

CJ 339W History of the Criminal Justice System

Spring, 2008

Syllabus

Room: CJ Center A115
Time: TTH 9:30 – 11:00
Office: Kirkley Hall, 208
Office Hours: TTH 11-12:30 PM, or
by appointment

Professor: S. Kris Kawucha
Phone: 936-294-4777
Email: skk003@shsu.edu

Required Texts

Johnson, Herbert A. and Nancy Travis Wolfe. *History of Criminal Justice*. 3rd ed. Cincinnati: OH. Anderson, 2003

Herrup, Cynthia B. *A House in Gross Disorder: Sex, Law, and the 2nd Earl of Castlehaven*. NY: Oxford University Press, 1999

Langbein, John. *Torture and the Law of Proof: Europe and England in the Ancien Régime*. Chicago: OH. University of Chicago Press, 2006

Beccaria, Cesare. *An Essay on Crime and Punishment*. Int'l Pocket Library ed. 1764

Hoffer, Peter. *The Salem Witchcraft Trials: A Legal History*. Lawrence: KS. University Press of Kansas, 1997

Course Description

Students will explore the aspects of the different parts of the criminal justice system; the laws, courts, prisons, and the police, from antiquity to modern times. Discussions will include major developments in social, economic, and political events of differing time periods and how these events produced changes in the criminal justice system as a whole.

Course Objectives and Goals

With the successful completion of this course, students will have learned the following tasks:

- Students will be able to explain the different aspects of the criminal justice system from ancient times to the present.
- Students will be able to explain how laws were developed, and why laws changed over time.
- Students will understand the correlations between the various components of the criminal justice system, and how the CJ system interacted with other aspects of society.
- Students will be able to explain how societal thought towards criminal behavior and penological attitudes changed over the centuries.
- Students will be able to explain the commonalities and differences of the CJ system from ancient times to the present.

Course Requirements

Grade Scale:

A	90-100
B	80-89
C	70-79
D	60-69
F	< 59

Course Grading:

3 Exams (100 pts ea.)	300 pts
2 Book Reviews (50 pts ea.)	100 pts
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Total Possible Points	400 pts

Exams

There will be 3 exams worth a total of 300 points. They may be essay, identifications, fill in the blank, short answer, and/or multiple choice. Each test will cover **all** assigned reading material, even if not covered in class. Study guides will be provided prior to all exams.

Grade Sheet

A grade sheet will be available after the first exam, utilizing an alias submitted by the student (to maintain confidentiality). Any student that does not wish to submit an alias may refrain from doing so. However, I do not email grades or scores as I have no way of knowing who has access to that email address which creates confidentiality issues.

Book Reviews

We will read several books, and you will do reviews on two of them; one on laws and sexuality in the 18th century, and one of your choice from either the witchcraft trial work, or the work on torture. You will provide me with a written review (I will provide the format requirements in class) of the first book on the day we discuss the book in class, and the second towards the end of the semester. Each is no more than 4-6 pages.

Participation / Attendance

I highly value student participation and input; students are **strongly encouraged** to attend class each day. I will take attendance by way of a sign-in sheet each class day, and I will keep track of all students that actively participate in class discussions, and ask questions. In addition:

- Students may miss valuable information from lectures and discussions, and as exams will draw heavily from lectures, missing class will negatively impact your exam scores.
- Students may miss extra credit quizzes.
- Students will lose ½ letter grade for each absence after three absences.

- 2 late arrivals or early exits will count as one absence.
- Students that miss more than 5 class sessions may be administratively dropped according to University Guidelines.

Note: Having another student sign in for you is the same as cheating since it involves points and a grade. Doing so may result in a grade of F for all students involved.

Extra Credit

To provide an opportunity for bonus points, I may have several unannounced quizzes, each worth up to five points (5 questions worth a point each). The questions may not have anything to do with CJ History, or may be from assigned readings. The number of offered quizzes and the number of questions is entirely my discretion. At the end of the semester, I will add any points earned to your final score. Obviously, if you are not present, you will miss the quiz and the opportunity for extra points. There are no make-ups on quizzes under any circumstances.

Make – Up Work

Any make – up work will only be given in response to legitimate, substantial, and verifiable reasons. Make – up exams will be entirely essay in nature. Please make every effort to contact me **prior** to the absence via email or leave a message with the CJ office.

ADA Statement

Students with a certified disability may contact me at any time regarding any necessary accommodations. Students with a disability that affects their academic performance are expected to arrange for a conference with the instructor in order that appropriate strategies can be considered to ensure that participation and achievement opportunities are not impaired. The physically impaired may contact the Director of the Counseling Center as chair of the Committee for Continuing Assistance for Disabled Students by telephone (ext. 1720). Please refer to the following website for additional information on services for disabled students:

<http://www.shsu.edu/-counsel/ssed.html>

Academic Honesty

I regret that I should even have to mention the issue of cheating, but here it is: If I catch you, the very least you can expect is an F in the class. Honor and integrity are at the very core of Criminal Justice and I value my profession and its reputation very highly. Any questions can be answered at Section 5.3 of the SHSU Student Guidelines.

www.shsu.edu/administrative/faculty/sectionb.html#dishonesty

Religious Holidays

For university policy on student absences on religious holidays, refer to SHSU Student Guidelines for complete information.

www.shsu.edu/catalog/scholasticrequirements.html#holyday

Extra Credit Book Reviews

Students may read additional books and write reviews for extra credit. I will provide you with a list of works the first day of class, or you may find your own. The book must deal with an historical aspect (pre-1940) of any part of criminal justice, and I must approve the book(s) you choose. Each review is worth a maximum of 15 points, and will be added to your final score. There is no limit on the number of reviews you may do.

Miscellaneous

- Please turn off any cell phones, pagers, beepers, PDA's, or any other electronic or noise making devices; they are immensely distracting to other students and to me. No recording devices will be allowed unless required by ADA Guidelines, and this includes portable and/or laptop computers.
- During exams, any cell phone or other electronic device that activates will be confiscated, and returned at the end of the semester.
- Students are reminded that discussions may involve issues that are sensitive and inflammatory in nature. Please remember that everyone is entitled to their own opinion and view of a topic. However, intentional provocation, insult, or abuse directed at another student or myself **will not be tolerated**, and the offender will be asked to leave.
- If you plan to fall asleep, please do so at home, not in my class.
- I round up final scores. For example, an 89.5 is an A, an 89.4 will remain a B. Other than this, I do not change grades.
- I do not curve scores—don't bother asking. Curving is fundamentally unfair to students.
- If you are having difficulties, the best course is to let me know immediately. Do not wait until finals when I cannot help you. My goal is to have every student attain the grade they wish in this course, whatever that grade may be.
- Incompletes will **only** be given for major medical or other personal emergencies, not just because you are doing poorly in the course.

Syllabus Changes

This syllabus is not a contract. I reserve the right, and I have the discretion to make changes to this syllabus. If a change becomes necessary, I will announce the change(s) in class. It is your responsibility to be in class so you can be made aware of any changes. Failing to make syllabus changes because of missing class is not an excuse for missing or late work assignments.

Class Schedule and Assigned Readings

Week 1 (January 17)

- 📖 Introduction and Syllabus (Read Chapter 1 in Wolfe)

Week 2 (January 22, 24)

- 📖 Introduction, Crime as a theory and a practice. Sociological thoughts about crime. Definitions of crime and criminal behavior. (Read Chapter 2 in Wolfe)
- 📖 Ancient societies; Near Eastern empires, Egypt, and Athens. Laws, procedural changes, development of courts, juries, policing and corrections

Week 3 (January 29, 31)

- 📖 Ancient Societies cont'd. (Begin reading *Torture and the Law of Proof*)

Week 4 (February 5, 7)

- 📖 Imperial and Republican Rome and the development of law, *Corpus Juris Civilis*, development of jurists and the practice of law, juridical oratory (Read Chapter 3 in Wolfe, finish reading *Torture and the Law of Proof*)

Week 5 (February 12, 14)

- 📖 Criminal justice in the Early and High Middle Ages; vengeance, ordeals, trial by combat, canon law vs. secular law, compurgation, Magna Carta (Read Chapter 4 in Wolfe)
- 📖 **Review for Exam 1 (Chapters 1-4 in Wolfe, all of Langbein)**

Week 6 (February 19, 21)

📖 Exam 1 Tuesday, February 19

- 📖 Criminal Justice in the Late Middle Ages; Feudalism and manorialism contribution to CJ, accusatorial vs. inquisitorial systems, differences from England to the continent, jury systems, laws of proof, rise of witchcraft prosecutions, development of the common law in England, societal changes and the Renaissance. (Read Chapter 5 in Wolfe)

Week 7 (February 26, 28)

- 📖 The Reformation, English common law, Divine Right to Rule and constitutionalism, changes to judicial power, the Privy Council and the Court of Star Chamber, English Civil Wars and the Glorious Revolution, Bridewells. (Read Chapter 6 in Wolfe)

Week 8 (March 4, 6)

- 📖 Reformation (cont'd)
- 📖 Criminal justice in the colonies; commonalities and differences with England, sumptuary laws, Jamestown vs. Plymouth Rock, Mayflower Compact, transportation, indenturement (Read Chapter 7 in Wolfe, and Beccaria's *Essay on Crime and Punishment*)

Week 9 (March 10-14) SPRING BREAK

Week 10 (March 18, 20)

- 📖 Enlightenment ideals, changes to political spheres of power, Beccaria, Bentham, Locke, Voltaire and Montesquieu, expansion of American judiciary power, changes to sociological thoughts on crime and criminology, growth of penology. (Read *A House in Gross Disorder*)

Week 11 (March 25, 27)

- 📖 **BOOK REVIEW #1 DUE**
- 📖 Discuss Herrup's work. What problems arose in proving a charge of rape? Of sodomy? What were some of the aspects of this trial that made it so unique both then and now? Did class differences play any part in the trial? In the sentence? Why was the King and the general public so eager to prosecute the Earl? (Read Chapter 8 in Wolfe)

Week 12 (April 1, 3)

- 📖 American freedom from England and the new constitution, the Bill of Rights, the trial of Aaron Burr, changes to criminal procedure. (Read Chapter 9 in Wolfe)
- 📖 A new country and a new prison philosophy, debtor's prison, involuntary servitude, special populations – the insane, the aged, the infirm, women, juveniles, and the slothful,

early prison reform efforts, Pennsylvania vs. Auburn prison systems, Maconochie. (Read Chapter 10 in Wolfe, read *The Salem Witchcraft Trials*)

📖 Review for Exam 2 (Chapters 5-9 in Wolfe, and all of Beccaria)

📖 Exam 2 Thursday, April 3 (Week 12)

Week 13 (April 8, 10)

📖 Discuss Hoffer's work. What made these trials unique? What changes in criminal procedures helped to end the trials? What other explanations can be offered for the behavior of the afflicted girls? Or the behavior of the townspeople? How do these trials relate to what Langbein discusses about the use and abolishment of torture?

Week 14 (April 15, 17)

📖 The growth of policing and rise of professionalism, Sir Robert Peel and the Peelian reforms, Napoleonic Code of Law, Henry Fielding and the Bow Street Runners, policing differences between the North and the South, the American West. (Read Chapter 11 in Wolfe)

Week 15 (April 22, 24)

📖 BOOK REVIEW #2 DUE

📖 Growth of policing (Cont'd)

📖 "New Constitutionalism", Civil War, Constitutional Amendments, Dred Scott and the slavery issue, suspension of Habeas Corpus, Social Darwinism, rise of city governments, growth of nationalism, political corruption. (Read Chapters 12, 13 in Wolfe)

Week 16 (April 29, May 1)

📖 National Prison Congress, prison labor practices, scientific advances, Lombroso, prisonization, birth of probation and parole, birth of juvenile courts and the reformatory.

📖 Civil Rights Movement, Vietnam, communism, scientific and technological advances, FBI, ballistics, 9/11 impacts on CJ, growth of criminal justice in academe. (Read Chapter 14 in Wolfe)

Week 17 (May 6, 8)

📖 WWII, Nuremberg trials and the Declaration of Human Rights, the Warren, Burger, and Rehnquist courts, Terrorism, International policing efforts, Death penalty, Tribal Justice.

📖 **Review for Final Exam (Chapters 10 – 14 in Wolfe, *The Salem Witchcraft Trials*)**

📖 **FINAL EXAM Chapters 10-14, *The Salem Witchcraft Trials*, Thursday, May 15, 2008)**