

# **HIST 395 & AMST 395**

## **Historical Roots of the Anglo-American Legal Tradition**

History & American Studies Abroad in London



*The Royal Courts of Justice, London*

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Summer 2019

## **COURSE PLAN**

**Course Description:** As common law systems, the American and English legal systems share distinctive features and a complex history that explain much of how they both operate today. This class approaches the history of the Anglo-American legal tradition as a subject of historical study and as a key to understanding the common law legal system. Studying in London, students will enmesh themselves in the history, politics, and law that gave rise to the often similar (and sometimes divergent) practices in contemporary common law nations. The London location provides superlative opportunities to enrich and intertwine the study of history and law, and the class will visit the political sites integral to development of the English judiciary, courts from medieval and contemporary periods, medieval legal archives, and the Inns of Court where English attorneys finish their training. Readings and lectures will flesh out the distinctive features of the common law system—most notably the use of precedent, juries, and a distinctive method of reasoning—that arose in the context of these historical sites and continues to develop today.

**Learning Objectives:** At the conclusion of this course, students will be able to:

1. Describe the major features of the common law system (relationship to government, jury system, contract law and tort law) and legal profession.
2. Explain how common law is different from civil law.
3. Explain the historical origins of the common law tradition and describe the major changes to the British Common Law System.
4. Explain how and why the American and British common law traditions are similar and different.

**Assessed Coursework:** Students' mastery of the learning objectives will be assessed in the following three ways:

1. Participation (20%): Students will be expected to complete the reading assigned for each day and to actively participate in all class discussions both during seminars and excursions. Attendance at all seminars and excursions is expected, and absences without cause will be penalized appropriately.
2. Site Impact Reflection Papers (10%): At the start of the course, students will choose two of the sites that will be visited. After the visit they will write a 1-2 page paper summarizing how the site demonstrates the development of the Anglo-American Legal Tradition. Papers will be due the day after the scheduled site visit.
3. Exams (40%): there will be two exams in London during the course. Students should expect to see a mix of questions designed to test their comprehension of material from lectures, readings, and course excursions.
4. Research Project (30%): Students will be given a set of topics to research and will then write a formal academic paper. Papers may be completed after return to the United States, but research should begin while the class is in London.

## **Tentative Course Outline**

As you review this outline please note that we will be travelling extensively throughout London. Students should wear appropriate shoes for walking several miles along city sidewalks each day. We will utilize public transportation where possible, and students should be prepared for the possibility of standing while riding the Tube or London buses. Please be aware that we will be climbing stairs to access Tube stations and while touring the medieval buildings during our site visits. Students should wear comfortable shoes and clothing with layers. England is notorious for rain, so make sure to bring a raincoat or umbrella every day. See the disability policy below if you have concerns about accommodation.

### **Day 1                      Departure Day                      WEDNESDAY**

Evening: Students should arrive with passport, course materials, one carry-on and one bag (50 lbs maximum) at Terminal \_\_\_\_\_ at Dulles Airport at XX:XX PM. Flight information TBA.

### **Day 2                      Arrival in London                      THURSDAY**

Morning: Take the shuttle from the airport to the hotel, then arrange to do currency exchanges, get cell phone SIM cards (if needed), purchase Oyster Cards or transport passes.

Afternoon: Give students a few hours for napping, unpacking, or walking through the city.

Evening: Group dinner and evening seminar to go over the syllabus and prepare for our first activities.

### **Day 3                      Intro to English Government                      FRIDAY**

Morning: Lecture, 2 hours

- History and Structure of English Government to 1776
- Where are the courts in relationship to the government?
- What is the role of the judiciary and the executive, etc?
- Political Background and Context

Afternoon: Open-top bus tour of London and tour of the Tower of London.

### **Day 4                      English and American Differences                      SATURDAY**

Morning: Lecture, 2 hours

- 1776 onward; we will begin with the American system and consider the British context of what the Americans were reacting to and how the judiciary develops on both sides of the Atlantic

Afternoon: Tour of Parliament & Westminster Abbey

### **Day 5                      Reading Day                      SUNDAY**

Students should read and take notes on the following to prepare for the week ahead: TBA

### **Day 6                      The English Legal System in Context                      MONDAY**

Morning: Lecture & Discussion, 3 hours

- Overview of Common Law tradition: why/how is the Common Law system different from Civil Law
- Roman Tradition, tradition of codification, Napoleonic Law
- Hallmarks of the difference between Civil Law systems and Common Law systems today
- Cases and juries

**Day 7                    The English Legal System in Practice**

**TUESDAY**

Morning: Lecture and Discussion, 3 hours

- Common Law Today – further discussion of current distinguishing features of the common system
- How does a jury work? What would a civil lawyer say about the jury system?
- What is the role of judge in the common law system?
- What is the role of precedent in the common law system?

Afternoon: Charterhouse tour & discussion of the Manor Court

**Day 8                    Midterm Exam**

**WEDNESDAY**

Morning: Revision Time

Afternoon: Midterm Exam

Evening: Orientation to Kew and preparation for archives visit

**Day 9                    Visit to the National Archives**

**THURSDAY**

Day Trip to the National Archives: View and discuss different types of legal records that illustrate the chronological development of the Common Law System. In particular we will see the problem of the variety and type of legal records, and consider the issue of understanding “law” without a single law code.

**Day 10                  Hampton Court Palace**

**FRIDAY**

Day Trip to Hampton Court Palace: View and discuss the Tudor Palace. We will consider the question of royal power and royal justice as well as the relationship between the church and the state.

**Day 11                  Reading Day**

**SATURDAY**

Students should read and take notes on the following to prepare for the week ahead: TBA  
Optional: St Paul’s Cathedral or British Museum

**Day 12                  Intro the modern Anglo-American Legal System**

**SUNDAY**

Morning: Lecture - Intro to Legal Ideas: Contract Law

Afternoon: Reading to prep for Torts

**Day 13                  The Royal Courts of Justice**

**MONDAY**

Afternoon: Visit the Royal Courts of Justice

**TUESDAY**

### Afternoon: Visit to the Inns of Court

**WEDNESDAY**

Afternoon: Open for individual site visits

Evening: Group Dinner at TBA and wrap-up discussion

**THURSDAY**

This course plan is intended as a general guide for the class. We reserve the right to amend as the class planning process proceeds.