



Arts & Social  
Sciences

School of Humanities and Languages

## **CRIM2041, Crime & Punishment in Historical Perspective**

**Semester 2, 2014**

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## 1. Course Staff and Contact Details

Course Convenor & Lecturer			
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Consultation Time	Wednesdays 10 am–12		

## 2. Course Details

Units of Credit	6 UoC
Course Description	<p>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.</p> <p>CRIM2041 (Crime &amp; Punishment in Historical Perspective) examines the development of important institutions and procedures of criminal justice and the debates they provoked.</p> <p>Our focus is primarily on England, with some consideration of criminal justice practices in other parts of Europe (especially France). The time-frame ranges from the late seventeenth century to the nineteenth century, although <b><i>no prior knowledge</i></b> 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.</p> <p>At the outset, we aim to establish some major features of England's criminal justice system:</p> <ul style="list-style-type: none"> <li>• Why were so few criminals prosecuted and convicted in the seventeenth and eighteenth centuries?</li> <li>• 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?</li> <li>• Why were there more capital offences in England than the number of executions?</li> </ul> <p>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 the <u><i>Old Bailey Sessions Papers</i></u>.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• Why was the policy of transportation developed? What were the prison hulks?</li> <li>• What changes were implemented in England's prisons?</li> </ul>

	<ul style="list-style-type: none"> <li>• How could the French Revolution’s famous innovation – the guillotine – be regarded as humane?</li> <li>• Why did it take so long for the British to adopt a full-time professional police force?</li> </ul>
Course Aims	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.
	2. To offer students the opportunity to analyse and evaluate a range of historical case studies.
	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
	4. To allow student to develop their critical skills in analysing and evaluating a “primary” source of historical evidence from the database of trial reports in the <i>Old Bailey Sessions Papers</i> (1674-1913).
	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.
Student Learning Outcomes	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.
	2. Summarise, compare and assess a selection of historical case studies in scholarly publications.
	3. Develop and practise critical skills in analysing and evaluating a “primary” source of historical evidence derived from trial reports.
	4. Contribute own evidence-based views to debates about the criminal justice history of Europe.
	5. Reflect on how knowledge of modern criminal justice institutions and procedures interacts with understandings of long-term historical changes and continuities.
Graduate Attributes	1. Understanding of key concepts and theoretical approaches to crime and criminal justice (Criminology & Criminal Justice).
	2. Critical awareness of how crime, deviance and victimisation are socially and legally constructed (Criminology & Criminal Justice).
	3. Understanding of the dimensions of social divisions and social diversity in relation to offending, crime control, policing, criminal justice and penal systems (Criminology & Criminal Justice)
	4. Understanding of the value of comparative analysis and critical awareness of the local, national and international contexts of crime and criminal justice (Criminology & Criminal Justice)
	5. Ability to analyse historical evidence, scholarship and changing representations of the past (History).
	6. Ability to construct an evidence-based argument or narrative in audio, digital, oral, visual or written form

	(History)
7.	Skills in oral and written communication (Criminology & Criminal Justice)

### 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 judges and police officers. 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 the Faculty of 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					
Assessment Task	Length	Weight	Learning Outcomes Assessed	Graduate Attributes Assessed	Due Date
Literature Review	2000–2500 words	30%	1, 2, 4, 5	1, 2, 3, 4, 5, 6, 7	Wednesday 3 Sept (Wk 6)
Analytical Essay	2000–2500 words	35%	1, 2, 3, 4, 5	1, 2, 3, 4, 5, 6, 7	Wednesday 8 Oct (Wk 10)
Informal tutorial writing	in-class for 10 weeks	2% x 10 =20%	1, 2, 4, 5	1, 2, 3, 4, 5, 7	Weeks 3–11 (inclusive) & Week 13
End-of-Semester Test	50 minutes (in-class)	15%	1, 4, 5	1, 2, 3, 4, 5, 6, 7	Wednesday 22 Oct (Wk 12)

**Please Note:** In addition to fulfilling the above assessment requirements, students are expected to attend at least 80% of lectures and tutorials in order to pass this course.

### Formal Examination

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This course has *NO* examination in the formal examination period, 7–22 November 2014.

### Grades

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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

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Assignments which are submitted to the School Assignment Box (Level 2, Morven Brown building) must have a properly completed School Assessment Coversheet, with the declaration signed and dated by hand. The Coversheet can be downloaded from <https://hal.arts.unsw.edu.au/students/courses/course-outlines/>. It is your responsibility to make a backup copy of the assignment prior to submission and retain it.

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

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Late assignments will attract a penalty. Of the total mark, 3% will be deducted each day for the first week, with Saturday and Sunday counting as two days, and 10% each week thereafter.

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. Attendance/Class Clash

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### Attendance

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Students are expected to be regular and punctual in attendance at all classes in the courses in which they are enrolled. Explanations of absences from classes or requests for permission to be absent from classes should be discussed with the teacher and where applicable accompanied by a medical certificate. If students attend less than 80% of their possible classes they may be refused final assessment.

**Students who falsify their attendance or falsify attendance on behalf of another student will be dealt with under the student misconduct policy.**

### Class Clash

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A student who is approved a permissible clash must fulfil the following requirements:

- a. The student must provide the Course Convenor with copies of lecture notes from those lectures missed on a regular basis as agreed by the Course Convenor and the student.
- b. If a student does attend a lecture for which they had secured a permitted clash they will still submit lecture notes as evidence of attendance.
- c. **Failure to meet these requirements is regarded as unsatisfactory performance in the course and a failure to meet the Faculty's course attendance requirement. Accordingly, Course Convenors will fail students who do not meet this performance/attendance requirement.**
- d. Students must attend the clashed lecture on a specific date if that lecture contains an assessment task for the course such as a quiz or test. Inability to meet this requirement would be grounds for a Course Convenor refusing the application. If the student misses the said lecture there is no obligation on the Course Convenor to schedule a make-up quiz or test and the student can receive zero for the assessment task. It should be noted that in many courses a failure to complete an assessment task can be grounds for course failure.

## 7. Academic Honesty and Plagiarism

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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 the procedures can include a reduction in marks, failing a course or for the most serious matters (like plagiarism in an Honours thesis) or even suspension from the university. The Student Misconduct Procedures are available here:

<http://www.gs.unsw.edu.au/policy/documents/studentmisconductprocedures.pdf>

<b>8. Course Schedule</b>				
<i>To view course timetable, please visit: <a href="http://www.timetable.unsw.edu.au/">http://www.timetable.unsw.edu.au/</a></i>				
<b>Week beginning:</b>	<b>Topic</b>	<b>Lecture Content</b>	<b>Tutorial/Lab Content</b>	<b>Readings</b>
28 July (Wk 1)	Introduction	<ul style="list-style-type: none"> <li>• Criminal justice history</li> <li>• Theorists &amp; theories</li> </ul>	<b>No classes</b>	
4 Aug (Wk 2)	Crimes	<ul style="list-style-type: none"> <li>• Urban &amp; rural crimes</li> <li>• "Bloody Code"</li> </ul>	Local law-enforcement	Morgan & Rushton (2003)
11 Aug (Wk 3)	Policing & prosecutions	<ul style="list-style-type: none"> <li>• Problems of policing</li> <li>• Prosecution strategies</li> </ul>	"Black Act"	Thompson (1975)
18 Aug (Wk 4)	Punishments	<ul style="list-style-type: none"> <li>• Capital punishments</li> <li>• Corporal punishments</li> </ul>	Thief-takers	Wales (2000)
25 Aug (Wk 5)	Crime & media	<ul style="list-style-type: none"> <li>• Problems of proof</li> <li>• Media reports</li> </ul>	Scaffold speeches	Sharpe (1985)
1 Sept (Wk 6)	Transportation	<ul style="list-style-type: none"> <li>• Transportation to America</li> <li>• Prison hulks</li> </ul>	Changes in public executions	Laqueur (1989)
8 Sept (Wk 7)	Enlightenment	<ul style="list-style-type: none"> <li>• Beccaria &amp; Howard</li> <li>• French Revolution</li> </ul>	Transportation	Morgan & Rushton (2004)
15 Sept (Wk 8)	Prisons	<ul style="list-style-type: none"> <li>• Bentham &amp; panopticon</li> <li>• Prison</li> </ul>	Enlightened "reforms"	Semple (1993)

		discipline		
22 Sept (Wk 9)	Police	<ul style="list-style-type: none"> <li>• Problems of urban policing</li> <li>• Peel's "New police"</li> </ul>	Prison reforms	McGowen (1995)
<b>29 Sept</b>	<b>Mid-Semester Break</b>			
6 Oct (Wk 10)	"Science" of crime-fighting	<b>Public holiday</b> <ul style="list-style-type: none"> <li>• Bertillon &amp; Lombroso</li> </ul>	Police reforms	Field (1981)
13 Oct (Wk 11)	Long-term trends in violence	<ul style="list-style-type: none"> <li>• Violence in England</li> <li>• Violence in Europe</li> </ul>	Fingerprints	Sengoopta (2003)
20 Oct (Wk 12)	Review	Test preview <b>End-of-Semester Test</b>	Debate	Hay (1975) & King (2000)
27 Oct (Wk 13)		<b>No classes</b>	Long-term trends in violence	Godfrey & Lawrence (2005)

## 9. Course Resources

### Textbook Details:

There is *NO TEXTBOOK* for this course.

### Additional Readings

Background reading -- a general survey of European history since about 1450:

J. MERRIMAN, *A History of Modern Europe* (New York/London: Norton, 3rd edn, 2009; 2nd edn, 2004; 1st edn, 1996), 2 vols. **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:

I. WOLOCH, *Eighteenth-Century Europe: Tradition and Progress, 1715–1789* (New York/London: Norton, 1982). **UNSW, S 940.253/19**

Most relevant section, pp.163–82

On histories of crime and justice in England:

J. A. SHARPE, *Crime in Early Modern England, 1550–1750* (1st edn, London/ New York: Longman, 1984). **UNSW, S 364.942/16**

F. McLynn, *Crime and Punishment in Eighteenth-Century England* (London/ New York: Routledge, 1989). **UNSW, S 364.942/19**

C. EMSLEY, *Crime and Society in England, 1750–1900* (2nd edn, London/ New York: Longman, 1996). **UNSW, S 364.942/18**

J. KERMODE & G. WALKER (eds), *Women, Crime and the Courts in Early Modern England* (London: UCL Press, 1994) **UNSW e-book**

L. A. JACKSON & S. D'CRUZE, *Women, Crime and Justice in England since 1660* (Basingstoke, UK: Palgrave Macmillan, 2009). **UNSW, 364.374/18**

On histories of crime and justice in Europe:

G. PARKER, B. LENMAN & V. GATRELL (eds), *Crime and the Law : The Social History of Crime in Western Europe since 1500* (London: Europa, 1980). **UNSW, S 364.94/2**

M. R. WEISSER, *Crime and Punishment in Early Modern Europe* (Atlantic Highlands, NJ: Humanities Press, 1979). **UNSW, S 364.94/1**



J. R. RUFF, <i>Violence in Early Modern Europe, 1500–1800</i> (Cambridge, UK/ New York: Cambridge University Press, 2000). <b>UNSW, S 303.6094/3</b>
<b>Journals</b>
<i>Crime, Histoire &amp; Sociétés/ Crime, History &amp; Societies</i> (Go to UNSW Library website and use the link to “Miscellaneous journals”.)
<b>Websites</b>
<ul style="list-style-type: none"> <li>• UNSW Library: <a href="http://info.library.unsw.edu.au/web/services/services.html">http://info.library.unsw.edu.au/web/services/services.html</a></li> <li>• <i>ESSENTIAL</i> for the Analytical Essay (35%) is access to trial reports documented in the <i>Old Bailey Sessions Papers</i>: <a href="http://www.oldbaileyonline.org">www.oldbaileyonline.org</a></li> </ul>

## 10. 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.

When a previous version of this course was offered in 2013 the feedback was overwhelmingly positive. There were some areas that attracted students' special attention. Each comment indicates the action taken in response to their suggestions.

***“Some examples could have been taken from the Old Bailey [Sessions] Papers at a couple of intervals throughout the course to help [us] familiarise ourselves with the case studies and allow for more in-depth questions to develop about the resource.”*** This change has been adopted for 2014.

***“I enjoyed the layout of the tutorial where we were given questions to help us dissect the readings, and found that when we discussed it in the tutorial it flowed better. We were also asked to come up with at least one question about the readings, which I feel encouraged a helpful and safe learning environment.”*** Our innovation of self-assessed tutorial writing will continue in 2014.

## 11. Student Support

The Learning Centre is available for individual consultation and workshops on academic skills. Find out more by visiting the Centre's website at:

<http://www.lc.unsw.edu.au>

## 12. 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>

## 13. Other Information

### myUNSW

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myUNSW is the online access point for UNSW services and information, integrating online services for applicants, commencing and current students and UNSW staff. To visit myUNSW please visit either of the below links:

<https://my.unsw.edu.au>

<https://my.unsw.edu.au/student/atoz/ABC.html>

### OHS

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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

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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 myUNSW. Log into myUNSW 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

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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.