

The University of Western Ontario
Department of History
2016–2017

History 4410F
Crime and Society in England, 1800–1900

Instructor: Professor Allyson N. May

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This seminar explores nineteenth-century reform of the criminal law: the rise of modern policing and the transformation of both the criminal trial and punishment. It considers the impact of gender and class on definitions of crime and the treatment of offenders as well as the historiography of criminal justice. It will also examine representations of crime, policing, trial and punishment in the nineteenth-century press.

Students will be assigned responsibility for initiating discussion of various assigned texts in class. The written assignments consist of a 1,000 word article review and a 2,500 word case study, chosen in consultation with the instructor, which illuminates the history of policing, trial, or punishment.

Attendance in the seminar is mandatory and successful completion of the course will depend upon it. Any request for accommodation must be applied for via Academic Counselling.

Learning outcomes

Students will:

- Develop an understanding of the ways in which criminal behaviour was conceptualized and categorized in nineteenth-century Britain
- Assess the ways in which these new understandings influenced the theory and practice of punishment
- Become familiar with the history of British policing, both preventive and detective
- Explore crucial developments in the history of the criminal trial, including the presumption of innocence and the right to counsel

Required text:

Clive Emsley, *Crime and Society in England, 1750–1900*, 4th ed. (London, 2010)

Additional readings will be assigned on a weekly basis from the lists below.

Grading Scheme:

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|-----------------------------|-----|
| Seminar participation | 40% |
| Article review (due 6 Oct.) | 20% |
| Case study (due 17 Nov.) | 40% |

Deadlines and extensions: Due dates are not flexible. Extensions will only be granted for medical or family emergencies; they must be applied for before the assignment is due and accompanied by the proper documentation. A late penalty of 2% per day, including weekends, will be levied on work submitted after the deadline without an extension.

Appeal of grades: Any request for reconsideration of a grade on a course assignment MUST take the form of a written statement outlining the reasons for your request (minimum 250 words). Please bear in mind that an appealed grade can be lowered, left unchanged or raised.

Plagiarism: Plagiarism is a serious academic offence. It will be reported to the university authorities and result in failure and academic sanctions. Assignments must be written in your own words: any phrases, sentences, or passages lifted from someone else's text must appear in quotation marks. Sources for both quoted material and ideas must be acknowledged via footnotes or endnotes.

1 (8 Sept.) Introduction to the course

2 (15 Sept.) The eighteenth-century criminal justice system: The ‘Bloody Code’

Background reading: Emsley, chaps. 8 & 9

J.M. Beattie, *Crime and the Courts in England, 1660-1800* (Princeton, 1986), chap. 2

J.M. Beattie, *Policing and Punishment in London, 1660-1750* (Oxford, 2001), Part 1 (chaps. 2-5)

Peter King, *Crime, Justice, and Discretion in England, 1740-1820* (Oxford, 2000), chaps. 2, 3 & 10

V.A.C. Gatrell, *The Hanging Tree: Execution and the English People 1770-1868* (Oxford, 1994), Pt. I

Peter King, *Crime, Justice, and Discretion in England, 1740-1820* (Oxford, 2000), chap. 10

3 (22 Sept.) Resistance to reform: ‘Property, Authority, and the Criminal Law’

Background reading: Emsley, chap. 6

Douglas Hay, ‘Property, Authority and the Criminal Law,’ in Douglas Hay et al. eds., *Albion’s Fatal Tree: Crime and Society in Eighteenth-Century England* (New York, 1975)

Peter Munsche, *Gentlemen and Poachers: The English Game Laws, 1671-1831* (Cambridge, 1981), chaps. 1 & 5

Peter King, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins* (Cambridge, 2006), Part 4, The Attack on Customary Rights, chaps. 9 & 10

4 (29 Sept.) New categories of criminality: ‘The fabrication of deviance’

Emsley, chaps. 3, 6 & 7

Victor Bailey, ‘The Fabrication of Deviance: “Dangerous Classes” and “Criminal Classes” in Victorian England,’ in *Protest and Survival: The Historical Experience: Essays for E.P. Thompson*, ed. Robert Malcolmson and John Rule (London, 1994)

Randall McGowen, ‘Getting to Know the Criminal Class in Nineteenth-Century England,’ *Nineteenth-Century Contexts* 14 (1990): 33-54

Rob Sindall, ‘Middle-Class Crime in Nineteenth-Century England,’ *Criminal Justice History* 4 (1983): 23-40

George Robb, *White-collar Crime in Modern England: Financial Fraud and Business Morality, 1845-1929* (Cambridge, 1992), Introduction, chaps. 1, 3 & 8, Conclusion

Peter King and Joan Noel, 'The Origins of "The Problem of Juvenile Delinquency": The Growth of Juvenile Prosecutions in London in the Late Eighteenth and Early Nineteenth Centuries,' *Criminal Justice History* 14 (1993): 17-41

Heather Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London* (Woodbridge, 1999), chaps. 1-4, 5-8

5 (6 Oct.) Gender and crime

Emsley, chap. 4

Lucia Zedner, *Women, Crime and Custody in Victorian England* (Cambridge, 1991)

Carolyn Conley, *The Unwritten Law: Criminal Justice in Victorian Kent* (Oxford, 1991), chap. 3

Frances Finnegan, *Poverty and Prostitution: A Study of Victorian Prostitutes in York* (Cambridge, 1979)

Judith Walkowitz, *Prostitution and Victorian Society: Women, Class and the State* (Cambridge, 1980)

Nancy Tomes, 'A "Torrent of Abuse": Crimes of Violence between Working-class Men and Women in London, 1840-1875,' *Journal of Social History* 11 (1977-8): 328-45

Shani D'Cruz, *Crimes of Outrage: Sex, Violence and Victorian Working Women* (London, 1998)

Martin J. Wiener, *Men of Blood: Violence, Manliness, and Criminal Justice in Victorian England* (Cambridge, 2004)

Clive Emsley, *Hard Men: Violence in England since 1750* (London, 2005)

Article review due

6 (13 Oct.) Library instruction for case study assignment

7 (20 Oct.) Policing and detection

Clive Emsley, *The English Police: A Political and Social History* (London, 1996), chaps. 1 & 2, 3 & 4

Robert Storch, 'The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England, 1850-1880,' *Journal of Social History* 9 (1976): 481-509

Carolyn Steedman, *Policing the Victorian Community: The Formation of English Provincial Police Forces, 1856-80* (London, 1984)

Michael Weaver, 'The New Science of Policing: Crime and the Birmingham Police Force, 1839-1842,' *Albion* 26(2) (1994): 289-308
 David Taylor, *The New Police in Nineteenth-Century England: Crime, Conflict, and Control* (Manchester, 1997), chaps. 2, 3, & 4
 David J. Cox, *A Certain Share of Low Cunning: A History of the Bow Street Runners, 1792-1839* (Portland, 2010)
 J.M. Beattie, *The First English Detectives: The Bow Street Runners and the Policing of London, 1750-1840* (Oxford, 2012)
 Haia Shpayer-Makov, *The Ascent of the Detective: Police Sleuths in Victorian and Edwardian England* (Oxford, 2011)

27 October: Study Break

8 (3 Nov.) The criminal trial

J.M. Beattie, 'Scales of Justice: Defense Counsel in the English Criminal Trial in the Eighteenth and Nineteenth Centuries,' *Law and History Review* 9 (1991): 221-67
 John H. Langbein, *The Origins of Adversary Criminal Trial* (Oxford, 2003), chaps. 1, 3 & 5
 Allyson N. May, *The Bar and the Old Bailey, 1750-1850* (Chapel Hill, 2003), chaps. 2, 4 & 5
 David J.A. Cairns, *Advocacy and the Making of the Adversarial Criminal Trial, 1800-1865* (Oxford, 1998), chap. 4
 David Bentley, *English Criminal Justice in the Nineteenth Century* (London, 1998), chaps. 2, 5, 12, 15-18

9 (10 Nov.) The transformation of punishment: Transportation

A. Roger Ekirch, *Bound for America: The Transportation of British Convicts to the Colonies, 1718-1775* (Oxford, 1987)
 Robert Hughes, *The Fatal Shore: A History of the Transportation of Convicts to Australia, 1787-1868* (London, 1987)
 James Semple Kerr, *Design for Convicts: An Account of Design for Convict Establishments in the Australian Colonies* (Sydney, c. 1984)
 Lloyd Evans and Paul Nicholls, eds., *Convicts and Colonial Society, 1788-1868*, 2nd ed. (South Melbourne, 1984)
 George Rudé, *Protest and Punishment: The Story of the Social and Political Protesters Transported to Australia* (Oxford, 1978)
 Kay Daniels, *Convict Women* (St Leonard's, Australia, 1998)
 Deborah Oxley, *Convict Maids: The Forced Migration of Women to Australia* (Cambridge, 1996)
 Kirsty Reid, *Gender. Crime and Empire: Convicts, Settlers and the State in Early Colonial Australia* (Manchester, 2007)

10 (17 Nov.) The transformation of punishment: Imprisonment

Joanna Innes, 'Prisons for the Poor: English Bridewells, 1555-1800,' in *Labour, Law and Crime: An Historical Perspective*, ed. Frances Snyder and Douglas Hay (London, 1987)
J.M. Beattie, *Crime and the Courts in England, 1660-1800* (Princeton, 1986), chap. 10
Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (Harmondsworth, 1978), chaps. 2, 3 & 4
Margaret DeLacy, *Prison Reform in Lancashire, 1700-1850* (Stanford, 1986), Introduction, chaps. 1, 4 & 7
Robin Evans, *The Fabrication of Virtue: Prison Architecture 1750-1840* (Cambridge, 1982), chaps. 1, 2 & 4

Case study due in class

11 (24 Nov.) Punishment after 1865

David Smith, 'The Demise of Transportation: Mid-Victorian Penal Policy,' *Criminal Justice History* 3 (1982): 21-45
David D. Cooper, 'Public Executions in Victorian England: A Reform Adrift,' in *Executions and the British Experience from the 17th to the 20th Century: A Collection of Essays*, ed. William B. Thesing (Jefferson, NC, 1990)
David D. Cooper, *The Lesson of the Scaffold: The Public Execution Controversy in Victorian England* (Athens, OH, 1974)
V.A.C. Gatrell, *The Hanging Tree: Execution and the English People 1770-1868* (Oxford, 1994), chaps. 11, 15, Epilogue: 1868: Ending the Spectacle
Randall McGowen, 'Civilizing Punishment: The End of Public Execution in England,' *Journal of British Studies* 33 (1994): 257-82
Sean McConville, 'The Victorian Prison: England, 1865-1965,' *The Oxford History of the Prison*, ed. Norval Morris and David J. Rothman (Oxford, 1995)
Victor Bailey, 'English Prisons, Penal Culture, and the Abatement of Imprisonment, 1895-1922,' *Journal of British Studies* 36(3) (1997): 285-324
Martin J. Weiner, *Reconstructing the Criminal: Culture, Law and Policy in England, 1830-1914* (Cambridge, 1990), chap. 8

12 (1 Dec.) Nineteenth-century crime fiction: Sherlock Holmes

ADDITIONAL STATEMENTS

Prerequisites and Antirequisites:

Unless you have either the requisites for this course, as described in the Academic Calendar description of the course, or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites. The Academic Calendar description of each course also indicates which classes are considered antirequisites, i.e., to cover such similar material that students are not permitted to receive academic credit for both courses.

Academic Offences:

Scholastic Offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitute a Scholastic Offence, at the following Web site:

http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf

Plagiarism:

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>).

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 Issues:

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. This site provides links the necessary forms. 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 should be requested. They will subsequently contact the instructors in the relevant courses about the accommodation. Once the instructor has made a decision about whether to grant an accommodation, the student should contact his/her instructors to determine a new due date for tests, assignments, and exams.

SUPPORT SERVICES:

Students who are in emotional/mental distress should refer to Mental Health@Western, <http://www.uwo.ca/uwocom/mentalhealth/> for a complete list of options about how to obtain help.

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.

If you have any further questions or concerns please contact, Rebecca Dashford, Undergraduate Program Advisor, Department of History, 519-661-2111 x84962 or rdashfo@uwo.ca