Til Bjørnar Borvik
Fra administrasjonen/JOSP
Dato: 2015 02 02

Fullmaktsvedtak:

Vi har mottatt søknad fra Jørn Øyrehagen Sunde, emneansvarlig for JUS290-2-A om endring i litteraturlisten for emnet.

Det er ikke avklart hvordan litteraturen skal presenteres for studentene – det pågår en prosess for å avklare det. Innholdet i listen må imidlertid godkjennes.

> Formelt:
> I hht § 9 tredje ledd andre og tredje punktum i Reglement for det juridiske fakultet, universitetet i Bergen kan Studieutvalgets leder fatte vedtak "på utvalgets vegne i mindre viktige saker som ikke er av prinsipiell betydning, samt i saker hvor møtebehandling ikke kan avventes uten vesentlig ulempe for fakultetets virksomhet. I sistnevnte tilfeller skal saken så vidt mulig drøftes med minst en av studentrepresentantene i utvalget før vedtak fattes eller tilråding gis".
>
> Saken her anses å omfattes av denne bestemmelsen idet den ikke er vesentlig og ikke kontroversiell.

Vedtak:

Litteraturlisten for JUS290-2-A godkjennes som foreslått.
Det forutsettes at litteraturen gjøres tilgjengelig for studentene på en grei måte.

Bjørnar Borvik
studiedekan

Seminar 1: Foundations of the Scottish common law, ca.1000-1300: mixed from the very beginning?

- John W Cairns, 'Historical Introduction' in Kenneth Reid and Reinhard Zimmermann (eds), *A History of Private Law in Scotland* (2 vols, Oxford University Press, 2000), volume one, 14-184, only at 15-32
- Hector L MacQueen, 'Canon Law, Custom and Legislation: Law in the Reign of Alexander II' in Richard Oram (ed), *The Reign of Alexander II, 1214-49* (Brill, 2005) 221-251, only at 239-243
- JH Baker, *An Introduction to English Legal History* (4th edn, Oxford University Press, 2002), only at 502-507
- James Brundage, *Medieval Canon Law* (Longman, 1995), at 142-150
- Alice Taylor, '*Leges Scocie* and the Lawcodes of David I, William the Lion and Alexander II' (2009) 88 *Scottish Historical Review* 207-288, only at 279-281
- *Acts of the Parliaments of Scotland* (*APS*) i, 399-400, 403

Seminar 2: The Consolidation of the Scottish common law, 1300-1460: eclecticism and the strength of the local statutory tradition

- John W Cairns, 'Historical Introduction' in Kenneth Reid and Reinhard Zimmermann (eds), *A History of Private Law in Scotland* (2 vols, Oxford University Press, 2000), volume one, 14-184, only at 73-74
- Hector L MacQueen, *Common Law and Feudal Society in Medieval Scotland* (Edinburgh University Press, 1993), 224-228
- A M Godfrey, *Civil Justice in Renaissance Scotland* (Brill, 2009), 239-247
- Alexander Grant, *Independence and Nationhood: Scotland 1306-1469* (Edinburgh University Press, 1984), 178-181, 191-196
- Stephen Boardman, *Robert II and Robert III* (Edinburgh University Press, 1996), 180-181
- Roland Tanner, *The Late Medieval Scottish Parliament* (Tuckwell Press, 2001), 88-89, 107-109
- Records of the Parliaments of Scotland to 1707 (henceforth 'RPS') [http://www.rps.ac.uk/]: 1318/5-8; 1372/3/6; 1384/11/7; 1392/3/1; 1397/1-2; 1398/9; 1399/1/14-16; A1438/12/1; 1443/11/2; 1450/1/9; 1450/1/18; 1458/3/2-3 (*Please note that most of these statutes are only between a half and a quarter of a page in length*)

Seminar 3: The Session and the transformation of the common law, ca.1460-1550: Romano-canonical learning and legal interpretation

- A M Godfrey, *Civil Justice in Renaissance Scotland* (Brill, 2009), 7-12, 441-453
- Andrew R C Simpson, 'Review of A. M. Godfrey, *Civil Justice in Renaissance Scotland*, (Leiden and Boston, 2009)' (2011) 15 *Edinburgh Law Review* 497-500
- John W Cairns, 'Revisiting the Foundation of the College of Justice' in Hector L MacQueen (ed), *Miscellany Five*, (Stair Society, 2006), 27-50, only at 30-33
- J D Ford, *Law and Opinion in Scotland during the Seventeenth Century* (Hart, 2007), 4-5, 8-10, 202-203
- Peter Stein, *Roman Law in European History*, (Cambridge University Press, 1999), 70-74
- Sinclair, *Practicks*, casenotes 96, 100, 125-126, 315-316, 389-392, 460-461, 496, 592 (translations will be provided of the relevant Latin passages). For the provisional text of *Sinclair's Practicks*, edited by Athol L Murray and by Gero R Dolezalek, see [http://www.uni-leipzig.de/~jurarom/scotland/dat/sinclair.htm] (Please note that most of these casenotes are only a few lines in length)

Seminar 4: Reconceptualising the authority of the laws of Scotland: Leslie, Henryson and Chalmers

- Andrew R C Simpson, 'Power, Reason and Equity. Two Jurisitic Accounts of Royal Authority in Sixteenth-Century Scotland' in Jørn Øyrehagen Sunde (ed), *Constitutionalism before*

1789: Constitutional arrangements from the High middle Ages to the French Revolution (Pax forlag, 2014) 128-146, only at 128-136

- Julian Goodare, *The Government of Scotland* (Oxford University Press, 2004), 70-86
- Gordon Donaldson, *Scotland James V – James VII* (Edinburgh University Press, 1971), 118-123
- Edward Henryson, 'Preface' in *The Actis and Constitutiounis of the Realme of Scotland... Anno. Do. 1566* [Imprintit at Edinburgh be Robert Lekpreuik, the xij day of October the zeir of God ane thousand fyue hundreth thre scoir sax zeiris], Sig A2^{r}-A2^{v}
- David Chalmers of Ormond, *Compendium of the Laws of Scotland*, 1566, BL Add MS 27472 f.1^{r}-2^{r}; 3^{r} (a transcript of the relevant section of the *Compendium* will be made available to the class)
- A Watson (tr), *The Digest of Justinian*, (Pennsylvania University Press, 1998), *Constitutio Deo Auctore*, 1; 1.1.10 (Ulpian); 1.3.2 (Marcian); 1.3.32 (Julian) (Please note that these sections together come to about a page in length)

Seminar 5: *De iure regni apud Scotos*: French influences on theoretical accounts of law and royal authority within the Scottish polity

- Quentin Skinner, *The Foundations of Modern Political Thought*, (2 vols, Cambridge University Press, 1978), 284-297
- J D Ford, *Law and Opinion in Scotland during the Seventeenth Century*, (Hart, 2007), 222-233
- Andrew R C Simpson, 'Power, Reason and Equity. Two Jurisitic Accounts of Royal Authority in Sixteenth-Century Scotland', in Jørn Øyrehagen Sunde (ed), *Constitutionalism before 1789. Constitutional arrangements from the High middle Ages to the French Revolution* (Pax forlag, 2014) 128-146, only at 145-146
- Roger A Mason and Martin S Smith, *A Dialogue on the Law of Kingship among the Scots. A Critical Edition and Translation of George Buchanan's* De Iure Regni apud Scotos Dialogus, (Ashgate, 2004), lxiv-lxx
- David Chalmers of Ormond, *La Recerche des Singularitez Plus Remarquables, Concernant l'Estat d'Escosse*, (Jean Feurier, 1579), Sig A2^{v}-A3^{v}; f.1r-1v; f.8^{v}. Translations of these passages will be provided if required
- Peter GB McNeill (ed), *The Practicks of Sir James Balfour of Pittendreich*, (Stair Society vols 21-22, 1962-63), volume one, at 1, 7-8

Seminar 6: The reception of continental and English jurisprudence in the seventeenth century, as witnessed in Sir James Dalrymple, Viscount Stair's *Institutions of the Law of Scotland*

- JD Ford, *Law and Opinion in Scotland during the Seventeenth Century* (Hart, 2007), 59-68
- Adelyn LM Wilson, 'The sources and method of the *Institutions of the Law of Scotland* by Sir James Dalrymple, 1st Viscount Stair, with specific reference to the law of obligations' (PhD thesis, University of Edinburgh 2011), 253-269 [available for download https://www.era.lib.ed.ac.uk/handle/1842/6205]
- WM Gordon, 'Roman law as a source' in DM Walker (ed), *Stair Tercentenary Studies* (Stair Society vol 33, 1981), 107-112
- WDH Sellar, 'English law as a source' in DM Walker (ed), *Stair Tercentenary Studies* (Stair Society vol 33, 1981), 140-150

Seminar 7: Parliamentary Union with England: Jurisdiction and English legal influence

- JD Ford, 'The legal provisions in the Acts of Union' (2007) 66 *Cambridge Law Journal* 106-141

Seminar 8: Scottish Enlightenment (mid-C18th): Legal writing and legal education

- JW Cairns, 'Legal Theory' in A Broadie (ed), *Cambridge Companion to the Scottish Enlightenment* (Cambridge University Press, 2003) 222, only at 231-236
- Ernest Metzger, 'Adam Smith's historical jurisprudence and the "method of the civilians"' (2010) 56:1 *Loyola Law Review* 1, only at 4-31
- JW Cairns, 'Rhetoric, Language, and Roman Law: Legal Education and Improvement in Eighteenth- Century Scotland' (1991) 9:1 *Law and History Review* 31, only at 41-44

Seminar 9: Thinking about authority in the modern period: precedent, legislative reform, institutional writing and legal nationalism

- John Blackie, 'Stair's later reputation as a jurist' in DM Walker (ed), *Stair Tercentenary Studies* (Stair Society vol 33, 1981) 207-227
- TB Smith, 'English influences on the law of Scotland' (1954) 3:4 *American Journal of Comparative Law* 522-542. *Please read this keeping in mind that the scholarship is now out of date. However, it remains useful as an overview of the reception of English law in this period, and is a very good example of the kind of literature produced by legal nationalists such as TB Smith.*

Seminar 10: Norwegian legal history