



October 11, 2017

Legal History Consortium Workshop: Elizabeth Kamali

Time: 12:00pm - 1:15pm

Location: Faculty Lounge

Workshop open to faculty and invited guests

Professor Elizabeth Papp Kamali, an Assistant Professor of Law, Harvard Law School, will be presenting her paper *Trial by Ordeal by Jury in Medieval England, or Saints and Sinners in Literature and Law*.



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Using a miracle tale as a focal point, this paper illuminates the political and cultural context of York at the turn of the twelfth to thirteenth century in order to make sense of England's rapid transition from trial by ordeal to trial by jury after 1215. More specifically, the paper highlights the possible impact of the period of papal interdict (c. 1208 – 1214), imposed by Pope Innocent III in response to King John's intransigence over the appointment of a new archbishop of Canterbury, during this transitional period in criminal procedure. It argues that the interdict, with its suspension of liturgies, might have forced experimentation with alternative means of reaching verdicts in felony cases. The paper also suggests that juries might have been involved in the issuance of ordeal verdicts in the late ordeal period in England, in which case the shift from trial by ordeal to trial by jury may be less a moment of rupture than a transition from one form of trial using juries to another, albeit a trial form more starkly desacralized after 1215. It is the author's hope that the paper will serve as a starting point for further research, not a decisive answer to the questions it raises, including whether England's rapid adoption of final jury verdicts may owe something to the tussle between King John and a particularly imperial and imperious pope.

Elizabeth Papp Kamali is an Assistant Professor of Law at Harvard Law School, where she teaches Criminal Law, English Legal History, Medieval English Law, and a seminar on Mind and Criminal Responsibility. She is a faculty member of Harvard's Standing Committee on Medieval Studies. Her research focuses on the medieval English common law and the history of criminal law, with a particular interest in the early criminal trial jury. Her current projects include studies of the role of criminal intent in thirteenth- and fourteenth-century English felony cases, medieval understandings of anger's operation in felony adjudication, conflict between urban customary law and the English common law in the early fourteenth century, and the influence of Roman law on the early development of the common law. Recent publications include "The Devil's Daughter of Hell Fire: Anger's Role in Medieval English Felony Cases" (*Law and History Review*, 2017) and "Law and Equity in a Medieval English Manor Court" (in *Texts and Contexts in Legal History: Essays in Honor of Charles Donahue*, 2016).