

Law and Society in Early Modern Europe  
HIS 350 L S2016

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Office hours: Tu 10-12 AND by appointment

This research seminar 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 to explore many social, cultural and political issues 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) Preparation and engagement. Conscientious class preparation and active, informed participation. You must do the assigned reading before class. Written response to readings worksheets will be part of the preparation. 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 one element of preparation and engagement, so that perfect attendance and complete silence will result in a poor grade.
- 2) A group project on primary sources for oral presentations and a written product.
- 3) A 12-15 page research paper in three stages (a two page prospectus, a graded paper, and a compulsory revision).

*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](http://www.utexas.edu/depts/dos/sjs).

Flags: Writing, Global Cultures, and Independent Inquiry

It is self evident that this course focuses on cultures outside the United States. For the other two flags, see the UGS statements about each respectively here:

Independent Inquiry courses are designed to engage you in the process of inquiry over the course of a semester, providing you with the opportunity for independent investigation of a question, problem, or project related to your major. Therefore a substantial portion of your grade comes from independent investigation and presentation of your own research.

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 will read and discuss your peers' work. Therefore 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 55% (5% proposal, 20% paper, 30% revised paper)

Peer review of research paper 5%

Group project 20%

Preparation and engagement 20% (includes reading before class, reading response sheets, informed participation in discussion, leading presentations, attendance, information literacy unit)

- 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. Reading preparation is a must. \*\*\***

The readings are available either in online 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 to buy online either new or used)

**Date Topic**

1/19 Introductions

1/21 The many laws and many (his)stories of early modern Europe: legal records, human lives, historians' interpretations

**READING** Peter Andrade and Walter Prevenier, Honor, Vengeance and Social Trouble (Ithaca, 2015), pp. 1-22. (That is just the first chapter called, "The Forgiving Prince: Pardons and their Origins.")

Available as an e-book via the PCL website

1/26 Some starting points: litigation

**READING** Julie Hardwick, Family Business: litigation and the political economies of daily life in early modern France (Oxford, 2009) selections (Canvas)

1/28 Some starting points: criminality

**READING:** Edward Muir and Guido Ruggiero, eds., History from Crime (Baltimore, 1994) Introduction AND essay by Carrazzo (Canvas); AND Ulrika Rublack, The Crimes of Women in early modern Germany selections (Canvas)

2/2 Historians at work: Primary sources, secondary sources, Chicago Manual of Style citation of evidence

\* Law library orientation - Meet at the law school

\* INFORMATION LITERACY UNIT DUE ON CANVAS before class

2/4 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)

2/9 Reading cases I

**READING** Cohens, eds., Words and Deeds in Renaissance Rome: Trials before the Papal Magistrates (Toronto, 1993) (Canvas)

2/11 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*

2/16 Making a "Crime", Making a "Criminal"

**READING** Michael Kwass, Contraband, pp.1-114 (Canvas)

2/18 Group Project Day 1 Meet at the law library

2/23 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#>

3/1 University Writing Center visit

3/3 Group project day 2 Meet in the usual Garrison seminar room

3/8 Subjects' initiatives

**READING:** Hardwick, "Policing Paternity."

***"New" early modern crimes: witchcraft, infanticide, bankruptcy***

3/10 Bankruptcy

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

3/15 SPRING BREAK

3/17 SPRING BREAK

3/22 Infanticide

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

3/24 Group project presentations

3/29 Group project presentations

3/31 Individual paper proposals due – brief presentation and two page proposal

4/5 PCL Librarian visit for research paper support – finding secondary sources

4/7 Individual meetings (sign up for times)

4/9 Individual meetings (sign up for times)

4/12 Paper workshops

4/14 Paper workshops

4/19 Paper workshops

4/21 Paper workshops

4/26 Individual meetings (sign up for times)

4/28 Individual meetings (sign up for times)

5/3 The end of early modern?  
Kwass, Contraband, 318-35 (Canvas)

5/5 Wrap up – final papers due