

This syllabus (“linked”) may also be found at: <http://www.law.harvard.edu/faculty/cdonahue/courses/CLH/>.

LEGAL HISTORY:
CONTINENTAL LEGAL HISTORY
Tentative Syllabus and Assignments

Prof. Donahue

Spring, 2013

Meeting times. This course is also listed in the Faculty of Arts and Sciences as Medieval Studies 119. The undergraduates will meet together with the law students for lectures on Mondays and Wednesdays from 11:10 to 12:00 (room Sever 102). The law students and FAS graduate students will meet for “Section” on Tuesdays from 10:40 to 12:00 in the Law School (room WCC 3018). Our section meetings will serve two purposes: (1) to do a more sophisticated number on some of the documents than is possible with undergraduates, and (2) briefly review some of the history that we will be discussing with the undergraduates in their separate classes. There is a separate section for the undergraduates on Thursdays and a separate “discussion class” for the undergraduates on Fridays from 11:10 to 12:00. Law students and FAS graduate students are not welcome at the undergraduate section meetings. You may come to the “discussion classes” on Fridays if you wish, but please don’t be offended if I ask you not participate in certain discussions or if I don’t call on you at certain times.

Under the old calendar FAS classes in the spring began two days after the Law School’s did. That gave us an opportunity to do an introduction to the course particularly for lawyers. This year we will have to jam that into our first “section meeting” on Tuesday, January 29. The slight difference in calendars also means that our “section meetings” will to be squeezed toward the end of the course to enable us to cover some of the nineteenth century developments at the end of the semester. Law school classes do meet on President’s Day (Mon., February 18), but those in the FAS do not. We’ll meet in the Law School (Room WCC 3018). The FAS classes last a three days longer than do the Law School’s. We need the first of those days to finish the story. (If you have an exam on this day, let me know. I’ll post my notes on the web.)

Requirements. There are two requirements for credit in the course: (1) a *short* paper (no more than five double-spaced typed pages exclusive of notes); (2) a final exam (“take-home,” distributed in the final class and due at the end of exam period). (I will consider allowing students to write a term paper in lieu of taking the final exam. More about this below under “papers.”)

Prerequisites. None. See below under “Background.”

Work load. For a history course, the reading load is fairly light, but much of it is documentary material, and is thus relatively slow going. Give priority to the documentary materials. Almost all the classes have documentary assignments, and those which do will devote a considerable amount of time to the documents. You’ll be lost if haven’t read them in advance. You should bring the multilithed *Documents* (see below under “Readings”) with you to every class.

The Course. This course is an attempt to discover how the distinctive features of the “civil” law of the European Continent arose and why these distinctions persisted. It is also an attempt to discover how the legal systems of Continental Europe developed and were influenced by a group of ideas about politics and public order that are frequently invoked today when we speak of the “Western legal tradition.” In order to do this we have to conduct a “Cook’s tour” of European legal history, to survey the sources and literature of the law from the fall of Rome (roughly 500 A.D.) to the codifications of the 19th century. That gives the course something of the quality of “if-this-is-Tuesday-it-must-be-Belgium.” I have attempted to give focus to the course by emphasizing three topics, the capture of wild animals as the foundation of “property,” the formation of marriage, and the rules about the use of witnesses in criminal

and civil procedure. I wish there were a more strictly public-law topic that we could use as well, but no public-law topic has deep enough roots to allow us to trace it over this long period of time. Hence our examination of public law will have to come about as we unfold the history of institutions within which the law operated. We focus on France. We will also deal with Germany, Italy, Spain and the Low Countries, but France give us the backbone, while the other areas give us examples (as does England by way both of comparison and contrast). The rest of the European Continent will get only an occasional mention.

We will proceed largely by way of lecture, interspersed with examination of documents that are contained in *Documents*. These documents will largely carry the story of wild animals, marriage and witnesses. In each period we will ask two questions: (1) how does the way people were thinking about law in this period proceed from what had gone before and lead to what was to come next (a largely diachronic question)? And (2) how was the way that people were thinking about law in this period relate to the broader political, social and intellectual developments in the period (a largely synchronic question)? The ultimate question is comparative: why did Continental law develop its distinctive features?

Background. No one (including the instructor) comes to a course like this with all the necessary background information. I will try to say everything that I think you need to know to make sense out of what is going on, and so, I will assume that you do not have any of the relevant background. On the other hand, in a survey course as broad as this one, I can say things only once. For this reason, I would suggest, particularly if you have not taken a course in medieval and/or early modern European history, that you read a good textbook on one or both of these topics. In the past I have asked the Coop to stock H. G. Koenigsberger's, *Medieval Europe, 400–1500* (1987) and the same author's, *Early Modern Europe, 1500–1789* (1987). The books are now out of print, but second hand copies are readily available. Both books are a relatively quick read, particularly if you're not trying to memorize kings and battles and dates. I have included the page numbers below at the relevant spots enclosed in square brackets at the end of the assignment.

If you have taken a medieval and/or early modern European *legal* history course someplace else or if you have had a European history course that devoted some time to legal development in the same periods, you probably should not take this course. There is a seminar this semester (Legal History: Continental Legal History: Seminar) for which you are ready.

Readings. There is, unfortunately, no really good textbook in English of European legal history. In the past we asked the students to buy either Manlio Bellomo's, *The Common Legal Past of Europe: 1000–1800* or Raoul van Caenegem's *An Historical Introduction to Private Law*. Previous course evaluations suggested that the students found van Caenegem more helpful than Bellomo. Hence, that is the book that we are asking you buy this year. Neither Bellomo nor van Caenegem is really a textbook. Probably the best textbook in English is Robinson, Fergus and Gordon, *An Introduction to European Legal History* (2d ed., 1994) [RFG2]. (There's a third edition of RFG2 [RFG3], which is shorter and focuses more on the later period. It is available only in the Law School, where it's on permanent reserve.¹) As an alternative, we have also listed below readings in three other books. One of them is a classic: Paul Vinogradoff's, *Roman Law in Medieval Europe*. Two others are relatively new and controversial, Alan Watson's, *The Making of the Civil Law* and Harold Berman's *Law and Revolution*. Pdf copies of the extracts from Bellomo, van Caenegem, Vinogradoff, Watson, and Berman are found under 'lectures' on the website. They are also available in 'course-pack' form on reserve in the Law School.

¹ Another textbook, Randall Lesaffer, *European Legal History: A Cultural and Political Perspective* (2009), is also on reserve for the course in the Law School. If you read it, let us know what you think of it. Our initial impression is that it is interesting, but that it doesn't say enough about the law.

By and large, I think that the books other than RFG do a better job of covering the topics to which they refer than does RFG. On the other hand, some people really like a text book, and none of the books extracted is a text book, though Bellomo and van Caenegem come close. You should read either RFG or the extracts from the other books for class, and you might want to read what you haven't read when you're reviewing the course for the exam.

The multilithed *Documents*² contains, as the name implies, a number of documents, legal sources in translation. These vary greatly in the length of their extracts. When they are long, you try to get a sense for the overall structure; when they are short, you should focus on the detail. The Syllabus contains some notes as to what is important.

Outlines for most of the classes are posted on the course's website: <http://www.law.harvard.edu/faculty/cdonahue/courses/CLH/>. I will probably be revising these as we go along, but you should bring them with you to class either in your computer or in paper form. Having this kind of material already written down saves you time in taking lecture notes.

Papers and Exams. There will be a short paper required for the course. It should be no more than five double-spaced typed pages exclusive of notes. It may analyze one or a couple of the documents in the *Documents* (or you can choose a document on your own). The basic idea is to present an *idea* supported by *evidence* (primary sources please). For the first draft of the paper, you need not look at any secondary sources; focus on analyzing the document. You may do the first draft of the paper any time during the semester. You should have chosen a topic no later than Tuesday, March 26. You should turn in your first draft no later than Tuesday, April 16. I will comment on the draft, perhaps suggest some secondary reading, and return the draft to you. The final draft should be turned in before the beginning of the 1L exam period (Friday, May 10).

The final exam will be a "take-home" exam distributed in the last class and due no later than May 10. (You do not turn in the exam to the registrar's office; rather, you turn it into my assistant, Ms. Reader, in Room 518 in Hauser Hall, or send it to me by email [rsfang@law.harvard.edu].) The exam will contain two questions (it may also contain some identification questions). The first question will give you a document drawn from the *Documents* and will ask you to comment on the document and its significance. The second will call for a more wide-ranging essay. Once more, it will be due before the beginning of the 1L exam period (Friday, May 10).

If you wish to write a term paper in lieu of the final exam, you must get my approval of your term paper topic. The term paper should cover material in at least two of major time periods of the course (e.g., early medieval and late medieval, or late medieval and early modern). It may trace the history of a particular idea or institution from one period to another or it may compare ideas and institutions in two different periods. In order to get my approval of a term-paper topic, you will need to have completed the first draft of your short paper and to turn in a one-page statement or outline of what you plan to write about by Tuesday, April 16. Students who have taken the paper option in the past thought that it was fun but that it involved more work than taking an exam.

Offices. My office is in Hauser 512 in the Law School. My assistant is Ms. Reader in Hauser 518. My office hours are currently scheduled from 2:00–4:00 on Tuesdays, or by appointment. An appointment is usually not necessary for the office hours, but there is a sign-up sheet on the door of my office. That sheet will also tell you where my office hours will be held. It probably won't be in my office.

Syllabus. In what follows Bellomo=Manlio Bellomo, *The Common Legal Past of Europe: 1000–1800* (Washington, DC: Catholic U. Press, 1995); Berman = H. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge [MA]: Harvard Press, 1983); K1500 = H.G.

² Previous editions of this have been called *Outlines and Documents*. We did not include the outlines this year, because they change constantly and are better served up on the web.

Koenigsberger, *Medieval Europe, 400–1500* (Harlow: Longman, 1987); K1789 = H.G. Koenigsberger, *Early Modern Europe, 1500–1789* (Harlow: Longman, 1987); *Documents* = C. Donahue, *Documents on Continental Legal History* (unpublished, first installment available in the Law School’s Distribution Center or in Room 518 of Hauser Hall); RFG2 = O. F. Robinson, T. D. Fergus and W. M. Gordon, *An Introduction to European Legal History*, 2d ed. (London: Butterworths, 1994); RFG3 = O. F. Robinson, T. D. Fergus and W. M. Gordon, *An Introduction to European Legal History*, 3d ed. (London: Butterworths, 2000); van Caenegem = R. C. van Caenegem, *An Historical Introduction to Private Law* (Cambridge [Eng]: U. Cambridge, 1988); Vinogradoff = P. Vinogradoff, *Roman Law in Medieval Europe*, 2d ed. (Oxford: Clarendon, 1929); Watson = A. Watson, *The Making of The Civil Law* (Cambridge [MA]: Harvard Press, 1981).

A calendar follows the syllabus, which allows you to see at a glance the date, title of the class, and the assignment number.

Week Assignment

Week 1

- Lecture 1. 1. Introduction to the course. A basic chronology of three legal traditions: Roman, Continental European and English. Introduction to Roman law. Bellomo, 1–26; van Caenegem, 1–15; RFG2 vi-x; RFG3 v–vii, 285–319.
- Section 1. 2. The structure of Roman law and of the European civil codes. RFG2 1–10; RFG3 1–11; Watson 1–38. Justinian’s *Institutes*; D.23.2; C.5.4; D.22.5; C.4.20; selected 19th-century European codes on marriage, wild animals, and witnesses (*Documents*, Parts I, XX). [Focus on the overall structure of Justinian’s *Institutes* (Outline for Lecture 2) rather than on the detail. In the case of the *Digest* and the *Code*, try to get a sense for how the material is organized. Try to think about “fundamental legal categories”: *ius* vs. *lex*, public vs. private, criminal vs. civil, persons vs. things vs. actions, property vs. contract vs. delict (tort). Then ask yourself how these categories are reflected in Justinian’s *Institutes* and in the 19th century codifications. Then try to figure out what the rules were about the capture of wild animals, marriage, and witnesses both in Roman law and in the 19th-century codes.] The legacy of the ancient world: Christianity. Paul’s letter to the Romans (*Documents*, Part II.A).
- Lecture 2. 3. Reflections on the distinction between “common law” and “civil law” and on what we mean by the “Western legal tradition.” The legacy of the ancient world: Roman law. RFG2 1–10; RFG3 1–11; Watson 1–38. Justinian’s *Institutes* (*Documents*, Part I.A). [Focus on the overall structure of Justinian’s *Institutes* and on the specifics about wild animals and marriage (there’s nothing about witnesses).] How the story came out. (*Documents*, Part XX). [Ask yourself about the overall structure and the rules about wild animals, marriage and witnesses in the 19th century codifications. Are the different codes more notable for their similarities or their differences?]

Week 2

- Lecture 3. 4. Two “Barbarian” Law Codes—Aethelberht (*Documents*, Part III.A). [Ask yourself two questions: (1) What is the overall structure of this material? (2) What, if anything, does it have to say about wild animals, marriage and witnesses?]

Section 2. 5. The basic structure of Roman law (cont'd). Justinian's *Institutes*; D.23.2; C.5.4; D.22.5; C.4.20; selected 19th-century European codes on marriage, wild animals, and witnesses (*Documents*, Parts I, XX). [Review the first part of Assignment 2. After a week in the course are your thoughts on these topics any different?] New Testament extracts on marriage (*Documents*, Part II.B). Witnesses in the Bible (*Documents*, Part II.C) [K1500 1–66.]

Lecture 4. 6. Two “Barbarian” Law Codes—Gundobad (compared with the *Lex romana burgundionum*) (*Documents*, Part III.B). [Same questions as Assignment 4.]

Week 3

Lecture 5. 7. Carolingian institutions and “feudalism.” Bellomo, 27–43; RFG2 23–70; RFG3 26–41; Documents on Continental feudalism (*Documents*, Part IV). [K1500 67–135.]

Section 3. 8. The “barbarian” invasions. van Caenegem, 16–29; RFG2 6–25; RFG3 11–25; Vinogradoff 11–42. Two “Barbarian” Law Codes: Aethelberht and Gundobad compared. (*Documents*, Part III). The Collection in 74 Titles. (*Documents*, Part VI). [Same questions as Assignment 4.]

Lecture 6. 9. Eleventh-century reforms and a glimpse at *regnum* and *sacerdotium*, to the end of the 13th century. Berman 85–119, 273–332. Documents on the investiture controversy (*Documents*, Part V). [K1500 136–212.] The Collection in 74 Titles (cont'd). (*Documents*, Part VI). [The key question here is what is the relationship between the basically political arguments that are found in the literature surrounding the investiture controversy and the legal rules (most of which are derived from forged documents) found in the Collection in 74 Titles?]

Week 4

Special lecture. 10. Holiday, President's Day. The institutional history of the 12th and 13th centuries. Bellomo 61–88; RFG2 106–23; RFG3 129–168; Vinogradoff 71–96. [review K1500 213–80].

Section 4. 11. Eclectic sources of law: the Bible, Aethelberht and Gundobad, the Collection in 74 Titles (*Documents*, Parts II.B, III, VI). [Same questions as Assignment 4.] Wild animals and marriage in the glossators. *Documents*, Parts VII and VIII (selected decretals on marriage). [This is an opportunity to review the types of sources of law at which we have been looking and at some of those at which we will be looking in the next couple of weeks, and, perhaps, to ask the question ‘what is law’?]

Lecture 7. 12. The revival of academic law study: Roman Law. Bellomo 44–61, 89–117; RFG2 71–99; RFG3 42–58; Vinogradoff 43–70. Roman law glossators on wild animals (J.I.2.1.12–13, D.41.1.55) (*Documents*, Part VII). [We move here from the rather obvious politics of the investiture controversy to something that looks like ‘apolitical’ law. The question is ‘is it’? Try to see how Accursius twisting the Roman text to make it say things that it probably does not say or, at least, does not say so clearly as he does.]

Week 5

- Lecture 8. 13. The institutions of canon law. RFG2 122–152; RFG3 72–90. Substantive Canon Law. Marriage (J.I.1.10, D.23.2.5–6, Gratian C.27 q.2; Peter Lombard; selected decretals on marriage) (*Documents*, Part VIII). [Many have seen in these decretals a development in Alexander III’s thought on the topic of the formation of marriage. Do you see such a development here?]
- Section 5. 14. Romano-canonical procedure on witnesses. (*Documents*, Part IX) *Smith c. Dolling* (1271–72) (*Documents*, Part XIV.A). *Adam Attebury c. Matilda de la Leye* (1271–72) (*Documents*, Part XIV.B).
- Lecture 9. 15. The revival of academic law study: Romano-canonical procedure. Witnesses (D.22.5, Gratian C.4 q.3, Tancred 3.6) (*Documents*, Part IX). Read van Caenegem, 30–114 (this takes us quite a bit further in time, but it provides a good overview of where we’ve been and where we’re going).

Week 6

- Lecture 10. 16. Marriage litigation in the High Middle Ages. *Smith c. Dolling* (1271–1272) (*Documents* Part XIV.A). *Adam Attebury c. Matilda de la Leye* (1271–72) (*Documents*, Part XIV.B).
- Section 6. 17. Reform and the “twelfth century renaissance” (See the questions posed in the outline for this section). *Usatges*, Tourraine-Anjou and Beaumanoir on marriage. *Usatges* §§ 108, 112; Tourraine-Anjou § 57; and Beaumanoir §§ 621–8 (*Documents*, Part X).
- Lecture 11. 18. *Coutumiers* and *fueros*. Extracts from the *Usatges de Barcelona* on witnesses, marriage, and wild animals (*Documents* Part X.A).

Week 7

- Lecture 12. 19. Courts and *coutumiers* in France. Extracts from the *coutume* of Tourraine-Anjou and from Beaumanoir on witnesses, marriage and marital property, and wild animals (*Documents* Part X.B, C).
- Section 7. 20. Political ideas of the medieval lawyers. Extracts from Bracton on kingship and from Hostiensis on sovereignty. (*Documents* Part XI)
- Lecture 13. 21. Political ideas of the 12th and 13th centuries. Extracts from the glossators and early commentators on sovereignty. (*Documents* Part XI).

Mar. 18 — Mar. 22. Spring vacation.

Week 8

- Lecture 14. 22. The 14th and 15th Centuries—political and constitutional developments. Bellomo 118–61. [K1500 281–387.] The commentators. RFG2 100–121; RFG3 59–71, 107–24.
- Section 8. 23. The formation of a persecuting society? Developments in the law of witnesses: *Tractatus de reprobatione testium*; Gandinus, *Tractatus de maleficiis*; Robertus Maranta, *Speculum Aureum* (*Documents*, Part XII). Commentators on marriage: Panormitanus, *Consilium* (15th c) (*Documents* Part XIV.C). Courts and case reports.

The *Rota Fiorentina* (1780) (Gorla article) (*Documents*, Part XIV.B, D, E).

- Lecture 15. 24. The commentators. RFG2 100–121; RFG3 59–71, 107–24. *Documents*, Parts XII and XIII.

Week 9

- Lecture 16. 25. Commentators on wild animals: Bartolus on D.41.1.1, .5 (*Documents*, Part XIII.A, B); Portius and Faber on J.I.2.2.11–13 (*Documents*, Part XIII.C-E).

- Section 9. 26. Legal humanism. *Documents*, Part XV.

- Lecture 17. 27. Courts and case reports (cont'd)—14th through 18th centuries. Watson 39–52. *Decisio S.R.R.* (1360 X 1365); *Decisio S.R.R.* (1574); the *Rota Fiorentina* (1780) (Gorla article) (*Documents*, Part XIV.B, D, E).

Week 10

- Lecture 18. 28. “Renaissance” Europe—political, intellectual and constitutional developments. Bellomo 162–73. [K1789 1–94.] Humanists, humanism and the law. RFG2 280–310; RFG3 169–187. Pithou on the *Collatio*; Bodin on Political Theory (*Documents*, Part XV).

- Section 10. 29. Compilations, proto-codification, codification. *Documents*, Parts XVI and XVII. The institutes of national law (*Documents*, Part XVII). [We’ll begin to go beyond the undergraduates chronologically here.]

- Lecture 19. 30. Homologation of custom and reception. RFG2 311–352; RFG3 188–212; Watson 53–82. Coutumes de la prevoste et vicomte de Paris (*Documents*, Part XVI.C).

Week 11

- Lecture 20. 31. The 17th and 18th centuries—political, constitutional and intellectual developments. RFG2 209–23 406–37; RFG3 249–67. [K1789 161–281.] The *Grandes Ordonnances*. Decree, *Tametsi*; *Ordonnance* of Blois; *Ordonnance pour la procédure civile* (*Documents*, Part XVI.A, B, D (pp. 2–4, 5–6)).

- Section 11. 32. Domat and Pothier. Watson 99–125. Domat; Pothier on D.23.2; Pothier on the contract of marriage (*Documents*, Part XIX). Codification vs. Reform. Some thoughts on the French Revolution and the Napoleonic Code.

- Lecture 21. 33. The institutes of national law (cont'd) (*Documents*, Part XVII). Intellectual developments and the law (Outline for Lecture 20)

Week 12

- Lecture 22. 34. Spanish scholastics, “elegant jurisprudes,” the natural law school, and the *usus modernus pandectarum*. Watson 83–98. The academics in action. Pufendorf on wild animals (*Documents*, Part XVIII).

- Section 12. 35. The Napoleonic codes on marriage, animals and witnesses (*Materials*, Part XX). van Caenegem, 115–69. The pandectists, the historical school and the making of the BGB. RFG2 261–92; RFG3 269–285; Watson 126–30. Windscheid (*Documents*, Part XX

[Windscheid extracts]). The road away from codification?

Lecture 23. 36.

The academics in action. Pufendorf on wild animals (*Documents*, Part XVIII) (cont'd).

Week 13

Lecture 24. 37.

Final Lecture. The achievements and failures of the *ancien régime*. The road to codification. van Caenegem, 170–97. Take-home exam passed out.

CALENDAR

Mon., Jan. 28	=	Assignment 1	Introduction to the course. Introduction to Roman law
Tue., Jan. 29	=	Assignment 2	The structure of Roman law and of the European civil codes. The legacy of the ancient world: Christianity
Wed., Jan. 30	=	Assignment 3	The legacy of the ancient world: Roman law. How the story came out
Mon., Feb. 4	=	Assignment 4	Two “Barbarian” Law Codes—Aethelberht
Tue., Feb. 5	=	Assignment 5	The basic structure of Roman law (cont'd).New Testament extracts on marriage.
Wed., Feb. 6	=	Assignment 6	Two “Barbarian” Law Codes—Gundobad
Mon., Feb. 11	=	Assignment 7	Carolingian institutions and “feudalism.”
Tue., Feb. 12	=	Assignment 8	The “barbarian” invasions. Aethelberht and Gundobad compared. The Collection in 74 Titles.
Wed., Feb. 13	=	Assignment 9	Eleventh-century reforms and a glimpse at <i>regnum</i> and <i>sacerdotium</i> , to the end of the 13th century. The Collection in 74 Titles (cont'd).
Mon., Feb. 18	=	Assignment 10	The institutional history of the 12th and 13th centuries.
Tue., Feb. 19	=	Assignment 11	Eclectic sources of law. Wild animals and marriage in the glossators.
Wed., Feb. 20	=	Assignment 12	The revival of academic law study: Roman Law.
Mon., Feb. 25	=	Assignment 13	The institutions of canon law.
Tue., Feb. 26	=	Assignment 14	Romano-canonical procedure on witnesses: <i>Smith c. Dolling</i> .
Wed., Feb. 27	=	Assignment 15	The revival of academic law study: Romano-canonical procedure.
Mon., Mar. 4	=	Assignment 16	Marriage litigation in the High Middle Ages
Tue., Mar. 5	=	Assignment 17	Reform and the “twelfth century renaissance”. Usatges, Tourraine-Anjou and Beaumanoir on marriage
Wed., Mar. 6	=	Assignment 18	Coutumiers and fueros
Mon., Mar. 11	=	Assignment 19	Courts and coutumiers in France
Tue., Mar. 12	=	Assignment 20	Political ideas of the medieval lawyers.
Wed., Mar. 13	=	Assignment 21	Political ideas of the 12th and 13th centuries
Mon., Mar. 18	—	Fri., Mar. 22	Spring Vacation
Mon., Mar. 25	=	Assignment 22	The 14th and 15th Centuries—political and constitutional

			developments
Tue., Mar. 26	=	Assignment 23	The formation of a persecuting society? Commentators on marriage. Courts and case reports.
Wed., Mar. 27	=	Assignment 24	The commentators. (Short paper topics must be chosen by this date.)
Mon., Apr. 1	=	Assignment 25	Commentators on wild animals
Tue., Apr. 2	=	Assignment 26	Legal humanism (Section will meet in the Root Room of the HLS Library)
Wed., Apr. 3	=	Assignment 27	Courts and case reports (cont'd).
Mon., Apr. 8		Assignment 28	“Renaissance” Europe. Humanists, humanism and the law.
Tue., Apr. 9	=	Assignment 29	Compilations, proto-codification, codification. The institutes of national law
Wed., Apr. 10		Assignment 30	Homologation of custom and reception
Mon., Apr. 15	=	Assignment 31	The 17th and 18th centuries—political, constitutional and intellectual developments. The <i>Grandes Ordonnances</i> .
Tue., Apr. 16	=	Assignment 32	Intellectual developments and the law. Domat and Pothier; Codification vs. Reform (Paper drafts must be handed in by this date.)
Wed., Apr. 17	=	Assignment 33	The institutes of national law. Intellectual developments and the law.
Mon., Apr. 22	=	Assignment 34	Spanish scholastics, “elegant jurisprudes,” the natural law school, and the <i>usus modernus pandectarum</i> . The academics in action.
Tue., Apr. 23	=	Assignment 35	The Napoleonic codes. The pandectists, the historical school and the making of the BGB.
Wed., Apr. 24	=	Assignment 36	The academics in action (cont'd).
Mon., Apr. 29	=	Assignment 37	Final Lecture. Take-home exams passed out.
Fri., May. 10			Take-home exam and final papers due by 4:30 p.m. in Room 518, Hauser Hall.