Law and Lawlessness 2013–14
Paper co-ordinator: Dr Philip Dunshea

The court judge (NLW, Peniarth 28, fol. 4r)

‘An Anglo-Saxon king dispensing justice’ (BL, Cotton Claudius B. iv, fol. 59r)
Pharaoh sentences his chief baker (Genesis 40:22)
The scope of the paper

This course will provide students with an opportunity to study in greater detail a theme which is touched on by many of the Part I papers, namely how the behaviour of individuals and groups of individuals was moderated and controlled in medieval societies. The following questions may be considered: Who exerted control and how? What were the limits of that control? What happened when the limits were exceeded? What sanctions could be applied, and by whom and to whom? How are these legal institutions represented in our sources and how far can they be seen to change over time?

Some legal texts have been preserved from all of the ASNC societies; these texts often make claims to status and antiquity which need careful assessment. But, in addition to those texts, to what extent can we see the law at work in historical and literary texts? These methodological problems will be introduced in lectures, and students will also have the opportunity to study particular legal texts, and associated literary and historical material, in seminars. The course will focus on three matters with which our sources are frequently preoccupied: homicide, injury and their resolution.

Like many Part II papers this paper brings together knowledge and skills which have been developed in the Part I papers. No student is expected to be familiar with the historical context for all of the territories studied, or with all of the relevant languages, but, rather like the Palaeography paper in Part I, each student will bring a range of disparate interests which can be applied to a range of fascinating material.

Organisation of teaching

The course will be taught through lectures and seminars. The lectures provide an introduction to the legal institutions of each of the territories studies in ASNC. The lecturers and seminar convenors will provide reading lists, and a selection of ‘essential reading’ for each seminar will be kept on a Camtools site. Students should complete the ‘essential reading’ for seminars, and they should also attempt to read more widely around the topics of the lectures and seminars. Some of the lecturers will use Powerpoint presentations to illustrate their lectures; Powerpoint files will be kept on the Camtools site.

The seminars enable students to think deeply about legal themes by focusing on specific texts. Students will sign up for seminar presentation slots at the beginning of Michaelmas Term. The seminars will operate as follows. (1) Seminar convenors will provide reading lists, items of essential reading and essay titles on the Camtools site. (2) The student volunteers for each seminar will produce an essay and this will be circulated by email to fellow members of the seminar and the seminar convenor at least 24 hours before the seminar. (3) Interesting points arising from the essays, and other relevant material, will be discussed during the seminar. (4) Seminar convenors may return the essays to the presenters with comments.

In the Easter term there will be four revision sessions, in which students will be encouraged to think about questions from past papers.
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Structure of teaching 2013–14
Wednesdays at 11.00 a.m

Michaelmas Term (lectures and seminars)

1 Introduction to medieval law (PR)

Anglo-Saxon England

2 Lecture: Anglo-Saxon legal institutions (SDK)
3 Seminar: The Fonthill Letter (SDK)
4 Seminar: The reign of Æthelred the Unready (SDK)

Medieval Ireland

5 Lecture: Medieval Irish legal institutions (MNiM)
6 Seminar: Bretha Crólige: sick-maintenance in medieval Irish law (PR)
7 Seminar: Aided Óenfhir Aífe ‘The Death of Aífe’s Only Son’ (MNiM)

Medieval Wales

8 Lecture: Medieval Welsh legal institutions (PR)

Lent Term (lectures and seminars)

Medieval Wales (cont’d)

1 Seminar: Versions of the ‘Nine Abetments’ in Iorwerth MSS B & E (PR)
2 Seminar: Violence and honour in medieval Welsh chronicles (PMD)

Medieval Scandinavia

3 Lecture: Medieval Scandinavian legal institutions (EAR)
4 Seminar: Excerpts from Grágás (EAR)
5 Seminar: Excerpts from Njáls saga (EAR)

Two themes and a text

6 Lecture: Ecclesiastical law in Britain and Ireland, 6th–8th c. (RCL)
7 Lecture: Saints as Enforcers: Law and Hagiography (RCL)
8 Seminar: A Scottish legal tract, Leges inter Brettos et Scottos (PMD)

Examination

The examination paper will consist of a three-hour written examination. The paper will be divided into three sections: (a) gobbets; (b) essay questions relating to specific geographical areas; (c) comparative questions, requiring an answer which compares at least two geographical areas. Candidates will be expected to answer four questions from a choice of at least twelve. Question 1 (Section a) is compulsory and contains gobbets for comment. Three essay questions must be attempted from Sections b and c; at least one question must be attempted from each section. Each question will be worth 25% of the marks.
Introductory bibliography (primary sources)

Anglo-Saxon legal material

- The corpus of Anglo-Saxon law-codes
  - *The Laws of the Earliest English Kings*, ed. F. L. Attenborough (1912) – text and translation of all royal codes from Æthelberht (c. 600) to Æthelstan (924–39)

- Vernacular documents generated in connection with disputes and their settlement
  - *Select English Historical Documents of the Ninth and Tenth Centuries*, ed. F. E. Harmer (1914; CUP reprint 2009) – text and translation of various documents, including the Fonthill Letter

Selected texts for seminars

- The ‘Fonthill Letter’ (c. 920)
  - Whitelock, *EHD*, no. 102 (translation)
- The Crimes of Wulfbald (c. 990)
  - S. Miller (ed.), *Charters of the New Minster, Winchester* (2001), no. 31 (text and translation)
  - Whitelock, *EHD*, no. 120 (translation)
- Wulfstan, archbishop of York, *Sermo Lupi ad Anglos* (1009, 1012, 1014)
  - Whitelock, *EHD*, no. 240 (translation)

Scandinavian legal material

Selected texts for seminars

- *Grágas*
  - A. Dennis et al. (transl.), *The laws of early Iceland: Grágás; the Codex Regius of Grágás with material from other manuscripts*, vol. 1 (1980)
- *Njál’s saga*

Welsh, Irish and Scottish legal material


Irish legal material

- D.A. Binchy (ed. and trans.), *Bretha crólige*, Ériu 12 (1938), 1–77
- *Aided Óenfhir Aífe*
  - Kuno Meyer (ed. and trans.), ‘The death of Conla’, *Ériu* 1 (1904), 113–121
  - J.G. O’Keeffe, ‘Cuchulainn and Conlaech’, *Ériu* 1 (1904), 123–27
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— Translation: ‘The Death of Aífe’s Only Son’, in Jeffrey Gantz, Early Irish Myths and Sagas (Harmondsworth, 1981)
— Commentary: Joanne Findon, A Woman’s Words: Emer and Female Speech in the Ulster Cycle (Toronto, 1997)

Scottish legal material
— Leges inter Brettos et Scottos, translation and notes by Fiona Edmonds on the Camtools site.

Further guidance will be provided separately.

Introductory bibliography (secondary works)

General

Anglo-Saxon England
Website of the ‘Early English Laws’ project (2009–11), which aims to produce new online editions, with translation and commentary, of the corpus of legal texts from Æthelberht of Kent (c. 6000) to Magna Carta (1215): http://www.earlyenglishlaws.ac.uk [go to Laws/Texts, for a list of all extant law-codes; go to Reference/Bibliography, and then browse ‘By Category’, for lists of reading under certain topics, including Æthelred II, Cnut, Crime, Disputes, etc.], or browse in other ways
Further guidance will be provided separately.

Scandinavia
W. I. Miller, Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland (1990)

Medieval Wales
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Three Columns of Law in Medieval Wales, Cymdeithas Hanes Cyfraith Cymru 5 (2005), pp. 26–59, 92–7

Medieval Ireland
Fergus Kelly, A Guide to Early Irish Law, Early Irish Law Ser. 3 (Dublin, 1988)

Medieval Scotland
A. Ross, The Kings of Alba, c. 1000–1130 (Edinburgh, 2011)

Further guidance will be provided separately.