

***CRI389Y0 – Rights, Freedoms and Responsibilities in Criminal Law:
Historical Origins and New Directions in England and Canada: Summer 2021 (Draft)***

Instructor: Dr. William Watson
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GENERAL DESCRIPTION

This course traces shifts in the rights, freedoms and responsibilities of legal subjects, as they have been defined in criminal law in England and Canada, beginning with the gradual emergence of the common law in England during the Medieval period, right up to the present day, including the history of approaches to political violence in England. Close attention will be paid to recent developments which challenge traditional doctrines. The English legal system has recently adopted a number of innovations and proposals which have not been tried in Canada, including new doctrines regarding police administration, antisocial behaviour, community policing, speech supporting terrorism, and jury trials. In all these cases, there is significant modification of established legal doctrines regarding the relationship between the state and its subjects. The new Conservative government has modified some of these policies, partly in light of fiscal challenges. Canada has been at the forefront of other developments which modify that relationship, most notably regarding dangerousness assessment with a view to preventive detention, and the punishment of women offenders, where feminist theories have been influential.

This course places special emphasis on the development of students' writing abilities, whether you are starting as a highly accomplished writer, someone concerned that you need considerable help with your writing, or anywhere in between. Students will have the opportunity to evaluate these developments in light of the history of legal rights, freedoms and responsibilities in the common law tradition. They will present their views of the nature, causes and validity of the developments in the written assignments. There are frequent office hours available to discuss your work, which you can attend as often as you like, as well as individual online appointments to discuss your term paper project.

The course will be of special interest to students of Criminology, Political Science and History.

ONLINE COURSE DELIVERY

The course will be presented in the form of online synchronous lectures, supported by asynchronous lecture materials, open online office hours, and individual online appointments.

In addition, we will be conducting virtual tours of a number of museums and other sites.

A number of guest speakers with experience in criminal justice issues in the UK will participate, with details to be arranged. Please note these presentations will be in the morning or afternoon, and will require class times or office hours to be rescheduled to accommodate the speakers.

Professor Watson will also provide his students with online materials less directly related to the course themes of crime and justice, but designed to give interested students an enhanced sense of British history and culture: these will include "A brief visual history of British architecture, with a special focus on Oxford," "A brief sound history of British music," "A brief visual history of British sport," and "A brief history of British food, with simple recipes."

COURSE READINGS

The lectures and the student evaluations will be based on readings placed on the course Quercus site.

EVALUATIONS

Students complete five evaluations:

Pre-course Assignment: due 23:59 EST on Monday 26 July. 200 - 250 word commentary on a crime news item appearing in Canada, discussing the criminal justice system and media response. 5% of course marks.

In-course Assignment 1: due 23:59 EST on Monday 2 August. 800 - 1,000 word essay answering the following question: "Does Canada's *Charter of Rights and Freedoms*, used to challenge government practice and legislation through judicial review, provide appropriate limits on government?" 15% of course marks.

In-course Assignment 2: due 23:59 EST on Monday 9 August. 600 - 800 brief response to the Week 1 and Week 2 virtual tours, selecting any aspect of the material to critically analyze. 15% of course marks.

In-course Assignment 3: due 23:59 EST on Wednesday 18 August. 1,250-1500 word term paper, either on one of the topics covered in Lectures 4-10, or another topic approved by Professor Watson which is related to the course themes. All students will meet by appointment with Professor Watson during dedicated zoom appointment slots to discuss their choice of essay topic. They will have the opportunity to discuss the progress of their paper during the office hours held after this. 40% of course marks.

In-course Assignment 4: due 23:59 EST on Monday 23 August. 1,000 - 1,250 word essay answering **one** the following questions: **either** “Has the contribution of Canadian feminist research on women’s corrections enhanced Canadian correctional services for women?” **or** “Has contemporary research on psychopathy based on Robert Hare’s Psychopathy Checklist – Revised (PCL-R) improved Western criminal justice systems?” **or** “What do news and fictional media representations of crime and criminal justice communicate about differences of age, gender or ethnicity?” 25% of course marks.

TIMETABLE (draft)

Week 1: Monday 26 July - Sunday 1 August

Monday 26 July: Lecture 1: Introduction to the course. Origins of English law – emergence of the Feudal state and the formalization of custom: violent punishments and fines. Mens Rea. Emergence of the jury. Outlawry. Common law. Development of statute. The Crown. Regulation and the colonial state. Calvin’s case. Penitentiaries.

1:00 - 2:30: Professor Watson – office hours

Pre-course Assignment due, 23:59 EST, on the course Quercus site.

Tuesday 27 July: Lecture 2: Pre-confederation criminal law and policy in British North America Canada. Confederation and the Criminal Code. Differences from English tradition. Influence of US. Federal Code vs provincial justice. Emergence of Supreme Court of Canada.

1:00 - 2:30: Professor Watson – office hours

Wednesday 28 July: Lecture 3: Rights and freedoms: origins of common law rights and freedoms tradition. Hobbes and Locke. Influence of US. Charter of Rights and Freedoms. United Kingdom and European Court.

1:00 - 2:30: Professor Watson – office hours

Pre-course Assignment returned

Thursday 29 July: **Virtual Tour 1:** British Museum. Tower of London

5:00 - 6:30: Professor Watson – office hours

Friday 30 July

Free

Saturday 31 July

Free

Sunday 1 August

Free. 6:00 - 7:30 Professor Watson – office hours

Week 2: Monday 2 August - Sunday 8 August

Monday 2 August: Lecture 4.1: Policing the community: origins of modern police force in England. Early history of Canadian policing. Development of 'asymmetrical federalism' in Canada's patchwork of policing arrangements. Independence of police forces. Community policing models. Police Community Support Officers. Police Commissioners.

1:00 - 2:30: Professor Watson – office hours

4:00 - 6:30: Professor Watson – appointments to discuss term paper.

In-course Assignment 1 due, 23:59 EST, on the course Quercus site.

Tuesday 3 August: Lecture 5: Public order law: alcohol regulation; decarceration and drunkenness; influence of Europe on UK alcohol regulation; Antisocial Behaviour Orders/Criminal Behaviour Orders.

1:00 - 2:30: Professor Watson – office hours

4:00 - 6:30: Professor Watson – appointments to discuss term paper.

Wednesday 4 August: Lecture 6: Security and secrecy: History of media censorship in UK. British Official Secrets Act. October crisis. Impact of Northern Ireland conflict. Canada's reaction to 9/11. Proposals to ban certain kinds of speech re: terrorism in the UK.

1:00 - 2:30: Professor Watson – office hours

4:00 - 6:30: Professor Watson – appointments to discuss term paper.

In-course Assignment 1 returned

Thursday 5 August: **Virtual Tour 2:** Museum of London. 'Jack the Ripper' Walk

4:00 - 6:30: Professor Watson – appointments to discuss term paper.

7:00 - 8:30: Professor Watson – office hours

Friday 6 August

Free

Saturday 7 August

Free

Sunday 8 August

Free. 6:00 - 7:30: Professor Watson – office hours

Week 3: Monday 9 August – Sunday 15 August

Monday 9 August: Lecture 7: Homicide Law and the Death Penalty: Infanticide; diminished responsibility (hospital orders); 'life'; current UK proposals aimed at restricting discretion.

1:00 - 2:30: Professor Watson – office hours

In-course Assignment 2 due, 23:59 EST, on the course Quercus site.

Tuesday 10 August: Lecture 8: Two traditions re: the jury: Influence of US in Canada. Summing up. Jury selection. Recent restrictions on availability. Deference to jury verdicts in Canada. Wrongful convictions: traditional doctrines – Lord Denning. Impact of IRA convictions in UK. Impact of US cases in Canada and UK. Compensation in UK.

1:00 - 2:30: Professor Watson – office hours

Wednesday 11 August: Lecture 9: History of criminological theory – development of UK schools - Bentham to the present. Influence of UK and US criminology in Canada. Current schools of criminological theory in UK and Canada. Role of criminological theory in current administrations – especially the UK ('New Realism' and after).

1:00 - 2:30: Professor Watson – office hours

In-course Assignment 2 returned

Thursday 12 August: **Virtual Tour 3:** An online visit to London to sites of major historic political violence: Smithfield Market (Peasant's Revolt 1381); Newgate and Old Bailey (Gordon Riots 1780); Sidney Street, Stepney (Siege of Sidney Street 1911); Liverpool Street and St Ethelberga's Church (IRA bombing 1993); Aldgate ('7/7' bombings 2005).

Friday 13 August
Free

Saturday 14 August
Free

Sunday 15 August
Free. 6:00 - 7:30: Professor Watson – office hours

Week 4: Monday 16 August – Sunday 22 August

Monday 16 August: Lecture 10: Feminist criminology and women's corrections. History of women's corrections. Holloway Prison. P4W. Closure of P4W. Canada at forefront of contemporary innovations – influence of feminist criminology on women's corrections in Canada and influence of Canada on English speaking world.

1:00 - 2:30: Professor Watson – office hours

Tuesday 17 August: Lecture 11: Psychopathy and dangerousness assessment: English medical history and legal innovation. Canadians involved in treatment without changes in law. Therapeutic nihilism affects UK and Canada. Canadian Robert Hare and the new science and treatment of psychopathy. Development of dangerousness assessment instruments and Dangerous Offender legislation.

1:00 - 2:30: Professor Watson – office hours

Wednesday 18 August: Lecture 12: Media representations of crime and criminal justice in the UK and Canada.

1:00 - 2:30: Professor Watson – office hours.

In-course Assignment 3 due, 23:59 EST, on the course Quercus site.

Thursday 19 August: Study period for In-course Assignment 4 with Professor Watson (optional).

Friday 20 August
Free

In-course Assignment 3 returned

Saturday 21 August

Free

Sunday 22 August

Free. 6:00 - 7:30: Professor Watson – office hours

Monday 23 August: **In-course Assignment 4 due, 23:59 EST, on the course Quercus site.**