



UNIVERSITY OF
CALGARY

DEPARTMENT OF HISTORY
HTST 473 (WINTER 2023)
CRIME AND CRIMINAL JUSTICE IN ENGLAND

Instructor: Dr. Ken MacMillan

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Class Location and Times: MS 211; MWF 12pm–12:50pm

Office Hours: Wednesdays 10:30am–11:30am or by appointment

Introduction

This course investigates the history of crime and criminal justice in England from medieval times to the early 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 criminal courts, judges, and juries; types of crimes, trial procedure, and punishment; legislation, jurisprudence, and reform; 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.

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 weekly group work activities;
- Develop skills in reading primary sources in essay-based projects;
- Enhance skills in research, writing, and organization in essay-based projects.

Reading List

Ken MacMillan, ed., *Stories of True Crime in Tudor and Stuart England* (2nd edition). Routledge, 2023 (available for purchase in the bookstore; for purchase or rent on Amazon.ca, Google Play, and at routledge.com)

Academic articles (via *Historical Abstracts* and *JSTOR* through the University library)

The Proceedings of the Old Bailey (www.oldbaileyonline.org)

The History Student's Handbook: A Short Guide to Writing History Essays (D2L)

Assessment

Participation	Throughout term	10%
True Crime Essay	February 17	25%
Old Bailey Essay	March 31	40%
Final Essay	April 12–15	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 may be penalized 3% per day, including weekends.

Participation

Approximately once per week, usually on Fridays, 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 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 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 “chapbooks” of only a few pages in length, which were often read by semi-literates to an audience of illiterates. This assignment involves reading *Stories of True Crime in Tudor and Stuart England* and writing an essay of approximately 1500 words (5 double-spaced pages) that examines a topic presented within the collection. You might consider, for example, a specific type of crime (murder, witchcraft, rape, etc.), how certain people (Catholics, women, children, nobles, the poor, etc.) were treated within the system (as criminals, victims, witnesses, etc.), or another topic (such as causes of death, the use of religious analogy, courtroom procedure, etc.) Although the topic will in part determine which texts should be used, *you are required to use at least four chapters within the collection*, although not necessarily equally. Clearly identify in the bibliography which chapters have been used. There is no requirement to use other sources for this essay; treat any material discussed in lectures or readings as common knowledge. Because you are using only one source, it is acceptable in this assignment to cite the book using parenthetical referencing (eg. p. 112) rather than formal footnotes.

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 search engine to find 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 shorter and some considerably longer. You should examine about 15 to 20 pages of primary material, which will range from one or two to perhaps thirty cases, depending on your topic and the available sources. The Old Bailey website also contains various “associated records” (www.oldbaileyonline.org/static/Linked-records.jsp) which may also be useful depending on your topic and the cases being used. Gather at least six secondary sources (journal articles, chapters in books, books) relevant to your topic. The Old Bailey website has a bibliography that might help you find some relevant sources (<http://www.oldbaileyonline.org/static/Bibliography.jsp>). The secondary literature should be used to place your paper into the context of other historians’ writings on your subject, and to show how your findings confirm or challenge historians’ views. However, ensure the essay is led by primary sources, which means the majority of your citations should reference the cases or other primary material. References to the cases must include the case number (e.g. t16770425-6). The paper should be approximately 3000 words (10 double-spaced pages), including quotations and footnotes but excluding the title page and bibliography. For this essay, remember to use footnotes, not parenthetical referencing.

General Essay Information

Samples of the true crime and Old Bailey essays and *The History Student's Handbook* will be found on D2L. Please consult these resources regarding format, argument, organization, and use of sources. 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. Do not go 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. All assignments are to be completed as individual rather than team-based projects.

Final Essay

The final essay assignment will be available on D2L on April 12 and is to be uploaded to the D2L Dropbox no later than midnight on April 15. You will select a question from a list and use course materials to write an essay of approximately 2000 words. Essay questions will be wide-ranging, requiring 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 impedes understanding, and no footnotes or outside research are needed. A well-prepared student should be able to complete this assignment in two hours.

Inclusiveness, Accommodation, and Classroom Conduct

I am committed to creating an inclusive learning environment for all registered students. If you have conditions or circumstances that require accommodations, you are encouraged to contact Student Accessibility Services and to contact me by email or during office hours to discuss reasonable measures that will ensure your success in this course. Such accommodation may include ongoing or temporary disability (including physical or mental wellness), the need to nurse or occasionally bring a child to class, the wish to be addressed by a different name or pronoun, assistance with writing, or adjusting deadlines because of personal, family, or medical circumstances.

Part of creating an inclusive learning environment involves respecting your classmates. Please refrain from disruptive activities, including opening food packages, chatting with friends, and using the internet, a cell phone, or other electronic devices. Laptops and tablets should only be used for note taking or for accessing readings during group sessions. Ensure that your phone is set to silent mode or is turned off. The University advocates “scent-free awareness”; please respect that some people are adversely affected by exposure to scented products and consider minimizing their use.

In meeting any university’s mandate of encouraging free and open inquiry, we will occasionally discuss topics which you might find uncomfortable, or about which you might have a set viewpoint. In such situations, it is essential that we understand that others share different experiences and perspectives, and that listening respectfully to and showing tolerance toward opposing viewpoints is part of the process of emerging as active, engaged citizens.

To protect the privacy of others, students may not record in any format any activity that occurs within the classroom. Permission to record lectures will only be given to students registered with Student Accessibility Services. All material in this course, including but not limited to lectures, quizzes, worksheets, handouts, and the textbook, are under the protection of copyright and may not be distributed to third parties under any circumstances.

Lectures and Readings

Lectures will primarily take place on Mondays and Wednesdays, whereas Fridays will normally be devoted to weekly summaries and group work activities. Lecture notes will be available on D2L approximately every three weeks. These will be rough outlines of the lecture material, but they will not replace the need for regular classroom attendance. If there are extenuating circumstances that prevent you from attending class (normally, prolonged sickness or family emergencies), pre-recorded lectures may be made available on an individual basis, at the instructor's sole discretion.

The readings listed below will be used for assignments, group work, and the final examination. Academic articles are available in PDF format via *Historical Abstracts* and *JSTOR* through the university library website. For your convenience, persistent links have been provided on D2L; after clicking the link, enter your UC login information if prompted and click the "Get Full Text" or "PDF Full Text" link if you are not immediately directed to a PDF version. These files can be downloaded and saved onto your computer for reading and for future reference. In order to view these files, you will need to install Adobe Acrobat Reader, which can be downloaded for free. You are expected to have read the weekly article for Friday's class, and to have access to the article (either in print or digitally) for class discussions.

Weekly Outline (subject to change)

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

January 9–13: Introduction; Medieval England I

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

January 16–20: Medieval England II

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

January 23–27: Tudor and Stuart England I

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

January 30–February 3: Tudor and Stuart England II

Reading: Gowing, Laura. "Secret Births and Infanticide in Seventeenth-Century England." *Past and Present* 156 (1997): 85–115; complete *Stories of True Crime*.

February 7–11: Tudor and Stuart England III

Reading: Gaskill, Malcolm. "Witchcraft and Evidence in Early Modern England." *Past and Present* 198 (2008): 33–70.

February 13–17: Tudor and Stuart England IV

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

February 20–24: Reading Week; no classes

Part II: Modern England, circa 1700-1900

February 27–March 3: Eighteenth Century I; True Crime Essay due February 17

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

March 6–10: Eighteenth Century II

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

March 13–17: Eighteenth Century III

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

March 20–24: Nineteenth Century I

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

March 27–31: 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): 873–91.

April 3–5 (no class April 7):

Nineteenth Century III; Old Bailey Essay due March 31

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

April 12 (no class April 10): Conclusion; distribution of final exam

THE FOLLOWING INFORMATION APPEARS ON ALL DEPARTMENT OF HISTORY COURSE 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. See the university grading system in the calendar: <https://www.ucalgary.ca/pubs/calendar/current/f-1-1.html>.

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.

Please Note: Students are expected to reach the grade range to receive that letter grade (ie. to receive an A- a student will have earned an 80 or 3.7 in the course). Assume that there will be no rounding up unless a faculty member announces otherwise.

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

Students are advised that any research with human participants – including any interviewing (even with friends and family), opinion polling, or unobtrusive observation – must have the approval of the [Conjoint Faculties Research Ethics Board](#) or the [Conjoint Health Research Ethics Board](#). In completing course requirements, students must not undertake any human subjects research without discussing their plans with the instructor, to determine if ethics approval is required. Some courses will include assignments that involve conducting research with human participants; in these cases, the instructor will have applied for and received ethics approval for the course assignment. The instructor will discuss the ethical requirements for the assignment with the students.

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 IN LEARNING ENVIRONMENTS**Media Recording for Study Purposes (Students)**

Students who wish to audio record lectures for personal study purposes need to follow the guidelines outlined in [Section E.6 of the University Calendar](#). Unless the audio recording of lectures is part of a student accessibility requirement, permission must be sought by the course instructor to audio record lectures.

Media recording for lesson capture

The instructor may use media recordings to capture the delivery of a lecture. These recordings are intended to be used for lecture capture only and will not be used for any other purpose. Recordings will be posted on D2L for student use and will normally be deleted at the end of term. Students are responsible for turning off their camera and/or microphone if they do not wish to be recorded.

Media recording for assessment of student learning

The instructor may use media recordings as part of the assessment of students. 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. The recording will be destroyed as specified by [retention rule 2000.01](#) "Examinations and Student Assignments."

Media recording for self-assessment of teaching practices

The instructor may use media recordings as a tool for self-assessment of their teaching practices. Although the recording device will be fixed on the instructor, it is possible that student participation in the course may be inadvertently captured. The recording will be destroyed as specified by [retention rule 98.0011](#) “Draft Documents & Working Materials.”

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 and gender-based 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
- Campus Security 220-5333

Department of History Twitter @ucalgaryhist

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