School of Humanities and Languages

CRIM2041, Crime & Punishment in Historical Perspective
Semester 2, 2015

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1. Course Staff and Contact Details

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<thead>
<tr>
<th>Course Convenor &amp; Lecturer</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Hamish GRAHAM</td>
</tr>
<tr>
<td>Room</td>
<td>MB 367</td>
</tr>
<tr>
<td>Phone</td>
<td>9385 2337</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:h.graham@unsw.edu.au">h.graham@unsw.edu.au</a></td>
</tr>
<tr>
<td>Consultation Time</td>
<td>Fridays 12–2 pm</td>
</tr>
</tbody>
</table>

2. Course Details

<table>
<thead>
<tr>
<th>Units of Credit</th>
<th>6 UoC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Course Description</td>
<td>CRIM2041 (Crime &amp; Punishment in Historical Perspective) is one of two 6 UoC courses offered by the School of Humanities &amp; Languages as electives in the Criminology &amp; Criminal Justice program: its companion is CRIM3021 (History from Crime), which runs in Semester 1. Both courses are also available to students who are working towards a major (or minor) stream in History. CRIM2041 (Crime &amp; Punishment in Historical Perspective) examines the development of important institutions and procedures of criminal justice and the debates they provoked. Our focus is primarily on England, with some consideration of criminal justice in other parts of Europe (especially France). The time-frame ranges from the late seventeenth century to the nineteenth century, although no prior knowledge of European history in this period is assumed. The introductory lectures outline the overall historical framework of the course, and we return to the broad interpretive dimensions in Weeks 11 and 12. At the outset, we aim to establish some major features of England’s criminal justice system:  • Why were so few criminals prosecuted and convicted in the seventeenth and eighteenth centuries?  • Why did punishments in this period – even for apparently minor crimes – seem to be so brutal and bloodthirsty? Why were executions carried out in public?  • Why were there more capital offences in England than the number of executions? The two main assessment tasks in CRIM2041 give students the chance to choose one aspect of this criminal justice system and explore its ramifications: first of all from the viewpoint of various historians and other scholars; secondly from the perspective of trial reports published at the time in sources such as the Old Bailey Sessions Papers. In the second half of the semester we move on to consider some of the ways in which “reforms” were introduced during the eighteenth and nineteenth centuries:  • Why was the policy of transportation developed? What were the prison hulks?  • What changes were implemented in England’s prisons?  • How could the French Revolution’s famous innovation – the</td>
</tr>
<tr>
<td>Course Aims</td>
<td>Student Learning Outcomes</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1. To present students with a range of scholarly approaches to understanding the criminal justice systems of pre-modern Europe, together with explanations for the changes that occurred in England between the 17th and 19th centuries.</td>
<td>1. Identify and compare different approaches to understanding the criminal justice systems of pre-modern Europe, and explanations for the changes that occurred in England between the 17th and 19th centuries.</td>
</tr>
<tr>
<td>2. To offer students the opportunity to analyse and evaluate a range of historical case studies.</td>
<td>2. Summarise, compare and assess a selection of historical case studies in scholarly publications.</td>
</tr>
<tr>
<td>3. To provide students with a chance to summarise, compare and assess a selection of scholarly publications on one of the course’s major topics</td>
<td>3. Develop and practise critical skills in analysing and evaluating a “primary” source of historical evidence derived from trial reports.</td>
</tr>
<tr>
<td>4. To allow students to develop their critical skills in analysing and evaluating a “primary” source of historical evidence, which may include trial reports from the <em>Old Bailey Sessions Papers</em> (1674-1913).</td>
<td>4. Contribute own evidence-based views to debates about the criminal justice history of Europe.</td>
</tr>
<tr>
<td>5. To encourage students to reflect on how their knowledge of modern criminal justice institutions and procedures interacts with their understanding of long-term historical changes and continuities.</td>
<td>5. Reflect on how knowledge of modern criminal justice institutions and procedures interacts with understandings of long-term historical changes and continuities.</td>
</tr>
<tr>
<td>6. To allow students to develop their critical skills in analysing and evaluating a “primary” source of historical evidence derived from trial reports.</td>
<td>7.</td>
</tr>
</tbody>
</table>
3. Learning and Teaching Rationale

My research explores the history of forest management and the competition for timber in Early Modern Europe. A good deal of evidence about that competition comes from court records that documented people’s disputes and litigation. I am therefore interested in how people in the past used the criminal justice system, whether as plaintiffs, witnesses and defendants, or even in the roles of police officers and judges. Like the scholars whose writings are studied in CRIM2041 I find that criminal justice records represent rich but problematic sources of historical evidence.

In teaching CRIM2041 I aim to provide students with an opportunity to confront and debate the questions posed by these forms of historical documentation.

Learning and teaching are necessarily a two-way process, of course, so students in CRIM2041 are expected to take some responsibility for creating their own historical knowledge. Historical understanding also requires an awareness of the evidence that we use to find out about the past, and some familiarity with how it might be interpreted and explained. CRIM2041 offers students some practical exercises as an introduction to the “disciplinary culture” of historians.

4. Teaching Strategies

This course is organised in three main sections:
(a.) Historical background and methodological approaches (Weeks 1 & 2);
(b.) Examples of historical studies of crime, justice & punishment in Europe, especially England, and the changing institutions and practices between the 17th and 19th centuries (Weeks 3–10);
(c.) Review of major themes (Weeks 11 & 12).

Lectures are designed to introduce students to specific topics that illustrate the issues raised by this course. The purpose of lectures is to set out the theme(s), define technical or specialist terms, clarify the historiographical debates, and offer illustrative examples from the historical literature. “Primary” sources from the periods being studied — various published or manuscript documents, art works and other images — offer insights into the kinds of evidence employed by historians. Several of these are translations of archival sources uncovered in the course of my own research.

The tutorial program offers students the chance to demonstrate their historical understanding by asking questions, constructing explanations, relating topics to one another, and debating interpretations. The weekly tutorial readings have all been carefully selected in order to foster discussion, and each set of extracts comes with a range of focus questions so that students can prepare thoroughly for active participation in tutorials.

Essay writing is a significant component of all courses in Arts & Social Sciences. The skills involved in researching and writing essays are therefore worth developing and practising. Written work forms the major component of this course’s assessment, but these essays are also important learning activities where students can acquire and practise skills that will be applicable in other courses and elsewhere.
The End-of-Semester in-class test allows students to reflect on the overall themes of the course, and to apply their knowledge of those themes to a critical assessment of academic debates about the nature of England’s pre-modern system of criminal justice.

5. Course Assessment

<table>
<thead>
<tr>
<th>Assessment Task</th>
<th>Length</th>
<th>Weight</th>
<th>Learning Outcomes Assessed</th>
<th>Graduate Attributes Assessed</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Literature Review</td>
<td>2000–2500 words</td>
<td>30%</td>
<td>1, 2, 4, 5</td>
<td>1, 2, 3, 4, 5, 6, 7</td>
<td>Wednesday 2 Sept (Week 6)</td>
</tr>
<tr>
<td>Analytical Essay</td>
<td>2000–2500 words</td>
<td>35%</td>
<td>1, 2, 3, 4, 5</td>
<td>1, 2, 3, 4, 5, 6, 7</td>
<td>Wednesday 7 Oct (Week 10)</td>
</tr>
<tr>
<td>Informal tutorial writing</td>
<td>in-class for 10 weeks</td>
<td>2% x 10</td>
<td>1, 2, 4, 5</td>
<td>1, 2, 3, 4, 5, 6, 7</td>
<td>Weeks 3–12 (inclusive)</td>
</tr>
<tr>
<td>End-of-Semester Test</td>
<td>50 minutes (in-class)</td>
<td>15%</td>
<td>1, 4, 5</td>
<td>1, 2, 3, 4, 5, 6, 7</td>
<td>Wednesday 28 Oct (Week 13)</td>
</tr>
</tbody>
</table>

Please Note: The Arts and Social Sciences Protocols and Guidelines state:
A student who attends less than 80% of the classes/activities and has not submitted appropriate supporting documentation to the Course Authority to explain their absence may be awarded a grade of UF (Unsatisfactory Fail).

The Attendance Guidelines can be found in full at: https://www.arts.unsw.edu.au/current-students/academic-information/Protocols-Guidelines/

Formal Examination

This course has NO examination in the formal examination period, 6–24 November 2015.

Grades

All results are reviewed at the end of each semester and may be adjusted to ensure equitable marking across the School.

The proportion of marks lying in each grading range is determined not by any formula or quota system, but by the way that students respond to assessment tasks and how well they meet the objectives of the course. Nevertheless, since higher grades imply performance that is well above average, the number of distinctions and high distinctions awarded in a typical course is relatively small. At the other extreme, on average 6.1% of students do not meet minimum standards and a little more (8.6%) in first year courses. For more information on the grading categories see https://my.unsw.edu.au/student/academiclife/assessment/GuideToUNSWGrades.html

Submission of Assessment Tasks

IMPORTANT: ALL assessments tasks in CRIM2041 will be submitted in one of two ways: either in-class (Tutorial Informal Writing & End-of-Semester Test), or by uploading a soft copy to the Turnitin link on Moodle (Literature Review & Analytical Essay).
Note: **NO hard copy required** for the two major writing tasks in CRIM2041.

Assignments must be submitted before 4:00pm on the due date. Assignments received after this time will be marked as having been received late.

### Late Submission of Assignments

The Arts and Social Sciences late submissions guidelines state the following:

- An assessed task is deemed late if it is submitted after the specified time and date as set out in the course Learning Management System (LMS).
- The late penalty is the **loss of 3%** of the total possible marks for the task for each day or part thereof the work is late.
- Work submitted **14 days after** the due date will be marked and feedback provided but no mark will be recorded. If the work would have received a pass mark but the lateness and the work is a compulsory course component a student will be deemed to have met that requirement. This does not apply to a task that is assessed but no mark is awarded.
- Work submitted **21 days after** the due date will not be accepted for marking or feedback and will receive no mark or grade. If the assessment task is a compulsory component of the course a student will automatically fail the course.

The Late Submissions Guidelines can be found in full at: [https://www.arts.unsw.edu.au/current-students/academic-information/Protocols-Guidelines/](https://www.arts.unsw.edu.au/current-students/academic-information/Protocols-Guidelines/)

The penalty may not apply where students are able to provide documentary evidence of illness or serious misadventure. Time pressure resulting from undertaking assignments for other courses does not constitute an acceptable excuse for lateness.

### 6. Extension of Time for Submission of Assessment Tasks

The Arts and Social Sciences Extension Guidelines apply to all assessed tasks regardless of whether or not a grade is awarded, except the following:

1. any form of test/examination/assessed activity undertaken during regular class contact hours
2. any task specifically identified by the Course Authority (the academic in charge of the course) in the Course Outline or Learning Management System (LMS), for example, Moodle, as not available for extension requests.

The complete Arts and Social Sciences Extension Guidelines can be read [here](https://www.arts.unsw.edu.au/current-students/academic-information/Protocols-Guidelines/).

If you wish to request an extension for submission of an assessment task you need to do so via my.UNSW using the **Special Consideration** section. You will need to submit documentary evidence in support of your request.

A student who missed an assessment activity held within class contact hours should apply for Special Consideration via my.UNSW.
7. Attendance

The Arts and Social Sciences Attendance Guidelines state the following:

- A student is expected to attend all class contact hours for a face-to-face or blended course and complete all activities for a blended or fully online course.

- If a student is unable to attend all classes for a course due to timetable clashes the student must complete the Arts & Social Sciences Permitted Timetable Clash form (see information at Item 8 below).

- Where practical a student’s attendance will be recorded. Individual course outlines/LMS will set out the conditions under which attendance will be measured.

- A student who arrives more than 15 minutes late may be penalised for non-attendance. If such a penalty is imposed the student must be informed verbally at the end of class and advised in writing within 24 hours.

- If a student experiences illness, misadventure or other occurrence that makes absence from a class/activity unavoidable, or expects to be absent from a forthcoming class/activity, they should seek permission from the Course Authority, and where applicable, should be accompanied by an original or certified copy of a medical certificate or other form of appropriate evidence.

- Reserve members of the Australian Defence Force who require absences of more than two weeks due to full-time service may be provided an exemption. The student may also be permitted to discontinue enrolment without academic or financial penalty.

- If a Course Authority rejects a student’s request for absence from a class or activity the student must be advised in writing of the grounds for the rejection.

- A Course Authority may excuse a student from classes or activities for up to one month. However, they may assign additional and/or alternative tasks to ensure compliance.

- A Course Authority considering the granting of absence must be satisfied a student will still be able to meet the course’s learning outcomes and/or volume of learning.

- A student seeking approval to be absent for more than one month must apply in writing to the Dean and provide all original or certified supporting documentation.

- The Dean will only grant such a request after consultation with the Course Authority to ensure that measures can be organised that will allow the student to meet the course’s learning outcomes and volume of learning.

- **A student who attends less than 80% of the classes/activities and has not submitted appropriate supporting documentation to the Course Authority to explain their absence may be awarded a final grade of UF (Unsatisfactory Fail).**

- A student who has submitted the appropriate documentation but attends less than 66% of the classes/activities will be asked by the Course Authority to apply to discontinue the course without failure rather than be awarded a final grade of UF. The final decision as to whether a student can be withdrawn without fail is made by Student Administration and Records.

**Students who falsify their attendance or falsify attendance on behalf of another student will be dealt with under the Student Misconduct Policy.**
8. Class Clash

Students who are enrolled in an Arts and Social Sciences program (single or dual) and have an unavoidable timetable clash can apply for permissible timetable clash by completing an online application form. Students must meet the rules and conditions in order to apply for permissible clash. The rules and conditions can be accessed online in full at: https://www.arts.unsw.edu.au/media/FASSFile/Permissible_Clash_Rules.pdf

Any students who are enrolled in a non-Arts and Social Sciences program must seek advice from their home faculty on permissible clash approval.

9. Academic Honesty and Plagiarism

Plagiarism is presenting someone else’s thoughts or work as your own. It can take many forms, from not having appropriate academic referencing to deliberate cheating.

In many cases plagiarism is the result of inexperience about academic conventions. The University has resources and information to assist you to avoid plagiarism.

The Learning Centre assists students with understanding academic integrity and how to not plagiarise. Information is available on their website: http://www.lc.unsw.edu.au/plagiarism/. They also hold workshops and can help students one-on-one.

If plagiarism is found in your work when you are in first year your lecturer will offer you assistance to improve your academic skills. They may ask you to look at some online resources, attend the Learning Centre, or sometimes resubmit your work with the problem fixed. However more serious instances in first year, such as stealing another student’s work or paying someone to do your work, may be investigated under the Student Misconduct Procedures.

Repeated plagiarism (even in first year), plagiarism after first year, or serious instances, may also be investigated under the Student Misconduct Procedures. The penalties under these procedures can include a reduction in marks, failing a course, or for the most serious matters (like plagiarism in an Honours thesis) even suspension from the University. The Student Misconduct Procedures are available here: http://www.gs.unsw.edu.au/policy/documents/studentmisconductprocedures.pdf

10. Course Schedule

To view course timetable, please visit: http://www.timetable.unsw.edu.au/

<table>
<thead>
<tr>
<th>Class date</th>
<th>Topic</th>
<th>Lecture content</th>
<th>Tutorial content</th>
<th>Readings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wed 29 July</td>
<td>Introduction</td>
<td>• Criminal justice history</td>
<td>No classes</td>
<td></td>
</tr>
<tr>
<td>(Week 1)</td>
<td></td>
<td>• Theorists &amp; theories</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wed 5 Aug</td>
<td>Crimes</td>
<td>• Urban &amp; rural crimes</td>
<td>Local law-</td>
<td></td>
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<tr>
<td>(Week 2)</td>
<td></td>
<td>• &quot;Bloody Code&quot;</td>
<td>enforcement</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Morgan (1975)</td>
</tr>
<tr>
<td>Wed 12 Aug</td>
<td>Policing &amp;</td>
<td>• Problems of policing</td>
<td>&quot;Black Act&quot;</td>
<td></td>
</tr>
<tr>
<td>(Week 3)</td>
<td>prosecutions</td>
<td>• Prosecution</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Thompson (1975)</td>
</tr>
<tr>
<td>Date</td>
<td>Topic</td>
<td>Readings</td>
<td></td>
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</tbody>
</table>
| Wed 19 Aug (Week 4) | Punishments               | • Capital punishments  
• Corporal punishments  
Thief-takers  
Wales (2000)  |
| Wed 26 Aug (Week 5) | Crime & media             | • Problems of proof  
• Media reports  
Scaffold speeches  
Sharpe (1985)  |
| Wed 2 Sept (Week 6)  | Transportation            | • Transportation to America  
• Prison hulks  
Issues about public executions  
Laqueur (1989)  |
| Wed 9 Sept (Week 7)  | Enlightenment             | • Beccaria & Howard  
• French Revolution  
Transportation  
| Wed 16 Sept (Week 8) | Prisons                   | • Bentham & panopticon  
• Prison discipline  
Enlightened "reforms"  
Semple (1993)  |
| Wed 23 Sept (Week 9) | Police                    | • Problems of urban policing  
• Peel's "New Police"  
Prison reforms  
McGowen (1995)  |

**Monday 28 Sept–Friday 2 Oct**

**Mid-Semester Break**

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Readings</th>
</tr>
</thead>
</table>
| Wed 7 Oct (Week 10) | "Science" of crime-fighting Public holiday Police reforms | • Bertillon & Lombroso  
Police reforms  
Field (1981)  |
| Wed 21 Oct (Week 12) | Review Test preview | How violent was the past?  
Godfrey & Lawrence (2005)  |

11. Course Resources

**Textbook Details**

There is NO TEXTBOOK for this course.

**Additional Readings**

Background reading -- a general survey of European history since about 1450:  
*UNSW, S 940.2/123*  
(The most relevant sections include Chpts 6–7, Chpts 9–10, & Chpts 12–15.)

Other textbooks that cover Europe (and especially England) during the period from the 17th to the 19th century have sections devoted to the issues of crime, justice and punishment. One example:  
*UNSW, S 940.253/19*  
(Most relevant section, pp.163–82.)

On histories of crime and justice in England:

On histories of crime and justice in Europe:

**Journals**
• *Crime, Histoire & Sociétés/ Crime, History & Societies*
  (Go to UNSW Library website and use the link to “Miscellaneous journals”.)

**Websites**
• UNSW Library: [http://info.library.unsw.edu.au/web/services/services.html](http://info.library.unsw.edu.au/web/services/services.html)
• ESSENTIAL for the Analytical Essay (35%) is access to trial reports documented in the *Old Bailey Sessions Papers*: [www.oldbaileyonline.org](http://www.oldbaileyonline.org)

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### 12. Course Evaluation and Development

Courses are periodically reviewed and students’ feedback is used to improve them. Feedback is gathered using various means including UNSW’s Course and Teaching Evaluation and Improvement (CATEI) process.

Feedback on this course has been overwhelmingly positive. Students in 2014 scored CRIM2041 course quite highly:

<table>
<thead>
<tr>
<th>Form A: Course Evaluation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Q.10: “Overall I was satisfied with the quality of this course”</td>
<td></td>
</tr>
<tr>
<td>2014: average score (out of 6.0)</td>
<td>5.56</td>
</tr>
</tbody>
</table>

There were some areas that attracted students’ special attention. Each comment indicates the action taken in response to their suggestions.

*“Have the lecture in a single 2-hour session, rather than two 1-hour sessions.”*

*“Have the lectures on one day.”*
→ Both these changes have been adopted for 2015.

*“Provide feedback on our tutorial assessments mid-way through the semester, to understand if we need to be trying harder and contributing more [in class].”*
→ Our innovation of self-assessed tutorial writing will continue in 2015. Data will now be made available on Moodle's gradebook throughout the semester.
13. Student Support

The Learning Centre is available for individual consultation and workshops on academic skills. Find out more by visiting the Centre’s website:
http://www.lc.unsw.edu.au

14. Grievances

All students should be treated fairly in the course of their studies at UNSW. Students who feel they have not been dealt with fairly should, in the first instance, attempt to resolve any issues with their tutor or the course convenors.

If such an approach fails to resolve the matter the School of Humanities and Languages has an academic member of staff who acts as a Grievance Officer for the School. This staff member is identified on the notice board in the School of Humanities and Languages.

Further information about UNSW grievance procedures is available at:
https://my.unsw.edu.au/student/atoz/Complaints.html

15. Other Information

my.UNSW

my.UNSW is the online access point for UNSW services and information, integrating online services for applicants, commencing and current students and UNSW staff. To visit my.UNSW please visit either of these links:
https://my.unsw.edu.au
https://my.unsw.edu.au/student/atoz/ABC.html

OHS

UNSW's Occupational Health and Safety Policy requires each person to work safely and responsibly, in order to avoid personal injury and to protect the safety of others. For all matters relating to Occupational Health, Safety and environment, see
http://www.ohs.unsw.edu.au/

Special Consideration

In cases where illness or other circumstances produce repeated or sustained absence, students should apply for Special Consideration as soon as possible.

The application must be made via Online Services in my.UNSW. Log into my.UNSW and go to My Student Profile tab > My Student Services channel > Online Services > Special Consideration.

Applications on the grounds of illness must be filled in by a medical practitioner. Further information is available at:
https://my.unsw.edu.au/student/atoz/SpecialConsideration.html

Student Equity and Disabilities Unit
Students who have a disability that requires some adjustment in their learning and teaching environment are encouraged to discuss their study needs with the course convener prior to or at the commencement of the course, or with the Student Equity Officers (Disability) in the Student Equity and Disabilities Unit (9385 4734). Information for students with disabilities is available at: http://www.studentequity.unsw.edu.au

Issues that can be discussed may include access to materials, signers or note-takers, the provision of services and additional examination and assessment arrangements. Early notification is essential to enable any necessary adjustments to be made.