a Disability or medical condition should communicate this need to Student Accessibility Services in accordance with the Procedure for Accommodations for Students with Disabilities [ucalgary.ca/policies/files/policies/student-accommodation-policy](http://ucalgary.ca/policies/files/policies/student-accommodation-policy).

Students needing an Accommodation based on a Protected Ground other than Disability, should communicate this need, preferably in writing, to the course instructor.

**Campus Resources for Mental Health:**

The University of Calgary recognizes the pivotal role that student mental health plays in physical health, social connectedness and academic success, and aspires to create a caring and supportive campus community where individuals can freely talk about mental health and receive supports when needed. We encourage you to explore the excellent mental health resources available throughout the university community, such as counselling, self-help resources, peer support or skills-building available through the SU Wellness Centre (Room 370, MacEwan Student Centre, <https://www.ucalgary.ca/wellnesscentre/services/mental-health-services>) and the Campus

Mental Health Strategy website (<http://www.ucalgary.ca/mentalhealth/>).

**Other Useful Information:**

- Faculty of Arts Representatives: 403-220-6551, [arts1@su.ucalgary.ca](mailto:arts1@su.ucalgary.ca), [arts2@su.ucalgary.ca](mailto:arts2@su.ucalgary.ca), [arts3@su.ucalgary.ca](mailto:arts3@su.ucalgary.ca), [arts4@su.ucalgary.ca](mailto:arts4@su.ucalgary.ca).
- Campus Security & Safewalk: 403-220-5333, <http://www.ucalgary.ca/security/safewalk>.
- Freedom of Information: <http://www.ucalgary.ca/legalservices/foip/foip-hia>.
- Emergency Evacuation Assembly Points: <http://www.ucalgary.ca/emergencyplan/assemblypoints>.
- 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>

*Fall 2018*