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# REFLECTIONS ON TEACHING THE HISTORY OF EARLY MODERN EUROPEAN LAW, CRIME, AND PUNISHMENT TO UNDERGRADUATES

*Michael Conforti*<sup>1</sup>

## Abstract

Teaching the history of early modern European law and crime presents a number of possible obstacles to student learning. These include exposure to an unfamiliar historical narrative, encounters with different conceptions of social norms, deviancy, discipline, social control, illegality, and dispute resolution which are foreign to the experience of today's students, and confrontations with complex legal ideas, vocabulary, writing conventions, and methods of analysis. In some institutions of higher learning, these challenges may be magnified by curricular requirements mandated by the institution itself. One way to overcome these potential impediments to student learning is to adopt teaching methods which incorporate insights derived from the scholarship of teaching and learning, particularly with reference to the concept of signature pedagogies. This article recounts one instructor's continuing efforts to integrate effective pedagogical approaches identified by the scholarship of teaching and learning, as informed by the principles of pedagogy established within the historical tradition of the Society of Jesus, into a course on the history of early modern European law and crime.

**Keywords:** signature pedagogies, teaching strategies, Ignatian pedagogy, Jesuit pedagogy, *Ratio Studiorum*, *eloquentia perfecta*, early modern Europe

## Introduction

In the Fall of 2011, while preparing to defend my dissertation, I was asked to teach an advanced history elective entitled *Crime and Punishment in Europe*, scheduled for the Spring 2012 semester, which covers the period from 1500 to 1800. The course was designated as an *Eloquentia Perfecta* (hereafter 'EP') seminar within a newly revised core curriculum. More on this later, but for now it is enough to note that within this revised core, EP seminars make very specific writing and public speaking demands on students not mandated in other courses at this university. Further, under the procedure adopted when the curriculum was revised, a committee reviews all proposed syllabi to ensure that those specific writing and speaking requirements are satisfied. Accordingly, I was obliged to use

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<sup>1</sup> Michael Conforti, JD, PhD, Adjunct Instructor, College of Mount Saint Vincent, Riverdale, NY, USA. [conforti.ny@gmail.com](mailto:conforti.ny@gmail.com). Copyright © 2014 by the author, all rights reserved. I wish to thank Nancy J. Curtin, PhD, who has greatly influenced my thinking about what happens in the classroom. Thanks also go to W. David Myers, PhD, who encouraged me to study the history of law and crime in early modern Europe and to Moshe Gold, PhD, who introduced me to the study of Ignatian pedagogy. Many thanks also to the anonymous reviewers of this publication for their insights and helpful suggestions and to Henry Yeomans, PhD, for his guidance and support.

the syllabus already developed by the originator of the course and approved by the committee. I could change some of the readings, I was told, but I must implement the writing assignments and other forms of assessment set out in the approved syllabus. I did not view these stipulations as problematic but realized early on that the real challenge would be to balance coverage of the requisite content with the goal of meeting the expressive skills requirements demanded of students taking an EP course. This ongoing tension continues to inform my view as how to best teach this course.

The aim of this paper is to offer a reflection on my experiences in teaching the history of law and crime to undergraduates over two semesters in a specific institutional and curricular context. Because student course evaluations and other feedback data are not available to me, assessment of the effectiveness of the teaching strategies discussed below must remain anecdotal and impressionistic rather than data-driven. Nevertheless, this article suggests that the insights into teaching and learning gained from the developing scholarship on signature pedagogies can be combined with the principles and practices which inform the pedagogical paradigm established by the Society of Jesus, to develop constructive teaching strategies which can be deployed in the classroom. These strategies can help overcome some of the obstacles to effectively teaching the history of law and crime to undergraduates. Before I relate my experience in planning and teaching the course, however, some background is necessary.

## 1 Institutional Setting

The university where this course is taught is one of 28 colleges and universities in the United States founded by the Society of Jesus.<sup>2</sup> Located in a major metropolitan area, its student population is economically, socially, ethnically, and geographically diverse.<sup>3</sup> In the fall of 2009, after several years of study, the university revised its core curriculum.<sup>4</sup> The first step in implementing this new core was the development of EP seminars. These seminars are intended to ensure that the undergraduate education of every student at the university is firmly rooted in the liberal arts, which would, in turn, serve as a framework for a student's entire undergraduate education.<sup>5</sup>

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<sup>2</sup> Rebecca S. Nowacek and Susan M. Mountin, 'A Signature Ignatian Pedagogy for the 21<sup>st</sup> Century', in Nancy L Chick, Aeron Haynie and Regan A.R. Gurung (eds.), *Exploring More Signature Pedagogies: Approaches to Teaching Disciplinary Habits of Mind* (Stylus Pub., 2012), pp.129-142.

<sup>3</sup> *Forward 2016*, Integrated Strategic Plan, Fordham University, 5 December 2006, p.4.

<sup>4</sup> Other Jesuit colleges have similarly reviewed, revised and implemented new core curricula. Kevin Clarke, 'How to Build a Better Student: Can a 16<sup>th</sup> Century Discipline Improve Modern Scholarship?', *America*, 16 May 2011, pp.13-18.

<sup>5</sup> *Forward 2016*, p.1. A liberal arts course of studies in the United States generally involves study of the arts, humanities, natural sciences, and social sciences, as opposed to professional or technical

The primary goal of EP seminars is to enable students to achieve a level of excellence in the essential skills of literacy including mastery of the arts of reading, listening, observing, thinking, and understanding.<sup>6</sup> These objectives are consistent with the mission of Jesuit education as it has developed over 400 years:

The ability to communicate what has been learned lies at the heart of the Jesuit educational tradition. Communication ... involves more than understanding the contents of a syllabus, and it also goes well beyond mere grandiloquence or showmanship. Education in the Jesuit tradition prepares the student to participate intelligently, morally and effectively in the public square....<sup>7</sup>

During their undergraduate career students take four EP seminars with a variety of choices offered by most of the academic departments. In each seminar, 20 per cent of class time must be devoted to work on writing and speaking skills. Suggested approaches for meeting these classroom requirements include employing peer review and editing, guided group analysis of student essays, in-class work on essay assignments, the study of discipline-specific writing conventions, and oral presentations by individuals or groups.<sup>8</sup> In addition, each student must produce a minimum of 15 pages of formal written work which must undergo a sequence of drafting, feedback by the instructor, revision by the student, and final submission of the finished product for a grade. It is left to the discretion of the instructor, subject to the approval of the core curriculum committee through the syllabus review process, to determine how the page requirement is distributed - multiple short essays, a longer research paper, or a combination thereof. To facilitate sustained and detailed attention to student prose, enrolment in EP courses is limited to 19 students.<sup>9</sup>

It might be argued, with some justification, that this set of EP requirements consists of little more than an amalgam of several good teaching practices, albeit with an impressive sounding Latin name. And it is hard to know whether the EP programme is simply meant to give students increased opportunities to hone their writing and speaking skills under the watchful eye of an instructor, or whether the EP requirement is meant to achieve some

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subjects. C. Robert Pace & Mark Connolly, 'What are the Liberal Arts?', *Research in Higher Education*, 41(1) (2000) pp.53-65.

<sup>6</sup> *The New Core: The Eloquentia Perfecta Requirement*, accessed at [http://www.fordham.edu/academics/office\\_of\\_research/research\\_centers\\_in/center\\_for\\_teaching/teaching\\_the\\_liberal/the\\_ep\\_requirement/index.asp](http://www.fordham.edu/academics/office_of_research/research_centers_in/center_for_teaching/teaching_the_liberal/the_ep_requirement/index.asp), accessed 29 September 2013.

<sup>7</sup> Patrick Ryan, S.J., *Ignatian Inspiration: Eloquentia Perfecta*, accessed at [http://www.fordham.edu/academics/office\\_of\\_research/research\\_centers\\_in/center\\_for\\_teaching/ignatian\\_pedagogy\\_28960.asp](http://www.fordham.edu/academics/office_of_research/research_centers_in/center_for_teaching/ignatian_pedagogy_28960.asp), accessed 27 September 2013.

<sup>8</sup> *Teaching the Liberal Arts Core*, [http://www.fordham.edu/academics/office\\_of\\_research/research\\_centers\\_in/center\\_for\\_teaching/teaching\\_the\\_liberal/the\\_ep\\_requirement/index.asp](http://www.fordham.edu/academics/office_of_research/research_centers_in/center_for_teaching/teaching_the_liberal/the_ep_requirement/index.asp), accessed 25 September 2013.

<sup>9</sup> Ibid.

larger aim - such as a writing across the curriculum ('WAC') program might envision. To be sure, although the EP mandate has features familiar to practitioners of the WAC approach, it does not fall neatly within the well-established strategies which McLeod sees as prevailing in WAC programmes. Those include practices which centre on 'writing to learn' and those that emphasize 'writing to communicate'.<sup>10</sup> 'Writing to learn' practices, although they may take many different forms such as journal writing, one minute papers, micro-themes or reflective essays, to name but a few, generally emphasize writing that is informal and ungraded.<sup>11</sup> The EP requirement is flexible enough to allow for these writing strategies but its primary object is the production of graded written work. Similarly, 'writing to communicate' seeks to train students to develop their skills in writing for an external audience by using disciplinary writing conventions and by acquiring an understanding of the ways in which an academic discipline 'develops and disseminates knowledge'.<sup>12</sup> The EP requirement can certainly be used to help achieve these objectives, but it is not explicitly directed toward attaining these goals. And, while the university should be complimented for instituting reforms, the EP programme does not go far enough if its prime objective is to realize the fundamental goals of the Jesuit educational mission.

For nearly 400 years Jesuit educational practices were governed by a common curricular and pedagogical plan promulgated for use in all Jesuit schools known as the *Ratio Studiorum*.<sup>13</sup> The *Ratio* is infused with the objective of encouraging and guiding students to achieve the ideal of *eloquentia perfecta*.<sup>14</sup> Comprehensive in its scope, the *Ratio* describes in exquisite detail the roles of everyone involved in the Jesuit educational mission.<sup>15</sup> The

<sup>10</sup> Susan McLeod, 'The Pedagogy of Writing Across the Curriculum', in Gary Tate, Amy Rupiper Taggart, Kurt Schick and H. Brooke Hessler (eds.), *A Guide to Composition Pedagogies* (Oxford University Press, 2001), pp.149-164, pp.151-153.

<sup>11</sup> McLeod, 'The Pedagogy of Writing Across the Curriculum', pp.152-153; see, John C. Bean, *Engaging Ideas: The Professor's Guide to Integrating Writing, Critical Thinking and Active Learning in the Classroom* 2<sup>nd</sup> ed. (Jossey Bass, 2011), chap.7 for many more examples of this kind of writing assignment.

<sup>12</sup> McLeod, 'The Pedagogy of Writing Across the Curriculum', p.157.

<sup>13</sup> 'Ignatius, the First Jesuit Schools and the Ratio Studiorum,' in Vincent J. Duminuco, S.J. (ed.), *The Jesuit Ratio Studiorum: 400th Anniversary Perspectives* (Fordham University Press, 2000), pp.216-239, pp.227-228; Michael W. Maher, Paul Shore, Kenneth L. Parker, 'From 1599 – 1999: Celebrating the Ratio Studiorum at St. Louis University', *Conversations on Jesuit Higher Education*, 16 (1999), available at <http://epublications.marquette.edu/conversations/vol16/iss1/8/>; see, Letter of Transmission, dated January 8, 1599 found in Claude Pavur, S.J. (trans.), *The Ratio Studiorum: The Official Plan for Jesuit Education* (The Institute of Jesuit Sources, 2005), pp.3-6; see also, John W. Padburg, S.J., 'The Development of the Ratio Studiorum', in Vincent J. Duminuco, S.J., (ed.), *The Jesuit Ratio Studiorum: 400th Anniversary Perspectives* (Fordham University Press, 2000), pp.80-100, p.87. The official title of the *Ratio* is the *Ratio atque Institutio Studiorum Societatis Iesu* and it has undergone periodic revision over the years.

<sup>14</sup> C. James Godwin, 'Toward *Eloquentia Perfecta* in the History and Systems Course', *Teaching of Psychology*, 21(2) (1994), pp.91-93, p.91.

<sup>15</sup> Pavur (trans.), *The Ratio Studiorum*, xi-xxiii [Table of Contents].

*Ratio* specifies the courses to be studied: grammar, rhetoric, the humanities, mathematics, moral theology, philosophy, cases of conscience, and scholastic theology.<sup>16</sup> And, it supplies detailed descriptions of suitable pedagogical strategies for instructors which emphasize memorization, writing and revision, debates, repetitions, exercises, competitions, performances, plays, and pageants.<sup>17</sup>

In 1986, responding to calls to bring Jesuit educational practices into the modern world, the Society promulgated a document entitled *The Characteristics of Jesuit Education*, which provides a unifying vision for Jesuit education.<sup>18</sup> In 1993 this vision received practical and pragmatic elaboration in a document entitled *Ignatian Pedagogy: A Practical Approach*, which gives realistic guidance on how to implement the values described in *The Characteristics* within a contemporary teaching-learning context.<sup>19</sup>

This practical pedagogical approach is centred on five key principles: 'context', 'experience', 'reflection', 'action', and 'evaluation'.<sup>20</sup> Briefly:

- 'Context' considers such factors as the personal life experience of the student, and the cultural, social, political, economic, and institutional influences which shape student learning.<sup>21</sup>
- 'Experience' means that students confront the subject-matter under consideration and become fully immersed in it on both an intellectual and affective level.<sup>22</sup>
- 'Reflection' demands that students think deeply about what they are learning by continuously re-engaging with their studies over time through periodic inquiry into the meaning and significance of what they have learned. Here the objective is to connect with other knowledge possessed by the students and, more broadly, to integrate their learning within the full range of human experiences accessible to the student.<sup>23</sup>

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<sup>16</sup> See, John E. Wise, 'Jesuit School Beginnings', *History of Education Quarterly* 1, no. 1 (1961) 28-31, p.30; Pavur (trans.), *The Ratio Studiorum*, xi-xxiii [Table of Contents].

<sup>17</sup> Pavur (trans.), *The Ratio Studiorum*, pp.11, n.15, 53, 68, 124, 142, 148-149, 164-165.

<sup>18</sup> Vincent J. Duminuco, S.J., 'A New *Ratio* for a New Millennium?' in Vincent J. Duminuco, S.J. (ed.), *The Jesuit Ratio Studiorum: 400th Anniversary Perspectives* (Fordham University Press, 2000), pp.145-160, pp 150-151.

<sup>19</sup> Duminuco, 'A New *Ratio* for a New Millennium?', pp.153-154; Commission on the Apostolate of Jesuit Education, 'Ignatian Pedagogy: A Practical Approach,' (1993), reprinted in Duminuco (ed.) *The Jesuit Ratio Studiorum*, pp.231-293 [Appendix B].

<sup>20</sup> Commission, 'Ignatian Pedagogy', pp.251-262.

<sup>21</sup> Ibid, pp.253-254.

<sup>22</sup> Ibid, pp.255-256.

<sup>23</sup> Ibid, pp.257-259.

- 'Action' is the by-product of experience and reflection, encouraging students to make choices, decisions, and commitments which positively affect themselves and others.<sup>24</sup>
- Instructors then lead students to reflect upon this 'way of proceeding' in a meta-cognitive way. This is 'Evaluation'.<sup>25</sup>

In this paradigm each principle is an integral part of a dynamic process of teaching and learning that informs all aspects of the Ignatian educational experience. This pedagogical paradigm is consistent with current guidelines designed to improve undergraduate education. Today universities are in the midst of introducing new pedagogies in response to changing educational, political and social demands. Institutions of higher learning have sought to integrate into their curricula active learning techniques such as problem solving, discovery learning, experiential learning, cooperative learning, service learning and inquiry based learning.<sup>26</sup> One of the most influential guides for improving higher education is Chickering and Gamson's *Seven Principles for Good Practice in Undergraduate Education*.<sup>27</sup> These guidelines stress the importance of faculty contact, cooperation among students, active learning, prompt feedback, time on task, high expectations and respect for diverse talents and ways of learning.<sup>28</sup>

The Ignatian pedagogical paradigm tracks Chickering and Gamson's *Seven Principles* in many significant ways. The Ignatian paradigm acknowledges that 'how a teacher relates to students [and] how a teacher engages students in the quest for truth ... have significant formative effects on student growth,' much in the same way that Chickering and Gamson

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<sup>24</sup> Ibid, pp.261-263; Nowacek and Mountin, 'Reflection in Action', p.137.

<sup>25</sup> Nowacek and Mountin, 'Reflection in Action', pp.138-139.

<sup>26</sup> Christopher Justice, James Rice, Dale Roy, Bob Hudspeth and Herb Jenkins, 'Inquiry Based Learning in Higher Education: Administrators' Perspectives on Integrating Inquiry Pedagogy into the Curriculum,' *Higher Education*, 58 (2009), pp.841-855, pp.841-842; Robert B. Barr and John Tagg, 'From Teaching to Learning – a New Paradigm for Undergraduate Education', *Change*, 27(6) (1995), pp.13-25.

<sup>27</sup> A. W. Chickering & Z.F. Gamson, 'Seven Principles for Good Practice in Undergraduate Education', *AAHE Bulletin* 39(7), pp.3-7; Michael Theall, 'New Directions for Theory and Research on Teaching: A Review of the Past Twenty Years', *New Directions for Teaching and Learning*, no. 80 (1999), pp.29-52, p.45.

<sup>28</sup> Thomas F. Nelson Laird, Daniel Chen and George D. Kuh, 'Classroom Practices at Institutions with Higher than Expected Persistent Rates: What Student Engagement Data Tells Us', *New Directions for Teaching and Learning*, no.115 (2008), pp.85-99. Chickering and Gamson have noted adaptations of their principles as expressed in an influential report issued by the Education Commission of the States, *Making Quality Count in Undergraduate Education* (1995) which identifies twelve attributes of quality in undergraduate education, adding an emphasis on the early years of study; coherence in learning, synthesis of experiences, ongoing practice of learned skills, and integration of education and experience. Arthur W. Chickering & Zelda F. Gamson, 'Development and Adaptations of the Seven Principles for Good Practice in Undergraduate Education', *New Directions for Teaching and Learning*, no. 80 (1999), pp.75-81, p.78.

stress the importance of sustained substantive contact between student and teacher, and by extension, timely and informative feedback on student work.<sup>29</sup> Like the *Seven Principles*, Ignatian pedagogy requires 'an educational process of formation that calls for excellence.'<sup>30</sup> As with the *Seven Principles*, Ignatian pedagogy recognizes the importance of diversity by acknowledging the 'right and power of individuals and communities to create a different life for themselves .... It means walking with them in their own journeys towards greater knowledge, freedom and love.'<sup>31</sup> Consistent with the *Seven Principles*, the Ignatian paradigm also acknowledges that at the heart of the learning process is a student centred approach which favours active learning strategies and techniques designed 'to motivate students by involving them as critical active participants in the teaching-learning process.'<sup>32</sup> Finally, Ignatian pedagogy 'encourages close cooperation and mutual sharing of experiences and reflective dialogue among students.'<sup>33</sup>

The Ignatian Paradigm differs from the *Seven Principles* in one crucial respect. By their very nature the *Seven Principles* almost invite piecemeal implementation whether at the institutional, departmental or instructional level.<sup>34</sup> The Ignatian paradigm, in contrast, is a *process*, 'an effective ongoing pattern for learning' which, if used consistently throughout the curriculum, 'can result in the acquisition of life-long habits of learning.'<sup>35</sup> This is so because as a way of proceeding towards the acquisition of meaning and understanding, rather than as a set of disconnected rules, the Ignatian paradigm 'brings coherence to the total educational experience of the student.'<sup>36</sup> Each element of the paradigm - context, experience, reflection, action and evaluation - builds on one another as part of a unified process of student learning.

It is against this backdrop that I now consider my experience in planning and teaching a course in crime and punishment in early modern Europe primarily to non-majors and within the constraints established by the designation of this course as an EP seminar.

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<sup>29</sup> Commission, 'Ignatian Pedagogy', p.239.

<sup>30</sup> Ibid, p.241.

<sup>31</sup> Ibid, p.243.

<sup>32</sup> Ibid, p.265; see also p.259

<sup>33</sup> Ibid, p.265.

<sup>34</sup> See, K. Patricia Cross, 'What do We Know about Student Learning and How Do We Know It,' presented at the AAHE National Conference on Higher Education, Atlanta, Georgia, March 24, 1998. Accessed 8 February 2014 at

<http://assessment.aas.duke.edu/documents/WhatdoweknowaboutStudentslearning.pdf> .

<sup>35</sup> Commission, 'Ignatian Pedagogy', p.263.

<sup>36</sup> Ibid, pp.264-265.



## **2 Student Demographics**

The course has attracted a remarkably diverse student population. What is noteworthy is that in each class non-history majors dominate enrolment.<sup>37</sup> For example, in the Spring of 2012, the first time I taught the course, of the 19 students enrolled only nine students were history majors. The rest of the class included majors in the Communication and Visual Arts, Political Science, Economics, Psychology, English, and two majors in International Political Economy and Development ('IPED'). The following semester, the disparity between non-majors and majors was even more pronounced. In that class, of the 19 students enrolled, only five were history majors. Five students were majors in the Communication and Visual Arts, three were Political Science majors, and three were Economics majors. One IPED major, one Math major, and one major in Anthropology/Sociology rounded out the class.

Because of the students' varied backgrounds, course design had to take into account that few students had any formal college level instruction in the history of early modern Europe and only a handful of students had any college level exposure to law-related topics. Accordingly, effective course design required overcoming multiple barriers to successful student engagement as they negotiated such issues as: (1) the 'foreignness' of early modern attitudes regarding normative behaviour and deviancy, discipline and social control; (2) the comprehension of complicated legal concepts; and (3) the need to master the unfamiliar language of the law (including vocabulary, writing conventions, and analytical frameworks), all rendered more problematic by motivational issues relating to core curriculum requirements. Further complicating matters would be my intention to place heavy reliance on primary sources, with the difficulties attendant to the reading, analysing, and interpreting of such sources. These realities only reinforced my belief that lectures should serve as the primary vehicle for the transmission of the complex of assumptions, ideas, practices, and processes which characterized the fundamental transformation of legal regimes in the early modern period.

## **3 Spring, 2012: Coverage - Coverage - Coverage**

In the syllabus students were informed that the class would examine the subject of crime and punishment in Europe from roughly the Renaissance until the end of the eighteenth century by tracing developments in criminal law and discipline on the continent and in England. Students were reminded of the heavy emphasis on developing critical skills in reading, writing, and speaking in an EP seminar. Since the class met twice a week for one hour and 15 minutes per session, and given the mandate to devote at least 20 per cent of

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<sup>37</sup> All numerical information is based upon class lists in the possession of the author.

class time to instruction in the development of expressive skills, the course was divided into two distinct sessions per week - generally, the first class each week would be devoted to lecture while the second class would be set aside for discussion and in-class writing assignments. This would easily satisfy the university's instructional protocols and establish a familiar and predictable structure for the course. As the semester proceeded, however, lectures often spilled over into the class time devoted to discussions.

In terms of the subject matter for lectures, the plan was ambitious but generally followed the structure established by the originator of the course. It began by examining the legacies of medieval law, particularly with regard to matters of proof, and then moved on to an examination of extra-judicial violence as a form of dispute resolution. Comparisons were made between continental and English criminal procedure. Lectures on torture and the law of proof, witchcraft and the law, and infanticide followed. Then the class examined the role of the criminal law as an instrument of social control, the criminal law as an ideological construct, the question of punishment in early modern Europe, and finally, Enlightenment critiques of the eighteenth century criminal justice system on the continent and in England.

In addition, I needed to build into the syllabus time for in-class activities such as peer review of drafts, presentations by me on the various graded writing assignments for the course and some class time to discuss feedback on drafts of the writing assignments, all essential components of the EP programme. These activities were generally reserved for the class discussion periods.

To facilitate class discussions I employed a modified 'fishbowl' technique. In this type of activity everyone is expected to read the assignments designated for class discussion. Half the class discusses the assigned readings ('reporters') while the remainder of the class ('observers') watches and listens to the reporters. The reporters are evaluated on their contributions to the discussion and demonstrated mastery of the content.<sup>38</sup> The observers are responsible for an in-class writing assignment based upon the readings and the discussion in class. These in-class writing assignments are graded, making the observers accountable in a tangible and measurable way for what transpires during discussions. The next week the groups switch roles. Using this method, *everyone* is held accountable for the class discussions.

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<sup>38</sup> Wilbert J. McKeachie & Marilla Svinicki, *McKeachie's Teaching Tips: Strategies, Research and Theory for College and University Teaching*, 12<sup>th</sup> ed. (Houghton Mifflin Company, 2006), pp.257-258; Jessica Young, 'Small Group Scored Discussion: Beyond the Fishbowl, or, Everybody Reads, Everybody Talks, Everybody Learns', *The History Teacher*, 40(2) (2007), pp.177-181.

Discussions were, for the most part, spirited, and well-received. This is partially explained by the character of the assigned readings, usually reports of trials which illustrated an issue raised in a lecture. Students read reports of witchcraft and infanticide trials, reports of trials before the Spanish Inquisition, documents from the trials of Galileo and Veronese before the Roman Inquisition, and court records concerning judicial inquiries into abductions and assaults from Renaissance Rome. Students generally found these sources interesting and welcomed the opportunity to discuss them in class. In-class critiques produced by the observers demonstrated not only that they did the reading but that they had absorbed the class discussion and could generate reasoned reflections on the discussion as well.

In terms of written assessments, students executed three different writing assignments during the semester. For the first essay students were assigned three articles by Lawrence Stone and James Sharpe on the nature of interpersonal violence in early modern England.<sup>39</sup> In these articles two eminent historians engage in a debate on the question of whether the English of today are more or less prone to violence than their ancestors during the Middle Ages and the early modern period. Students were asked to prepare an essay in which they: (1) identified the debate engaged in by these two historians; (2) briefly stated the positions of the two historians with regard to the debate; (3) identified as many points of agreement and disagreement between the two historians as possible; and (4) suggested ways in which these articles might be of assistance in the study of crime and violence in early modern Europe.

For their second essay students were given Morton and Dähm's *The Trial of Tempel Anneke* which reproduces substantially the entire extant dossier (and some related documents) of a seventeenth century witchcraft prosecution.<sup>40</sup> Students analysed the interrogations of the defendant in the case and prepared an essay which either: (1) evaluated the historical utility of this kind of source as an entry point into understanding early modern society and the tensions at play in a criminal prosecution of this sort; or (2) evaluated the extent to which the source illuminates the complex nature of the criminal proceedings conducted during the so-called 'witch craze' that affected much of Europe in the late sixteenth and seventeenth centuries. Most students chose the second option, since it allowed them to test their reading

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<sup>39</sup> Lawrence Stone, 'Interpersonal Violence in English Society, 1300-1980', *Past and Present*, 101 (1983), pp.22-33; J. A. Sharpe, 'The History of Violence in England: Some Observations', *Past and Present*, 108 (1985), pp.206-215; Lawrence Stone, 'A Rejoinder', *Past and Present*, 108 (1985), pp.216-224.

<sup>40</sup> Peter Morton (ed.) and Barbara Dähms (trans.), *The Trial of Tempel Anneke: Records of a Witchcraft Trial in Brunswick, Germany, 1663* (Broadview Press, 2006).

of Tempel's treatment at the hands of the magistrates of Brunswick against other scholarly literature assigned on witchcraft, as well as the information obtained through lectures.

The third assignment asked students to prepare a historiographical essay on a topic of interest and which broadly related to one of the topics covered in the course. They were required to research secondary sources which discussed their topic and to trace the scholarly debates, arguments deployed, and sources employed in these articles. Students had to clear their topics with me in a meeting and report back at least once on their progress, again in a one-on-one setting.

Overall, the class, particularly the non-majors, struggled with these assignments even with the aid of instructor supplied feedback on drafts. While appropriate for majors familiar with various genres of historical writing, the non-majors found the assignments daunting since they were not familiar with the kinds of historical analysis, reasoning, and writing demanded by these assignments. As a result, I determined to revise the writing assignments to allow for more closely monitored support, as described below.

#### **4 Fall 2012: Experiments in Research and Writing**

The second time I taught this course I retained its overall design including the bifurcation of the week into lecture and discussion classes. The 'fishbowl' was again employed as a way to ensure student accountability for the readings but I also included several whole class discussions where appropriate. The writing assignments, however, were substantially altered.

Students were asked to write responses to the readings for each week with questions supplied to guide their reading. The essays were short, about 500-750 words each, but many were more extensive. Each week I collected these essays and supplied the students with written commentary. At the end of the semester, students were required to select four of these essays, revise them in accordance with the feedback, and submit them in a portfolio which included both the draft with my feedback and the revised essay. In addition, an essential part of the portfolio was a reflective essay in which students were asked to evaluate the ways in which their present-day understanding of such issues as the nature of criminal violence, social norms regarding deviance, the legal, social, and political justifications for punishment, and the tension between state-based claims of legitimacy and competing claims concerning individual freedom, had been influenced by their studies in the course.

The usefulness of this type of meta-reflective exercise as a learning tool is widely acknowledged.<sup>41</sup> Allowing students to choose the essays for revision and submission for a grade encourages students to take an active role in their learning, involves them in a decision-making process that facilitates learning, and enhances their learning by requiring students to think about the process of their writing as well as its content. In addition, proceeding in this fashion encourages students to reflect upon the readings, evaluate their execution of the writing assignments, and consider how to improve their work. Further, the procedure of writing, feedback, selection, and revision incorporates several fundamental goals of Ignatian pedagogy. First, this process aids students in actively experiencing the learning dynamic rather than being passive recipients of information from their instructor. Second, students are encouraged to reflect upon what they have learned, thus making their reading and writing experience more personal.<sup>42</sup> Third, meta-reflection is integral to the essential stage of Ignatian pedagogy known as 'evaluation' discussed above.<sup>43</sup>

Students also prepared a research paper on a topic of their choice made in consultation with me. The assignment obliged students to delve into the on-line repository of the *Old Bailey Session Papers*, reports of trials held in London's Central Criminal Court from the late seventeenth century through the early twentieth century.<sup>44</sup> This time the class would proceed through a series of closely monitored steps. In addition, although I would continue to review drafts of student essays and provide students with feedback, I also asked students to choose a peer reviewer to evaluate each other's drafts as a way of developing editing skills.

The first phase of the assignment required students to identify a particular issue they wanted to further explore using the *Session Papers*. Suggestions were offered which involved examining a particular crime and analysing such matters as: (1) the manner in which trials were conducted; (2) the nature of the offence; (3) the role of witnesses and attorneys; (4) the role of the judge; (5) the role and conduct of juries; (6) the nature and sufficiency of the evidence; or (7) issues regarding defences to a particular criminal charge. Students ultimately pursued such topics as the treatment of women as defendants, witnesses, or

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<sup>41</sup> Nowacek & Mountin, 'Reflection in Action', pp.129-142, p.138; Karen S. Smith, Johan Erik Rook and Thomas W. Smith, 'Increasing Student Engagement Using Effective and Metacognitive Writing Strategies in Content Areas', *Preventing School Failure: Alternative Education for Children and Youth*, 51(3) (2007), pp.43-48; John A. Shedd, 'Glimpsing at Pedagogy while Teaching History: A Mixture of Metacognition, Bird-Walking and Quick Tips for Future Teachers', *The History Teacher*, 43(3) (2010), pp.449-454.

<sup>42</sup> Nowacek & Mountin, 'Reflection in Action', p.138.

<sup>43</sup> Ibid, p.138.

<sup>44</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 7.1, 25 July 2013), accessed 20 October 2013.

victims in the English criminal justice system, the prosecution of alleged witches, coining offences, prosecutions for infanticide, prosecutions for rape, prosecutions for sodomy, the role of women as highwaymen, the use of transportation as a form of punishment, and early evidence of the development of the insanity defence.

The second stage of the assignment asked students to articulate the argument they proposed to advance in their paper, and to supply a bibliography of secondary sources. This assignment required a more extensive development of their argument than a mere thesis statement. Since students find this kind of exercise particularly challenging, this phase of the assignment presented a significant hurdle for many of the students. Indeed, many were asked to redraft and resubmit their research proposal with the suggestion that they focus their argument and carefully consider the quality of the evidence that might be available to support their contentions.

The third stage was the submission of a first draft of their paper. Students engaged the assistance of their peer reviewer before presenting the draft to me. The papers were then submitted and given extensive written feedback. Students redrafted the paper, taking my comments and suggestions into account. This final draft was then graded.

Finally, given the EP mandate that each student have an opportunity to develop and refine their speaking skills, at the end of the semester each student presented the results of their research to the class as a whole. In advance of the presentations, class time was devoted to the development and organization of their oral presentations. These presentations generally tracked the findings and arguments of student papers but in several instances the presentations demonstrated a command of the sources and a depth of learning and understanding which was not apparent in the written product. This observation reaffirms the importance of performance assessments as part of the overall repertoire of assessment techniques that should be employed at the college level. Further, such assessments are consistent with principles of Ignatian pedagogy dating back to the 1599 *Ratio's* exhortation that students should participate in plays, debates, recitations, and similar activities as ways to demonstrate their learning.<sup>45</sup>

## **5 Institutional Assessment**

As of the writing of this essay, the university has only just begun to formally assess the overall success of its revision of the core curriculum. In the Fall of 2013 a working group was

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<sup>45</sup> Pavur (trans.), *The Ratio Studiorum*, pp.53, 68, 124, 142, 148-149, 164-165.

formed to evaluate whether the revised core curriculum was meeting its stated objectives. This working group will engage the university community in a dialogue to determine how well or poorly these goals are being achieved. The exact structure and content of this conversation has not yet been disclosed but may include public events, such as invited speakers or town hall style meetings, relating to one or more of the intended goals. Another potential approach under consideration would involve less formal, less public discussions between the members of the aforesaid working group and members of academic departments and programmes, or other groups.<sup>46</sup> Assessment will be overseen by the academic departments, programmes and committees that are responsible for supervising particular components of the core. The goal is for all academic departments and programmes involved to complete at least one round of assessment by the end of the 2014-2015 academic year.<sup>47</sup>

I too have re-assessed the way *Crime and Punishment in Europe* should be designed and taught. I believe the course can be revised to be a more dynamic student-centred process of historical discovery rather than an instructor-centric vehicle for the transmission of a static body of knowledge. The restructuring of the course will be influenced by the essential principles of Ignatian pedagogy discussed above as well as the developing scholarship of signature pedagogies discussed below.

## 6 Toward a Signature Pedagogy for the History of Crime and Punishment

In 2004 David Pace took to the pages of the *American Historical Review* to chide the historical profession for its reluctance to investigate the developing scholarship of teaching and learning.<sup>48</sup> Since then history teachers at all academic levels have begun to re-think the ways in which the discipline is taught.<sup>49</sup> Increasingly evident in the literature is a growing dissatisfaction with the default pedagogy in teaching history, centred on the formal lecture.<sup>50</sup> Much attention is being directed to the cognitive science that explains how students learn

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<sup>46</sup> See, Core Curriculum Committee Report dated 25 November 2013 in the possession of the author.

<sup>47</sup> Ibid.

<sup>48</sup> David Pace, 'The Amateur in the Operating Room: History and the Scholarship of Teaching and Learning', *American Historical Review*, 109(4) (2004), pp.1171-1192.

<sup>49</sup> Pat Hutchings, 'The Scholarship of Teaching and Learning: From Idea to Integration,' *New Directions for Teaching and Learning*, no. 123 (2010), pp.63-72; Michael Coventry, Peter Felten, David Jaffee, Cecilia O'Leary and Tracey Weis, 'Ways of Seeing: Evidence and Learning in the History Classroom', *The Journal of American History*, 92(4) (2006), pp.1371-1402.

<sup>50</sup> Michael Eamon, 'A "Genuine Relationship with the Actual": New Perspectives on Primary Sources, History and the Internet in the Classroom', *The History Teacher*, 39(3) (2006), pp.297-314, p.299; Charles Anderson and Kate Day, 'Purposive Environments: Engaging Students in the Values and Practices of History', *Higher Education*, 49(3) (2005), pp.319-343, pp.332-337; Frederick D. Drake and Sarah Drake Brown, 'A Systematic Approach to Improve Students' Historical Thinking', *The History Teacher*, 36(4) (2003), pp.465-489.

history.<sup>51</sup> History teachers have laboured mightily to help students 'do history', however defined, in an effort to develop and enhance their critical thinking skills.<sup>52</sup> Particular stress has been placed upon the use of primary sources.<sup>53</sup> However, the assumption seems to be that if history is 'done' properly, which largely means an examination, analysis, and explication of various categories of primary sources, then the student's ability to think historically will inevitably follow as the night follows the day.

In the last decade some historians have engaged with the concept of signature pedagogies pioneered by Lee Shulman. Shulman contends that discipline specific pedagogies, based upon the theory and practices employed in the individual disciplines, should guide course planning and the development of effective teaching strategies.<sup>54</sup> For Shulman a signature pedagogy teaches students 'to think, to perform, and to act with integrity' in the pursuit of disciplinary proficiency.<sup>55</sup> What constitutes a signature pedagogy for history, however, is the subject of continuing debate.<sup>56</sup> Approaches vary. Nonetheless, a review of the literature suggests some common denominators that might be helpful in articulating a signature pedagogy for the discipline.<sup>57</sup> One is the call to abandon the coverage model, the dominant

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<sup>51</sup> Samuel S. Wineburg, *Historical Thinking and Other Unnatural Acts: Charting the Future of Teaching the Past* (Temple University Press, 2001); see also, Peter N. Stearns, Peter C. Seixas and Samuel S. Wineburg (eds.), *Knowing, Teaching, and Learning History: National and International Perspectives* (New York University Press, 2000); Deborah L. Cunningham, 'Understanding Pedagogical Reasoning in History Teaching through the Case of Cultivating Historical Empathy', *Theory and Research in Social Education*, 35(4) (2007), pp.592-630; Linda S. Levstik and Christine C. Pappas, 'New Directions for Studying Historical Understanding', *Theory and Research in Social Education*, 20(4) (1992), pp.369-385.

<sup>52</sup> For various definitions of the term 'critical thinking' see, Mark D. Halx and L. Earle Reybold, 'A Pedagogy of Force: Faculty Perspectives of Critical Thinking Capacity in Undergraduate Students', *The Journal of General Education*, 54(4) (2006), pp.293-315, pp.294-295.

<sup>53</sup> M. Anne Britt, Charles A. Perfetti, Julie A. Van Dyke and Gareth Gabrys, 'The Sourcer's Apprentice: A Tool for Document-Supported History Instruction', in Peter N. Stearns, et al. (eds.) *Knowing, Teaching, and Learning History*, pp.437-470; see, e.g., Michael Eamon, 'A "Genuine Relationship with the Actual": New Perspectives on Primary Sources, History and the Internet in the Classroom', p.301; William J. Warren, 'Closing the Distance Between Authentic Pedagogy and Everyday Classroom Practice', *The History Teacher*, 40(2) (2007), pp.249-255; Sandra Roff, 'Archives, Documents, and Hidden History: A Course to Teach Undergraduates the Thrill of Historical Discovery Real and Virtual', *The History Teacher*, 40(4) (2007), pp.551-558; Elisabeth Pickles, 'Assessment of Students' Uses of Evidence: Shifting the Focus from Processes to Historical Reasoning', *Teaching History*, 143 (2011), pp.52-59; Brent J. Ruswick, 'Teaching Historical Skills through JSTOR: An Online Research Project for Survey Course', *The History Teacher*, 44(2) (2011), pp.285-296.

<sup>54</sup> Lee S. Shulman, 'Signature Pedagogies in the Professions', *Daedalus*, 134(3) (2005), pp.52-59.

<sup>55</sup> Shulman, 'Signature Pedagogies in the Professions', p.52.

<sup>56</sup> Keith A. Erikson, 'Putting History Teaching "In Its Place"', *Journal of American History*, 97(4) (2011), pp.1067-1078, p.1067; see also, Stephanie van Hover, et. al., "'Can You Make 'Historiography' Sound More Friendly?' Towards the Construction of a Reliable and Validated History Teaching Observation Instrument', *The History Teacher*, 45(4) (2012), pp.603-612, p.606.

<sup>57</sup> Erikson, 'Putting History Teaching "In Its Place"', pp.1067-1068, particularly notes 3-5; see also, Thomas Andrews and Flannery Burke, 'What Does it Mean to Think Historically', *Perspectives* (2007), accessed 3 September 2013 at <http://www.historians.org/publications-and-directories/perspectives-on-history/january-2007/what-does-it-mean-to-think-historically>: [identifies the 'Five 'C's of Historical



instructional paradigm, particularly in introductory survey courses. Another is the suggestion that courses be designed which encourage students to learn and practise the cognitive habits of mind distinctive to the discipline.<sup>58</sup> Closely connected to this is advocacy of a student-centred pedagogy which emphasizes a problem-based approach.<sup>59</sup> Sipress and Voelker have argued for course designs which present the study of history as ‘an evidence based, argumentative discourse about the human past.’<sup>60</sup>

With these considerations in mind, course re-design will certainly involve limiting, as much as practicable, the formal lectures as the central focus of teaching and learning in the classroom. Splitting the course between lectures and class discussions eased the presentation of sometimes complex and unfamiliar concepts. However, the bifurcation of class time often resulted in privileging the lectures over class discussions. To remedy this, greater emphasis will be placed on in-class analysis of the readings, both primary and secondary, while drastically curtailing the length of the lectures. To be sure, brief lectures will introduce various topics, but the primary focus of *each class* will be a detailed reading and analysis of an assigned text.

When students are assigned a secondary source to read, the focal point of class discussion will be to promote student understanding through a process of identifying the argument or claim of the historian, placing the argument in its proper historiographical context, assessing the adequacy and persuasiveness of the evidence supporting the argument, and evaluating

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Thinking’ as context, change over time, causality, complexity and contingency]; Anthony E. Pattiz, ‘The Idea of History Teaching: Using Collingwood’s Idea of History to Promote Critical Thinking in the High School History Classroom’, *The History Teacher*, 37(2) (2004), pp.239-247; Frances Blow, ‘Everything Flows and Nothing Stays: How Students Make Sense of the Historical Concepts of Change, Continuity and Development’, *Teaching History*, 145 (2011), pp.47-55; on the challenges students face in analysing and employing evidence, see, e.g., Elisabeth Pickles, ‘Assessment of Students’ Uses of Evidence’, pp.52-59; Joel M. Sipress, ‘Why Students Don’t Get Evidence and What We can Do about It’, *The History Teacher*, 37(3) (2004), pp.351-363; Veronica Boix-Mansilla, ‘History Understanding: Beyond the Past and into the Present’, in Peter N. Stearns, et. al. (eds.), *Knowing, Teaching, and Learning History: National and International Perspectives*, pp.390-418, p.406.

<sup>58</sup> Lendol Calder, ‘Uncoverage: Toward a Signature Pedagogy for the History Survey’, *Journal of American History*, 92(4) (2006), pp.1358–1370; Joel M. Sipress and David J. Voelker, ‘From Learning History to Doing History: Beyond the Coverage Model’, in Regan A. R. Gurung, et. al. (eds.), *Exploring Signature Pedagogies: Approaches to Teaching Disciplinary Habits of Mind* (Stylus Publishing, LLC., 2009), pp.19-35; Joel M. Sipress and David J. Voelker, ‘The End of the History Survey Course: The Rise and Fall of the Coverage Model’, *Journal of American History*, 97(4) (2011), pp.1050–1066; Laura M. Westhoff, ‘Historiographic Mapping: Toward a Signature Pedagogy for the Methods Course’, *Journal of American History*, 98(4) (2012), pp.1114–1126.

<sup>59</sup> Dennis Beck and Jenni Eno, ‘Signature Pedagogy: A Literature Review of Social Studies and Technology Research’, *Computers in the Schools*, 29(1/2) (2012), pp.70–94, pp.80-84; Bodo von Borries, ‘Methods and Aims of Teaching History in Europe: a Report on Youth and History,’ in Peter N. Stearns, et. al. (eds.) *Knowing, Teaching, and Learning History: National and International Perspectives*, pp.246-261, p.258

<sup>60</sup> Sipress & Voelker, ‘The End of the History Survey Course’, p.1063; Westhoff, ‘Historiographic Mapping’, p.1116.

the effectiveness of the argument itself. Primary sources will be treated as case studies, which are tailor-made for a class in the history of crime and punishment. Reported trials, appellate decisions, and contemporaneous commentaries on *causes célèbres* provide useful resources for the investigation of the history of crime. Such case studies are available in published source collections quite accessible to undergraduates.<sup>61</sup> Digital repositories such as *Early English Books Online* reproduce pamphlets on witchcraft trials.<sup>62</sup> The online repository of the *Old Bailey Session Papers* has already been mentioned.<sup>63</sup> Searches on the internet and in university library online digital collections will also yield useful resources.<sup>64</sup>

Students will be encouraged to use these case studies to identify and analyse applicable legal principles and to see the cases as vehicles for understanding the cultural, social, and political norms exemplified in a particular case. In class, use of the modified 'fishbowl' technique will continue although other discussion-based instructional activities can be implemented. To promote thoughtful consideration of the readings prior to class, students will be obliged to post questions, comments, and observations about the readings on a Discussion Board available through the university's on-line course management system.

The case study approach will also inform the major writing assignments for the course, which will again be subject to a cycle of draft, instructor and peer-reviewed commentary, and revision. The assignments will revolve around an examination of one of the most famously publicized crimes of the early modern period - the theft of Martin Guerre's identity by Arnaud du Tilh, memorialized for modern readers in Natalie Zemon Davis's *The Return of Martin Guerre*.<sup>65</sup> Students first will be asked to read the *Arrest Memorable*, a pamphlet written and published by Jean de Coras, the judge who investigated the case for the *Parlement* of Toulouse and they will engage in an extensive, close reading of the document in class.<sup>66</sup> Students will then prepare an essay which analyses the document through a consideration of such questions as: (1) how did Coras go about describing and analysing the facts of the

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<sup>61</sup> Excellent examples of these source collections include Thomas Vance Cohen and Elizabeth Storr Cohen (eds.), *Words and Deeds in Renaissance Rome: Trials Before the Papal Magistrates* (University of Toronto Press, 1993); Maurice A. Finocchiaro (ed.), *The Galileo Affair: A Documentary History* (University of California Press, 1989); Lu Ann Homza (ed.), *The Spanish Inquisition, 1478-1614: An Anthology of Sources* (Hackett Publishing, 2006); and Ivan Bunn and Gilbert Geis, *A Trial of Witches: A Seventeenth Century Witchcraft Prosecution* (Routledge, 1997).

<sup>62</sup> See, *Early English Books Online, 1475-1700* <http://www.proquest.com/products-services/eebo.html>, accessed 23 August 2013.

<sup>63</sup> *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 7.1, 25 July 2013).

<sup>64</sup> See, e.g., Douglas Linder's outstanding collection of famous trials found at <http://law2.umkc.edu/faculty/projects/ftrials/ftrials.htm>, accessed on 24 August 2013.

<sup>65</sup> Natalie Zemon Davis, *The Return of Martin Guerre* (Harvard University Press, 1983).

<sup>66</sup> Jean de Coras, 'A memorable decision of the High Court of Toulouse', Jeannette K. Ringold and Janet Lewis (trans.) *Triquarterly*, 55 (1982), pp.86-103.

case; (2) what were his concerns; (3) how did he weigh the evidence; (4) what legal precedents, statutes or ordinances did he use in analysing the case; (5) did the legal procedures employed in this case ensure a just result or interfere with the proper administration of justice; and finally, (6) did Coras consider any factors extrinsic to the question of guilt or innocence and, if so, how does this reflect upon the administration of justice in the early modern era?

For the second phase of the assignment students will read Davis' book and prepare a written evaluation of her attempt to make sense of the story of Martin Guerre. Because the book provides the reader with an opportunity to evaluate historical method in addition to allowing an exploration of the nuances of early modern continental criminal law, procedure and evidence, student essays will consider questions such as: (1) whether Davis's re-creation of the case is successful; (2) does she analyse the evidence capably and fairly; (3) how faithfully does she follow the *Arrest Memorable*; (4) are there instances where her treatment of the evidence and the assumptions that she makes about the evidence deviate from the trial record; (5) is she 'objective' in analysing the story of Martin Guerre or does her analysis reflect a particular bias; and (6) what implications does Davis' method have for the discipline of history?

The third phase of the assignment will ask the students to examine the debate among historians regarding the book. Students will read Robert Finlay's criticism of Davis' work and her response.<sup>67</sup> Informed by their reading of the *Arrest Memorable*, Davis' book and these articles, the class will be divided into manageable groups and will engage in formal debates in class on several of the issues raised by the texts.

The approach outlined above realistically approximates how historians go about their work as they confront new original sources, interrogate those sources based upon their own repository of knowledge and experience, consult the secondary literature to give their research context and background, and then make sense of the sources by constructing a historical inquiry based upon the sources. The overall class design and the writing assignments recreate, I believe, what several historians have identified as some of the common characteristics of a signature pedagogy for history.

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<sup>67</sup> Robert Finlay, 'The Refashioning of Martin Guerre', *American Historical Review*, 93(3) (1988), pp.553-571; Natalie Zemon Davis, 'On the Lane', *American Historical Review*, 93(3) (1988), pp.572-603.

Using a focused case-study approach also facilitates the integration of the Ignatian pedagogical paradigm into the course, thus furthering the goal of achieving *eloquentia perfecta* in a way that transcends the university's presently existing programmatic requirements for an EP seminar. For example, the Ignatian paradigm acknowledges that students learn best when their learning can be contextualized around their own life experiences. Stated differently, it is incumbent on the instructor to relate the cultural assumptions, legal principles, and social interactions embedded within early modern criminal conduct and its prosecution to the lives of twenty-first century students. Fortunately, the task is not as daunting as it may seem for current events can supply the creative instructor with ample opportunities to achieve this objective. The former Mayor of the City of New York, for example, has suggested using twenty-first century shaming rituals to deter vehicular speeding within the City.<sup>68</sup> The San Francisco Police Department is using a similar approach to combat an epidemic of bicycle thefts in that city.<sup>69</sup> In August 2012, ABC News reported that criminal charges had been filed against a Delaware physician for the serial waterboarding of his eleven year-old daughter, thus providing an entrée into an examination of the use of torture, including the early modern equivalent of waterboarding, as an accepted method to obtain confessions and information from defendants accused of crimes.<sup>70</sup> And, a discussion of the legal aspects of the seventeenth century 'witch craze' might be fruitfully introduced by having students read the story, reported in the *New York Times*, about the existence of the Wiccan Family Temple Academy of Pagan Studies in Manhattan, where fifteen men and women are reported to be studying witchcraft.<sup>71</sup>

The Ignatian paradigm also encourages students to fully immerse themselves in their course of studies. The case studies which form the backbone of this course allow students to experience the trials, tribulations, travails, and triumphs of those who, whether they wanted to or not, became enmeshed in the criminal justice system in early modern Europe. Not only do students read about the trials, but because they are reading first-hand, contemporary accounts of what transpired in the courts, students can be encouraged to imaginatively place themselves in the same situations as the protagonists in the case studies. Students can

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<sup>68</sup> Michael M. Grynbaum, 'Bloomberg Suggests Shame as a Punishment for Speeding', 22 June 2012 at <http://cityroom.blogs.nytimes.com/2012/06/22/bloomberg-suggests-shame-as-a-punishment-for-speeding>, accessed 1 October 2013.

<sup>69</sup> Chris Roberts, 'SFPD Launches Anti-Bike Theft Twitter Account', Aug 9, 2013 accessed at <http://www.nbcbayarea.com/news/local/SFPD-Launches-Anti-Bike-Theft-Twitter-Account-219057591.html>, accessed 2 October 2013.

<sup>70</sup> Alon Harish, 'Waterboarding Charges against Delaware Doctor Who Tortured Young Daughter', 9 August 2012, accessed at <http://abcnews.go.com/US/waterboarding-charges-delaware-doctor-tortured-young-daughter/story?id=16967762>, accessed 1 October 2013.

<sup>71</sup> Vincent M. Mallozzi, 'Lessons in Modern Witchcraft, Minus the Broomsticks', 16 June 2013, accessed at <http://cityroom.blogs.nytimes.com/2013/06/16/witches-by-mallozzi>, accessed 2 October 2013.

consider, for example, how they might react if confronted with a situation similar to that of Bertrande de Rols, the wife Martin Guerre abandoned. Others might wonder what it must have been like for Martin Guerre to return home to find his identity so thoroughly purloined by the resourceful du Tilh. It is not difficult to envision students engaging with the experiences of many of the other individuals who populate the stories of the history of crime in early modern Europe. And, one need not leave it to the imagination of the student since performance activities and assessments can be devised to permit students to engage with this kind of material in real and dramatic ways. These kinds of intellectual and affective exercises are enhanced through the writing process, a form of action within the Ignatian paradigm, and which is integral to the success of an EP course, although other forms of performance assessments can be employed as well.

Having successfully contextualized their learning and having augmented their engagement with the material through some form of experiential activity, students can now reflect, in the Ignatian sense, on what they have learned. The study of a particular topic can be concluded by encouraging students to appraise the depth and breadth of their understanding, for example, by having them compare the cases they have studied with similar factual situations and legal issues that prevail in the world today.

At first blush signature pedagogies and the Ignatian educational paradigm may appear to be antagonistic to one another. Signature pedagogies emphasise the specialists' disciplinary 'tools of the trade' as skills worthy of our students' consideration. Ignatian pedagogy is more holistic in its approach, seeking to educate the whole person in a way of learning which transcends any particular discipline and which has, as its ultimate goal, to train men and women for service to others.<sup>72</sup> In fact, these two pedagogical approaches complement one another for while signature pedagogies allow students to develop the skills needed to explore a world known and understood within the boundaries of a specific realm of learning, the principles of Ignatian pedagogy - context, experience, reflection, action and evaluation - encourage students to keep those skills firmly within their grasp, to see the ways those skills may be deployed both within the discipline and beyond the discipline, to contemplate the wider import of the knowledge constructed with those skills, to reflect upon how that knowledge might aid in the improvement of the student as a person, individually and within a larger community, and to consider how that knowledge might be used to improve the human condition.

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<sup>72</sup> Nowacek and Mountin, 'Reflection in Action', pp.130-131.

## Conclusion

If the past is a foreign country, then to undergraduates whose academic interests may lie elsewhere than the study of history, the history of early modern European crime and punishment may seem like a trip to the far side of the moon.<sup>73</sup> Teaching such a course challenges the instructor to go beyond the 'default' pedagogy of lecture and the dominant paradigm of the coverage model. Potential solutions may be found through further investigation into disciplinary pedagogies, informed by the scholarship of teaching and learning. But what makes a disciplinary model of teaching a signature pedagogy is, I believe, the internal coherence and comprehensiveness of its approach to teaching and learning. As we search for that kind of approach in teaching about the history of law and crime, we can be guided by the Ignatian paradigm which, as Nowacek and Mountin have rightly pointed out, emphasizes a unified process of student learning which is incremental and accretive.<sup>74</sup> By integrating the many varied practices which involve 'doing history' at the professional level into a unified plan of instruction at the undergraduate level, as exemplified by the Ignatian paradigm, our students can achieve a more profound understanding of the past, how people behaved in the past, why people behave the way they do, then and now, how societal expectations with regard to that behaviour have changed over time, and how societies have used laws to shape and control that behaviour. In the process, if we have done our job, students can enhance their expressive skills and may just obtain a deeper understanding of who they are, and the world in which they live.

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<sup>73</sup> With apologies to David Lowenthal, *The Past Is a Foreign Country* (Cambridge University Press, 1985).

<sup>74</sup> Nowacek and Mountin, 'Reflection in Action', p.140.