

HISTORY: A FIELD OF STUDY AT THE SERVICE OF CITIZENSHIP EDUCATION



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History is the preferred discipline when it comes to understanding the values that built our society and that continue to fuel its growth. To know society's past; to identify trends and issues from a societal perspective; and then to identify the axes of their development; all these things allow the student to position himself on a temporal axis, as regards values carried by society and to consider his own personal contribution as a citizen to the development of that society.

This article presents the valuable contribution that History brings to a study program. It discusses pedagogical practices used in the *History of the Law* course taught to students enrolled in Techniques juridiques (Paralegal Technology) at Collège Ahuntsic. It shows how history helps future paralegals prepare for the exercise of their profession in the respect of cultural diversity, based on citizenship values of equality and personal dignity.

COMMITTED TO TEACHING FROM A CITIZENSHIP PERSPECTIVE

As a History professor at collegial level for many years now, my teaching practice has undergone major changes over the course of time. As such, the emergence of the concept of competency in the recent collegial reform keenly challenged my practice once again. First of all, applying the concept of competency within a history course struck me as an exercise doomed to fail. The discipline seemed undeniably linked to the fields of knowledge and skills. However, it is while reviewing and re-working my practice relative to competencies found within the program (*Analyze administrative and Court decisions; Interpret a legislative text* and the objective established by the department; *Enable the student to identify the space-time continuum in which Western rights were developed*) that I realized how much this field of study could contribute to the development of students by focusing on the essence of citizenship and the development among students of skills, personal conduct and know-how relating to this citizenship.

During the process of revising the Paralegal technology program at Collège Ahuntsic, a new course on *History of the law* was included as a substitute for a course on the *Constitutional history of Canada*. The introduction of this new course that covers a greater time span than the previous one rekindled my strong desire to stimulate thinking in my students and provide them with frames of reference relative to attitudes and behaviours proper to a citizen. In fact, traversing the history of Western law from Antiquity until today requires the initial establishment of the universality and diversity of the law in order to understand the geographical and historical context in which the paralegal operates. All things considered, the goal is to encourage students to ask the following question: What are the implications of being a paralegal today in Québec, within Canada and the world?

CONTEXTUALIZED HISTORICAL KNOWLEDGE TO BETTER GRASP THE ISSUES

In order to provide a frame of reference to better understand principles relating to the universality and diversity of law and to help them position themselves as citizens, it is necessary for students to have access to contextualized historical knowledge. The History professor can make use of a citizenship perspective to teach specific historical knowledge to the students and identify the links between this knowledge in its original context and current reality.

For example, within the framework of the course, students are introduced to a history of Québec and Canada that exceeds the simple identification of facts that marked history, i.e., it also takes into account the contextual factors that played a key role in the advent of historical facts. This in turn allows students to become conscious of the fact that the history of Québec and Canada is coloured by a past filled with prejudice, harassment and discrimination; all of which enables them to better understand what was at stake and what influenced the societal development of Québec and Canada. In particular, the identification of victim-groups in our national history, such as women, natives, immigrants and the handicapped, and through an understanding of values and trends that prevailed at that time, the student can gauge the forces that shaped society as we know it today along with its resulting legal system.

Understanding our current legal system and the paths that led to its development necessarily rest on what Loslier and Pothier



describe as real “memory homework”. The authors of *Droits et Libertés... à visage découvert* (2002), a didactic work at collegial level produced for the Commission des droits de la personne et des droits de la jeunesse du Québec (The Quebec Charter of Law and freedoms and the Youth Protection Act) within the framework of citizenship education, remind us that “modern acquisitions like the Canadian and Québec charters of rights, were built on yesterday’s battles and are the foundation of our future” (p. 15-16).

In order to help the student develop a citizenship identity, the History professor must choose basic works that clearly demonstrate the many contributions and contexts that shaped history, works that cannot be summarized by a simple listing of facts and whose contexts, values, and issues moulded society and were the driving force in the development of our legal system and laws.

► THE PERSONAL CONDUCT OF A CITIZEN

As mentioned earlier, in order to grasp the principles of universality and diversity of the law, the student must have access to contextualized knowledge.

Beyond the comprehension of values and stakes that shaped history, the acquisition of an identity as a citizen among students often goes hand in hand with the acquisition of certain attitudes. Intellectual curiosity and critical judgment are the initial attitudes, quickly followed by respect, tolerance, and openness towards the world.

By broaching the subject of the *universality of law*, the History professor touches upon the multidisciplinary nature of the study of law: Law embraces knowledge

drawn from a great number of fields, which implies an openness of spirit and critical judgment from the student. For example, during the study of the origin of state-controlled Canadian institutions, it is interesting to note that neither lawyers nor historians displayed any real interest until now in the contribution of First Nations. It is primarily anthropology that was interested in the study of Canada’s First Nations and their contribution to Canadian society. One of the implications of this type of division of knowledge often causes historical references to overlook the two origins of Canadian institutions: the French and English influences. Most historians due to an ingrained ignorance thus overlook the heritage of aboriginal peoples. The study of the origins of Canadian institutions provides the *History of law* teacher with an opportunity to encourage students to display intellectual curiosity by inviting them to draw information within a vast range of disciplines connected to knowledge of law and, moreover, to exercise critical judgment in avoiding “disciplinary ethnocentrism”. It is important to support intellectual curiosity in the student, curiosity that exceeds the strict legal and historical sectors and leads to the development of critical judgment vis-à-vis all available sources and analyses.

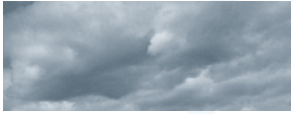
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By studying the *diversity of the law*, students learn there are other rights out there beyond our Western ones; that at other times, other values prevailed and finally, that there are legal systems in place in this day and age, that differ significantly from ours. The professor encourages students to respect the values of others and to display openness toward the diversity of the world. While referencing the cultural diversity in which the legal technician operates in Québec today, the *History of law* professor encourages students to develop tolerance and to nurture a “citizenship” approach that serves the general public, based on equality and human dignity. Thus in the performance of his duties, a paralegal must expect to have to specify or explain certain instructions with customers of different ethnic origins. The paralegal must adopt a professional attitude that embraces respect and openness of spirit and avoids hasty judgments in situations that can sometimes appear “strange”, by taking into account the values of the persons involved.

► DEVELOPING CITIZENSHIP AWARENESS THROUGH DEBATE

The citizenship consciousness that students are called on to exercise in their profession and also in their daily lives means they must position themselves personally as regards the values they wish to adopt as individuals, as members of a community and as a paralegal. To help them position themselves relative to societal and personal values, the *History of law* course uses exercises in class and assigns work to initiate debates on the essential values at stake in contemporary society.

Thus, the assignment for the session that is carried out in teams is an opportunity for students to debate topics that touch upon contemporary concerns in social, economic, political, and strictly legal areas, beginning with a subject that is close to their hearts. Whether it is current topics such as the discussion by the House of Commons of a bill on euthanasia, or a judgement rendered by Superior Court judges



relative to sexual harassment in the workplace, or a family of refugees claiming asylum and welcomed into a parish or community, the student of *History of law* is called upon to debate his ideas and position himself personally relative to the values and issues of the debate. Articles appearing in periodicals selected by the students themselves and the divergence of opinions fuel the debates. Each team presents its reflections to the classroom and places the evolution of questions on which public opinion expresses itself in a historical context. Having students take part in the selection of references that are the basis for discussion helps them learn to do documentary research.

Students in the *History of the law* course learn about the “evolutionary” dimension of legal systems by participating in debates; and how important debate is in the evolution of society. Students become aware that institutional change is necessary to make way for new laws and that these changes usually take place over a prolonged period of time. Changes in society do not and cannot take place alone, nor can they be instantaneous. Ideological disputes take place, sometimes long-standing disputes that require much effort.

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The pedagogical activities of the *History of law* course allow students learn about the great battles that took place so the law could evolve. They therefore discover key characters who waged long battles for rights and liberties in the 1930's that were resolved only in 1976 and 1982, with the advent of the Québec and Canadian charters of rights. The role model embodied by these heroes and heroines who succeeded in winning battles at the cost of much sacrifice and effort is rich in lessons for future battles that our youth may be called upon to lead in the defence of rights and liberties, both as citizens and within their professional careers.

► CONCLUSION: REMEMBER THE PAST, IMAGINE THE FUTURE

Within the exercise of their profession, these future paralegals could collaborate in the implementation and legitimization of certain new practices relative to new laws. To be a professional paralegal means that a student must develop a true identity as a citizen; acquire contextualized historical knowledge through the field of law as well as other areas outside the usual application of law; display intellectual curiosity, tolerance, respect, openness towards other cultures and the diversity of the world; develop critical judgment; and position himself relative to social values and issues.

History reminds us that it is our remembrance of past things that enables us to create a different and better future! ◆

Paule MAUFFETTE has been teaching History for over 30 years. A History professor in Togo from 1971 to 1973, she began a long career as a teacher at Collège Ahuntsic de Montréal. From 1991 to 1993, Paule Mauffette was an educational advisor in interculturalism for the Direction des Affaires étudiantes at Collège Ahuntsic. She led an important series of consultations with students and personnel on the integration of Québec students from cultural communities and their degree of mastery of French. She published a report on the research: *Histoire de vivre ensemble semblables et différents* (1992).

Holder of a master's degree in African history from Concordia University in Montréal, she completed her training in intercultural education at Université de Sherbrooke. Her research is oriented toward the essential values of a country from an immigration perspective and the problems relating to minorities in the history of Canadian democracy. She is also currently working on a history of Rwanda.

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