CRIME AND PUNISHMENT IN COLONIAL AMERICA
CJUS 5800
Spring 2015

Spring semester 2014. January 20-May 12
TUESDAY 6-8.50 pm
SAGE 231 & WILLIS 443 (LIBRARY)

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Office Hours. By appointment

Course Description: This course examines the establishment of a system for prosecuting and punishing offenders in the American colonies of Virginia and Massachusetts between establishment until Independence. It explores the particular uptake of the English version of the legal 'fiction' Benefit of Clergy as a mechanism for adopting the positive aspects of the English Common Law but avoiding some of the negative sanguinary applications. The course will approach this much understudied area from the position that whereas in Virginia much of the English legal system was adopted and utilized intact, crime and punishment, through Benefit of Clergy had a very different face in the northern Plymouth Colony and Massachusetts.

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

- Demonstrate a working understanding of the complexity of the use and abuse of benefit of clergy and its application in the criminal law
- Articulate an understanding of the colonial and English criminal law as it applied to Virginia and Massachusetts during the period under study
- Evaluate the work of academic commentators in establishing the nature and form of crime and punishment in colonial America as it was developed and adjusted to local nuances and needs
• Analyze the success of the newly created court systems in Virginia and Massachusetts in adapting the English common law to suit and serve the colonial justice system
• Each student participant will have obtained an understanding of the establishment and growth of the criminal law within colonial America and the specific application of benefit of clergy as applied to a range of crimes and punishments


Additional Readings: Students will be directed toward court reports, archives, electronic databases and scholarly works as needed. In addition a comprehensive collection of articles and relevant reading will be available weekly from the reserve section of Willis library.

Assessment: This is a writing intensive course.

Students will be required to submit a portfolio of writing that critiques each chapter of the required textbook and at least two academic articles related to each book chapter. Each chapter critique will be not more than 500 words. This work will be completed weekly in order that students may present and discuss their findings during the class seminar meetings. At the conclusion of the course students are required to provide a portfolio introduction that contextualizes the material submitted and a conclusion together with unmarked copies of each 500 word chapter and article critique. The entire portfolio may not exceed 6000 words.

The portfolio must be fully referenced and footnoted in the NUMERIC system. Single spaced 12 font Arial. All pages must be numbered.

Failure to submit a written chapter and article critique and present this to class during bi-weekly class seminar meetings will result in the loss of five points for the paper and five points for failing to present. Ten points in total. This means that failure to submit a written paper and present your findings twice will result in a loss of twenty points from the overall grade. There will be six presentation seminar meetings; each meeting is worth 10 points (5 points for paper submission in advance, 5 marks for presentation of material at seminar meeting). Note there are seven chapters in the book. Chapter seven is not a presentation chapter.

Total grade for the class will comprise of sixty points for written critique and presentation of your findings (chapters one thru six), five points for a written
critique of chapter seven and twenty five points for final submission that includes a portfolio introduction and conclusion. One hundred points in total.

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:**

**NOTE. This class meets in SAGE 231 one week and Willis library 443 on the alternate week. Presentations are given during the meetings held in Sage 231.**

**Week 1**  
Tuesday January 20.  
Sage 231

Introduction to Benefit of Clergy and the establishment of a criminal justice system in Virginia and Massachusetts. How crime and punishment in Colonial America applied and matured. How to use Chapter one of the course book.

**Week 2**  
Tuesday January 27.  
Willis Library 443

Jennifer Rowe (Library Services Researcher) and Dr. Johnstone. Access to printed and electronic legal databases.

**Week 3**  
Tuesday February 3.  
Sage 231

Seminar and presentations of chapter one by students.
Week 4  Tuesday February 10.  Willis Library 443
Researching chapter two and associated articles

Week 5  Tuesday February 17.  Sage 231
Seminar and presentations of chapter two by students.

Week 6  Tuesday February 24  Willis Library 443
Researching chapter three and associated articles

Week 7  Tuesday March 3.  Sage 231
Seminar and presentations of chapter three by students.

Week 8.  Tuesday March 10.  Willis Library 443
Researching chapter four and associated articles

Week 9  SPRING BREAK NO CLASS

Week 10  Tuesday March 24.  Sage 231
Seminar and presentations of chapter four by students.

Week 11  Tuesday March 31.  Willis Library 443
Researching chapter five and associated articles
Week 12  Tuesday April 7.  Sage 231
Seminar and presentations of chapter five by students.

Week 13  Tuesday April 14.  Willis Library 443
Researching chapter six and associated articles

Week 14  Tuesday April 21.  Sage 231
Seminar and presentations of chapter six by students.

Week 15  Tuesday April 28.  Willis Library 443
Researching chapter seven and associated articles

Week 16  Tuesday May 5.  Sage 231
Course review and submit portfolios