

Prof. Karl Shoemaker
Fall 2023

Office Hours: Wed. 1-3pm
Office: 4101 Humanities Bldg.
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Law and the Sacred in the Middle Ages

Course Description:

This course will explore the relationship between law and the realm of the sacred within the major legal traditions of medieval Europe. We will examine topics such as the divine ordeal, sanctuary, kingship, the relationship between law and theology in the medieval era, and a fictional lawsuit between Christ and the devil. In each instance, we will be asking a set of questions that seek to understand how medieval jurists and theologians understood the nature of law and its place in the world.

Because this is a research seminar, one of our primary tasks will be to acquire the necessary research skills to pursue the themes articulated in the syllabus. While there will be some specifically assigned readings in this course, a large portion of readings will be determined by individual research assignments. Among our primary tasks will be to frame a research question, construct a bibliography, engage with primary sources, engage with secondary sources, and write short a research paper.

Assessments:

This capstone course for the History Major course requires students to produce a 20-page research paper, with scholarly apparatus, and bibliography. A considerable part of the course is dedicated to teaching students how to do these things.

The Final Paper is December 16th

Readings: The required readings will be posted on the Canvas page. It is essential that you stay current on the readings and assignments. Please consult the Canvas page for the readings that correspond to the weekly themes and topics.

Disability Statement: UW-Madison supports the right of all enrolled students to a full and equal educational opportunity. The Americans with Disabilities Act (ADA), Wisconsin State Statute (36.12), and UW-Madison policy (Faculty Document 1071) require that students with disabilities be reasonably accommodated in instruction and

campus life. Reasonable accommodations for students with disabilities is a shared faculty and student responsibility. If you need accommodations, please let me know by the end of the third week of the semester, or as soon as possible after a disability has been incurred or recognized. I will work either directly with you or in coordination with the McBurney Center to identify and provide reasonable instructional accommodations. Disability information, including instructional accommodations as part of a student's educational record, is confidential and protected under the Family Educational Rights and Privacy Act (FERPA).

Academic Integrity: UW-Madison takes academic integrity very seriously, and no academic misconduct will be tolerated in this course. Academic misconduct can assume many forms, so make sure you know what it is and how to avoid it. (See <https://www.students.wisc.edu/doso/academic-integrity/>)

Grading Scale: A (92.5+); AB (87.5-92.4); B (82.5-87.4); BC (77.5-82.4); C (69.5-77.4); D (60-69.4); F (Below 60)

Course Credit:

The credit standard for this course is met by an expectation of a total of 135 hours (45 hours per credit) of student engagement with the course learning activities, which include seminar discussion, readings, written responses, drafts and final papers, as well as other student work described in the syllabus.

Assignments: All assignments for this course will be found on Canvas and are to be submitted through the course's Canvas page. This includes all weekly assignments and reading responses, as well as the midterm and final examinations. It is essential that you contact me as soon as possible in the event you need to make up an assignment. Late assignments will be accepted for reduced credit. Assignments completed after the Canvas page has closed must be emailed to the professor.

Course Modality: This is an in-person upper-level seminar course.

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This course also requires the completion of a research paper on a theme related this course. The paper should use primary and secondary sources and should be approximately 20 pages in length. During the course of the semester, a list of suggested paper topics will be distributed. The paper will be due on the last day of class.

Texts: All readings are posted on the Canvas page corresponding to the name of the author.

Schedule of Themes

Week 1

September 6

Introduction of the course subject matter and general requirements.

Week 2

September 13

Medieval Law and Theology in the Modern World

Readings: Ford v Wainwright
Shoemaker, Prohibitions on Executing the
Insane

Week 3

September 20

The Divine Ordeal

Readings: Baldwin, Hyams, Mcauley

Week 4

September 27

Sanctuary

Readings: Shoemaker

Week 5

October 4

The Devil at Law

Readings: Mascaron

Week 6

October 11

Writing a Research Paper

Week 7

October 18

Individual Meetings about Selected Paper Topics

Week 8

October 25

Reading Week, no class meeting

Week 9

November 1

Constructing a Research Bibliography

Week 10

November 8

Primary and Secondary Sources

Week 11

November 15

Rough Drafts due

Week 12

November 22

Reading Week, no class

Week 13

November 29

Individual Meetings about Research Papers

Week 14

December 6

Research Presentations

Week 15

December 13

Research Presentations

List of Possible Research Topics

The Divine Ordeal and Dueling

Sanctuary and Asylum

Sacral Kingship

Demonology, Sorcery, Witchcraft

Regulation of Marriage and Sexuality

The Inquisition

The Expulsion of Jews from European Cities

The Crusades

Religious Conversion

Religious Orders

Simony

Cursing and Anathema

Penance and Penitential Discipline
Pardon
Peacemaking and Reconciliation
Writing, Written Records, Literacy
Abortion
Religious Responses to Plague
Cathedrals and Sacred Space
Papal Diplomacy with Non-Christians

Learning Outcomes

History/Legal Studies 426 (The History of Punishment) is a medium to high enrollment, upper-level course that primarily serves History and Legal Studies Majors. This course satisfies the capstone requirement for the Legal Studies Program. This course leads students through the textual, translation, and interpretative issues that arise in the course material.

General Learning Outcomes:

- Read and evaluate a variety of materials to determine their origins, perspective, usefulness, and reliability
- Analyze influences that shape historical narratives and debates across genres and media
- Explain complex changes over time at different levels of scale
- Craft clear, persuasive prose
- Discuss and distill complex points through lucid verbal communication
- Engage with humility and empathy, and respect those with differing views
- Recognize multiple ways of being in the world, and how what may seem natural in a society has been built over decades of accumulated human actions

Break down stereotypes and misconceptions through rigorous analysis