From the Dark Ages to the Black Death: History of English Law

Law 823: First Summer Term, 2012. Two credit hours.
1:00-2:10, Monday-Thursday, Room 225-A

Paul Pruitt
Bounds Law Library
(205) 348-1107
ppruitt@law.ua.edu.

Office: Bounds Law Library, Room 223 (in Tech. Services Area)
Office Hours: 8:00 to 12:00, Monday and Wednesday, or by Appointment

Course Description: This course is a study of the origins and development of English law, legal institutions, and the legal profession. It will cover relevant events from the Anglo-Saxon period to the later Middle Ages. It will concentrate on the sources of law, chiefly through the medium of great legal texts and treatises. Through examination of these texts, in addition to secondary readings and participation in class discussions, the students will grasp for themselves the historical foundations of Common Law and the life of the law. For more information on objectives, methods, texts, readings, assignments, and grading, see below.

Course Objectives: (1) To introduce students to English legal history by means of the great English law books; and (2) to show them and help them put into practice the bibliographical and historical techniques for unlocking the secrets of such works. The course will proceed by means of discussions, assigned readings, and exercises. In addition each student will select a research project, write a paper, and make two presentations to the class.

Texts:


Books Placed on Reserve Will Include:


Note: Photocopied excerpts of other works will be distributed as necessary.


Readings: Hogue, 3-29, 185-215; Coquillette, pp. 37-53, 55-56, 64-66; For discussion, read particularly Coquillette, pp. 45-50.

[For even more information, see also Plucknett, pp. 6-14; Holdsworth, Vol. I, pp. 1-32; and Pollock and Maitland, Vol. I, pp. 24-63.]

Note: By Thursday (May 31) of this week each student will select a Domesday shire for in-class exercise and discussion. These discussions will begin on Monday, June 4.

Note: During this week, students should be considering (and discussing with me) their research paper projects.

II. Week 2, June 4-7. Norman and Angevin Kings and Magna Carta, 1087-1225.


[For still more information see also Plucknett, pp. 14-26, 256-258, 354-378; Holdsworth Vol. I, pp. 55-63; Sheppard, Vol. II (Coke on Magna Carta, passim.); and Coquillette, pp. 147-164.]

Note: During this week students should finalize topics for the research paper.


Topics: (1) The Origins of Royal Courts. (2) Beginnings of the English Legal Profession. (3) The Early Landmarks of English Legal Literature. (4) Chancery: The Final Frontier?


Note: During this week we will begin presentations of research projects.


[For a fine summary of the growth of the legal profession, legal education, and the achievements of English law prior to 1272, see Pollock and Maitland, Vol. I, pp. 211-225. For information on the legal profession in the Tudor period, see Holdsworth, Vol. 4 pp. 263-272.]

Note: During this week we will continue presentations of research projects.


Topics: During this week we will discuss Alistair Dunn’s The Peasants’ Revolt, pp. 11-74 (A Reserve copy and/or photocopies will be provided).

[For further information see Plucknett, pp. 32-34, 167-169.]

Additional Subjects (“Had we but world enough and time. . .”)
VI. The Transition from Medieval to Early Modern in Law, Politics, and Society. 
Tudor and Stuart Lawbooks and Law Writers: Abridgements, Digests, Treatises, Reports.


VII. To Blackstone and Beyond, 1689-1815. The Eighteenth-Century Synthesis. The Legal and political Worlds of England From the Whig Ascendancy to the Atlantic Revolutions.


Attendance, ADA, Assignments and Grading:

The attendance policy and other administrative policies for this course will conform to those that are generally applied to University of Alabama Law School courses. I will make every effort to accommodate the needs of students with disabilities; in that area of concern I will be governed by Law School policies. Since I will conduct the class in the manner of a seminar, I will expect each student to read assigned materials and to take part in discussions. I will assign grades based on class participation; participation grades, including presentations and in-class exercises (shire presentations, for example) will total a possible twenty-five per cent of the final class grade.

As the chief project for the class, each student will write a research paper and make a brief presentation on it. I will supply a list of approved topics, though I’m open to altering or replacing them to accommodate student interests. Each student should submit a topic choice by Wednesday, June 6. Dates of presentations will be arranged soon after that date.

Typically, each student’s paper will consist of an analysis and exploration of one or more original sources, each source viewed both in its own context and from the vantage point of modern times. Each paper should demonstrate a thorough acquaintance with the work(s) in question and relevant secondary literature, and in addition should test a thesis or make some interpretive point. The paper itself will be worth a possible seventy-five per cent of the final class grade. Papers are due by 4:45 PM on Friday, June 29. Late papers will be assessed a penalty of one letter grade per weekday.