1999 QUESTION ONE

Friedman's Mirror Metaphor

In the Prologue to A History of American Law, Lawrence Friedman deploys the metaphor of a mirror to describe the relationship of law and society. He writes:

> This book treats American law, then, not as the province of lawyers alone, but as a mirror of society. It takes nothing as historical accident, nothing as autonomous, everything as relative and molded by economy and society. This is the theme of every chapter and verse.

As I begin the project of revising A History of American Law, I wonder whether the mirror metaphor continues to have any vitality. Does the mirror metaphor attack a straw argument? Has the metaphor outlived whatever usefulness it may have had when Friedman first published the book in 1973? Should we retain the metaphor in the third edition?

END OF QUESTION ONE

1999 QUESTION TWO

Compare and contrast the 1705 Virginia statute concerning servants and slaves with the 1854 revision of the North Carolina Code.

(The 1705 Virginia statute, entitled "An Act Concerning Servants and Slaves" is at the end of the collection of Virginia Statutes on Slaves and Servants that are part of assignment 7 on the syllabus. Note that you should concern yourself with the 1705 statute in particular and not with all of the 17th and early 18th century slavery statutes that I collected for the reading assignment. Put differently, after you open the collection of Virginia statutes on slaves and servants, you should find and focus on the 1705 statute, which is near the end of the big group of Virginia statutes. The heading that precedes the 1705 statute is:

October 1705 - 4th Anne. CHAP. KLIX. 3.447.

An act concerning Servants and Slaves.

(The 1854 North Carolina Code is a free-standing document in assignment 27 of the syllabus.)

What do the differences and similarities between the two statutory schemes illustrate about the history of American law between the early 18th century and the late antebellum period?

END OF QUESTION TWO