

Law and Society in early modern Europe
HIS 350 L F2011

Instructor: Professor Julie Hardwick
Office: Garrison 3.112
Phone: 475-7221
E-mail: jhardwick@mail.utexas.edu
Office hours: Wednesday 9-11 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 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.

Note: **NO** website may be used for papers or projects in this class without the explicit permission of the instructor. Any such unauthorized use constitutes academic dishonesty.

Unauthorized use of websites for papers or projects will result in a 0 score for the paper.

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 Blackboard.

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

8/24 Introductions

8/29 The many laws of early modern Europe

8/31 Some starting points: litigation

READING Julie Hardwick, Family Business selections (BB)

9/5 LABOR DAY

9/7 Some starting points: criminality

READING Muir and Ruggiero, **History from Crime** (BB)

Robert Shoemaker, Prosecution and Petty Crime (BB)

9/12 Law library orientation

Meet at the law school

9/14 Reading the cases I

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

9/19 Reading the cases II

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

9/21 Representation and reality

READING: Joy Wiltenburg, "True Crime: The Origins of Modern Sensationalism," American Historical Review 109 (December 2004): 1377-1404. (Journal available on line through UT library website.)

Natalie Zemon Davis, Fiction in the Archives selections (BB)

Crimes and Punishments

9/26 Making a "criminal"

Ulrika Rublack, The Crimes of Women in Early Modern Germany (BB)

Peter Linebaugh, The London Hanged selections (BB)

9/28 Making punishments

Lisa Silverman, Tortured Subjects: Pain, Truth and the Body (BB)

Michel Foucault, Discipline and Punish (BB)

OB website section on punishments at the Old Bailey

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

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

10/3 State goals

READING: Sarah Hanley, "Engendering the State," French Historical Studies (Spring, 1989) (Journal available on line through UT library website.)

Bruce Lenman and Geoffrey Parker, "State, Community, and Criminal Law." (BB).

10/5 Subjects' initiatives

READING: Pregnancy declarations (BB)

10/10 Group project day Meet at the law library

10/12 Legal practice, political change

READING Sarah Maza, "Domestic Melodrama as Political Ideology: The Case of the Comte de Sanois," American Historical Review, 94 (December 1989). (Journal available on line through UT library website.)

Robert Shoemaker, "The Decline of Public Insult in London, 1660-1800", Past and Present, (2000) (Journal available on line through UT library website.)

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

10/17 Infanticide

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

10/19 Bankruptcy

READING: Julie Hardwick, “Bankruptcy: failure, felony and the transition to capitalism,” Histoire, Societe, Economie (June 2011) – English translation on BB unless you can read French.

10/24 Group project presentations

10/26 Group project presentations

10/31 Individual paper proposals due – brief presentation and two page proposal

11/2 Individual meetings (sign up for times)

11/7 Individual meetings (sign up for times)

11/9 Paper workshops

11/14 Paper workshops

11/16 Paper workshops

11/21 Paper workshops

11/23 Individual meetings (sign up for times)

11/28 Individual meetings (sign up for times)

11/30 Wrap up – final papers due