



UNIVERSITY OF  
CALGARY

## DEPARTMENT OF HISTORY

### HTST 473 (FALL 2020) CRIME AND CRIMINAL JUSTICE IN ENGLAND

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**Office Hours:** By appointment only, online or via telephone

#### **Introduction**

This course investigates the history of 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.

#### **Communication and Technology**

This course will be delivered entirely online, with no live components or required meeting times. Regular communication between the instructor and students is essential to the success of learning in online environments. Students should make use of the discussion forum on D2L to ask questions about the course material and assignments. In all such cases, use responsible digital citizenship by ensuring content is respectful and relevant. Individual questions or concerns may also be asked over email. I will normally respond to discussion threads and emails within 24 hours, Monday to Friday. I will not usually respond to questions that are answered in this syllabus, in the sample assignments, and in the discussion forums, so please review these in advance. This course requires a certain level and knowledge of technology in order to view lectures and other materials on D2L, and to complete assignments. This primarily involves regular access to a computer and a reliable internet connection. It is each student's responsibility to ensure that sufficient technology is available.

#### **Learning Outcomes**

Participants in this course will have an opportunity to:

- Gain a broad understanding of the history of crime and criminal justice in England;
- Actively engage with course readings through reading responses and the final exam;
- Enhance skills in research, writing, and organization in two essay-based projects.

#### **Reading List (no purchases are required)**

Academic articles (via *Historical Abstracts*)

Crime pamphlets on *Early English Books Online*

*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)

**Assessment**

True Crime Essay	October 16	25%
Old Bailey Essay	November 27	40%
Reading Responses	December 4	10%
Final Exam	December 9–13	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.

**True Crime Essay**

A popular genre of writing in seventeenth century 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 of only a few pages in length, and were often read by semi-literates to an audience of illiterates. This assignment involves selecting one of these pamphlets from the following list and writing an essay of 1000 words (3–4 double-spaced pages) that examines the source and its relationship to crime and criminal justice. 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 readings 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. 3). To access the source, go to *Early English Books Online* via the library catalogue (<https://search-proquest-com.ezproxy.lib.ucalgary.ca/eebo/advanced>) and type the alpha-numeric identifier into the “Bibliographic name/number” field.

- The arraignment and burning of Margaret Fernseed (1608) [**10826**]
- Witches apprehended, examined, and executed (1613) [**25872**]
- A pitiless mother, that ... murdered two of her own children (1616) [**24757**]
- The life and death of Griffin Flood (1623) [**11090**]
- The arraignment and acquittal of Sir Edward Mosely (1647) [**A3740**]
- Innocency reprieved, or the gardener at the gallows (1667) [**F252**]
- The Jesuit's firing plot [1680] [**J715**]
- The wicked life and penitent death of Thomas Savage (1680) [**W2078**]
- An account of the trial and examination of Joan Buts (1682) [**A413**]
- A most horrid ... murder committed by one Philmore's wife (1686) [**T2343A**]

**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 a few to perhaps thirty 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. 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

Samples for each essay assignment 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. Please note that all assignments are to be completed as individual rather than team-based projects.

### Reading Responses

Five reading responses are to be completed for this course – two from part I and three from part II – and are due on December 4. Each reading response should be about 125 words (see example below), using the week's article as the source base. Each response should summarize the article's contents, identify the key argument(s) developed within the article, and offer a critical assessment of the article. Critical assessment might consider, where appropriate, the strengths and weaknesses of the article, and the author's engagement with other scholars. This assignment is designed to replace in-class discussion and each response (worth 2% of the course grade) will be assigned a score of 2, 1, or 0, based on completeness, writing style, and evidence that you have read the material. Please note that you will be required to use a minimum number of these articles for the final exam, so it is to your advantage to keep up with the reading material and to write these responses regularly. Here is an example of a strong reading response:

Robison, William. "Murder at Crowhurst: A Case Study in Early Tudor Law Enforcement." *Criminal Justice History* 9 (1988): 31–62.

Robison examines the 1532 murder of Robert Grame, using a report written by JP Sir John Gaynesford to Secretary of State Thomas Cromwell. The author argues that officials at the local and national levels "manifested a careful concern for legal procedure ... earlier than some historians have assumed" (p. 32). Gaynesford proved to be a remarkably efficient and thorough investigator, drawing on methods later advocated by William Lam-

barde in *Eirenarcha*. After taking several witness depositions, Gaynesford arrived at the conclusion that two men, John Comport and John Benson, murdered Grame, although for reasons that were unclear to Robison, the two men never stood trial. This emphasizes that many legal records of the early Tudor period are incomplete, which presents challenges to historians seeking to understand this period. [127 words]

### **Final Examination**

The final examination will be available on D2L on December 9 and is to be uploaded to the D2L Dropbox no later than midnight on December 13. You will be asked to select a question from a list and use course materials to write an essay of approximately 2000 words. Essay questions will be wide-ranging, expecting knowledge of the entire chronology of the course. Note that because you will have access to course materials, a mere summary of historical events will not be sufficient; the essay should be analytical and demonstrate strong knowledge of course content, including the mandatory use of some weekly articles. Writing style will not be taken into consideration unless it considerably impedes understanding, and no footnotes or outside research are needed. A well-prepared student should be able to complete this assignment in two hours.

### **Accommodation and Copyright**

If you encounter issues that may affect your success in this course, please contact me via email and consider registering with Student Accessibility Services. Such issues may include, but are not limited to, permanent or temporary disability, illness, or personal circumstances. All material in this course, including lecture recordings, sample essays, and other resources provided on D2L are subject to copyright and may not be distributed to any third parties.

### **Readings**

The readings listed below will be used for your readings responses and the final examination. These readings are all available in PDF format via *Historical Abstracts* through the university library website; for your convenience, persistent links have been provided on D2L. 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.

### **Lectures and Discussion Forum**

The lectures for this course will be uploaded to D2L each Wednesday during term (except November 11). Each week will typically consist of two lectures, each of about 45 minutes in length, although this will vary depending on the week's content. As lecture material builds on itself throughout the course, it is important that you set time aside each week to view this material. There will be a discussion forum available on D2L if you have questions about course content. Please use responsible digital citizenship on this forum, by keeping conversations informed and respectful.

## Outline

### **Part I: Medieval and Early Modern England, circa 800-1700**

September 9: Introduction, Medieval England I: The Anglo-Saxons

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

September 16: Medieval England II: The Normans the Criminal Courts

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

September 23: Tudor and Stuart England I: Types of Crime

Reading: Herrup, Cynthia. "Law and Morality in Seventeenth-Century England." *Past and Present*, 106 (1985): 102–23.

September 30: Tudor and Stuart England II: Criminal Procedure

Reading: MacMillan, Ken, and Melissa Glass. "Murder and Mutilation in Early-Stuart England: A Case Study in Crime Reporting." *Journal of the Canadian Historical Association* 27 (2016): 61–91.

October 7: Tudor and Stuart England III: Punishment

Reading: Amussen, Susan. "Punishment, Discipline, and Power: The Social Meanings of Violence in Early Modern England." *Journal of British Studies* 34 (1995): 1–34.

### **Part II: Modern England, circa 1700-present**

October 14: Eighteenth Century I

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

October 21: Eighteenth Century II

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

October 28: Eighteenth Century III

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

November 4: Research Essay Workshop

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

November 11: Reading Week, no lecture recordings

November 18: Nineteenth Century I

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

November 25: Nineteenth Century II

Reading: Philips, David. "A 'Weak' State? The English State, the Magistracy and the Reform of Policing in the 1830s." *English Historical Review* 119 (2004): 873–891.

December 2: Nineteenth Century III

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

December 9: Conclusions and Final Exam

**The following information appears on all Department of History outlines**

**Departmental Grading System**

The following percentage-to-letter grade conversion scheme is used in all Canadian Studies, History, and Latin American Studies courses, except for HTST 200.

Percentage	Letter Grade	Grade Point Value	Description
90-100	A+	4.00	Outstanding performance
85-89	A	4.00	Excellent performance
80-84	A-	3.70	Approaching excellent performance
77-79	B+	3.30	Exceeding good performance
73-76	B	3.00	Good performance
70-72	B-	2.70	Approaching good performance
67-69	C+	2.30	Exceeding satisfactory performance
63-66	C	2.00	Satisfactory performance
60-62	C-	1.70	Approaching satisfactory performance
56-59	D+	1.30	Marginal pass. Insufficient preparation for subsequent courses in the same subject
50-55	D	1.00	Minimal Pass. Insufficient preparation for subsequent courses in the same subject
0-49	F	0	Failure. Did not meet course requirements

**Program Advising and Student Information Resources:**

- For program advising in the Faculty of Arts, contact the Arts Students Centre (ASC). For information on how to reach the ASC team please see <https://arts.ucalgary.ca/current-students/undergraduate/academic-advising>
- For Enrolment Services advising (such as admissions, student awards, course registration support, financial aid and student fees) or registration issues, contact the Office of the Registrar. For information on how to reach their team please see <https://www.ucalgary.ca/registrar/contact-us/enrolment-services-advising>
- For information on Registration Changes and Exemption Requests please see <https://www.ucalgary.ca/registrar/registration/appeals>

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

**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.

D2L: Throughout the course, important material such as lecture outlines and study guides will be regularly posted on D2L. Students are advised to check this regularly.

**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. Please see [\*The History Student's Handbook\*](#).

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 of Calgary Calendar, Section K: Integrity and Conduct*, <https://www.ucalgary.ca/pubs/calendar/current/k.html>

**Academic Accommodations:**

Students needing an accommodation because of a disability or medical condition should contact Student Accessibility Services (<https://www.ucalgary.ca/access/>) in accordance with the Procedure for Accommodations for Students with Disabilities [ucalgary.ca/policies/files/policies/student-accommodation-policy](https://www.ucalgary.ca/policies/files/policies/student-accommodation-policy).

Students needing an accommodation based on a protected ground other than disability should contact, preferably in writing, the course instructor.

**Copyright:**

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 reading 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. For more information on the University of

Calgary's copyright policy, see <http://library.ucalgary.ca/copyright>.

### **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 policy available at <https://www.ucalgary.ca/policies/files/policies/sexual-violence-policy.pdf>

### **Other Useful Information:**

Please see <https://www.ucalgary.ca/registrar/registration/course-outlines> 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 Twitter @ucalgaryhist**

*Fall 2020*