



## Department of History

HTST 673-01

Topics in Legal History: Theory and Practice  
Winter 2020

**Instructor:** Lyndsay Campbell  
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**Office Hours:** by appointment (just email me – we will set up a time)  
**Class Time:** Fridays, 2-4:45  
**Location:** SS 613

### Course Description:

In this course students will be introduced to a set of readings aimed at demonstrating how legal sources may be used and how law and society have constituted one another in various places and at various times, with an emphasis on the travels of law across borders and oceans, especially to and from Canada, since 1800. The course will combine History graduate students and Law JD and LLM students.

Through studying books, articles and primary sources, 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.

### Course Outcomes:

- introduce students to theories, methodologies, sources and current debates in legal history
- provide students with an opportunity to examine and compare monographs and articles as particular forms of historical scholarship
- demonstrate the role of law – and misunderstandings of law – in transmitting, changing, and preserving ideas and principles, especially in Canada and the United States since 1800
- familiarize students with writing historiographical essays and with using legal texts as primary sources for social, cultural and intellectual history

### Required Texts:

These will be on reserve in the Bennett Jones Law Library or available electronically.

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

Harvey Amani Whitfield. *North to Bondage: Loyalist Slavery in the Maritimes*. Vancouver: UBC Press, 2016.

Bradley Miller, *Borderline Crime: Fugitive Criminals and the Challenge of the Border, 1819-1914*. Toronto: University of Toronto Press, 2016.

Amanda Nettelbeck, Russell Smandych, Louis A. Knafla and Robert Foster, *Fragile Settlements: Aboriginal Peoples, Law, and Resistance in South-West Australia and Prairie Canada*. Vancouver: UBC Press, 2016.

Renisa Mawani, *Across Oceans of Law: The Komagata Maru and Jurisdiction in the Time of Empire*. Durham: Duke University Press, 2018.

Other articles and chapters will be posted on the D2L website.

<b>Evaluation:</b>		
Assessment Method	Description	Weight
2 book reviews	Students will submit two book reviews, on books chosen from a supplementary list supplied by the instructor. Book review #1 is worth 10%. Book review #2 is worth 15%.	25%
<b>Either:</b> A: major research essay <b>OR</b> B: two historiographical essays	Students may submit either one major research essay focusing on legal primary sources  <b>OR</b> Two historiographical essays, each focusing on at least four monographs and two journal articles, chosen in advance based on consultation with the instructor	60%  <b>OR</b> 30% x 2
Class participation	Students are expected to come to class having read the assigned materials and prepared to discuss them. Discussing them means being prepared to describe and thoughtfully criticize the sources, arguments and methodologies employed in the texts and being prepared, as well, to compare these texts with others.	15%

	<p>Class participation also includes participating in discussions of class members' developing research projects and historiographical theories and findings.</p> <p><b>NB: Attendance will be recorded. A student who misses more than two classes, for any reason at all, will not receive a grade above an A- in the course.</b></p>	
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**Students are welcome – and indeed expected – to discuss their research papers and historiographical essays with the instructor as they develop and carry out these projects.**

**Late Work:**

Late work may be penalized by a loss of a grade (e.g. from A to A-) for every day or portion of a day that the work is late.

**Class schedule:**

Date	Topic & Reading	Assignments/Due Dates
Jan 17	See D2L website for readings	
Jan 24		
Jan 31		book review #1 due, 2 pm, D2L dropbox
Feb 7		
Feb 14		
Mon Feb 17		book review #2 due, 4:30 pm, D2L dropbox
Feb 21	No Class – Reading Week	
Feb 28		
Mar 6		
Mar 13		historiographical essay #1 due (if chosen), 2 pm, D2L dropbox
Mar 20		
Mar 27		
Apr 3		
Apr 10		historiographical essay #2 due (if chosen), 2 pm, D2L dropbox OR major research essay due (if chosen), 2 pm, D2L dropbox

Final Exam to be scheduled by registrar (optional): no

**Classroom and Course Policies:**

*Ethical Research:*

Any research with human subjects – including any interviewing (even with friends and family), opinion polling, or unobtrusive observation – must be pre-approved for its compliance with the

Tri-Council Policy Statement on Ethical Conduct for Research Involving Human Subjects (TCPS2). 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.

*Using Computers and Phones in Class:*

Students may use their computers in class for purposes related to the class. You may not record the class without the instructor's permission. Cell phones are not to be used for calls, texting or purposes unrelated to the class. If you have to communicate with someone outside the class, please excuse yourself, leave the room, deal with the matter, and return to the room when you're finished.

Recent scholarship on learning suggests that students who use laptops in class – as opposed to pens and paper – tend to learn less (possibly because they can type pretty much as fast as they listen so don't tend to inject the processing brain between the ears and the fingers), and to disrupt the learning of students nearby. See [“Laptops Are Great. But Not During a Lecture or a Meeting.”](#) Please be aware of how laptop use may be affecting your own attention and that of others.

*Electronic Communication:*

In accordance with the University's Electronic Communications Policy, students may communicate with the instructor of this course via their @ucalgary email accounts only. Desire 2 Learn (D2L), which is located on the University of Calgary server, will be used extensively for communication with students. **Students are responsible for making sure they receive all** posted communications and documents and emails sent through D2L. Only your @ucalgary.ca email address should be linked to D2L. Please ensure that you are regularly checking your @ucalgary.ca account.

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**Grading:** As per Faculty of Graduate Studies academic regulations, Section F.1.2 Graduate Studies Grading System, <https://www.ucalgary.ca/pubs/calendar/current/f-1-2.html>

**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 Graduate Program Director and addressed according to the procedures of the Faculty of Graduate Studies. Information about academic integrity and avoiding plagiarism is offered through the Student Success Centre (<https://www.ucalgary.ca/student-services/student-success/learning/academic-integrity>).

**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 (<https://www.ucalgary.ca/policies/files/policies/student-accommodation-policy.pdf>).

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 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>.

**Other Useful Information:**

- Department Twitter @ucalgaryhist

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

*Winter 2020*