Crime and Punishment
In Early Modern Europe (1400-1800)

HI 315, Fall 2003
Department of History
Skidmore College
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“In ages overshadowed by catastrophe men look for someone to blame, and anything that deviates from the norm is blameworthy.”
—Will-Erich Peuckert

Course Description
This course is an investigation of the history and theory of crime and punishment in an age when criminal violence and state violence were often indistinguishable and unmediated. Over the course of four hundred years Europe experienced a transformation from the persecuting societies of the Middle Ages, through the terrors of religious wars and the Inquisition, to Beccaria’s “enlightened” and Bentham’s utilitarian rejection of traditional criminology. Integrated with Michel Foucault’s influential work, Discipline and Punish, the readings for this course address dominant social norms and ever-changing definitions of deviance. The course explores the intellectual, social, and political justifications for punishment and the ensuing conflicts between conceptions of authority and individual freedom.

The primary goals of this course are to immerse you in the leading themes in the field of crime and punishment in early modern Europe and introduce you to primary sources and the modes of argumentation employed by historians. We will also address the different ways historians conceptualize history, that is, how we construct historical analyses and narratives. By the end of the semester you should be able to understand the patterns of early modern crime and punishment, be able to explain and apply certain historical models and analyze historiographical arguments. Throughout the course I expect you to be respectful of your colleagues’ ideas and rigorously defend your own.

This is a reading-intensive course, and I expect you to be prepared for every class meeting. I cannot emphasize this enough: This is your class. That means that you will get out of it what you invest in it. Your voices, ideas, perceptions, interpretations, experiences, conflicts, etc., are all vital aspects of what you bring to the topics we will be addressing. At the end of the semester, what we have learned will depend largely on what we have all contributed. The course will be primarily discussion based. I will lecture occasionally in order to provide historical context, historiography, and historical arguments. All other days will be open discussion. If, for whatever reason you do not feel you will be able to participate fully, please consider dropping this class.
Writing Requirements

Class contribution  25%
A reading critique
An article review
A final paper  75%

Texts

Michel Foucault, *Discipline and Punish: The Birth of the Prison*
Franz Kafka, *The Trial*
R. Po-Chia Hsia, *Trent 1475: Stories of a Ritual Murder Trial*
Guido Ruggiero, *The Boundaries of Eros: Sex Crime and Sexuality in Renaissance Venice*
Course Packet

Course Outline

Part I: Torturing the Body

Week 1: Introduction: Understanding Early Modern Europe—Overview

Week 2: The Formation of a Persecuting Society: The Medieval Model
   Thomas Aquinas, On Law and Natural Law, in *Summa theologiae*
   Courts, Crimes, and Causes, in *Crime in Medieval Europe*
   (Both handouts)

Week 3: From Medieval Inquisition to Early Modern Punishment
   Read: Dissent, Heterodoxy, and the Medieval Inquisitorial Office, in *Inquisition*
   Read: Late Medieval Crime Waves?, in *Crime in Medieval Europe*
   (Both handouts)

Week 4: The Crime of Poverty
   Read: Robert Jütte, *Poverty and Deviance in Early Modern Europe* (Handout)

Week 5: The Crime
   Read: *High Road to the Stake* (Handout)

Week 6: The Problems of being Non-Christian in Christian Europe
   Read: R. Po-Chia Hsia, *Trent 1475: Stories of a Ritual Murder Trial*

Week 7: Sexuality and Crime in the Renaissance
Week 8: Women and Crime
Read: Trial and Punishment, in *The Crimes of Women in Early Modern Germany*
Read: Prostitutes
(Both handouts)

Week 9: Persecuting Witches
Read: Martin Luther: Witchcraft and the Reformation; John Calvin: Witchcraft and the Reformation; Martín Del Rio: *disquisitions magicarum*; The Trial of Suzanne Gaudry (Handouts)
**NO CLASS ON THURSDAY (30 October)**

Week 10: The Trial/Punishment
Read: *High Road to the Stake* (Handout)

**Part II: Killing the Soul**

Week 11: Foucault’s Phenomenology of Crime and Punishment
Read: Foucault, *Discipline and Punish*

Week 12: Foucault continued
Read: Foucault

Week 13 Foucault continued
Read: Foucault
**NO CLASS ON THURSDAY (27 November)**

Week 14: Crime and Punishment in the Modern Imagination
Read: Franz Kafka, *The Trial*

Week 15
The final class will meet at my house for dinner and discussion

**OFFICE HOURS**
Monday 3-5
Wednesday 2-4
Friday 9-11
And by appointment
Office: 324 TLC
Phone: x5265
Home phone 581-3226