

NOTE: This is a SAMPLE syllabus/itinerary and may not be the most up-to-date version. Please contact the faculty leader of this course for more recent information.

LA145 English Origins of American Law
Tentative Course Syllabus
Spring 2017

Instructor: Franklyn P. Salimbene, JD, LL.M.
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Office Hours: TBA

Prerequisites: Instructor's permission and LA101, GB103, or GB110
Class Meetings: Tuesdays 6:30-9:10 p.m.
Text: The Formation of the Common Law, Hudson (Longmans, 1996)
Primary Source Materials: See cases, statutes, writs, and articles as posted on Blackboard

Course Description: Students in LA145 study the developments in early English history that form the basis of the American common law system. As part of their study students travel to London during spring break to enrich their understanding of this English foundation by visiting places and people relevant to course materials. These materials in the form of readings, case studies, and discussion focus on the period from 1066-1215. Specifically, topics include the historical origins of the common law system under Henry II and the establishment of limits on royal authority under Magna Carta. These topics are developed in relation to the king's interest in protecting real property rights and protecting individuals from criminal activity, both of which came to be the basis of common law jurisdiction in the royal courts.

Learning Objectives: Through this course you will gain knowledge, skills, and new political and social perspectives. Some of these are identified below.

Knowledge-- the origins of the common law; the development of royal courts, the early legal writs, and juries; Magna Carta's meaning and historical context; the role of the Inns of Court; the current British court system.. In addition to textual and primary source materials, the course also provides background to contemporary issues in Britain, e.g., contemporary politics and the functioning of Parliament; Britain's participation in the EU; and on-going conflict Northern Ireland.

Skills-- how to read early English legal cases; how to work with foreign currencies and exchange rates; how to travel economically; how to work together as a group; how to get about large cities using public transport. In addition, the course will engage you in reflective activities that enhance your analytical abilities and your understanding of the English.

Perspectives-- the importance of history in contemporary times; the influence of English law on American law; an appreciation of the British perspective on current political, economic, and social issues. These perspectives are

gained not only through course materials and videos, but also through meetings in England with a member of Parliament, an official of Middle Temple, a verger at Canterbury Cathedral, and daily interactions with the English generally.

Course Goal: The overall goal of this course is to teach the historical origins of the American common law system.

Attendance/Tardiness: Attendance as well as promptness to class meetings is required.

Academic Honesty: Academic honesty is a serious matter. Failure to abide by the Honor Code includes, among other things, plagiarism, sharing answers on assignments, sharing research materials, cheating on exams, and doing other student's assignments for them. Such actions can result in serious repercussions including, but not limited to, failing an exam, failing a course, academic suspension, and expulsion from the university. By agreeing to attend Bentley University, you agree to abide by the Honor Code. The best way to avoid a problem is to consult with your instructor before taking any action which might constitute a violation.

Disability: Bentley University adheres to Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 which stipulate that no students shall be denied the benefits of an education solely by reason of a disability. If you have a documented disability that may have some impact on your work in this course and for which you may require academic accommodations, please speak with the Coordinator of Disability Services in LaCava 166B.

Grading:

- 30% Group Presentations
- 25% Mid-term exam
- 25% Research paper 10-15 pages
 - on an approved topic
 - according to a standard "style sheet" (available in the Library)
 - hardcopy source materials required
 - submit to "turnitin"
- 20% Participation is a key element.
 - Classroom meetings take the form of a seminar. Students are expected to bring all assigned materials to class, to have read those materials with care, and to join in discussion with the instructor and each other. Students are expected to lead in discussion, to ask and answer questions, and to participate generally. Failure to do so will affect the grade.
 - In England students are expected to adhere to travel etiquette as explained in class. Also, students are expected to act as members of a group rather than individuals, conscious of their responsibility toward each other and the trip itinerary. Failure to do so will affect the grade. Students should not establish exclusive subgroups, but should be proactive in getting to know all the other members of the group and to join in trip activities with them. Students should also be respectful of the host country and its customs.

- Reflective activities are included. These include a reflection paper and reflective discussions while in England.

****THIS SYLLABUS IS SUBJECT TO CHANGE DURING THE SEMESTER.****

Session 1- An Introduction to Early Common Law

Topic: Historical Legal Context in England (1066-1216)
 Assignment: Read Hudson 1-51
 Brief Jordan v. Simon (1219); Walter v. William Thomas (1247);
Bedfordshire Case (1276)
 Define early English legal terms as assigned on Blackboard

Current Issue: The UK in the news
 Video: The Queen's Diamond Jubilee Address to the Houses of Parliament

Web Links: [The Queen](#)
[The Prime Minister](#)

Session 2 – The Social Hierarchy of Medieval England

Topic: Medieval English Society (1066-1216)
 Assignment: Read “Learning Abroad Using a Legal History Course Model” (excerpts)
 Group presentations: Royalty, the Church, and the people of medieval England

Current Issue: The Political Parties and the Results of the 2010 UK National Election
 Video: Prime Minister’s Question Time

Web Links: [The Labour Party](#)
[The Conservative Party](#)
[The Liberal-Democrat Party](#)

Session 3 - Protecting Interests in Land

Topic: English Common Law Possessory Writs (1066-1216)
 Assignment: Read Hudson 118-156; 186-219
 Group presentations: Writs of Novel Disseisin, Mort D’Ancestor, and Utrum

Special: Mid-term Exam Assigned
 Current Issue: The EU and the UK
 Video: Prime Minister’s Question Time

Web Link: [European Union](#)

Session 4 – The Conflict between the Royal and the Ecclesiastical Courts

Topic: Ecclesiastical Court Jurisdiction
 Assignment: Read The Constitutions of Clarendon (1164)

Special: Mid-term Exam Due (in part)

“Becket” (film runs from 6:15-9:15pm; please plan accordingly)

Web Links: [St. Thomas Becket](#)
[Henry II](#)

Session 5 – Early Common Law and Crime

Topic: Crime, Law, and the Development of the Jury (1066-1216)
Assignment: Read [Hudson](#) 75-80; 157-185
Brief [Willingham Fire Case](#) (1202) [Thomas v. Alan Harvester](#) (1202);
[Babington v. Yellow Taxi Co.](#) (1928)

Group Presentations: Contemporary Political Party Profiles

Special: Mid-term Exam Due in part
Research Topic Due

Current Issue: Northern Ireland
Video: Prime Minister’s Question Time

Web Links: [Social Democratic and Labour Party](#)
[Ulster Unionist Party](#)
[Democratic Unionist Party](#)
[Sinn Fein](#)

Session 6 – Magna Carta

Topic: Magna Carta: Context and Significance (1215)
Assignment: Read [Hudson](#) 220-239; [Magna Carta](#)

Special: Mid-term Exam Due in part
Preliminary Discussion of Research Topics

Current Issue: Topics for meeting with Member of Parliament
Video: Prime Minister’s Question Time

Web Link: [Parliament](#)
[Travel Tips](#)

Session 7 – The Common Law in the United States

Topic: The Legacy of the Common Law: William Blackstone
Assignment: Written Reflection

Special: Overview of Research Topics (individual 5-minute presentations)

Video: Prime Minister’s Question Time

Web Links: [Blackstone](#)
[Magna Carta and Its American Legacy](#)

London Travel – While Sunday is an orientation day and Friday is a free day, the other four days each have a theme related specifically to the course material (see the complete London itinerary).

Day 1: Canterbury

Focus: The Cathedral: The conflict between the Royal and Ecclesiastical Courts took on a very personal tone in dealings between King Henry II and Thomas Becket, the Archbishop of Canterbury. Their relationship soured to the point where soldiers pledged to Henry attacked and killed the Archbishop in Canterbury Cathedral. Our visit to the Cathedral includes a guided tour of this magnificent 12th Century edifice and a visit to the site of Becket's murder.

Web Link: [Canterbury Cathedral](#)

Day 2: Runnymede and Windsor Castle

Focus: Magna Carta: As the document integral to the common law and the concept of limited government, Magna Carta must be understood in its historical context. To assist in understanding this context, we visit Runnymede, the place of its signing by King John in 1215. Students read aloud portions of the great document in the Mede while we recount the story of John's journey from Windsor Castle under forced guard. Later in the day we tour the Castle itself. Upon returning to London, we visit the British Library to view one of the four remaining original copies of Magna Carta.

Web Link: [Runnymede](#)

Day 3: Houses of Parliament

Focus: Meeting with Member of Parliament: While Parliament did not exist during the period leading up to Magna Carta, it has come to symbolize representative democracy in the world today. To enhance our understanding of British politics and the contemporary issues facing the United Kingdom, we take a guided tour of both the Commons and the Lords, and we sit in on a debate in the House of Commons. The highlight of our visit to Parliament, however, is a 45-minute question and answer session with a member of the House of Commons.

Web Links: [The Times](#)
[The BBC](#)

Day 4: The Crown Court (The Old Bailey)

Focus: The English Courts: This day is set aside for three important visits. We sit in on a trial at London's famous Central Criminal Court (The Old Bailey). Following the trial we assess the experience and discuss similarities with American criminal trials. Second, we visit the Appeals Court in Fleet Street. Third we visit Middle Temple, one of the Inns of Court where English and Welch students train as barristers. Here we are met by an official at the Inn and mix in for a meal with judges, barristers, and students in Middle Temple Hall. It is the same Hall where

several signers of the American Declaration of Independence and the U.S. Constitution ate while studying for the bar in the 18th Century.

Web Links: [The Inns of Court \(Middle Temple\)](#)
[Court Service](#)
[The Supreme Court of the United Kingdom](#)