

APPLICATION FOR CHANGE IN EXISTING COURSE: MAJOR and MINOR

1. Submitted by the College of Arts and Sciences Date: 31 October 2008

Department/Division offering course: History

2. What type of change is being proposed? Major Minor*

*See the description at the end of this form regarding what constitutes a minor change. Minor changes are sent directly from the college to the Chair of the Senate Council.

If the Senate Council chair deems the change not to be minor, the form will be sent to the appropriate Council for normal and an email notification will be sent to the contact person.

PROPOSED CHANGES

Please complete all "Current" fields.

Fill out the "Proposed" field only for items being changed. Enter N/A if not changing.

Circle the number for each item(s) being changed. For example: (6.)

3. Current prefix & number: HIS 510 Proposed prefix & number: HIS 510

4. Current Title Medieval Civilizations I

Proposed Title[†] Medieval Law

[†]If title is longer than 24 characters, offer a sensible title of 24 characters or less: _____

5. Current number of credit hours: 3 Proposed number of credit hours: 3

6. Currently, is this course repeatable? YES NO If YES, current maximum credit hours: _____

Proposed to be repeatable? YES NO If YES, proposed maximum credit hours: _____

7. Current grading system: Letter (A, B, C, etc.) Pass/Fail

Proposed grading system: Letter (A, B, C, etc.) Pass/Fail

8. Courses must be described by at least one of the categories below. Include number of actual contact hours per week for each category.

Current:

() CLINICAL () COLLOQUIUM () DISCUSSION () LABORATORY (x) LECTURE
 () INDEPEND. STUDY () PRACTICUM () RECITATION () RESEARCH () RESIDENCY
 () SEMINAR () STUDIO () OTHER – Please explain: _____

Proposed:

() CLINICAL () COLLOQUIUM () DISCUSSION () LABORATORY (x) LECTURE
 () INDEPEND. STUDY () PRACTICUM () RECITATION () RESEARCH () RESIDENCY
 () SEMINAR () STUDIO () OTHER – Please explain: _____

9. Requested effective date (term/year): Fall / 2009

10. Supplementary teaching component: N/A Community-Based Experience Service Learning Both

Proposed supplementary teaching component: Community-Based Experience Service Learning Both

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11. Cross-listing: N/A or _____ / _____
Current Prefix & Number printed name Current Cross-listing Department Chair signature

a. *Proposed – REMOVE current cross-listing:* _____ / _____
printed name Current Cross-listing Department Chair signature

b. *Proposed – ADD cross-listing:* _____ / _____
Prefix & Number printed name Proposed Cross-listing Department Chair signature

12. Current Distance Learning (DL) status: Already approved for DL Please Add Please Drop

If PROPOSING, check one of the methods below that reflects how the majority of the course content will be delivered.

Internet/Web-based *Interactive Video* *Extended Campus*

13. Current prerequisites:
 none

Proposed prerequisites:
 none

14. Current Bulletin description:
 Selected topics in the cultural and intellectual history of Latin Europe during the Middle Ages. The specific topics for a given semester will be listed in the schedule book.

Proposed Bulletin description:
This course examines the development of the various legal systems to which people in western Europe had recourse between the fourth century and the fourteenth century. Topics to be covered include the shift from oral to written law, the problems small communities faced in dealing with transgressors, the competition between various authorities for jurisdiction, the ways in which Judaeo-Christian values and beliefs affected the orientation of medieval law, the use of procedures such as ordeals and inquisitions, the evolution of ideas about natural rights, and how law reflects the massive social and political re-organisation of the west that occurred after the Roman Empire.

15. What has prompted this change?
 This course replaces the old HIS 510, which had the vague title "Medieval Civilization I" -- one of a number of vaguely titled medieval courses that we are trying to rationalise into a stronger curriculum of pre-modern offerings. This course would be the second component of a logical sequence of HIS 509 (Roman Law), currently taught by Dan Gargola, and 510 (Medieval Law) which I have taught several times as HIS 510 with a special subtitle. The sequence is an excellent opportunity for our students to have extended study of the history of various important legal systems, and is especially useful for our pre-law students.

16. If there are to be significant changes in the content or teaching objectives of this course, indicate changes:

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This course would now have a clear topic and scope, namely the study of medieval legal systems between the fourth and fourteenth centuries. It had no defined regularly defined topic or scope previously.

17. Please list any other department that could be affected by the proposed change:

18. Will changing this course change the degree requirements for ANY program on campus? YES NO
 If YES[†], list below the programs that require this course:

[†]In order for the course change to be considered, program change form(s) for the programs above must also be submitted.

19. Is this course currently included in the University Studies Program? Yes No

20. Check box if changed to 400G or 500. If changed to 400G- or 500-level, you must include a syllabus showing differentiation for undergraduate and graduate students by (i) requiring additional assignments by the graduate students; and/or (ii) the establishment of different grading criteria in the course for graduate students. (See SR 3.1.4)

21. Within the department, who should be contacted for further information on the proposed course change?

Abigail Firey 7-
 Phone: 6447 Email: afire2@uky.edu

22. Signatures to report approvals:

31 October 2008
 DATE of Approval by
 Department Faculty

Jeremy Popkin *Jeremy A. Popkin*
 printed name Reported by Department Chair signature

12/05/08
 DATE of Approval by College
 Faculty

Leonidas G. Bachas *Leonidas G. Bachas*
 printed name Reported by College Dean signature

*DATE of Approval by
 Undergraduate Council

printed name Reported by Undergraduate Council Chair signature

*DATE of Approval by Graduate
 Council

printed name Reported by Graduate Council Chair signature

*DATE of Approval by Health
 Care Colleges Council (HCCC)

printed name Reported by Health Care Colleges Council Chair signature

*DATE of Approval by Senate
 Council

Reported by Office of the Senate Council

*DATE of Approval by the
 University Senate

Reported by the Office of the Senate Council

*If applicable, as provided by the *University Senate Rules*. (<http://www.uky.edu/USC/New/RulesandRegulationsMain.htm>)

ARTS AND SCIENCES
EDUCATIONAL POLICY COMMITTEE
INVESTIGATOR REPORT

<http://www.as.uky.edu/working/collegiate-governance/education-policy-committee/proposals/default.aspx>

INVESTIGATING AREA: Humanities

COURSE MAJOR, DEGREE or PROGRAM: HIS 510

DATE FOR EPC REVIEW: Dec. 5, 2008

CATEGORY: NEW, CHANGE, DROP

INSTRUCTIONS: This completed form will accompany the course application to the Graduate/Undergraduate Council(s) in order to avoid needless repetition of investigation. The following questions are included as an outline only. Be as specific and as brief as possible. If the investigation was routine, please indicate this. The term "course" is used to indicate one course, a series of courses or a program, whichever is in order. Return the form to Leonidas Bachas Associate Dean, 275 Patterson Office Tower for forwarding to the Council(s). ATTACH SUPPLEMENT IF NEEDED.

1. List any modifications made in the course proposal as submitted originally and why.
2. If no modifications were made, review considerations that arose during the investigation and the resolutions.
3. List contacts with program units on the proposal and the considerations discussed therein.
4. Additional information as needed.

5. A&S Area Coordinator Recommendation:

APPROVE, APPROVE WITH RESERVATION, OR DISAPPROVE

6. A&S Education Policy Committee Recommendation:

APPROVE, APPROVE WITH RESERVATION, OR DISAPPROVE



7.

A&S Educational Policy Committee, Humanities Area Coordinator
Anibal Biglieri, biglieri@email.uky.edu 257-4640

Date: 12/05/08

HIS 510: Medieval Law

University of Kentucky.

Dr. Abigail Firey

Office: Patterson Office Tower, Room 1741; **tel.** 257-6447; **email:** afire2@uky.edu**Office Hours:** Wed. 2.00 p.m. to 4.00 p.m., and by appointment

Course Description: This course examines the development of the various legal systems to which people in western Europe had recourse during the Middle Ages: Roman Law, Barbarian Law, Manorial Law, Canon Law, Royal Law, Urban Law, Mercantile Law. The chronological scope of our investigations will extend from the fourth century to the fourteenth century. Topics to be covered include the shift from oral to written law, the problems small communities faced in dealing with transgressors, the competition between various authorities for jurisdiction, the ways in which Judaeo-Christian values and beliefs affected the orientation of medieval law, the use of procedures such as ordeals and inquisitions, the evolution of ideas about natural rights, and how law reflects the massive social and political re-organisation of the west that occurred after the Roman Empire. We shall be testing the thesis of Harold Berman, that there is a western legal tradition that took its essential shape in a “revolution” in the eleventh and twelfth centuries.

Schedule of Classes and Readings.

11 January (Thursday): Introduction and Organisation

16, 18 January: Reading: pp. 1-41 (“Introduction”) in Harold Berman’s *Law and Revolution: The Formation of the Western Legal Tradition* (Discussion of this reading on Thursday: please see description below for expectations of written preparation and oral participation)

Unit I: From Barbarians to Professors

23, 25 January Reading: pp. 49-84 in *Law and Revolution* (“The Background of the Western Legal Tradition: Folklaw”)

30 January, 1 February: (note: 31 January last day to drop course without record on transcript) Reading: pp. 85-119 in *Law and Revolution* (“The Origin of the Western Legal Tradition in the Papal Revolution”)

6, 8 February: Reading: pp. 120-164 in *Law and Revolution* (“The Origin of Western Legal Science in the European Universities”) Primary Source: Excerpt from Gratian, the *Decretum* (to be distributed by the instructor)

13, 15 February: Reading: pp. 165-198 in *Law and Revolution* (“Theological Sources of the Western Legal Tradition”) Option: Further discussion of Excerpt from Gratian, the *Decretum*

First Paper Due: 19 February (NOTE: MONDAY). Topic: Who interprets or knows the law?

20, 22 February: Reading: pp. 199-224 in *Law and Revolution* (“Canon Law: The First Modern Western Legal System”)

Unit Two: Solving or Causing Problems with Law

27 February, 1 March: Reading: pp. 225-254 in *Law and Revolution* (“Structural Elements of the System of Canon Law”) Movies!

5 March: Midterm of the 2007 Semester (that is information, not an examination). Midterm withdrawal date: 9 March

6, 8 March: Reading: pp. 255-270 in *Law and Revolution* (“Becket versus Henry II: the Competition of Concurrent Jurisdictions”) Movies! Primary Source: The Constitutions of Clarendon:
<http://www.fordham.edu/halsall/hich/af0/dbch/af31505/loch/f0/source/cclarendon.html>

13, 15 March: SPRING BREAK. No class. Some may rejoice.

20, 22 March Reading: pp. 271-294 in *Law and Revolution* (“The Concept of Secular Law”) Option: Further discussion of the Constitutions of Clarendon:

Second Paper Due: 26 March (MONDAY). Topic: How does law relate to politics?

Unit Three: Communities and Their Laws

3, 5 April: Reading: pp. 295-315 in *Law and Revolution* (“Feudal Law”) (Some may wish to begin studying Hobbins, *Trial of Joan of Arc* and thinking about the next assignment)

10, 12 April: Reading: pp. 316-332 in *Law and Revolution* (“Manorial Law”) (Consider reading *The Trial of Joan of Arc* in advance of next week’s assignment)

17, 19 April: Reading: pp. 356-403 in *Law and Revolution* (“Urban Law”) Primary Source: Hobbins, *The Trial of Joan of Arc* pp. 33-118 (Not as daunting as it looks)

24, 26 April: Reading: pp. 404-458 in *Law and Revolution* (“Royal Law: Sicily, England, Normandy, France”) Primary Source: Hobbins, *The Trial of Joan of Arc* pp. 118-195 (Not as daunting as it looks)
 Option: Movies!

27 April: LAST DAY OF CLASS

Third Paper Due: 30 April (in lieu of Final Exam). Topic: What is the relation between law and power? This paper will draw upon the Trial of Joan of Arc, as well as ideas discussed or inspired by Berman

Assignments and Protocols:

There will be **three short papers**, of about five to seven pages in length. The topics of these papers relate to the units of the course. In each unit, we shall study and discuss together a primary source; using that primary source as evidence for some portion of your discussion, address the assigned topic. In addition to *Law and Revolution*, there are a number of relevant books on Reserve in the Young Library. They are listed on the final pages of this syllabus. You are welcome to use them, or other books or articles you may find, to assist you in preparing your papers. You are not required to use them, unless you are a graduate student enrolled in the course under the 650 number. Papers should have a coherent and developed argument, and all assertions should be supported with evidence (whether from the primary source or from suitable, scholarly secondary sources). **The source and location of the evidence should be indicated with appropriate citations.** Within these general constraints, you are encouraged to select specific issues that interest or intrigue you. Each paper will count for 25% of the final grade. With my permission, papers (except for the last one) may be rewritten and resubmitted for a better grade.

Thursday discussion preparation: This will count for 25% of the final grade, all of which may be forfeited if three discussions are not prepared or are missed. To obtain credit for Thursday discussion, please submit in writing some intelligent observations and questions (three or four will suffice; you will probably fill half a page or a page with them). The format need not be formal, as long as your ideas and questions are reasonably clear. To prepare for Thursday discussion, think about how the information that seems crucial to Berman's argument, what seems odd or puzzling, what seems particularly useful for illuminating the topics we're investigating, and so forth. Note: such preparation will also be useful as you write your papers. Both written preparation and oral participation are required to obtain this portion of the grade.

Summary of Grading Scheme:

Participation: 25%

First Paper: 25%

Second Paper: 25%

Third Paper: 25%

A= 90 or above; B=80 or above; C= 60 or above; D= 50 or above; below 50 is a failing grade.

All papers must be submitted to me typed (word-processed), on paper. Email or e-attachments will not be accepted for credit. Thursday discussion preparation should also be typed, and prepared in advance of class. Work submitted past deadline is liable to penalty (half a letter grade for each day past deadline). Papers are to be placed in my History Department mailbox (not under the door of my office! Terrible things happen to them if you do!); the office closes at 4.30 p.m. Allow two weeks before enquiring about the progress of marking.

All submitted work is to be in standard English (elegant and nuanced prose is even better, but please do not pad or overreach your capacities). Grading will take into account clarity, correctness of style, and effectiveness of prose in conveying ideas. Papers flawed in grammar or spelling will be returned unmarked. Originality is imperative: I am not looking for summaries or regurgitation of the material we

study, but analysis of its implications and engaged argumentation. On the other hand, I do not expect expertise in the field; just bring your intellects to bear on the issues as best you can.

Please keep a dossier of all work that you do for this class. This dossier should contain both your own copy of all submitted work and also work I return to you with comments, as well as all hand-outs and supplementary bibliographies. We may have occasion to consult this dossier together as we plan and develop your work, and I may request it at the end of the term to assist me in evaluating your performance in the course.

Attendance is required; see me to plead your case in the event of absence caused by incapacitating injury or illness, or death in the immediate family. (Be prepared with compelling written documentation from an unimpeachable source; consult the University policies for detailed discussion of this issue). Absences will inevitably result in weakening your understanding of the material and the subject, and will thus take a toll in your performance in the course. In addition, four unexcused absences will result in a loss of 20% of the grade. S.R. 5.2.4.2 defines the following as acceptable reasons for excused absences: 1) serious illness; 2) illness or death of family member; 3) University-related trips; 4) major religious holidays; 5) other circumstances deemed "reasonable cause for nonattendance."

Students anticipating an absence for a major religious holiday are responsible for notifying the instructor in writing of anticipated absences due to their observance of such holidays no later than the last day for adding a class. Information regarding dates of major religious holidays may be obtained through the religious liaison, Mr. Jake Karnes (257-2754).

Should you have any questions, ever, regarding proper citation of sources in your work, please ask me (visit, telephone, email, accost between classes) or raise the question in class. Proper acknowledgement of intellectual indebtedness will be regarded as a sign of strength, not weakness. Recall that plagiarism includes not only direct quotation of words not your own, but also uncredited ideas; paraphrase does not exempt you from acknowledging the source. Footnotes are our friends! A nice, short summary of how and why to cite sources may be found at <http://www.indiana.edu/altergc/e104/citewww.html>. Failure to acknowledge sources (this includes ideas proposed by peers, information found on the Web, and so forth) will be treated in accordance with the university policy on academic offenses. A summary of the policy may be found at the Ombud web site, <http://www.uky.edu/Ombud>. The entire set of relevant Senate Rules can be found at: <http://www.uky.edu/USC/New/SenateRulesMain.htm> (you can also access them via UK's main Web site, <http://www.uky.edu>, select the Site Index, choose the letter "S" and then select "Student Rights and Responsibilities." Once there look under item "Student Conduct.") Should it appear that a significant number of persons in the class are failing to grasp the material sufficiently, there may be diagnostic quizzes. In the event that a quiz seems advisable, the date and the material to be mastered will be announced, and appropriate adjustments to the grading scheme will be made in consultation with the class.



Graduate students enrolled under the 650 course number will attend all classes, prepare for and participate in discussion, and write all papers as do the undergraduates. In addition, their final paper will be at least twice the length of that assigned to the undergraduates (i.e., they will be at least ten pages) and will demonstrate consultation of primary source material in the original language in their analyses. They will also draw upon appropriate scholarly literature, both monograph and periodical, beyond that assigned in the weekly reading for the course. The grading scheme for graduate students is as follows:

A= 90 or above; B= 80 or above; C= 70 or above; below 70 is a failing grade.

Distribution of the grade is as follows for graduate students:

Participation: 20%

First Paper: 15%

Second Paper: 15%

Third Paper (research paper): 50%

Books on Reserve for this course:

1. CALL NUMBER: D160.B780.1991 Author: Brundage, James Title: Crusades, holy war, and canon law
2. CALL NUMBER: KJ985.S48.B780.1990 Author: Brundage, James Title: Law, sex, and Christian society in medieval Europe
3. CALL NUMBER: KBU160.B78.1995 Author: Brundage, James Title: Medieval canon law
4. CALL NUMBER: KD671.Z9.C3.1988 Author: van Caenegem, R.C. Title: Birth of the English common law
5. CALL NUMBER: KJC946.C3413.1992 Author: Caenegem, R.C. van Title: Historical introduction to private law
6. CALL NUMBER: BV760.2.B930.1982 Author: Duggan, Charles Title: Canon law in medieval England: the Becket dispute and decretal collections
7. CALL NUMBER: Law KD3310.T54.1959 Author: Tierney, Brian Title: Medieval poor law: a sketch of canonical theory and its application in England
8. CALL NUMBER: K455.V560.1961 Author: Vinogradoff, Paul, Sir Title: Roman law in medieval Europe
9. CALL NUMBER: Law KJA1570.R33.1988 Author: Radding, Charles Title: Origins of medieval jurisprudence: Pavia and Bologna, 850-1150
10. CALL NUMBER: KJ185.S48.1986 Author: Davies, Wendy, and Paul Fouracre, eds. Title: The Settlement of disputes in early medieval Europe
11. CALL NUMBER: CB351.Z3 Author: Zacour, Norman Title: An introduction to medieval institutions
12. CALL NUMBER: D118.D29 Author: Davis, R.H.C. Title: A History of Medieval Europe, from Constantine to St. Louis
13. CALL NUMBER: LCC CB351.S6.1953 Author: Southern, R.W. Title: The Making of the Middle Ages
14. CALL NUMBER: D131.B5013.1989 Author: Bloch, Marc Title: Feudal Society
15. CALL NUMBER: Law KJ147.H37.2002 Author: Harding, Alan Title: Medieval law and the foundations of the state
16. CALL NUMBER: KJ147.L8713.2000 Author: Lupoi, Maurizio Title: Origins of the European Legal Order
17. CALL NUMBER: KD4130.K56.2000 Author: Kim, Keechang Title: Aliens in medieval law: the origins of modern citizenship
18. CALL NUMBER: Law KJC9400.5.I57.K45.2001 Author: Kelly, Henry Ansgar Title: Inquisitions and other trial procedures in the medieval West

19. CALL NUMBER: K415.T54.1997 Author: Tierney, Brian Title: Rights, laws, and infallibility in Medieval thought
20. CALL NUMBER: JS3000.2.A3.R49.1997 Author: Reynolds, Susan Title: Kingdoms and communities in Western Europe, 900-1300
21. CALL NUMBER: KD1752.S73.1994 Author: Stacey, Robin Chapman Title: Road to judgement: from custom to court in medieval Ireland and Wales
22. CALL NUMBER: KD6850.H35 Author: Harding, Alan Title: Law courts of medieval England

Learning Outcomes:

After taking this course, students will be able to

- Identify and describe the various legal systems operating in medieval western Europe
- Discuss the transition from oral to written law
- Identify major shifts that occurred after the Roman Empire in the fourth century
- Analyze changes in the practice of law in the Middle Ages, including the use of ordeals and inquisitions
- Analyze records of legal proceedings from the Middle Ages
- Discuss the various factors that influence the shape of legal decisions in particular historical circumstances
- Identify important concepts and themes in medieval legal history that persist in modern legal systems
- Identify persistent issues in conflict resolution and describe a range of methods to address them in the Middle Ages
- Describe major jurisdictions in the Middle Ages and the relations between them, as well as areas of competition