

Spring 2006 Exam Questions. Pick one of the following. See [instructions](#).

1. Lawyer Jokes: Attend Professor Marc Galanter's lecture at 4 pm on 6 April in the Moot Courtroom. Identify themes and arguments that he makes during the course of his lecture. Critically examine his arguments and themes using the primary and secondary reading for the course. Your answer should make an argument and must include critical analysis of at least one lawyer joke.
2. Family Law: Consider the history of family law since the 17th century. To what extent is the history of family law distinct from, parallel to, or identical with the rest of American Legal History?
3. WOL? Consider the legal arguments that Americans have used to take Indian lands since the colonial period. What is the relationship of these arguments to other arguments that Americans have made concerning legal change? For example, has efficient use of resources been the driving force behind most shifts in legal thought or activity? Is Friedman right that that Widespread Ownership of Land (WOL) is nearly always the driving force? Or is there some other, better argument that you can make?
4. 20th Century: Part IV of A History of American Law is new in the 3d edition. Read these chapters and write a critical review of them that evaluates this new section of the text using the remainder of the text and the primary sources that you read for the course.
5. Harry Potter: Make an argument that the teaching of magic and the teaching of the history of magic at the Hogwarts School of Witchcraft and Wizardry usefully illuminates the history of the legal profession, the history of law, or both. For your argument, you must rely on the Harry Potter books not just the movies. Be careful to avoid simply stringing together amusing comparisons; you must make a real argument.
6. A better story? Is there a better American Legal History than the one that Professor Russell has presented? Are there gaps, blind spots, or whole areas of untouched detail that form a superior alternate narrative of the history of law and the legal system in the United States? Religion, for example, might be a key thread that links the history of the American legal system together. There are many other possibilities, too. If you answer this question, you will need to use materials from outside course—something that is not a requirement for other questions. Note, too, that you will need to define what you mean by better or superior.
7. Backing away from the Demos: Many historians make some version of the argument that the course of American history has been to become steadily more and more democratic. However, is the opposite true? Is one important and perhaps dominant narrative of American legal history the backing away from the concept of democracy? Again and again, Americans have faced opportunities to expand the reach of democracy and have recoiled. Like the famous comic strip character Pogo, Americans have “met the enemy and he is us.” Make an argument regarding the American propensity to back away from Democracy.

8. Big Cases and Real Life: Discuss the *Dred Scott*, *Plessy*, and *Brown*. Think about these United States Supreme Court cases and the links that the opinions in these cases had to American society at the time. To what extent did these cases reflect accurately American society at the time? Highlight the ramifications of the decisions at the time and what future impact they had on society. What do these cases tell us about the relationship of law and society?