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History, Medieval Studies “Conflict and the Law in Medieval Europe” July 18-29, 2005

SYLLABUS

JULY 18, MONDAY

A.M.:

Introduction

Warren Brown, Piotr Górecki, John Hudson, Paul Hyams, Krzysztof Kowalewski, Yuriy Zazuliak.

No assignment.

A.M.:

Górecki, *A framework for understanding conflict: disputing, negotiating, settling.*

- Polish charters, no. 3, 9–13/**READER**, pp. 82, 85–87.
- Brown and Górecki, “What Conflict Means”/**READER**, pp. 101–18.
- Brown and Górecki, “Where Conflict Leads,” in Brown and Górecki, eds., *Conflict in Medieval Europe* (2003), pp. 265–85/**Library reserve**.

P.M.:

Hyams, *Rancor and reconciliation.*

- Hyams, “Nastiness and Wrong”/**READER**, pp. 220–32.
- Hyams, *Rancor and Reconciliation* [excerpts]/**Library reserve**.

JULY 19, TUESDAY

A.M.:

Hyams, *Homage and Peacemaking.*

- Raoul de Cambrai, laisses xxii–xxxv, pp. 38–46”; *Summa de legibus Normanniae in curia laicali (De Omagio)*, pp. 94–97; Charters of Waltham Abbey, pp. 247–48/**READER**, pp. 204–12.
- Hyams, “Homage and Feudalism”/**READER**, pp. 233–51.
- M. Bloch, “Les formes de la rupture de l’hommage”/**READER**, pp. 252–62.
- J. Le Goff, “Symbolic Ritual of Vassalage”/**READER**, pp. 263–94.
- D. Barthélemy, “Le statut servile au ‘premier âge féodal’”/**READER**, pp. 295–302.

P.M.:

Kowalewski, *Law or lawlessness? A society without statehood: the case of Bohemia in the Hussite era.*

- Assignment to be supplied.

JULY 20, WEDNESDAY

A.M.:

Hudson, *Disputing and feuding in England, c. 900–1200.*

- *De obsessione Dunelmi* (The Text)/**READER**, pp. 149–51.
- Hyams, “Feud and the State”/**READER**, pp. 169–90.
- P. Wormald, “Giving God and King their Due”/**Library reserve**.
- Recommended: Hudson, “Feud, Vengeance and Violence in England, c. 900–1200”/**Library reserve**.

A.M.:

Zazuliak, *Patterns and practice of noble violence: selected cases and individuals.*

- *Akta grodzkie i ziemskie* cases/**READER**, pp. 352–62.
- P. Geary, “Living with Conflicts in Stateless France”/**READER**, pp. 380–98.

Recommended:

- M. Bogucka, “Law and Crime in Poland in Early Modern Times,” *Acta Poloniae Historica*, 71 (1995), 161–75; T. Kuehn, “Dispute Processing in the Renaissance,” in Kuehn, *Law, Family, and Women: Toward a Legal Anthropology of Renaissance Italy* (1991), pp. 75–100; Hillay Zmora, *State and Nobility in Early Modern Germany: The Knightly Feud in Franconia, 1440–1567* (1997), pp. 1–11, 102–11/**Library reserve**.

P.M.:

Kowalewski, *Feud in Bohemia in the late Middle Ages (the fifteenth century): the anatomy of a phenomenon.*

- Assignment to be supplied.

JULY 21, THURSDAY

A.M.:

Zazuliak, *Manipulation of the law and legal arguments in noble disputes.*

- *Akta grodzkie i ziemskie* cases/**READER**, pp. 362–70.
- N. Z. Davis, *Fiction in the Archives* (“Introduction”)/**READER**, pp. 399–416.
- P. Brand, “Inside the Courtroom: Lawyers, Litigants and Justices in England in the Later Middle Ages,” in P. Coss, ed., *The Moral World of the Law* (2000), pp. 91–112/**Library reserve**.

P.M.:

Górecki, *Autonomy of law: the existence, sources, and function of norms.*

- *Henryków Book*, no. 18–19 (chap. 1–27, 82–92)/**READER**, pp. 91–100; Polish charters, no. 4, 7–8, 14, 16–17/**READER**, pp. 82–85, 87–88, 90–91.
- Górecki, “A Historian as a Source of Law”/**READER**, pp. 119–41.
- Górecki, “An Interpreter of Law and Power in a Region of Medieval Poland: Abbot Peter of Henryków and his *Book*,” in I. Alfonso, H. Kennedy, and J. Escalona, eds., *Building Legitimacy* (2004), pp. 263–89; Brown, “The Use of Norms in Disputes in Early Medieval Bavaria,” *Viator*, 30 (1999), 15–40/**Library reserve**.

Recommended:

- S. White, “Inheritances and Legal Arguments in Western France, 1050–1150,” *Traditio*, 43 (1987), 55–103/**Library reserve**.

JULY 22, FRIDAY

A.M.:

Brown, *New norms in an old place: conflicts in Bavaria after the Carolingian conquest.*

- Freising charters; *Lex Baiuvariorum*, chap. I.1; Decrees of the Council of Aschheim/**READER**, pp. 1–15.
- Brown, *Unjust Seizure* (“Introduction”)/**READER**, pp. 41–55.

Recommended:

- B. Rosenwein, *Negotiating Space* (Ithaca, 1999), pp. 27–41, 99–134/**Library reserve**.

P.M.:

ROUNDTABLE 1—*Conflict conceptualized: elements, processes, constraints.*

JULY 25, MONDAY

A.M.:

Hudson, *Norms, courts, and disputing in England, c. 900–1200.*

- Abingdon cases/**READER**, pp. 152–68.
- J. Hudson, “Court Cases and Legal Arguments in England”/**READER**, pp. 191–203.
- A.M.: Górecki, *Autonomy of law: from norm to written rule—legislation, restatement.*
- Polish charters, no. 5, 15/**READER**, pp. 83, 88–90.
- Górecki, “The Rule of Recognition”/**READER**, pp. 142–48.
- ”Forum: The Emergence of Professional Law,” *Law and History Review*, 21 (2003), 347–72 <www.historycooperative.com/journals/lhr/21.2>.
- P. Coss, “Introduction,” and A. D. E. Lewis, “The Autonomy of Roman Law,” in P. Coss, ed., *The Moral World of the Law* (2000), pp. 1–16, 37–47/**Library reserve**.

P.M.:

Brown, *Legitimation of violence under Charlemagne.*

- Alcuin's letters; Charlemagne's capitularies; charters and *formulae*/READER, pp. 16–40.
- G. Halsall, “Violence and Society”; F. L. Ganshof, *Frankish Institutions under Charlemagne* (New York, 1968), pp. 95–97, 182–83/READER, pp. 56–81.

Recommended:

- J. Nelson, “Violence in the Carolingian World and the Ritualization of Ninth-Century Warfare,” in Halsall, ed., *Violence and Society in the Early Medieval West* (1998), pp. 90–107/Library reserve.

JULY 26, TUESDAY

A.M. and P.M.:

ROUNDTABLE 2—*Conflict at work: negotiation, rule, or compulsion?*

JULY 27, WEDNESDAY

A.M.:

Kowalewski, *Restoration of law and order: the restitution of the demesnes and reconciliation in the era after the Hussite Revolution.*

- Assignment to be supplied.

P.M.:

Zazuliak, *Peacemaking and private arbitration in Rus' palatinate in the fifteenth century.*

- *Akta grodzkie i ziemskie* cases/READER, pp. 370–79.
- T. Kuehn, “Law and Arbitration”/READER, pp. 417–445.

Recommended:

- W. I. Miller, *Bloodtaking and Peacemaking* (Chicago, 1990), pp. 259–99/Library reserve.

JULY 28, THURSDAY

A.M.:

Hudson, *Literature and disputing: The Song of Roland.*

- *Song of Roland* <<http://sunsite.berkeley.edu/OMACL/Roland>>.

A.M.:

Brown, *Competing norms in Galbert of Bruges, The Murder of Charles the Good.*

- *The Murder of Charles the Good, Count of Flanders*, trans. J. B. Ross (1982)/Library reserve..

Recommended:

- J. Rider, *God's Scribe* (2001)/**Library reserve.**

P.M.:

Hyams, *The joy of freedom and the price of respectability.*

- Manumission charters; Guillaume de Saint-Parthus, *Vie de Saint-Louis*, p. 44; the monk of Saint-Denis, pp. 51–52/**READER, pp. 213–19.**
- Hyams, “The Form of Manumission Charters”/**READER, pp. 303–334;** D. Pelteret, *Slavery in Early Medieval England/ READER, pp. 335–51.*
- D. Barthélemy, *La mutation de l'an mil, a-t-elle eu lieu?* (1997), pp. 57–171/**Library reserve.**
- R. Faith, *The English Peasantry and the Growth of Lordship* (1997) /**Library reserve.**

JULY 29, FRIDAY

A.M. and P.M.:

ROUNDTABLE 3—*Conflict reassessed: between Northumbria and L'viv.*