HISTORY OF CRIMINAL JUSTICE

CJUS 4870

Spring 2012

Tuesday/Thursday 9.30-10.50am

Wooten Hall, Room 112

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Office Hours: Tuesday 08.00-09.15am and 12.30-2.30pm. Thursday 08.00-09.15am and 12.30-2.30pm

Final Exam: TBA

Course Description: This course examines crime and punishment from the time of the French invasion of Britain in the 11th century to the establishment of the Common Law in Colonial America. The course material is set against a background of major historical events and movements and introduces the student to problems of crime, law enforcement and penology throughout a 600 year timeframe. A focused feature of the course will be an in-depth exploration of the use of torture and how it differed in England and Continental Europe throughout the time period covered.

Course Objectives: Upon successful completion of this course students will be able to:

* Demonstrate a working understanding of the history of the Common Law
* Articulate an understanding of the major historical events that caused the divide between the Common Law and Civil Law
* Evaluate the importance of the events leading up to the 4th Lateran council and the ban on clergy being involved in trials of blood-letting
* Understand the importance of the English common law as the primary source of legislation, modes and practices of crime and punishment adopted in Colonial America

In addition to the formal learning outcomes there is a bigger issue, that issue is developing creative people. It is my intention that during this course you will gain the confidence to do really well. A university education is not about trying to mold you it is the reverse; it is about trying to help you escape a mold. What you bring to the class is yourself and your desire to participate.

“The capacity to think about one’s thinking -to ponder metacognitively- and to correct it in progress is far more worthy than remembering any name, date, or number”. (Bain, K., *What The Best College Teachers Do*, Harvard University Press, Cambridge, Massachusetts, 2004, pp.95).

The decision to take this course is yours. Once you have made that decision you are responsible to every other course participant in the community of learners that makes up this class.

Textbook: Jones, M. and Johnstone, P. *History of Criminal Justice* (5th Edition) .2011, Waltham, MA, Anderson Publishing

Recommended Readings:

Additional readings will be referenced and supplied throughout the course.

Exams: There will be a mid-term examination and a final examination. The mid-term will comprise of an essay question, worth 20 points and the submission of a portfolio (Details attached) worth 40 points and the final worth 40 points. Examinations will cover textbook readings and the material covered in class. Examinations will be written. Students will answer one (1) comprehensive unseen question for the mid-term and one (1) comprehensive unseen question for the final. Students will also submit a portfolio as the second part of the mid-term assessment.

No materials whatsoever whether written, printed or electronic are permitted when sitting examinations.

Examination material will be cumulative. Make-up exams will only be given in the event of unforeseen and documented circumstances.

Grades: A 90-100%

 B 80-89.99%

 C 70-79.99%

 D 60-69.99%

 F Below 59.99%

Academic Dishonesty. Students found to be cheating, plagiarizing, fabricating information or citations, or facilitating academic dishonesty will receive a zero grade for the course. See further: Chapter # -07 Student Affairs. 18.1.16 Student Standards of Academic Integrity.

Americans with Disabilities Act. The university complies with Section 504 of the Rehabilitation Act and The Americans with Disabilities Act. Students who may need accommodations should call the Office of Disability Accommodation (940-369-8652).

Course Schedule:

**Weeks 1&2**

Lecture 1 *Medieval Crime and Punishment Before the Lateran Council of 1215.* Dark Ages, Gavelkind, and Outlawry. Vengeance, wergild and Dooms. Oaths, Ordeals and Torture.

Focus: *Presentment of Englishry and the Murder Fine*

**Weeks 3, 4 & 5**

Lecture 2 *From the Lateran Councils to Renaissance (1150-1550).* The French Inquisitorial System, Burning at the Stake and Trials for Animals. The Development of the English Jury System, Pressing and Boiling to Death. Royal Prisons, Bishops Prisons and French Dungeons.

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Focus: *The Development of the Benefit of Clergy: Use and Abuse in the Middle Ages.* Privilegium Fori, Privilegium Canonis and Benefit of Clergy. The Case of the Bishop of Ely

**Weeks 6, 7 & 8**

Lecture 3 *Criminal Justice and the English Constitution up to 1689*. The Divine Right of Kings. Regicide, the Civil War and a Glorious Revolution.

 Focus: *Torture and the Law of Proof (1540-1640)* Blood Sanctions, Galley Sentences and Transportation. England and the Century of Torture 90 cases. Matthew Hopkins “Witch-Finder General”

**Week 9. Mid-Term Examination.**

**Question 1 Tuesday. Portfolio Submission. Thursday.**

**Weeks 10,**

**11 & 12**

Lecture 4 *The Enlightenment and Criminal Justice*. The Age of Reason, The Beginning of the End of Secret Procedures. The Abolition of Torture, Public Spanking and Gendercide. The Bloody Code and Newgate Executions. Judges and Juries at Old Bailey.

 Focus: *Jonathan Wild* “Thief-Taker General”. Vice and The City: The Bow Street Runners.

**Week 13**

Lecture 5 *“But Where Are The Lawyers?”* The courts before lawyers. Informed and active juries. Investigating magistrates and judicial directions to juries.

Focus: *Barristers and Solicitors post 1800.*

**Week 14** Course review

**Week 15** Final exam