LAW 609: Historical Law Books: Bibliography and Research Methods

Fall 2016 (Tuesdays 1:30-3:20)

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SYLLABUS

ATTENDANCE:
The law school’s attendance policy is that attendance is **mandatory** for all scheduled class meetings and is signified by signing the attendance sheet. No signature on an attendance sheet is conclusive evidence of absence. For your reference, the School of Law attendance rules are contained at [http://law.siu.edu/_common/documents/rules-code/attendance-rules-ay16-17.pdf](http://law.siu.edu/_common/documents/rules-code/attendance-rules-ay16-17.pdf).

GRADING:
Assignments: 3 at 100 points each, totaling 300 points
Final Assignment and Presentation: 500 points
All assignments must be turned in and completed satisfactorily (to me) for you to pass the class.

WORKLOAD EXPECTATIONS:
The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), “a “credit hour” is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” This is a 4-credit hour class, meaning that we will spend four 50-minute blocks of time together each week (a 100-minute block each Tuesday and Thursday). The amount of assigned reading and out of class preparation should take you about 4 hours for each class session and 8 hours for the week. All told, applying the ABA standard to the number of credits offered for this class, you should plan on spending a total of **6 hours per week (2 in class and 4 preparing for class)** on course-related work.
EMERGENCY PROCEDURES:

Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT’s website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

If you have any questions about emergency procedures, please contact Judi Ray (judiray@siu.edu).

DISABILITY POLICY:

Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. http://disabilityservices.siu.edu/. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

SALUKI CARES.

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.
NOTICE OF RECORDING POLICIES:

SIU School of Law no longer records classes automatically. Please do not record class sessions for this course. If you have a reason to do so, please talk to me in advance of class so we can discuss it. I need at least a week’s notice to approve and plan an exception to my policy of non-recording. Please note that the audio and video recording of classes by students themselves (as opposed to recording by the IT Department) is an Honor Code violation when the instructor has prohibited either action [Honor Code I.E.1.g].

FINAL EXAMINATION INFORMATION:

There is a University-wide policy which requires that all final examinations be administered during the regularly scheduled final examination period unless there is a compelling reason to use another date. The final examination for this course will be a project that you will have two weeks to complete. The due date for the written portion will be during the exam period.
COURSE INTRODUCTION

In order to speak and write convincingly about any historical text, one must also understand the production, distribution and reception of the textual artifact. The underlying philosophy of this course is that textual analysis is a subcategory within the larger object-based discipline of analytical bibliography, not the other way around. Therefore, students will increase their legal bibliographic knowledge through lecture and written assignments, each class will include the handling of rare materials.

Learning objectives

This is a course about the study of physical objects and their importance in the study and research of law. This is a course about learning to see, and learning to look at textual objects in order to better understand the text. This skill will be honed in every class during hands-on and reporting exercises. Students will begin learning to interrogate a book using basic protocols of evidentiary analysis and begin that understand that forms affect meaning. Upon completion of the course will have a broader and deeper abilities to research and understand historical legal texts.

CLASSES 1 & 2 (Aug. 23 & 30): Course Introduction and the Book as an Object

The Book as an Object

Introductory hands-on assignment to discover human presences in the textual artifact.
Mechanics of printing (hand press age)
Typeface – Roman and Blackletter
Role of the government in printing
Elements of a book – size, paper, watermarks, catchwords, signatures, etc.

Written Assignment: Students will produce a one page bio/bibliographic report on an assigned author of a foundational legal text. Students will be expected to report on that person during the next class.

CLASSES 3 & 4 (Sept. 6 & 13): Early English Law

Magna Carta, Britton, Bracton, Fleta, Littleton, Coke and Blackstone: Foundational legal texts and their authors. Discussion will focus on Littleton and Coke and the infancy of legal printing. The multiple editions of both provide good vehicles for illustrating many of the “object” elements discussed earlier (title pages, pagination, imprimatur, colophon, printer marks, etc.)

Hands-on activities will include examination of a 1530 Britton and its binding elements (including manuscript fragments). Also, Littleton’s many editions reveal many standard bibliographic
elements including: the typeface transitioning from Blackletter to Roman, from law French to English, etc.

Abridgements: Discussion will include Viner and his connection to Blackstone and the Vinerian Professorship.

Case Reporting: Nominatives and their authors.

Written Assignment: Students will be assigned a 17th C nominative to analyze and report on. Students are expected to perform biographical research on the reporter and perform a bibliographic analysis of the book itself. Students should incorporate elements learned in classes 1 and 2, such as printer, subscription lists, illustrations, ownership marks, permissions, etc.

CLASSES 5 & 6 (Sept. 20 & 27): Early American Printing and Publishing

Early American Case Law and Legislation

Lecture will cover adoption of English texts, pirated legal treatises through Ireland, and the rise of American case law through reporters and abridgements. Hands on activities will include comparing three case reporters: Kirby’s Reports, an early US topical case reporter (e.g. Railroad Cases, Admiralty Cases), and a modern West case reporter, to identify similarities and differences and how they relate to the development of the practice of American law.

CLASS 7 (Oct. 4): Dictionaries, Treatises, and Manuscripts

Dictionary lecture will examine purpose and growth of these items, as well as current importance to the scholar.

Treatise lecture will, among other things, discuss reprinting of British texts for an American market.

Manuscripts: Written assignment: Each student will be provided with a manuscript from the collection. They will produced a report discussing its importance in the study of law.

CLASS 8 (Oct. 11): Age of the Machine Press

The westward expansion of printing in the US.
Development of the West Publishing monopoly.
Standardization of American law publishing.
Growth and development of legal education and materials produced for student use (circle back to Littleton’s Tenures, which was written as a study aid for his son training to be a lawyer.)

CLASS 9 (Oct. 18): Roman-Canon and European Law
CLASSES 10-11 (Oct. 25 & Nov. 1): The Transmission and Reception of Legal Information

Now that students have learned the basics of “looking at” textual artifacts as well as basic legal bibliography, broad legal and law-related topics will be used as vehicles to illustrate the symbiotic relationship between authors, publishers, and the reading public. Students will gain a better understanding of how contemporary readers and scholars became aware of issues that are textually analyzed in modern law schools, and how the publication of legal texts is oftentimes driven by cultural currents. There will be hands-on activities assignments for every class. Examples of possible topics include:

**Slavery:** Dred Scott Decision, the image of the slave ship Brookes, *Uncle Tom’s Cabin*, the Amistad Case

**Rights of Women:** *The lavves resolutions of womens rights* (1632), Mary Shelley, *A Vindication of the Rights of Woman* (1792),

**Publication of Legal Information by Newspapers:** hands on activities will have them examine a Democratic and Republican newspaper issued on the same day and how they cover a single issue through a biased lens.

**Trial Pamphlets:** marketed to a different audience than traditional law texts. How can you tell?

**Lincoln:** Several niche publishing areas arose both during his lifetime as well as after his death.

**Ephemera:** hands on activities include students examining and reporting on how an ephemeral item might be used by modern legal scholars.

CLASS 12 (Nov. 8): Historical Legal Research and Digital Literacy; Bibliographies and other Finding Aids; and the Rare Book Market

The topical discussions held in classes 7-10 are a good transition to discuss the discipline of being a legal scholar, researcher, or collector (personal or institutional). Students will be introduced to and use the following standard databases for historical legal research: BEAL, STC, Wing, Howes, Byrd, WorldCat, Abebooks, Ebay, dealer websites

Hands-on activities will include reviewing dealer catalogs and watching interviews with dealers from ILAB website.

**Reporting Assignment:** Each student will be given a dealer catalog and be prepared to discuss items that belong in this law school’s collection. In other words, the student is the dealer – convince me to buy your book.

**Written Assignment:** This assignment is intended to prepare students for their final assignment. If you were to collect in an area of law what would you pursue? What is the scope? What will be
excluded? Publishers? Dates? Regions? Will you work from an existing bibliography (e.g. Howes) or create your own. Create a collecting profile. Use internet sources and catalogs to decide what the parameters would be and how expensive it would be. What would be the jewel of your collection?

**Class 13 (Nov. 29): Final Presentations.**

Students present their final assignments. The written portion is due during final weeks (TBD).

**FINAL ASSIGNMENT:**

Using the SIU School of Law’s rare book and main collection, students will create a collection of textual artifacts as the foundation for a collection of a single topic of legal history. Students will present their collection during the final class and a written report will be due during finals weeks. There is an expectation that students report on important object based elements of their collection as well as the textual importance to a legal scholar interested in their legal topic. A rubric will be provided to assist the students.