

Law and Society in Early Modern Europe
HIS 350 L S2015

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Office hours: TH 11-1 and by appointment

This class will focus on how historians have explored the significance of law, criminal and civil, in the lives of early modern Europeans. We will focus both on how historians have used legal records and on patterns of criminality and the implications of very high rates of civil litigation (for instance over debt, slander and family disputes of various kinds). We will combine reading the work of historians with our own readings of cases as preliminaries to research projects in which students will work on a case/cases of their own choosing for their term papers.

Requirements:

- 1) Conscientious reading and active, informed participation. Students will take turns as discussion starters. You cannot participate if you do not attend class, so every unexcused absence after the first two will result in a penalty of three points off the participation grade. Please note, however, that attendance is the only the first prerequisite for participation, so that perfect attendance and complete silence will result in a poor grade.
- 2) Writing: Students will write a 12-15 page research paper in three stages (a two page prospectus, a graded paper, and a compulsory revision).
- 3) Group projects on primary sources for oral presentations and a written product.

Notes:

The instructor reserves the right to make changes in the syllabus.

If you need any accommodation under the provisions of the ADA act, please inform the instructor as soon as possible.

Students are expected to uphold irreproachable standards of academic integrity. I will assign the penalty of a 0 score for any form of academic dishonesty (cheating, plagiarism etc). The Office of the Dean of Students maintains an excellent website about academic honesty policies at UT. See www.utexas.edu/depts/dos/sjs.

This course carries the Writing Flag. Writing Flag courses are designed to give students experience with writing in an academic discipline. In this class, you can expect to write regularly during the semester, complete substantial writing projects, and receive feedback from your instructor to help you improve your writing. You will also have the opportunity to revise one or more assignments, and you may be asked to read and discuss your peers' work. You should therefore expect a substantial portion of your grade to

come from your written work. Writing Flag classes meet the Core Communications objectives of Critical Thinking, Communication, Teamwork, and Personal Responsibility, established by the Texas Higher Education Coordinating Board.

Grading:

Research papers 60% (5% proposal, 20% paper, 35% revised paper)
Peer review of research paper 5%
Group projects 20%
Participation 15% (attendance, informed discussion, engagement with presentations, leading discussion)

- Please note that this class will utilize plus and minus options for final grades. The scale will be:
A 93-100; A- 90-92; B+ 87-89; B 83-86; B- 80-82; C+ 77-79; C 73-76; C- 70-72; D+ 67-69; D 63-66; D- 60-62; F 59 or lower.

Reading:

- ***Note – don't come to class without having read the assigned material on the assigned day.***

The readings are available either in online journals through the PCL website or on Canvas.

If you feel as if you need some basic background into early modern Europe, I recommend:

Euan Cameron, ed., Early Modern Europe: an Oxford History (widely available on line either new or used).

Date Topic

1/20 Introductions

1/22 The many laws of early modern Europe

1/27 Some starting points: litigation

READING Julie Hardwick, Family Business selections (Canvas)

1/29 Some starting points: criminality

READING McMahan, ed., Crime, Law and Popular Culture selections (Canvas);

2/ 3 Some starting points: record stripping

Style, The Dress of the People selections (Canvas)

Reading cases: trials for theft as sources for everyday life
<http://www.oldbaileyonline.org/forms/formMain.jsp> (choose theft as category from dropdown menu)

2/5 Law library orientation - Meet at the law school

2/10 Reading cases I

READING Cohens, eds., Words and Deeds in Renaissance Rome (Canvas)

2/12 Reading cases II

READING Kagan and Dyer, eds., Inquisitorial Inquiries (Canvas)

Law as a tool of state discipline, law as a tool of popular agency

2/17 Making a “Crime”, Making a “Criminal”

Kwass, Contraband, pp.1-114 (Canvas)

2/19 Group Project Day 1 Meet at the law library

2/24 Making punishments

Kwass, Contraband, pp. 217-251 and 285-317. (Canvas)

OB website section on punishments at the Old Bailey

<http://www.oldbaileyonline.org/static/Punishment.jsp#>

2/26 UWC visit

3/3 Subjects’ initiatives

READING: Hardwick, “Policing Paternity.”

“New” early modern crimes: witchcraft, infanticide, bankruptcy

3/5 Bankruptcy

READING: Julie Hardwick, “Bankruptcy: failure, felony and the transition to capitalism,” Histoire, Societe, Economie (June 2011). (English translation on CANVAS.)

3/10 Group project day 2 Meet in the seminar room

3/12 Infanticide

READING: Alfred Soman, “The Anatomy of an Infanticide Trial: the Case of Marie-Jeanne Bartonnet.” (Canvas)

SPRING BREAK

3/24 Group project presentations

- 3/26 Group project presentations
- 3/31 Individual paper proposals due – brief presentation and two page proposal
- 4/2 PCL Librarian visit for research paper support
- 4/7 Individual meetings (sign up for times)
- 4/9 Individual meetings (sign up for times)
- 4/14 Paper workshops
- 4/16 Paper workshops
- 4/21 Paper workshops
- 4/23 Paper workshops
- 4/28 Individual meetings (sign up for times)
- 4/30 Individual meetings (sign up for times)
- 5/ 5 The end of early modern?
Kwass, Contraband, 318-35 (Canvas)
- 5/7 Wrap up – final papers due