

History 550

Medieval Society and Law

Fall 2010

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Office Hours: TBA

Course Description:

This course is intended to introduce students to the central historical developments of law in the European Middle Ages. Materials for the course will span from the dissolution of the Roman Empire and the last gasps of imperial codification in the fifth and sixth centuries until the late medieval appearance of the great medieval legal traditions, i.e. the common law of England and the Roman-canonical tradition of the European continent. Our primary focus will be on law as an aspect of human community. Hence, we will be concerned with substantive laws (e.g. whether you could marry your first cousin in thirteenth-century France, or the required number of days you had to wait before attacking your enemy in his home in ninth-century Britain) only as a secondary matter. Instead, we will be more concerned with what made these laws intelligible in their own age. By implication, we might occasionally learn something important about ourselves as well.

Course Requirements:

Most of the required readings will be available in a Course Reader which can be obtained from the Humanities Copy Center on the first floor of the Humanities Building. Occasionally, reading materials will be distributed via email. In addition, supplemental readings will be available at the Reserve Desk in the College Library. For those interested in acquiring or bolstering their background knowledge of medieval Europe, I recommend Edward Peter's Europe and the Middle Ages (4th ed. 2004).

Research Paper: This is a paper course. You will be required to turn in a research paper on a course-related topic of your choosing. A list of suggested topics will be distributed at an early point in the semester. The paper will be due on the date listed as the final exam date in the university timetable.

Attendance is required. Missing more than three (3) classes will detrimentally affect your grade.

Schedule of Themes

Week 1)

A) Introduction to Course Themes and Description of the Course

B) The Legislative Legacy of Rome: Codification and Empire

Case Study: Sanctuary legislation

Readings: Course Reader, pp. 8-33; Sanctuary Law and the Late Roman Empire (circulated as an email attachment)

Weeks 2 and 3)

A) The Germanic Traditions and the Emergence of Early Medieval Written Law

Reading: Course Reader pp. 34-140

B) Law-giving and Legal Text

Reading: Course Reader pp. 142-158

Week 4)

A) Peace and Feud

Reading: Selections from Beowulf to be assigned.

B) Control over private violence.

Reading: To be circulated electronically.

Week 5)

From *iudicium dei* to *ordo iudiciorum*: The beginning of the judgment by divine ordeal.

Readings: Course Reader pp. 159-177

Week 6) The end of the judgment by divine ordeal and the rise of the trial jury

Week 7) The Beginnings of Extensive Royal Administration of Law:

Readings: distributed electronically

Week 8) The “Rediscovery” of Roman law and birth of “learned law” in Europe.

Readings: 177-230

Week 9) Canon law and the end of sanctuary privileges in European and English law

Readings: distributed electronically

Week 10) Medieval Marriage law: Canon law, changing family structures, and social control

Readings: distributed electronically

Week 11) Executions: the use of punishment as a spectacle of sovereignty.

Readings: distributed electronically

Week 12) The Devil at Law, Part 1: St. Anslem, Salvation, and Law

Readings: distributed electronically

Week 13) The Devil at Law, Part 2: Legal education, mock trials, and the fading connection between theology and law.

Readings: distributed electronically.

Week 14) The end of the Middle Ages and the foundations of modern criminal law

Readings: Distributed electronically

Week 15) Course wrap-up and conclusions.

Final Papers Due: December 14th