

Course Outline

Course: LAWS 3305B/HIST 3305B Crime and State in History

Prerequisites: Third Year Standing

Term: Fall 2008

Class: **Class Time:** Wednesday 2:35-5:25PM
Room: 518 Southam Hall

Instructor: Craig McFarlane

Contact: **Office:** C476 Loeb

Office Hours: Tuesday 11:30-12:00, Wednesday 2:00-2:25, Thursday 11:30-12:00, or by appointment

Email: teaching@theoria.ca

Web: <http://www.theoria.ca/teaching>

Accommodations

Students with disabilities needing academic accommodations in this course are required to contact a coordinator at the Paul Menton Centre to complete the necessary *letters of accommodation*. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or CUTV test. This is to ensure sufficient time is available to make the necessary accommodation arrangement. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is November 7, 2008 for December examinations and March 6, 2009 for April examinations.

With regard to accommodations for religious obligations and pregnancy, please see <http://www.carleton.ca/law/accommodations.htm>.

Calendar Description

The history of the relationship between the criminal law system and society. Changing issues in the criminal law and the nature of institutional responses, covering medieval to early nineteenth-century England and nineteenth to early twentieth-century Canada.

Note

This course is both writing and reading intensive. The ultimate goal of this course is to make you a better reader and writer. These two activities are inseparable from one another: good readers write a lot and good writers read a lot.

Administrative Details

Course Overview

This semester we will examine the relation between the state, resistance to the state (the moral economy and social banditry), and the social institutions of punishment (torture, capital punishment, the prison and the asylum). Course readings have attempted to balance theoretical considerations (e.g., “What is the state?”) with historical considerations (e.g., “How did the state develop?”). These considerations are examined through changing forms of criminality and the punishment thereof. This course does not presuppose a strong background in either European history or theory.

Course Objectives

- To introduce the student to reading theoretical texts and understanding theoretical perspectives with the ultimate goal of preparing students to integrate them into future coursework.
- To improve the student’s ability to write clearly and read critically.
- To increase the student’s appreciation for the role that history plays in forming the present.
- To increase the student’s appreciation for the relation between the state, law and violence in historical perspective.

Required Texts

- All readings are available on WebCT in PDF.

Evaluation

Short papers	50% (2 × 25%)
Take-Home Final	50%

- You *must* complete each component of the course in order to receive a passing grade.

Course Components

Short Papers (2 × 25%) - The best way to learn theoretical concepts is to read and write about them. These papers are intended to be short exercises in which the student enquires into the logic of a particular concept (*viz.*, the state and resistance to the state), discussing its strengths and weaknesses, and its potential applications. It is expected that papers will extend beyond mere summary of the readings and will attempt to critically engage with the concepts. Assignments should be roughly seven pages (2100 words) long. The topics for the papers are as follows:

1. Theories of the State (Due October 17, 2008)
2. Resistance (Due November 14, 2008)

Guidelines for completing the assignments will be discussed in greater detail closer to the first due-date. However, the following should be kept in mind:

- Failure to do the reading and attend the lectures will make receiving a satisfactory mark quite difficult, if not impossible. The material is difficult and should be treated accordingly.
- No additional or secondary reading is required or expected. The point of the assignments is to engage with the relevant texts.
- Direct quotation is acceptable, but given the length of the papers, it should be kept to a minimum.

- Marking will take the following into account:
 - Have you successfully demonstrated a basic knowledge of the readings and key concepts?
 - Have you successfully identified the important points and arguments?
 - Have you demonstrated a serious attempt to engage with the readings?
 - Is the paper well structured and logically organized?

Take-Home Exam (50%) - The take-home exam is intended to allow students to compare and discuss concepts drawn from the entirety of the course. Students will have about three and a half weeks to complete the take-home exam. Consequently, it is expected that the final product will be in the range of twelve to fifteen pages long. The exam will combine short answer (definition) and essay questions in which students will have some selection regarding which questions they will answer. The take-home exam will be discussed in greater detail in class. The exam is due **no later than 4:00PM** on Friday December 19, 2008. Late assignments **cannot** be accepted and **will not** be marked per Faculty regulations.

Grading and Assignment Guidelines

Late Policy - Late assignments **will not be accepted** by the instructor. If you require an extension on your assignment, you **must** apply for a Deferral through the Registrar's Office located at 300 Tory Building.

Grading Policy - In addition to the marking guidelines listed under each individual assignment, it should be noted that students will not be marked on spelling and grammar, however it should be noted that spelling and grammar contributes to the general presentation of your assignments - and impressions do matter! If you feel that you have received an unfair mark on your assignment, *please wait one full week*, send me an email outlining your concerns (i.e., you must be specific) and we will make an appointment to discuss your assignment.

Feedback - Providing quality feedback on written work takes a lot of time. In order to expedite the process of marking, I have instituted the following policy: *I will only comment on assignments that explicitly request comments on the title page. Please indicate one of the following options: No Comments; Comment on Writing; Comment on Understanding; Comment on Both.* Students are neither rewarded nor penalized based upon how they wish to receive feedback.

Academic Offenses - Plagiarism and other academic offenses will not be tolerated and will result in a failing grade in the assignment and, most likely, in the class. All incidents of plagiarism will be referred to the Dean. **Every student I have caught plagiarizing has failed the course.** In order to avoid plagiarism deriving from incorrect citation practices, please consult the Law Department Style Sheet (http://www2.carleton.ca/law/current/Legal_Style_Sheet.pdf). Also "How Do I Avoid Plagiarism?" compiled by the library (<http://www.library.carleton.ca/howdoI/plagiarism.html>). Please consult Section 14 of the Carleton University Undergraduate Calendar for a complete review of the policies governing academic offenses.

Backup Copies - Students must retain a hardcopy of all assignments for at least three months following the conclusion of the class. In the case that an assignment is misplaced, the student is expected to be able to produce another copy on request.

Academic Assistance - Students are encouraged to avail themselves of the resources made available through the Writing Tutorial Service (Learning Support Services, Room 411ML), the Student Academic Success Centre (SASC, 302 Tory) and the Learning Commons (4th Floor, Library, 613-520-2600 ext. 1125).

Other Assorted Guidelines

- Students are expected to have completed the readings prior to attending the lectures as the lectures presume students have arrived prepared.
- Students should be able to answer questions in class, not limited to identifying the important concepts, the arguments underlying the concepts, general questions about the historical circumstances discussed in the readings, and connections between the various concepts and readings.
- All assignments *must be* typed using 12pt Times New Roman or Helvetica fonts. Assignments should be double-spaced and there should be no extra spaces between paragraphs. Margins should be set at 1.25" all around the page.
- Assignments will *not* be accepted via email - so don't bother asking!
- Do not enclose your assignment in a duo-tang or any other sort of cover.

- All email should be sent from an account that clearly identifies your first and last name (e.g., your Connect account). Inappropriate email addresses should *not* be used (e.g., “sexxybunny69@hotmail.com” or “mack-daddy@gmail.com”) under any circumstances! **The course code (LAWS 3305) should be indicated in the subject line.** Please use standard spelling and grammar in your correspondence with me.

Schedule

10/09/08 **Week 1 - Introduction**

No assigned readings.

Part I - The State

17/09/08 **Week 2 - Charles Tilly**

Tilly, Charles. "War Making and State Making as Organized Crime." In *Bringing the State Back In*, 169-91. Edited by Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol. Cambridge: Cambridge UP, 1985.

24/09/08 **Week 3 - Anthony Giddens**

Giddens, Anthony. *The Nation-State and Violence*, 1-34. Berkeley: University of California Press, 1987.

01/10/08 **Week 4 - Michael Mann**

Mann, Michael. *The Sources of Social Power*, 44-91. Vol. 2. Cambridge: Cambridge UP, 1993.

Part II - Resistance

08/10/08 **Week 5 - Rebels and Bandits**

Hobsbawm, E.J. *Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries*, 1-29. New York: W.W. Norton, 1965.

Hobsbawm, E.J. *Bandits*, 13-49. New York: Delacorte, 1969.

15/10/08 **Week 6 - Food Riots and the Moral Economy**

Thompson, E.P. "The Moral Economy of the English Crowd in the Eighteenth Century." *Past and Present* 50, no. 1 (1971): 76-136.

17/10/08 *First Assignment Due*

Part III - The Social Institutions of Punishment

22/10/08 **Week 7 - Judicial Torture**

Langbein, John H. *Torture and the Law of Proof: Europe in the Ancien Régime*, 3-69. Chicago: University of Chicago Press, 1977.

29/10/08 **Week 8 - Criminal Law**

Hay, Douglas. "Property, Authority and Criminal Law." In *Albion's Fatal Tree: Crime and Society in Eighteenth Century England*, 17-63. Edited by Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow. New York: Pantheon, 1975.

Langbein, John H. "Albion's Fatal Flaws." *Past and Present* 98 (1983): 96-120.

05/11/08 **Week 9 - Pain and Justice**

Ignatieff, Michael. *A Just Measure of Pain: The Penitentiary in the Industrial Revolution*, 15-79. New York: Pantheon, 1978.

12/11/08 **Week 10 - The Scaffold and the Prison**

Foucault, Michel. *Discipline & Punish: The Birth of the Prison*, 3-31, 170-94,

200-9. New York: Vintage Books, 1995.

14/11/08 *Second Assignment Due*

19/11/08 **Week 11 - The Asylum**

Rothman, David J. *The Discovery of the Asylum: Social Order and Disorder in the New Republic*, 109-54, 206-36, 265-95. Rev. ed. New York: Aldine de Gruyter, 2002.

26/11/08 **Week 12 - Punishment as a Social Institution?**

Ignatieff, Michael. "State, Civil Society and Total Institutions: A Critique of Recent Social Histories of Punishment." *Crime and Justice* 3 (1981): 153-92.

Garland, David. *Punishment and Modern Society: A Study in Social Theory*, 277-92. Oxford: Clarendon Press, 1990.

01/12/08 *Last day to submit assignments.*

19/12/08 *Take home exam due no later than 4:00PM.*