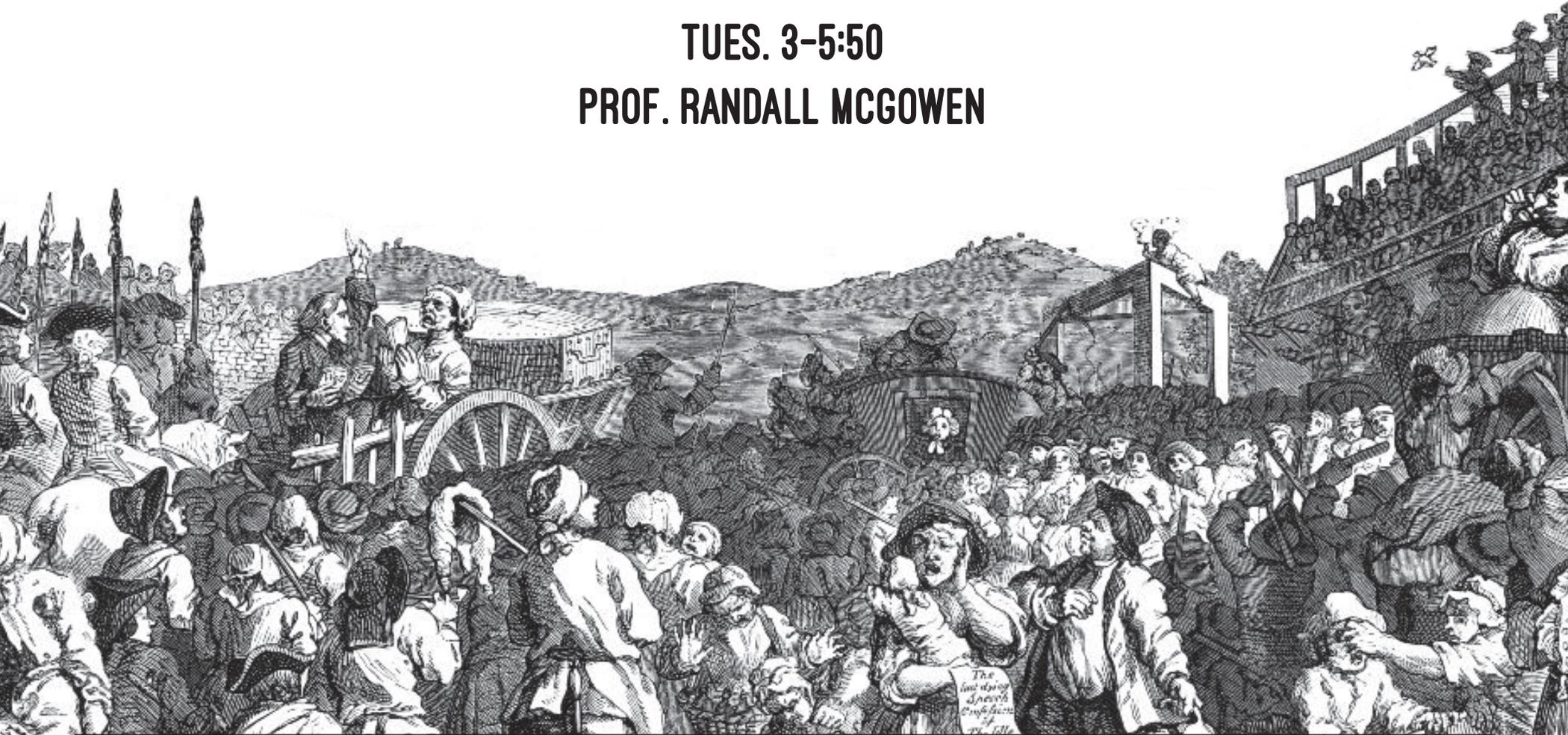


**SPRING TERM SEMINAR 2015**

**HISTORY 407: "CRIME AND PUNISHMENT IN EIGHTEENTH-CENTURY ENGLAND"**

**TUES. 3-5:50**

**PROF. RANDALL MCGOWEN**



**FEW AREAS OF SOCIAL HISTORY HAVE ATTRACTED AS MUCH INTEREST, IN RECENT YEARS, AS THE STUDY OF CRIME AND PUNISHMENT.**

NO DOUBT THIS INTEREST IS EXPLAINED IN PART BY THE RICHNESS OF THE RECORDS THAT SURVIVE. THERE ARE FEW OTHER SOURCES THAT PROVIDE US WITH SUCH A DETAILED LOOK AT THE LIVES OF THE POOREST IN SOCIETY. BUT THE STUDY OF JUSTICE HAS MUCH MORE TO REVEAL ABOUT PAST SOCIETIES. IT TELLS US, FOR INSTANCE, ABOUT THE CAPACITY OF THE STATE TO IMPOSE ORDER UPON ITS VARIOUS RANKS. THE GOVERNMENT ALSO EMPLOYED THE LAW TO GAIN LEGITIMACY IN THE EYES OF ITS SUBJECTS. OF COURSE THESE CLAIMS WERE NOT ALWAYS SUCCESSFUL. LEGAL RECORDS ENABLE US TO TRACE OUT THE CONFLICTS THAT MARKED SOCIAL RELATIONS. THEY ALSO PERMIT US TO EXAMINE IN DETAIL HOW DIFFERENT CLASSES USED THE LAW TO SECURE THEIR OWN ENDS. IT IS THESE VARIED FACES OF JUSTICE - OF CONFLICT AND NEGOTIATION, OF REPRESSION AND COOPERATION - THAT MAKE THE STUDY OF THE LAW SO INTERESTING TO HISTORIANS.

History 407/507 Crime and Punishment in Eighteenth-Century England  
Spring 2015

Prof. Randall McGowen

Office: 365 McKenzie

Tues. 1:30-3

Few areas of social history have attracted as much interest, in recent years, as the study of crime and punishment. No doubt this interest is explained in part by the richness of the records that survive. There are few other sources that provide us with such a detailed look at the lives of the poorest in society. But the study of justice has much more to reveal about past societies. It tells us, for instance, about the capacity of the state to impose order upon its various ranks. The government also employed the law to gain legitimacy in the eyes of its subjects. Of course these claims were not always successful. Legal records enable us to trace out the conflicts that marked social relations. They also permit us to examine in detail how different classes used the law to secure their own ends. It is these varied faces of justice – of conflict and negotiation, of repression and cooperation – that make the study of the law so interesting to historians.

In our class discussions and common readings we will examine the general themes and broad theoretical questions that have shaped recent scholarship on crime and punishment in early modern England. But the main focus of the term is to provide students with an experience of “doing” history. Each member of the seminar will select a paper topic from the list provided below or in consultation with the professor. S/he will write an 18-20 page paper based in part on an examination of original sources. The University of Oregon library contains a wide variety of such materials – Parliamentary debates, eighteenth-century periodicals, diaries, microfilm of provincial newspapers and the London Times, as well as a complete set of the Old Bailey Sessions Papers (OBSP)(reports of criminal trials in London). These criminal reports are now online at [www.oldbaileyonline.org](http://www.oldbaileyonline.org). One additional source of great value is the Eighteenth-Century Collection On-line (ECCO), an extensive archive of pamphlets and books from the period. We also have the Burney Collection of 18th century newspapers on-line. The Law Library also possesses volumes that may be of use to you. Your paper **must** involve a significant amount of research in these sources. Because you only have ten weeks in which to produce a paper, I will be monitoring your progress carefully. You should plan on choosing a topic for your paper by Apr. 7, and you should hand in an outline of your essay by Apr. 14 (2 pages and a bibliography). At your meeting with me on May 5, I will expect to see some of the notes you have collected for your project. During the week of May 19 I will meet with each of you individually to discuss a preliminary draft of your paper. Once during the term each student will be asked to present a summary of his/her progress and to discuss any problems s/he is encountering. We will devote the last class of the term to a discussion of the major issues raised during the term, and each student will be expected to come prepared to participate in the discussion with examples drawn from his or her own project. At all times students are expected to join in class discussions. More than one absence from seminar will result in the loss of a full letter grade.

Graduate students will have additional meetings with the professor and an expanded list of required readings.

#### Course Objectives:

In this History seminar we have a number of different objectives. First and foremost, I want you to become familiar with the period we will be studying. This means not only learning such things as names, dates, and major economic, political, or intellectual trends, but also seeking to understand what shaped particular historical moments and exploring how people experienced them. In this class discussion will be an important part of the learning experience. You will be expected to participate regularly with an informed knowledge of the readings due that day. One of the ways we approach the subject is through original sources, and in this course you will learn how to analyze and use such documents to build historical arguments. You will be taught how to read carefully and critically. Our goal is to learn that reading is not a passive activity, but rather one that requires constant alertness and a questioning mind. In the paper you will be called upon to write in this class, you will be encouraged to develop the ability to organize a carefully reasoned argument or thesis out of imperfect or conflicting documents. You will be expected to develop a position and defend it with well-chosen evidence. These skills -- the analysis of complex situations, reading with a critical eye, and the composition of well developed essays -- will serve you well as you look forward to life beyond the university.

#### Required Readings:

Douglas Hay & Nicholas Rogers, Eighteenth-Century English Society

Daniel Defoe, Moll Flanders

Clive Emsley, Crime and Society in England, 1750-1900

Several works dealing with crime and law in eighteenth-century England are on reserve in the library. The most important of these is John Beattie's Crime and the Courts in England, 1660-1800. Peter King's Crime, Justice and Discretion in England, 1740-1820 is also a significant monograph.

Class Schedule:

- Mar. 31 Introduction
- Apr. 7 The operation of the law in its historical setting.  
Old Bailey assignment (January 15, 1720 session);  
Hay & Rogers (entire book)
- Apr. 14 Crime and literary imagination. Defoe (entire book)
- Apr. 21 How to study crime in historical perspective.  
Emsley, chapters 1-5  
JP's notebooks -- William Hunt, Edmund Tew (on reserve)
- Apr. 28 The problem of police and punishment.  
Emsley, chapters 6-11; J.M. Beattie, "'Scales of  
Justice': Defense Counsel and the English Criminal  
Trial in the 18th and 19th Centuries"
- May 5 Student meetings with professor.
- May 12 Criminal justice and eighteenth-century society.  
Essays on reserve: D. Hay, "Property, Law and  
Authority," in Albion's Fatal Tree; and J. Langbein,  
"Albion's Fatal Flaws."
- May 19 Student meetings with professor.
- May 26 No Class (professor available in office during regular class time)
- June 2 Student reports

All papers are due by noon, June 9

Possible paper topics:

- A study of a specific crime (arson, forgery, horse theft, coining, etc.)
- The analysis of crimes committed by or punishments imposed upon each sex
- Debates about punishment in eighteenth-century England
- Analysis of Ordinary of Newgate's Accounts of lives of offenders
- The nature of policing in early modern society
- A comparison of crime patterns in wartime versus times of peace
- A study of court dynamics, the differences between cases with or without lawyers present
- The analysis of goods stolen
- A study of crime reporting in eighteenth-century newspapers
- The nature and frequency of violent offenses in specific periods
- The character of juvenile criminality in London
- A comparison of literary treatments of crime with the evidence of the OBSP
- A study of one sensational criminal episode

Remember that these topics often have different chronological frames of reference. In some cases you will only examine a few years with great care. In other instances you will take the entire century as your unit of analysis.