

Course of Study:

United States History – Survey course

Unit:

May be used at any point in a U.S. History course – Documents used in the lesson span from colonial America to the present.

Topic:

Crime and Punishment

Vital Theme(s):

Patterns of social and political interaction: Change and continuity of class, ethnic, racial, and gender structure and relations. Migration, immigration, forces for social mobility and immobility. The conditions and aspirations of common people, and those of elites, and their effects upon political power and institutions.

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.

“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 changing definitions of crime and punishment, historical context, and historical controversy

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

Using the Theme of *Patterns of Social and Political Interaction*, students will explore how the definitions of “crimes” that have existed throughout American history have shaped our experience. The issues surrounding who defines the crime and who institutes the punishment illustrate how competing groups in American history have defined “justice” and the rights that come with it.

Using the Theme of *Values, Beliefs, Political Ideas and Institutions*, the differences over institutional, state sponsored punishment versus societal, vigilante punishment can easily be highlighted. The concept of *innocent until proven guilty* can also be explored, as can the 8th Amendment’s ban on cruel and unusual punishment and the definition thereof.

This lesson allows students the opportunity to analyze and use several primary sources to gain a better understanding of crime, punishment, and the implementation of justice throughout American history. Teachers may use the broad range of documents in this lesson as a way to allow students to see changes across time or may use the documents specific to the time period being discussed.

Student Objectives:

Students will be able to:

- Apply *History’s Habits of Mind* to “do history”
- Analyze primary sources
- Actively read with a purpose to identify a relevant *Vital Theme*
- Evaluate and analyze documents in context of a *Vital Theme*

Benefits for Teachers:

- Examining a topic through NCHE’s *Vital Themes*
- Document approach to history – using primary sources for the teaching of U.S. history
- Have students become historians by “doing history” and practicing *History’s Habits of Mind*
- Engaging students in active reading

History's Habits of the Mind:

- Understand the significance of the past to their own lives, both private and public, and to their society
- Perceive past events as they were experienced by people at that time, to develop historical empathy as opposed to present mindedness

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

Materials:

- Documents from *Lapham's Quarterly*
 - 1774: *Bostonians Paying The Excise-Man or Tarring and Feathering* – Philip Dawe (p. 61)
 - 1860: *The Hanged Man or John Brown* – Victor Hugo (p. 105)
 - c. 1650: *Boston* - Nathaniel Hawthorne (p. 137)
 - 1928: *Baltimore* – H.L. Mencken (p. 146)
 - 1939: *New York City* – Lewis Allan (p.154)
 - c. 1943 *Harlem* – Malcolm X and Alex Haley (p. 55)
 - 1963: *Birmingham*: - Martin Luther King Jr. (p. 106)
 - 1967: *Newark* – Rick Perlstein (p. 61)
 - 1998: *Chicago* – Steve Bogira (p. 79)
- Document Analysis – A.D.A.P.T. sheet

Lesson Activities:

Prerequisites:

- Understanding of the necessity to suspend judgment from present day standards. Understanding of the time period being discussed.

Motivation for Student Learning:

- As a class, have students view and analyze an image of tarring and feathering by Philip Dawe (p. 61) or *Hanged Man* by Victor Hugo (p. 105). Ideally, the image should be projected onto a large screen. If not, individual copies may be distributed. Many students may not be familiar with the image or what it depicts. These questions may serve as prompts.*
 - Did this scene take place east or west of the Mississippi River? How do you know?
 - Name three present day cities where this scene may have taken place.
 - Was this image made before or after the Civil War? How do you know?
 - Speculate the century and decade when this image was made.
 - List five adjectives that might be used to describe the image and/or the way of life at the time.
 - What might be the motives for the creator?
 - What question would you ask the creator?
 - In addition, a question about the title of the image could spark discussion – is it an image of Bostonians Paying the Excise-Man OR a tarring and feathering? The same could be done for Hanged Man or John Brown (anonymous vs. a named person). What two interpretations of the same image exist in its title?
- Similar questions could be asked about the author of a written source (such as *1939: New York City* – Lewis Allan), and comparisons could be made between the image and the text or between art and literature. The written source could be used individually or in conjunction with the image.

* question prompt idea adapted from:

Drake, Frederick D. and Lynn R. Nelson. *Engagement in Teaching History: Theory and Practice for Middle*

and *Secondary Teachers*. New Jersey: Pearson, 2005, pp.180-182.

- Discuss the previous questions with the students in order to establish time, place, and space relationships. The questions are designed to allow the teacher to determine a student's knowledge of geography (east or west) and understanding of chronology (before or after Civil War).
- Ask students to identify the "crime" for which the punishment is being inflicted. Ask who is implementing the "justice." For closure, the teacher may want to have students write a paragraph describing the "crime" and the "punishment" (including who is inflicting the punishment).

Activity / Application:

Divide students into small groups of 3 or 4 when the above "Motivation" activity is finished. Tell students that they will be examining sources from a specific time period or across time (depending on the teacher's preference). Provide each group with a primary source (suggested ones are listed above and additional ones may be found in this issue of *Lapham's Quarterly*).

Each group should complete a document analysis (A.D.A.P.T.) of its particular document and report to the class as to what "crime" its document describes or depicts, and what form of punishment resulted or is being described. Students should pay particularly close attention (in the analysis) to the date and context of the time. As groups report, each student should receive a copy of every document and take notes on each group's analysis and content.

Assessment:

- Keeping in mind *History's Habits of Mind*, the following assessments are designed to allow students to "do history" and be historians in the truest sense – reflective, analytical, and knowledgeable.
1. **Comprehension** Using all of the documents presented as evidence, have students explain how the definition of a "crime" has changed / remained consistent throughout American history. Have students assess how punishments have changed / remained similar throughout American history. Allow students to interpret each document and justify their interpretation with evidence from the document.
 2. **Analysis and Comprehension:** Have students use documents to support or refute the assertion that societal / vigilante / mob definition of crimes were inconsistent and that institutional / governmental definitions were more consistent. In addition, societal / mob / vigilante forms of justice were always cruel and unusual whereas government punishments for crimes were always more humane. Allow students to interpret each document and justify their interpretations with evidence from the document.
 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 then choose two documents that they believe should be included in the lesson. Have them analyze the documents and provide a written rationale for the inclusion of these documents in the lesson. Students may choose documents that support or refute the above assertion, or choose one document that depicts or describes a crime and one depicts or describes a punishment.