EPC Exhibit 137-16.3

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 THE LIBRARY OF CONGRESS

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Re: 340.55 Medieval European law: discussion paper

In the cover memo to EPC Exhibit 137-16.1 Law of indigenous peoples: discussion paper, we wrote:

Incidentally, while working on this exhibit, we have found inconsistent use of 340.55 Medieval European law with respect to 340.52 and with respect to

348-349. We believe that should be covered in a separate exhibit.

This exhibit begins the discussion.

**Part 1**

In the current development at 340.55-340.59 Medieval, modern, religious systems of law is a class-elsewhere note: “Class comprehensive works on law of specific jurisdictions and areas in modern world in 349.” Since that note has hierarchical force, one wonders, what does that leave in 340.55 Medieval European law, since Europe is an area? There is no see reference to 340.55 Medieval European law from 349—nor from 349.4-349.9 Law of specific jurisdictions and areas in modern world. Hence there appears to be dual provision between 340.55 and 349.4 with respect to medieval European law.

What about comprehensive works on medieval European law of a specific jurisdiction? One might expect them to be classed in 349.4-349.9 Law of specific jurisdictions and areas in modern world, not 340.55 Medieval European law. Or possibly in 348.3-348.9 Specific jurisdictions and areas, since at 349 Law of specific jurisdictions, areas, socioeconomic regions, regional intergovernmental organizations is this see reference: “For original materials on law of a specific jurisdiction, area, socioeconomic region, regional intergovernmental organization, see 348.” At 349 there is a see reference that sends ancient law back to 340.5+: “For law of specific ancient jurisdictions, areas, socioeconomic regions, see 340.53.” But that does not help with medieval European law.

Another part of the problem may result from the Relative Index entry for Anglo-Saxon law. Earlier, Anglo-Saxon law was indexed as law of ancient England in 340.5362, but it has been indexed to 340.550942 since DDC 22. The use of T2—42 instead of T2—362 is correct, given that the time period for T2—362 ends at 410. But should comprehensive treatises on Anglo-Saxon law be classed in 340.550942 or 349.42+? Some works on Anglo-Saxon law—or on Anglo-Saxon law plus later medieval English law—have gone in one number, some in the other.

The Relative Index entry for Anglo-Saxon law is the only RI for 340.5509+T2, but other similar numbers have been built and used. Here is some literary warrant:

225 records found searching for dd: 340.55094\* in WorldCat

Or if the search is limited to editions 22 or 23:

95 records found searching for dd: 340.55094\* AND (d2: 22 or d2: 23) in WorldCat

How should the problem be solved? Should 340.55 be bracketed and completely relocated to 348-349? What is the literary warrant for 340.55?

2399 records found searching for dd: 340.55\* in WorldCat

Or if the search is limited to editions 22 or 23:

501 records found searching for dd: 340.55\* AND (d2: 22 or d2: 23) in WorldCat

That is a lot of material. And relocation would mean that works emphasizing medieval law of Europe in general would be widely separated from law of ancient Europe (in 340.53-.340.54) and from general works on civil law (340.56) and common law (340.57) .

Should works treating specific jurisdictions be relocated to 348-349, but works dealing with Europe in general be retained in 340.55? We are inclined to recommend this approach.

Should an exception be made for a large jurisdiction like that ruled by the Carolingian dynasty? If yes, what should be the defining criteria for the large jurisdiction exception? We recommend against such an exception.

Notation T1—0902 6th-15th centuries, 500-1499, and its subdivisions can be used with 349.4+ numbers to distinguish medieval law, though in practice that subdivision has not been used as much as it might have been. Should its use be explicitly encouraged? There does not seem to be enough literary warrant to justify trying to provide for adding period notation from 940.

Another theoretically possible approach would be to relocate comprehensive works about law of medieval Europe, including specific jurisdictions, from 349.4 to 340.55. We do not recommend that approach, because it could be an awkward way to split the history of law of a specific European jurisdiction, especially since many works treat the medieval and immediately following periods together. Also, unlike the distinction between ancient and medieval, which is clearly marked in DDC by dates that distinguish T2—3 and T2—4 for every country, the end of the medieval period for every country is not as clearly marked in DDC. At T1—0902 the end of the medieval period is given as 1499, but that is not necessarily a good point for a wide break between 340+ and 349+ in the history of law of every jurisdiction in Europe.

**Part 2**

What about 340.52? In the current schedule there is no note going in either direction between 340.52 or 340.524-340.529 and 340.55. If the original proposal of EPC Exhibit 137-16.1 is accepted, and 340.52 Law of traditional societies becomes 340.52 Law of indigenous peoples, of other nondominant ethnic groups, and only general medieval European law is classed in 340.55, then what? Should comprehensive works on the dominant legal system of a specific medieval jurisdiction be classed with the jurisdiction in 349.4+ and works on any nondominant indigenous legal system be classed in 340.524+? Would that work? Or were there too many ups and downs in the medieval period to make it useful to distinguish between dominant and nondominant legal systems? Or should a distinction be made between 340.524+ and 349.4+ depending on which legal system eventually became dominant—after the medieval period ended? Or would it be better just to put all medieval European law of a specific jurisdiction together with the jurisdiction in 349.4+? For example, consider medieval English law in Ireland versus indigenous Irish law in the medieval period. Or Anglo-Saxon law when Anglo-Saxon kings ruled versus Anglo-Saxon law when Danes or Normans ruled. Or works on pre-1789 French customary law in parts of France where customary law was the dominant legal system at the time. Works on these topics have been classed inconsistently; there is no clear pattern of application that we can see. We lean toward recommending that dominant and nondominant systems of medieval European law of a specific jurisdiction be classed together with the jurisdiction in 349.4+.

We have not found general works about all the nondominant legal systems across medieval Europe, but they could be classed in 340.55 with other works about law of medieval Europe in general—our preference. Or they could be classed in 340.524.

What about the revised proposal for 340.52 suggested in an April 17 note to EPC-L? We expect to issue a revised version of EPC Exhibit 137-16.1 as part of mailing 4. The new scope note puts the emphasis on current legal systems:

340.52 Nondominant legal systems associated with specific ethnic groups

Legal systems that are currently nondominant, even though they may have

been dominant in the past

Works focusing on early forms of such legal systems might be classed in 340.52+ only if there were no good provision elsewhere.

**KEY QUESTIONS**

Part 1: Should works treating specific jurisdictions be relocated to 348-349, but works dealing with Europe in general be retained in 340.55?

Part 2: Should works on dominant and nondominant systems of medieval European law in a specific jurisdiction be classed together in 349.4+?

**APPENDIX: EXAMPLES**

In this appendix are examples of a few works on medieval law (1) with narrower scope than Europe in general, arranged according to the class numbers they now have, and (2) about Europe in general.

(1) Narrower than Europe in general

340.52415 $2 22

A companion to the Corpus iuris hibernici

<http://www.worldcat.org/title/companion-to-the-corpus-iuris-hibernici/oclc/60963796>

340.52415 $2 20

A guide to early Irish law

<http://www.worldcat.org/title/guide-to-early-irish-law/oclc/19491749>

340.55 $2 23

The Oxford history of the laws of England. Vol. 2, 817-1216

<http://www.worldcat.org/title/oxford-history-of-the-laws-of-england-vol-2-817-1216/oclc/793547510>

340.55 $2 22

A contrite heart : prosecution and redemption in the Carolingian empire

<http://www.worldcat.org/title/contrite-heart-prosecution-and-redemption-in-the-carolingian-empire/oclc/320589804>

340.55 $2 22

Legal practice and the written word in the early middle ages : Frankish formulae, c. 500-1000

<http://www.worldcat.org/title/legal-practice-and-the-written-word-in-the-early-middle-ages-frankish-formulae-c-500-1000/oclc/286432523>

340.5509415 $2 23

Medieval Irish law : text and context

<http://www.worldcat.org/title/medieval-irish-law-text-and-context/oclc/851999157>

340.550942 $2 22

The laws of the earliest English kings

<http://www.worldcat.org/title/laws-of-the-earliest-english-kings/oclc/58432123>

340.55094321

The Saxon mirror : a "Sachsenspiegel" of the fourteenth century

<http://www.worldcat.org/title/saxon-mirror-a-sachsenspiegel-of-the-fourteenth-century/oclc/246433921>

340.550948 $2 23

Disputing strategies in medieval Scandinavia

<http://www.worldcat.org/title/disputing-strategies-in-medieval-scandinavia/99oclc/853287210>

349.415 $2 22

English law in Ireland, 1290-1324

<http://www.worldcat.org/title/english-law-in-ireland-1290-1324/oclc/494111843>

349.42 $2 21

The beginnings of English law

<http://www.worldcat.org/title/beginnings-of-english-law/oclc/48803694>

349.429 $2 23

The acts of Welsh rulers, 1120-1283

<http://www.worldcat.org/title/acts-of-welsh-rulers-1120-1283/oclc/772516549>

(2) Europe in general

340.55 $2 22

Boundaries of the law : geography, gender, and jurisdiction in medieval and early modern Europe

<http://www.worldcat.org/title/boundaries-of-the-law-geography-gender-and-jurisdiction-in-medieval-and-early-modern-europe/oclc/57475974>

340.55 $2 21

Expectations of the law in the Middle Ages

<http://www.worldcat.org/title/expectations-of-the-law-in-the-middle-ages/oclc/52264456>

340.55 $2 22

Law as profession and practice in medieval Europe : essays in honor of James A. Brundage

<http://www.worldcat.org/title/law-as-profession-and-practice-in-medieval-europe-essays-in-honor-of-james-a-brundage/oclc/707077436>

340.55 $2 22

The reordering of law and the illicit in eleventh and twelfth-century Europe

<http://www.worldcat.org/title/law-and-the-illicit-in-medieval-europe/oclc/183261809>