

Course of Study:

Any History or Social Science Course – World History, U.S. History, Government, Sociology, or Economics

Unit:

May vary according to teacher needs and curriculum goals

Topic:

Punishment: Retributive or Utilitarian

Vital Theme(s):

Values, beliefs, political ideas, and institutions: The basic principles of influential religions, philosophies, and ideologies. The interplay among ideas, moral values, and leadership, especially in the evolution of democratic institutions. The tensions between freedom and security, liberty and equality, diversity and commonality in human affairs.

Comparative history of major developments: The characteristics of revolutionary, reactionary, and reform periods across time and place. Imperialism, ancient and modern. Comparative instances of slavery and emancipation, feudalism and centralization, human success and failure, wisdom and folly. Comparative elites and aristocracies; the role of family, wealth, and merit.

“Vital Themes and Narratives,” *Building a United States History Curriculum*. Westlake, OH: National Council for History Education, 2005, pp. 10-11.

Lesson:

Using primary sources to understand the purposes of punishment and its varying purposes based on time and place.

Rationale for lesson and the use of *Vital Themes*:

Using the Theme of *Values, Beliefs, Political Ideas and Institutions*, the various reasons for punishment can easily be examined and discussed. The debate of whether or not punishment can be seen as utilitarian, for retribution, or as a combination of the two can also be explored through the lens of this particular *Vital Theme*.

This lesson allows students the opportunity to analyze and use several primary sources to gain better insight into the purposes of punishment. Teachers may use the broad range of documents and/or images included in this lesson and in *Lapham's Quarterly* to best suit the needs of their students. Students should gain the historical perspective of changing social and cultural definitions, and also better understand an historian's work by making comparisons and seeing commonalities and differences.

Student Objectives:

Students will be able to:

- “Do History” by actively engaging in reading and analyzing primary sources
- Draw conclusions based on primary source material
- Defend a thesis using specific and relevant information derived from the primary sources
- Evaluate and analyze documents in context of a *Vital Theme*

Benefits for Teachers:

- Providing a lesson focus through the use of NCHE's *Vital Themes*
- Using a document approach to history – using primary sources
- Having students become historians by “doing history” and developing *History's Habits of Mind*
- Having students read and directly apply relevant information to support an assertion

History's Habits of the Mind:

- Understand the significance of the past to their own lives, both private and public, and to their society
- Prepare to live with uncertainties and exasperating, even perilous, unfinished business, realizing that not all problems have solutions
- Acquire at one and the same time a comprehension of diverse cultures and of shared humanity
- Understand how things happen and how things change, how human intentions matter, but also how their consequences are shaped by the means of carrying them out, in a tangle of purpose and process

“History’s Habits of the Mind,” *Building a United States History Curriculum*. Westlake, OH: National Council for History Education, 2005, p. 9.

Materials:

- Any document found in this issue of *Lapham’s Quarterly* or on the website. Teachers can use their discretion based on their own goals or curricular demands
- Written Document Analysis Sheet or A.D.A.P.T. sheet
- Image Analysis Sheet

Lesson Activities:

Prerequisites:

- Understanding of the terms “utilitarian” and “retribution.”
- Understanding of how historians analyze and interpret a primary source document.

Motivation for Student Learning:

Open class with a discussion of the meaning of “an eye for an eye and a tooth for a tooth.” Explain that it comes from ancient law codes and that it is used as a basis for punishment in a civilization. No decision or consensus need be reached – in fact, it is preferable that one not be.

Activity / Application:

Have students read individual copies of the document on page 142 of *Lapham’s Quarterly* entitled *1775: London, Sops for Cerberus*, by Jeremy Bentham. Students will not be familiar with this document. Students should do a thorough analysis of the document before they begin reading by completing as many categories of the A.D.A.P.T. as possible or by completing a written document analysis sheet. If they do not know a specific name, date, or audience, an educated guess should be encouraged.

- These questions may serve as a discussion basis:
 1. Does the author seem to believe that punishment should be more utilitarian or retributive?
 2. Cite 3 specific examples from the document to support the assertion.
- For closure, the teacher may want to have students write a paragraph describing the author’s point of view/perspective.

When the above activity is finished, distribute any number of documents to the students (at teacher’s discretion). Additional documents can be found in *Lapham’s Quarterly* or on the website.

Teachers may want to select documents that span a vast period of time or documents that are restricted to a specific era. Documents that are specific to a particular region, documents from all over the world, or any combination of the aforementioned will work, depending on the teacher’s preference.

Tell students that they will be examining sources from a specific time period or across time (depending on the teacher’s preference).

Each student should complete a written document analysis or A.D.A.P.T. for each document. In order to have students read with a purpose, students should be sure to note, with specific passages, as to whether the author believes punishment to be utilitarian or retributive. In addition, students should note whether the teacher selected documents that reflect a given time

period, a given area, or that vary in one or both categories. Students should then make some observations about their discoveries.

In addition to the above, or as a replacement, the teacher may use some of the images and have students complete an image analysis sheet. The same discussion as above should be followed. Several images are suggested below.

Possible Documents:

- 1948: Smalltown, U.S.A., Shirley Jackson (page 117)
- c.1925: Burma, George Orwell (page 154)
- 1998: Chicago, Steve Bogira (page 79)
- 1832: Paris, Victor Hugo (page 82)

Possible Images:

- Page 67 – Execution of a German General, 1945
- Page 72 – *The Execution of Maximilian*
- Page 101 – *The Damned Field* (Roman crucifixions)
- Page 119 – Execution by hanging from a large blade
- Page 150 – Chain Gang

Assessment:

1. **Comprehension:** Using all of the documents presented as evidence, have students partner with each other. Have students compare their findings as to whether the document suggests retribution or takes a more utilitarian view. Each pair can then submit a full analysis and its conclusions to the teacher.
2. **Analysis and Comprehension:** Have students use documents to support or refute the assertion that punishment (based on the time and place being examined) tended to be more utilitarian or more retributive. Specific evidence from each document should be used to avoid having students argue with abstract generalizations.
3. **Further Research:** Have students (individually or in small groups) examine the other documents in *Lapham's Quarterly* (or on the *Quarterly's* website) and choose two documents that they believe should be included in their series of documents and as evidence for their position. Have them analyze the documents and provide a written rationale for the inclusion of these documents. Students may choose documents that support or refute their conclusions.

For all of these assignments, images may be substituted for documents and/or supplement.