

The University of Western Ontario
Department of History
January-April, 2012
History 2415G
The History of Crime
Dr. Bill Acres

Instructor: Dr. Bill Acres, wacres@uwo.ca, bacres@gtn.net Lawson Hall 2250

Office: SSC 4301, Fridays 11:30-12:20

Class Time: Fridays, 9:30-11:20 am. SSC 3024

Tutorial Assistants:

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The class is primarily a lecture course with weekly readings which are in the Coursepack. Readings up to week six are on the Reserve Desk in Weldon and may be accessed in person only. These are filed under course number and Instructor name. The first reading (two chapters from Linden's textbook) are too large for inclusion in the coursepack and may *only* be accessed through Weldon Reserve materials—there are several copies.

Textbooks: UWO Bookstore

- 1) 'The History of Crime', Course pack, ed. Dr. Bill Acres, 2012 January
- 2) *On Crimes and Punishments*, Cesare Beccaria (see Bookstore only as many editions group the chapters differently) edition TBA
- 3) Readings: The first six weeks of readings are in Library Reserve under Acres, History 2415G.

Assignments:

- February 10, Factum Assignment One, Medieval crime and Linden: 20%
- March 2 .: Factum assignment Two: Medieval and early modern, 20%
- March 23 Beccaria Document Study due: 30% The take home final will be handed out on this day.
- Final Examination: April 9 due 30% no later.

See the samples at the end of the course syllabus.

Schedule of lectures and readings:

January 13: Outline and Introduction, discussion of assignments, grading, weighting and plagiarism.

Please read the following two chapters from Rick Linden, *Criminology: A Canadian Perspective*, Chapter 1, 'The Origins and Role of Law in Society' as well as Chapter 2, 'Crime, Law and Legal Defenses'.
These are *only* found on Reserve in Weldon.

Part One: The foundations of the criminal system:

January 20: Medieval formations and lasting influences

Reading,

Walter Ullmann, *The Foundations of Medieval Law*, chapter 3: 'The Scholarship of Roman Law'

January 27: The penitent sinner and the salvation of the whole

Reading,

St. Thomas Aquinas, 'On Law: Secunda pars secundae', *Summa Theologicae Summa*

February 3: Courts and personas

Reading:

Edward Peters, *The Inquisition*, Chapter Two, 'Dissent, Heterodoxy and the Inquisitorial Office'

February 10: Perversions, witches and other delinquents

Factum Assignment due, Medieval crime and Linden: 20%

Reading also Vern D. Bullough, 'Heresy, Witchcraft and Sexuality', *The Journal of Homosexuality*, vol. 1, (2), 1974.

Part Two: The rise of the state and criminality

February 17: Mentalities and Criminalities in the early modern world

Reading: Gendered crime, wars and massacres

W. D. Acres, 'A military crime?: a massacre in Connacht, 1595'

W. D. Acres, 'Monsters of Fortune: Legitimizing violence and unnatural acts' both articles forthcoming

March 2: Factum Assignment Two, including today's readings, due. 20%

War and state: violence, property, and power

Reading:

Primary documents and edition, readings from Sir Geoffrey Elton, *The Tudor Constitution*, in coursepack under 'The Law of Treason'

Part Three: Crime, reason, and irrationalities

March 9: The grip of 'reason', the loss of enchantment

Readings:

The end of witches: Sir Keith Thomas, *Religion and the Decline of Magic*, Chapter 16, 'The Making of a Witch';

Chapter 17 (Thomas), 'Witchcraft and its social environment'. Cesare Beccaria and the reformers will be discussed in the context of Foucault's rather anti-Enlightenment argument.

Cesare Beccaria, *On Crimes and Punishments*, Introduction and Sections I-XIII and XIV to Conclusion (The 'Death penalty' to the end)

March 16: The Scientific Criminal

Readings:

Michel Foucault, *Discipline and Punish* (Vintage, 1977), pp. 231-287, 'Complete and austere institutions'; 'Illegitimacies and Delinquency'.

For an example of Beccaria's desires see in the Coursepack, Sabrina Loriga, 'A Secret to Kill the King: Magic and Protection in Piedmont in the Eighteenth Century', in Guido Ruggiero and Edward Muir, *History from Crime*, (Baltimore, 1994), 88-107.

March 23: *Beccaria Document Study due* 30%

The Science of Detection: Rachael Griffin, guest lecturer (reading for this lecture will be scanned and put into WebCT on the homepage for our course).

March 30: Crime, race and nation, pre-examination lecture.

Readings:

Daniel Pick, *Faces of Degeneration*, Chapters 7, 8: 'Crime, urban degeneration and national decadence'.

Take-home examination of two short essays will be discussed

April 7 Exam review: Looking at categories and historical analysis

April 9 Exam due

Purpose:
Why study the History of Crime?

Our course cannot hope to cover everything which this title might imply. The course originated as a Criminology required course, many years ago, and it has developed as a topic-based survey of social history, with economics, religion, church history, history of science, and philosophy added into the mix as necessary. Thus, the course could claim to be an interdisciplinary investigation into the historical manifestation of what was considered and defined as criminal in the past. Although most of the material is European, students' answers to various assignments and the examination need not be confined entirely to European subjects. The approach also takes legal, sociological, anthropological, psychological, intellectual and spiritual indicators in historical studies. What we do NOT study is the particular history of 'great crimes' taken out of their historical context. We do study some of the greatest 'crimes' of the past, with reference to ethics, wealth and poverty, and with careful attention to the avenues of historical investigation. This is an evidential course, which examines the methods and ideologies behind the creation of evidence and its historical reading.

Methodology:

The course is structured as a survey, grouped around a theme or, as in the case of Cesare Beccaria or St. Thomas Aquinas, an author. The origins of European legal codes are Greco-Roman and Judeo-Christian. However the first reading is from a contemporary Criminology handbook, and provides a general view of the topic in a non-historical sense. On this material we will discuss aboriginal, unwritten, pre-modern, legal codes, situating the Greco-Roman and Judeo-Christian systems within the multicultural presentation. Having discussed types, typology, and the European roots in classical and antique Christian systems, the course proceeds to themes, grouped loosely by chronology. The dominant characteristic of the themes is their evidential nature, and it is to specifics of evidence that the general lectures will turn. The first themes will be Medieval canon law and the secular powers; thence, proceeding through to Early Modern Europe and the state and witchcraft; the Enlightenment continues in examining *On Crimes and Punishments* by Cesare Beccaria; and concludes with more recent evaluations of the newer 'national', 'imperial', 'colonial' experiences. Themes covered will, thus, include by specific 'crime': heresy; witchcraft; the state's judicial apparatus (treason); the canon law (and sexuality); the demise of magic and the rise of 'science'; reason and unreason; the creation of 'national' legal codes; the Darwinian, Freudian, and other 'ism' variations; crime and the media. In addition, students will become conversant with historical methodologies of crime, and how 'crime' is defined from source materials, and conceptualization.

Marks Management, grades and lateness:

Please note: the grades for each of these assignments will be entered within 7 days of the due date. Failure to provide adequate documentation for lateness or failure to submit

(family death, or doctor's certificate of illness or other incapacitating condition) will lead to the entering of a grade of 0. Only in extraordinary instances, requiring the assistance of your Faculty's Academic Counselling office, with the approval of the Department Chair and the Associate Dean (Academic) of Social Sciences, will the overturning of a mark be possible. It is now the explicit policy of the Faculty of Social Sciences to keep extraordinary and special examinations (except in cases approved, in advance, by Academic Counselling) or the extension of any assignments to an absolute minimum—in the case of History 2415F, 'The History of Crime', extensions might only exist for the Document Study. Failure to provide the Document Study after one week (7 days) will result in a grade of 0. It is not the intention of the History Department or the Faculty of Social Sciences to accommodate need for reasons of employment, family plans, holidays (other than religious) and vacations, or the loss of technical equipment, or travel. A fuller explanation of appropriate documentation can be gained from the Senate bylaws or from the Office of the Dean. The Instructor will, therefore, not accommodate any student who misses an assignment unless adequate documentation is forthcoming. The old system was rather more lenient. The new system requires that documentation be produced at the time of the marks entry. In exceptional circumstances only will these stipulations be overturned—documentation may be referred to the Chair or Associate Dean for adjudication.. Students must also note that attendance of lectures is mandatory in this course. Failure to attend will be addressed by the Instructor in a private meeting. According to Senate regulations, repeated absence may mean that a student's presence in the course is in jeopardy.

Please see attached sheet on plagiarism.

Sample assignments from previous years:
Midterms and Document Study:

Sample Questions for One-hour, in-class Test
History 299F/2003
History of Crime
Dr. Bill Acres
The University of Western Ontario

Part One: Short Essay 50%

Detecting Crime in History

1. Discuss the varieties of legal systems noted in the Linden texts, chapters One and Two with reference to
a) literacy b) legal codes c) differences and similarities in historical detection and definition of 'crime'.
2. Discuss the relationship between criminality and social structures in their historical context as discussed in Linden.

Part Two: Short Essay, 50%

1. Discuss the following statement: 'The Roman law exercised a profound influence over the formulation and detection of "crime" in Medieval Europe, although it was adapted to fit the Christian construction of 'sins' and canon law as much as it was applied to the settlement of land and political disputes'.
2. The formulation of a criminal 'person' begins with the advent of medieval European law codes. Discuss with reference to Bullough, Aquinas, and Ullmann. You may use lecture and course notes.

Long Document Study Due: November 18, 2004
History of Crime, 299F, Dr. Bill Acres

The Document Study is to be 1500 words. You will write a comparative analysis of three or four sections of Cesare Beccaria's *On Crimes and Punishments*, giving a clear indication of how the sections relate to each other and to course materials. You must be aware of the historical theme and context we have discussed, which Beccaria is addressing. These must be clearly and specifically noted. You are not writing on the Eighteenth Century; rather, this is a clear, precise assignment in which the reader must be assumed to be entirely ignorant of the history of criminality, its problems, and its intentions. Please do not rely on ideas such as 'progress' or things getting better with ourselves as a sort of Mount Olympus of reason and moderation. Remember, be specific, and take your time.

Guidelines for Document Study:

Document Studies will develop your critical thinking and use the historian's methods. You will read, analyze and develop your thoughts on the materials read. Please read the material without interposing your own values and ideas: engage with these people from the past on their own terms.

How to write the Study:

1. Read carefully.
2. Look for the context. Who are the authors? When, why, and where did they write the piece? What were the authors' view?
3. Read carefully, again. Look at the aspects of the piece you wish to develop. You will find quotations and examples to support your interpretation of the evidence.
4. Reflect on the document. Organize your material. Write an outline.
5. Write the document study.

Section One: One-third to one-quarter of the study will be devoted to the nature of the source itself: who, why and when, and so forth. Summarize the document. Is this a typical piece? Is this a rare view? What is the document like?

Section Two: Analysis. Here you will find aspects of knowledge discussed in lectures and readings which are reflected in the document itself. You will identify these themes, analyze them, illustrate them, and support them with your argument. Questions will arise: a good document study will address these questions in the analysis. Examples: what does the piece tell us about the authors' beliefs with respect to conceptions of history and criminality? Be sure to be as *specific* and as *precise* as possible. There are no critical points whatsoever for groundless generalizations.

Make an introduction and conclusion.

Provide an assessment of how useful the document is for historians

**History 2415/2003/Sample
Midterm Test no. 2**

The 'Art of the State' and the formation of state criminality

Witchcraft, treason, and the military

Two identifications and one short essay

TAKE HOME

Answer Two of the following questions only

Identifications: identify, analyze, and discuss briefly the significance of the following:
5-6 sentences

- 1) Monsters of Fortune
- 2) Treason statutes of Elizabeth I
- 3) Witchcraft
- 4) Blasphemy
- 5) Atrocity
- 6) Reason of state

Answer One of the following: Essay question, 750 words, approximately

- 1) Discuss the following statement with reference to readings and course lectures: 'The use of the "state" employed tactics and methods associated formerly with the Church's control of relationships, behaviour, and the just order and measure of things. The just order and measure of the 'state' re-defined criminality as a means of strengthening its grasp'.
- 2) Discuss the following statement with reference to readings and course lectures: "Families of landowning and elite status controlled the English state after the Reformation once the Church had been removed effectively from its former status as arbiter of correct personal relationships and the carriage of the human body. In effect, kinship networks formed the basis of the 'state', extending and broadening their control of criminal jurisdictions even as their new organization made redundant the importance of kinship'.

Students must write their essays and assignments in their own words. Whenever students take an idea, or a passage from another author, they must acknowledge their debt both by using quotation marks where appropriate and by proper referencing such as footnotes or citations. Plagiarism is a major academic offense (see Scholastic Offence Policy in the Western Academic Calendar).

All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>).

Please contact the course instructor if you require material in an alternate format or if you require any other arrangements to make this course more accessible to you. You may also wish to contact Services for Students with Disabilities (SSD) at 661-2111 x 82147 for any specific question regarding an accommodation.

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FACULTY OF SOCIAL SCIENCE

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The following rules pertain to the acknowledgements necessary in academic papers.

A. In using another writer's words, you must both place the words in quotation marks and acknowledge that the words are those of another writer.

You are plagiarizing if you use a sequence of words, a sentence or a paragraph taken from other writers without acknowledging them to be theirs. Acknowledgement is indicated either by (1) mentioning the author and work from which the words are borrowed in the text of your paper; or by (2) placing a footnote number at the end of the quotation in your text, and including a correspondingly numbered footnote at the

bottom of the page (or in a separate reference section at the end of your essay). This footnote should indicate author, title of the work, place and date of Publication and page number. Method (2) given above is usually preferable for academic essays because it provides the reader with more information about your sources and leaves your text uncluttered with parenthetical and tangential references. In either case words taken from another author must be enclosed in quotation marks or set off from your text by single spacing and indentation in such a way that they cannot be mistaken for your own words. Note that you cannot avoid indicating quotation simply by changing a word or phrase in a sentence or paragraph which is not your own.

B. In adopting other writer's ideas, you must acknowledge that they are theirs.

You are plagiarizing if you adopt, summarize, or paraphrase other writers' trains of argument, ideas or sequences of ideas without acknowledging their authorship according to the method of acknowledgement given in 'A' above. Since the words are your own, they need not be enclosed in quotation marks. Be certain, however, that the words you use are entirely your own; where you must use words or phrases from your source; these should be enclosed in quotation marks, as in 'A' above.

Clearly, it is possible for you to formulate arguments or ideas independently of another writer who has expounded the same ideas, and whom you have not read. Where you got your ideas is the important consideration here. Do not be afraid to present an argument or idea without acknowledgement to another writer, if you have arrived at it entirely independently. Acknowledge it if you have derived it from a source outside your own thinking on the subject.

In short, use of acknowledgements and, when necessary, quotation marks is necessary to distinguish clearly between what is yours and what is not. Since the rules have been explained to you, if you fail to make this distinction, your instructor very likely will do so for you, and they will be forced to regard your omission as intentional literary theft. Plagiarism is a serious offence which may result in a student's receiving an 'F' in a course or, in extreme cases, in their suspension from the University.

MEDICAL ACCOMMODATION

The University recognizes that a student's ability to meet his/her academic responsibilities may, on occasion, be impaired by medical illness. Please go to https://studentservices.uwo.ca/secure/medical_accommodations_link_for_OOR.pdf to read about the University's policy on medical accommodation. Please go to <http://www.uwo.ca/univsec/handbook/appeals/medicalform.pdf> to download the necessary form. In the event of illness, you should contact Academic Counselling as soon as possible. The Academic Counsellors will determine, in consultation with the student, whether or not accommodation is warranted. They will subsequently contact the instructors in the relevant courses about the accommodation. Once a decision has been made about accommodation, the student should contact his/her instructors to determine a new due date for term tests, assignments, and exams.

If you have any further questions or concerns please contact, Rebecca Dashford,
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