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CRIM2041

Crime and Punishment in Historical Perspective

Semester Two // 2018

Course Overview

Staff Contact Details

Convenors

Name	Email	Availability	Location	Phone
Dr Briony Neilson	briony.neilson@unsw.edu.au	Tuesday afternoons (by appointment)		9385 1681

School Contact Information

School of Humanities and Languages

Location: School Office, Morven Brown Building, Level 2, 258

Opening Hours: Monday - Friday, 9am - 5pm

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Attendance Requirements

A student is expected to attend all class contact hours for a face-to-face (F2F) or blended course and complete all activities for a blended or fully online course.

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, their request should be accompanied by an original or certified copy of a medical certificate or other form of appropriate evidence.

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.

For more information about the attendance protocols in the Faculty of Arts and Social Sciences: <https://www.arts.unsw.edu.au/current-students/academic-information/protocols-guidelines/>

Academic Information

For essential student information relating to: requests for extension; review of marks; occupational health and safety; examination procedures; special consideration in the event of illness or misadventure; student equity and disability; and other essential academic information, see <https://www.arts.unsw.edu.au/current-students/academic-information/protocols-guidelines/>

Course Details

Credit Points 6

Summary of the Course

Subject Area: *Criminology*

This course can also be studied in the following specialisations: *History; European Studies*

This course examines the development of important institutions and procedures of criminal justice, and the debates they provoked from the 17th to the 19th century. Using early modern England as a focal point (but also referring to criminal justice in Europe), this course will introduce you to the major features of England's criminal justice system. It asks: Why were so few criminals prosecuted and convicted in the 17th and 18th 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? We then consider some of the ways in which “reforms” were introduced during the 18th and 19th 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 guillotine – be considered humane? Why did it take so long for the British to develop a professional police force?

At the conclusion of this course the student will be able to

1. Identify and analyse important turning points, people, ideas and developments in early-modern criminal justice systems in Europe.
2. Evaluate and compare historical case studies.
3. Locate and analyse historical evidence derived from criminal justice records.
4. Construct coherent, evidence-based arguments about the history of criminal justice.
5. Reflect on how modern criminal justice institutions and procedures are informed by long-term historical changes and continuities.

Teaching Strategies

This course explores European history through the development of criminal law and policing. Lectures and tutorials explore key themes and historiographical debates in the field. In tutorials and essays you will also explore “Primary” sources from the periods being studied and analyse the different ways that scholars have interpreted them. 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.

Assessment

Details on the requisite referencing system to be used will be provided via Moodle for each assessment.

Assessment Tasks

Assessment task	Weight	Due Date	Student Learning Outcomes Assessed
Literature Review	30%	31/08/2018 11:59 PM	2,3,4
Analytical Essay	30%	05/10/2018 11:59 PM	1,2,3,4
Informal tutorial writing	20%	Weeks 3-12 inclusive, during tutorials	1,2,5
End of semester test	20%	Week 13, during tutorial	1,2,4,5

Assessment Details

Assessment 1: Literature Review

Start date:

Details: This assessment provides scaffolding for the Analytical Essay. Students discuss provided and some independently located historiography in preparation for discussion of primary source documents. Feedback by numerical grade, rubric and written comments. 1250 wrds

Turnitin setting: This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

Assessment 2: Analytical Essay

Start date:

Length: 2,000-2,500 words

Details: Students analyse a “primary” source of historical evidence -- an account produced at (or near) the time -- and relate it to the issues identified and discussed in the literature review. Feedback by numerical grade, rubric and written comments. 2500 words.

Turnitin setting: This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

Assessment 3: Informal tutorial writing

Start date:

Details: Students reflect on personal engagement with tutorial readings in 8 tutorials. Students are given a questionnaire to complete weekly. This amounts to no more than 800 words total. Numerical grade + group feedback.

Turnitin setting: This is not a Turnitin assignment

Assessment 4: End of semester test

Start date:

Details: Students draw on lectures and their own learning in this course and provided sources in a 50 minute, in-class test. Feedback by numerical grade, with oral feedback on request. This is the final assessment for attendance purposes.

Turnitin setting: This is not a Turnitin assignment

Submission of Assessment Tasks

Students are expected to put their names and student numbers on every page of their assignments.

Turnitin Submission

If you encounter a problem when attempting to submit your assignment through Turnitin, please telephone External Support on 9385 3331 or email them on externalteltsupport@unsw.edu.au. Support hours are 8:00am – 10:00pm on weekdays and 9:00am – 5:00pm on weekends (365 days a year). If you are unable to submit your assignment due to a fault with Turnitin you may apply for an extension, but you must retain your ticket number from External Support (along with any other relevant documents) to include as evidence to support your extension application. If you email External Support you will automatically receive a ticket number, but if you telephone you will need to specifically ask for one. Turnitin also provides updates on their system status on Twitter.

Generally, assessment tasks must be submitted electronically via either Turnitin or a Moodle assignment. In instances where this is not possible, it will be stated on your course's Moodle site with alternative submission details.

Late Assessment Penalties

Students are responsible for the submission of assessment tasks by the required dates and times. Depending on the extent of delay in the submission of an assessment task past the due date and time, one of the following late penalties will apply unless special consideration or a blanket extension due to a technical outage is granted. For the purpose of late penalty calculation, a 'day' is deemed to be each 24-hour period (or part thereof) past the stipulated deadline for submission.

- **Work submitted less than 10 days after the stipulated deadline** is subject to a deduction of 5% of the total awardable mark from the mark that would have been achieved if not for the penalty for every day past the stipulated deadline for submission. That is, a student who submits an assignment with a stipulated deadline of 4:00pm on 13 May 2016 at 4:10pm on 14 May 2016 will incur a deduction of 10%.

Task with a non-integer percentage mark

If the task is marked out of 25, then late submission will attract a penalty of a deduction of 1.25 from the mark awarded to the student for every 24-hour period (or part thereof) past the stipulated deadline.

Example: A student submits an essay 48 hours and 10 minutes after the stipulated deadline. The total possible mark for the essay is 25. The essay receives a mark of 17. The student's mark is therefore $17 - [25 (0.05 \times 3)] = 13.25$

Task with a percentage mark

If the task is marked out of 100%, then late submission will attract a penalty of a deduction of 5% from the mark awarded to the student for every 24-hour period (or part thereof) past the stipulated deadline.

Example: A student submits an essay 48 hours and 10 minutes after the stipulated deadline. The essay is marked out of 100%. The essay receives a mark of 68. The student's mark is therefore $68 - 15 = 53$

- **Work submitted 10 to 19 days after the stipulated deadline** will be assessed and feedback provided but a mark of zero will be recorded. If the work would have received a pass mark but for the lateness and the work is a compulsory course component (hurdle requirement), a student will be deemed to have met that requirement;
- **Work submitted 20 or more days after the stipulated deadline** will not be accepted for assessment and will receive no feedback, mark or grade. If the assessment task is a compulsory component of the course a student will receive an Unsatisfactory Fail (UF) grade as a result of unsatisfactory performance in an essential component of the course.

This information is also available at:

<https://www.arts.unsw.edu.au/current-students/academic-information/protocols-guidelines/>

Special Consideration Applications

You can apply for special consideration when illness or other circumstances interfere with your assessment performance.

Sickness, misadventure or other circumstances beyond your control may:

- * Prevent you from completing a course requirement,
- * Keep you from attending an assessable activity,
- * Stop you submitting assessable work for a course,
- * Significantly affect your performance in assessable work, be it a formal end-of-semester examination, a class test, a laboratory test, a seminar presentation or any other form of assessment.

For further details in relation to Special Consideration including "When to Apply", "How to Apply" and "Supporting Documentation" please refer to the Special Consideration webstie:

<https://student.unsw.edu.au/special-consideration>

Academic Honesty and Plagiarism

Plagiarism is using the words or ideas of others and presenting them as your own. It can take many forms, from deliberate cheating to accidentally copying from a source without acknowledgement.

UNSW groups plagiarism into the following categories:

Copying: using the same or very similar words to the original text or idea without acknowledging the source or using quotation marks. This also applies to images, art and design projects, as well as presentations where someone presents another's ideas or words without credit.

Inappropriate paraphrasing: Changing a few words and phrases while mostly retaining the original structure and/or progression of ideas of the original, and information without acknowledgement. This also applies in presentations where someone paraphrases another's ideas or words without credit and to piecing together quotes and paraphrases into a new whole, without appropriate referencing.

Collusion: working with others but passing off the work as a person's individual work. Collusion also includes providing your work to another student before the due date, or for the purpose of them plagiarising at any time, paying another person to perform an academic task, stealing or acquiring another person's academic work and copying it, offering to complete another person's work or seeking payment for completing academic work.

Inappropriate citation: Citing sources which have not been read, without acknowledging the "secondary" source from which knowledge of them has been obtained.

Duplication ("self-plagiarism"): submitting your own work, in whole or in part, where it has previously been prepared or submitted for another assessment or course at UNSW or another university.

Correct referencing practices:

- Paraphrasing, summarising, essay writing and time management
- Appropriate use of and attribution for a range of materials including text, images, formulae and concepts.

Individual assistance is available on request from The Learning Centre (<http://www.lc.unsw.edu.au/>). Students are also reminded that careful time management is an important part of study and one of the identified causes of plagiarism is poor time management. Students should allow sufficient time for research, drafting and proper referencing of sources in preparing all assessment items.

UNSW Library also has the ELISE tool available to assist you with your study at UNSW. ELISE is designed to introduce new students to studying at UNSW but it can also be a great refresher during your study.

Completing the ELISE tutorial and quiz will enable you to:

- analyse topics, plan responses and organise research for academic writing and other assessment tasks
- effectively and efficiently find appropriate information sources and evaluate relevance to your needs
- use and manage information effectively to accomplish a specific purpose
- better manage your time

- understand your rights and responsibilities as a student at UNSW
- be aware of plagiarism, copyright, UNSW Student Code of Conduct and Acceptable Use of UNSW ICT Resources Policy
- be aware of the standards of behaviour expected of everyone in the UNSW community
- locate services and information about UNSW and UNSW Library

Some of these areas will be familiar to you, others will be new. Gaining a solid understanding of all the related aspects of ELISE will help you make the most of your studies at UNSW.

(<http://subjectguides.library.unsw.edu.au/elise/aboutelise>)

Course Schedule

[View class timetable](#)

Timetable

Date	Type	Content
Week 1: 23 July - 29 July	Lecture	Introduction. Overview & Criminal Justice History.
	Reading	Michael R. Weisser, "The Legal Environment of Crime at the Beginning of the Early Modern Period", in Weisser, <i>Crime and Punishment in Early Modern Europe</i> (Atlantic Highlands, NJ: Humanities Press, 1979), pp.51–67.
	Tutorial	There are no tutorials in Week 1, but you are expected to complete the reading by Weisser (1979).
Week 2: 30 July - 5 August	Lecture	Crimes. Urban & Rural Crimes. The "Bloody Code".
	Reading	Gwenda Morgan & Peter Rushton, "The Magistrate, the Community and the Maintenance of an Orderly Society in Eighteenth-Century England", <i>Historical Research</i> , vol. 76 (2003), pp.54–77.
	Tutorial	Local law enforcement
Week 3: 6 August - 12 August	Lecture	Policing & Prosecution. Problems of Policing. Prosecution Strategies.
	Reading	E.P. Thompson, "The Exercise of Law", in Thompson, <i>Whigs and Hunters: The Origin of the Black Act</i> (London: Allen Lane, 1975), pp.245–58.
	Tutorial	The "Black Act" (1723)
Week 4: 13 August - 19 August	Lecture	Punishments. Capital and Corporal Punishments.
	Reading	Tim Wales, "Thief-Takers and their Clients in Later Stuart London", Ch. 4 of <i>Londinopolis: Essays in the Cultural and Social History of Early Modern London</i> , ed. Paul Griffiths & Mark S.R. Jenner (Manchester: Manchester University Press, 2000), pp.67–84.
	Tutorial	Thief-takers
Week 5: 20 August - 26 August	Lecture	Crime and Media. Problems of Proof. Media Reports.
	Reading	J. A. Sharpe, "'Last Dying Speeches': Religion, Ideology and Public Execution in Seventeenth-Century England", <i>Past and Present</i> , no.107 (1985), pp.144–67.
	Tutorial	Scaffold speeches.
Week 6: 27 August - 2 September	Lecture	Transportation. Transportation to America. Prison Hulks.
	Reading	Thomas W. Laqueur, "Crowds, Carnival and the State in English Executions, 1604- 1868", in A.L. Beier, David Cannadine & James M. Rosenheim

		(eds), <i>The First Modern Society: Essays in English History in Honour of Lawrence Stone</i> (Cambridge: Cambridge University Press, 1989), pp.305–55.
	Tutorial	Public executions
	Assessment	Literature Review assignment due Friday 31 August (30%)
Week 7: 3 September - 9 September	Lecture	Enlightenment. Beccaria & Howard. The French Revolution.
	Reading	Gwenda Morgan & Peter Rushton, "Cities, Regions and their Criminals", in Morgan & Rushton, <i>Eighteenth-Century Criminal Transportation: The Formation of the Criminal Atlantic</i> (Basingstoke: Palgrave Macmillan, 2004), pp.33–61 & 'Notes', pp.173–81.
	Tutorial	Transportation.
Week 8: 10 September - 16 September	Lecture	Prisons. Bentham and the Panopticon. Prison "reforms".
	Reading	Janet Semple, "John Howard and the Origins of the Panopticon", in Semple, <i>Bentham's Prison: A Study of the Panopticon Penitentiary</i> (Oxford: Clarendon Press, 1993), pp.62–94.
	Tutorial	Enlightened "reforms".
Week 9: 17 September - 23 September	Lecture	Police. Urban policing. "New Police".
	Reading	U.R.Q. Henriques, "The Rise and Decline of the Separate System of Prison Discipline", <i>Past and Present</i> , vol.54 (1972), pp.61–93.
	Tutorial	Prison discipline.
Break: 24 September - 30 September	Topic	No lectures or tutorials
Week 10: 1 October - 7 October	Lecture	"Science" and criminal justice. Criminal insanity. Bertillon & Lombroso.
	Reading	John Field, "Police, Power and Community in a Provincial English Town: Portsmouth, 1815–1875", in Victor Bailey (ed.) <i>Policing and Punishment in Nineteenth-Century Britain</i> (London: Croom Helm, 1981), pp.42– 64.
	Tutorial	Police reforms.
	Assessment	Analytical Essay due Friday 5 October (30%)
Week 11: 8 October - 14 October	Lecture	Long-term trends in violence. Violence in England and Europe.
	Reading	Chandak Sengoopta, "A Signature of Exceeding Simplicity", in Sengoopta, <i>Imprint of the Raj: How Fingerprinting was Born in Colonial India</i> (London: Macmillan, 2003), pp.53–92.
	Tutorial	Fingerprints
Week 12: 15 October - 21 October	Lecture	Course review. Theorists and theories. Test preview.

	Reading	Barry S. Godfrey & Paul Lawrence, "The Measurement and Meaning of Violence", in Godfrey & Lawrence, <i>Crime and Justice, 1750–1950</i> (Cullompton: Willan Publishing, 2005), pp.89–109.
	Tutorial	How violent was the past?
Week 13: 22 October - 28 October	Assessment	<p>This closed-book, 50-minute test is a compulsory course requirement. It counts for 20% of overall assessment, and will be held in-class during your usual tutorial class in Week 13 (Tuesday 23 October).</p> <p>The test will entail your writing two short responses to two questions. You will be provided with those two questions and necessary readings (via Moodle) on Friday 12 October. You will have to read a couple of short extracts by two historians and relate their arguments to the themes and materials you have encountered throughout the course.</p>
	Reading	Details on requisite readings will be made available at least one week prior.

Resources

Prescribed Resources

Compulsory weekly tutorial readings will be available via Moodle. There is no set textbook for this course, however students are encouraged to read widely, e.g. using materials listed below.

Recommended Resources

Additional materials

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

J. MERRIMAN, *A History of Modern Europe* (New York/London: Norton, 3rd ed., 2010; 2nd ed., 2004; 1st ed., 1996), 2 vols. (Most relevant sections include Ch. 6–7, Ch. 9–10, & Ch. 12–15. UNSW, S 940.2/123

Another introductory textbook covering Europe (especially England) from 1600s to 1800s with a section on issues of crime, justice and punishment:

I. WOLOCH, *Eighteenth-Century Europe: Tradition and Progress, 1715–1789* (New York/London: Norton, 1982). (Most relevant section, pp.163–82.) UNSW, S 940.253/19

On histories of crime and justice in England:

J.A. SHARPE, *Crime in Early Modern England, 1550–1750* (1st ed., London/ New York: Longman, 1984). UNSW, S 364.942/1 6 & UNSW, e-book

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

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

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

C. EMSLEY, *Crime and Society in England, 1750–1900* (4th ed., Hoboken, NJ: Taylor & Francis, 2013). UNSW, e-book

On histories of crime and justice in Europe:

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

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

J.R. RUFF, *Violence in Early Modern Europe, 1500–1800* (Cambridge, UK/ New York: Cambridge University Press, 2000). UNSW, S 303.6094/3

C. EMSLEY, *Crime, Police and Penal Policy: European Experiences, 1750–1940* (Oxford, UK: Oxford University Press, 2007). UNSW, e-book

Scholarly periodicals

Crime, Histoire & Sociétés/Crime, History & Societies [ISSN 1422-0857]

(Go to the UNSW Library website and use J-Stor or the link to “Miscellaneous journals”.)

Websites

UNSW Library: <https://www.library.unsw.edu.au/study/access-to-online-resources>

Essential materials for the Analytical Essay (worth 30%) are trial reports documented in The Proceedings of the Old Bailey, 1674–1913: www.oldbaileyonline.org

Course Evaluation and Development

Student feedback on teaching strategies for the unit will be solicited at several points over the course of the semester and responded to accordingly. Together we will work towards making the learning environment a stimulating and enriching one.

Image Credit

Henry Mayhew & John Binny, *The Criminal Prisons of London and scenes of prison life*. With numerous illustrations from photographs (London, 1862).

CRICOS

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