



CEU Summer University

Nádor u. 9., Budapest, Hungary 1051

Tel.: (36 1) 327 3069, 327 3811

Fax: (36 1) 327 3124

E-mail: summeru@ceu.hu

Website: <http://www.ceu.hu/sun>

History, Medieval Studies

Conflict and the Law in Medieval Europe

July 18 - 29, 2005

Course Directors: **Warren C. Brown**, California Institute of Technology
Piotr Górecki, University of California, Riverside

Faculty: **John Hudson**, University of St Andrews, Scotland
Paul Hyams, Cornell University, History Department/Law & Society Program
Krzysztof Kowalewski, Polish Academy of Sciences, Warsaw
Yuriy Zazuliak, National Academy of Sciences, Lviv, Ukraine

SUBJECT OF THE COURSE

The course addresses several issues that are currently especially important in the study of conflict and the law in medieval Europe. Conflict is here understood not as warfare, but as a range of interpersonal tension and related behavior encompassing disputing, threats, uses of force and eruptions of violence, negotiation, peacemaking, and the associated range of emotions, above all fear and anger. Law is understood as an (at least partly) autonomous system of norms, or rules, or expectations, that works as one factor in conflict thus defined.

One of the currently important issues is a tension between what historians call the processual and the normative approaches to the study of conflict. Although originally formulated about thirty years ago, this distinction remains important for the study of our subject into the present. Much of this course is explicitly informed by the interplay between norms -- sometimes undifferentiated and implicit, sometimes articulated as rules or enactments -- and process, that is, patterns of strategic behavior.

A second important issue is the sheer breadth of the conflict and the law as those two phenomena are currently understood. Medievalist and others are now in the midst of intensive inquiry into each of that roster of elements in terms of which we defines conflict and the law: disputing (the originating, and in some respects still the central, dimension of our subject), violence, negotiation, threats, use of force, restoration of peace or a long-term failure to do so ("the feud"), the presence and the importance of norms and rules, the meanings and the roles of emotions, and the frameworks of communication of which all those phenomena are aspects. Moreover, the renewed interest in norms and rules is closely related to a current shift of attention, among legal theorists and by historians, to the law as an autonomous system within a broader social reality.

A third important issue is the diversity of resulting scholarship. Conflict and the law are currently being studied by several cohorts, or milieux, of scholars that are quite distinct in terms of method and specialization. Examples include: the "American school" in the United States; the "Bucknell group" and its successors in Great Britain; the generation of scholars interested in medieval networks and communication in Germany; and, for some generations now, scholars active in East Central Europe and interested in the relationship between what we here call conflict and the law, and medieval statecraft. Finally, this subject is now diverse concerning time and place. Although much of the initial thrust behind our subjects concerned an early period, and the post-Frankish heartland of medieval Europe, we have

now moved later, and elsewhere with reference to our collective methods and interest: to Angevin period and beyond in England, for example, and to other regions of Europe, above all Germany in its entirety, and East Central Europe.

The six instructors are closely involved in the study of conflict and the law from this wide variety of directions. Thus, this course is an immersion experience in the range of issues and approaches that now characterize the subject. However, let us assure our potential participants that the course is not conceived as a historiographical or a historical introduction to medieval conflict and the law in their full thematic complexity. "Coverage" is in no sense a goal. Instead, within the short framework of two weeks, we offer a sample of the interests, methods, and thematic concerns specific to the interest of each instructor in his area of work -- a deliberately selective entrée into the subject and its historiography.

PARTICIPATING FACULTY

Warren Brown is Associate Professor at California Institute of Technology, in the Division of Humanities and Social Sciences. He is the author of *Unjust Seizure: Conflict, Interest, and Authority in an Early Medieval Society* (Ithaca: Cornell University Press, 2001), and of numerous articles in collections of essays and in journals (including *Viator*, *Journal of Medieval History*, and *Early Medieval Europe*), and coeditor of *Conflict in Medieval Europe: Changing Perspectives on Society and Culture* (Aldershot: Ashgate, 2003). His principal region of specialization is Bavaria in the Carolingian and Ottonian period. In this course, he will explore the role of norms and normative frameworks in conflict; legitimation, especially of the use of force, and related issues of violence; and the significance of different kind of genre for understanding conflict, especially during the first half of the Middle Ages.

Piotr Górecki is Associate Professor of History at University of California, Riverside. He is the author of *Economy, Society, and Lordship in Medieval Poland, 1100–1250* (New York: Holmes and Meier, 1992), *Parishes, Tithes, and Society in Earlier Medieval Poland, ca. 1100–ca. 1250* (Philadelphia: American Philosophical Society, 1993), and of numerous articles in collections of essays and in journals (including *Slavic Review*, *Oxford Slavonic Papers*, *Law and History Review*, *Cîteaux*, *Journal of Medieval History*, *Roczniki Dziejów Społecznych i Gospodarczych*, *Historia Agraria*), and coeditor of *Conflict in Medieval Europe: Changing Perspectives on Society and Culture* (Aldershot: Ashgate, 2003). His principal region of specialization is Poland in the later twelfth and the thirteenth centuries. In this course, he will explore those dimensions of conflict, disputing, and rule-making which reflect an autonomy of law in one region of medieval Europe.

John Hudson is Professor of Legal History at the University of St Andrews. He is the author of *Land, Law, and Lordship in Anglo-Norman England* (Oxford: Clarendon Press, 1994), *The Formation of the English Common Law: Law and Society from the Norman Conquest to Magna Carta* (London: Longman, 1996), and of numerous articles in collections of essays and in journals (including *Anglo-Norman Studies*, *Tijdschrift voor Rechtsgeschiedenis*, *Hispania*, *Transactions of the Royal Historical Society*); editor and translator of *The History of the Church of Abingdon*, vol. 2 (Oxford: Clarendon Press/Oxford Medieval Texts, 2002), editor of *The History of English Law: Centenary Essays on 'Pollock and Maitland'* (Oxford: Oxford University Press/British Academy, 1996); and coeditor of *Law and Government in Mediaeval England and Normandy: Essays in Honour of J. C. Holt* (Cambridge: Cambridge University Press, 1994). His principal region of specialization is later Anglo-Saxon, Anglo-Norman, and early Angevin England. In this course, he will explore the process of disputing and feuding; its relationship to norms and to courts; and its reflection in medieval literature.

Paul Hyams is Professor of History and Director of Medieval Studies at Cornell University. He is the author of *Kings, Lords, and Peasants in Medieval England: The Common Law of Villeinage in the Twelfth and Thirteenth Centuries* (Oxford: Clarendon Press, 1980), *Rancor and Reconciliation in Medieval England* (Ithaca: Cornell University Press, 2003), and of numerous articles in collections of essays and in journals (including *English Historical Review*, *Anglo-Norman Studies*, *History Today*, *Law and History Review*, *Journal of Legal History*, *Haskins Society Journal*, *Cahiers de Civilisation Médiévale*, *Journal of Interdisciplinary History*, *Journal of British Studies*). His principal region of specialization is Anglo-Norman and early Angevin England. In this course, he will explore the boundary of emotion, undifferentiated norm (basic sense of right and wrong),

and more differentiated law (norms, rules, and courts), that is one of the themes of his recent book; and the significance of peasant manumission in the context of issues raised by this course.

Krzysztof Kowalewski is a Tutor-Researcher (*adiunkt*) at the Polish Academy of Sciences, in the Institute of Slavic Studies, Warsaw. He is the author of a Ph.D. dissertation (2002), "Sluzebnicy królewscy w późnosredniowiecznych Czechach" [Royal servitors in late medieval Bohemia], awarded by Institute of History of the Polish Academy of Sciences, and of articles in one book of essays and in journals (*Pamiętnik Słowiański, Roczniki Dziejów Społecznych i Gospodarczych, Mówia Wieki, Dziennik Zachodni*). His principal region of specialization is fourteenth-century Bohemia. In this course, he will explore the significance to law and conflict of a relatively decentralized kingship and a powerful nobility, in one region of late medieval Europe; the meanings of the feud in this distinct context; and the impact on conflict and the law of a very major political and religious crisis, the Hussite Revolution.

Yuriy Zazuliak is a Junior Research Fellow at the National Academy of Science, in the Institute for Ukrainian Studies, Lviv. He is the author of a Ph.D. dissertation (2003), "Shliakhta Ruskoho voievodstva u piatnadtsiatomu stolitti" [Nobility of the Rus' palatinate in the fifteenth century], awarded by the Vyscha Atestatsiyna Komisiya Ukrainy, and of articles in one book of essays and in journals (*Ukrainskyi Humanitarnyi Obliad, Ruthenica, Genealogia*). His principal region of specialization is fifteenth-century Galich Rus'. In this course, he will explore the patterns and meanings of noble violence; disputing and the manipulation of legal rules and of legal arguments; peacemaking, especially arbitration; all, here again, in the relative absence of centralized kingship, and in the very late Middle Ages.

PURPOSE, TEACHING APPROACH, AND REQUIREMENTS OF THE COURSE

The proposed course has three goals:

- to introduce a group of audience participants (hereafter "students") at a level equivalent to advanced British or US graduate students, or recent Ph.D.s, to several currently innovative directions of inquiry into conflict and the law in medieval societies;
- to foster an intensive intellectual exchange concerning this subject, as it is currently studied, within that group, among the five instructors of the course, and other interested persons, such as the faculty, staff, and visitors at CEU;
- to formulate, or contribute to, substantive contributions to this subject, much as would an international conference or seminar. The course is explicitly designed to draw on a distinguished and successful tradition of this kind of exchange at CEU, and its Summer University.

The course will be based on readings, on a very moderate lecture component, and, above all, on discussion. (A fully updated syllabus will soon be supplied.) Each of the six instructors will run a short (though not necessarily consecutive) sequence of classroom sessions. The course will last ten full weekdays. Apart from Day One, which will be partly introductory, there will be one 100-minute session in the morning, and one 100-minute session in the afternoon. Each session will begin with a relatively short background lecture -- we would like to stress here the "background," that is, the instructors' monologues are intended to be neither long nor particularly formal -- and will then turn into a discussion of two kinds of pre-circulated documents: one or more primary sources of short or moderate length, either translated into English or in the original Latin; and a secondary text, likewise of moderate length, such as a substantial article or book chapter. The primary and the secondary materials used for each session will be selected so as to allow the students insight into the sources, methods, and substantive issues relevant to the subject and interesting to the particular instructor. This is the sense in which a course of a rather short duration will indeed introduce the student audience to the major issues noted above. These primary and secondary will be made available in a reader, well in advance of the beginning of the course.

In addition to the sessions individually presided by the six instructors, the course will introduce an overall framework in two ways: by means of the first, introductory session, which will be given jointly by all six instructors, and will address the thematic complexity of our subject noted at the beginning of this

prospectus; and by means of three Roundtable Discussions, to be interspersed throughout the course (again, syllabus is forthcoming). These will be very important. They will be moderated by one or more of the instructors. They will identify and bring to the fore, in the context of a free-wheeling discussion, issues that transcend and inform across the individual sessions; or that strike the discussants as especially interesting and worth pursuing; or that, in contrast, seem unusual or distinctive to the work of a particular scholar, or to a "school," or to a period, or to a region. One area of common interest will be to relate the methods and issues specific to our subject to, on the one hand, "Eastern" and "Western" Europe, and, on the other, the "early" and the "late" Middle Ages.

We would like to propose that the widest possible audience participate in the roundtable discussions: the students and the five instructors, of course, and in addition as many other interested colleagues, then present at CEU or elsewhere as is usual and customary at such occasions.

PREREQUISITES AND EVALUATION OF STUDENTS

As noted above, the course is intended at university students at a stage equivalent to US or British advanced graduate status, as well as scholars at a post-doctoral level. The students should have working knowledge of Latin, and must have very good knowledge of English. The readings will be assigned in English whenever possible, although the instructors reserve the option of assigning primary source material in Latin.

There is no formal prerequisite in any particular area of training. The course will be run on the US-type assumption of no prior in-depth knowledge of the material, or of medieval history. However, we are especially interested in recruiting participants with some knowledge of, or at least an active interest in, medieval history, or law, or social anthropology, or conflict resolution.

Above all, we welcome participants who enjoy participating in constructive, intellectually unimpeded discussions. We positively wish to attract an audience that is intellectually varied rather than deeply specialized, and above all that is strongly motivated. The course is intended to be non-competitive, and to elicit from each student her or his best performance. In order to keep this aspect of the course simple, we will evaluate students solely based on their participation in discussions. Attendance will be mandatory.

Apart from the course itself -- and subject to individual scheduling needs -- the six instructors will make themselves informally available for individual consultations with the students, or with other members of the CEU community, concerning any aspect of work-in-progress related to the course and to the instructors' areas of expertise.

Non-discrimination policy statement

Central European University does not discriminate on the basis of - including, but not limited to - race, color, national and ethnic origin, religion, gender or sexual orientation in administering its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.