

HISTORY OF AMERICAN LAW

Final Exam Questions 2000

INSTRUCTIONS:

READ EACH ITEM OF THESE INSTRUCTIONS CAREFULLY

1. The examination for this course is a take-home exam that consists of two essays. Attached you will find Question One. You may work on this question at any time during the rest of the semester. The second question will become available on 8 December at 10:00 a.m. and will be due by 3 p.m. on 11 December. The absolute, non-negotiable deadline for turning in both questions is 3:00 PM on 11 December. **There will be no extensions beyond the 3:00 PM on 11 December; I will not accept late work. If you turn in your answers late, you flunk the course.**
2. There will be no right and no wrong answers. The exam questions call for a broad synthesis of the course materials, with particular attention to the collection of documents. The best answers will be well-written, intelligent essays with coherent theses. The best answers will be thickly laced with specific examples from the material, especially the primary documents.
3. Your essay should *argue a position*, that is, make a point or a series of points. The fastest way out of the top part of the curve is to not make an argument. The themes may be ones that Professor Russell has developed in the course or, better yet, ones that you have found on your own. The very best imaginable answer will teach Professor Russell a great deal. Your responses should avoid summarizing a lot of facts or conclusions, but should formulate and cogently defend a proposition (or set of propositions) about subjects covered in the course.
4. You should *support and illustrate* your argument with specific examples drawn from the course materials, lectures. You may also use examples from other courses that you have taken in the law school, but if you don't use material from this course, you should not expect a high grade. There is no need to be absolutely comprehensive, that is, to look for examples from every nook and cranny of the course, but the strongest answers will display an easy familiarity with the material.
5. For each of the two questions, students are expected to write from 1,500 to 2,100 words, which is roughly from 5 to 7 pages in standard, typed and double-spaced format. **Your answer may exceed neither 7 pages nor 2,100 words.** Most word processors include a feature that counts words. You need not write a full 7 pages or 2,100 words for each question.
6. All of the work on this examination must be your own. With regard to Question One, you may consult freely with others, but be sure that the final work-product represents your own thoughts in your own words. Any words or ideas of others (whether written or spoken, but especially if written) that you end up using should, of course, be cited to source. You should not feel that you need to do any reading whatsoever outside the assigned materials.

7. There is no reason to use any particular citation form nor indeed to be compulsive about citation form. Indeed, for the purposes of this exam, Professor Russell regards the style of your citations as entirely unimportant. Do not, for example, feel that you should open up *A Uniform System of Citation* (the *Harvard Law Review* Bluebook) in order to write your essay. For example, if you refer to material from the lecture, do not include any citation at all. If you wish to cite from Friedman, *History of American Law*, use a simple, parenthetical citation in the body of your essay, such as (HAL, p. __). Cite the documents using only the author's name or a brief title. If you remember something from the reading and wish to refer to it but cannot remember just where it was that you encountered it, do not waste time trying to find the exact page, just skip the citation. However, if you refer to sources that were not part of the course reading, be sure to include a citation that is sufficient to allow Professor Russell to identify the source.
8. When you pick up Question Two during the exam period, you will have an examination number. Be sure to put your exam number on the first page of both of your answers. For the sake of convenience and safety, you may wish to put your number on each page. Do not put your name anywhere on your essays.
9. For Question Two, the rules regarding collaboration are different. You will have a weekend to complete Question Two. Once you have picked up the examination, you may not discuss it with other students until after 3:00 p.m. on 11 December.
10. If you have questions about these instructions or about the first question, you should not hesitate to ask Professor Russell.
11. Good Luck and Thank You.

Final Exam Question One

Consider the three centuries that follow John Winthrop's 1645 [Speech on Liberty](#). To what extent do Winthrop's ideas regarding social structure and the nature of authority change or not change during this period of American legal history.

END OF QUESTION ONE

The second question will become available at 10:00 a.m. on 8 December 2000. Students must complete the second question by 3:00 p.m. on 11 December, and they must turn in both exam questions by 3 p.m. on 11 December. **THERE WILL BE NO EXTENSIONS BEYOND 3 p.m. on 11 December AND NO POSSIBILITY OF SUBMITTING AN EXAM AFTER 3:00 PM ON 11 December. IF YOU MISS THE DEADLINE, YOU FLUNK THE COURSE.**

The exam questions will call for a broad synthesis of the course materials, with particular attention to the collection of documents. For an idea of what my questions are like, see my past [exams](#).

Final Exam Question Two

Take-Home Examination

SPECIAL NOTE: If you cannot turn this exam in on Monday, then you may turn your exam in to the Circulation Desk in the library on Sunday. However, you must get the exam to the library by 5 pm on Sunday. Get a receipt and save a copy of the computer file, in case they lose the exam.

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READ EACH ITEM OF THESE INSTRUCTIONS CAREFULLY

1. As indicated on the syllabus, the examination for this course is a take-home exam that consists of two essays. You received Question One earlier in the course. Attached you will find Question Two. You will have until 3 pm on Monday, 11 December to complete your answer to this question. By this time, you must turn in your answers to *both* questions. The absolute, non-negotiable deadline for turning in both questions is 3 pm on 11 December. **There will be no extensions beyond the 24-hour period and no possibility of submitting an exam after 3 pm on 11 December; I will not accept late work. If you turn in your answers late, you flunk the course.**
2. There will be no right and no wrong answers. The exam questions call for a broad synthesis of the course materials, with particular attention to the collection of documents. The best answers will be well-written, intelligent essays with coherent theses. The best answers will be thickly laced with specific examples from the material, especially the primary documents.
3. Your essay should *argue a position*, that is, make a point or a series of points. The fastest way out of the top part of the curve is to not make an argument. The themes may be ones that Professor Russell has developed in the course or, better yet, ones that you have found on your own. The very best imaginable answer will teach Professor Russell a great deal. Your responses should avoid summarizing a lot of facts or conclusions and should formulate and cogently defend a proposition (or set of propositions) about subjects covered in the course.
4. You should *support and illustrate* your argument with specific examples drawn from the course materials and lectures. You may also use examples from other courses that you have taken in the law school, but if you don't use material from this course, you should not expect a high grade and perhaps not a passing grade. There is no need to be absolutely comprehensive, that is, to look for examples from every nook and cranny of the course, but the strongest answers will display an easy familiarity with the material.

5. For each of the two questions, students are expected to write from 1,500 to 2,100 words, which is roughly from 5 to 7 pages in standard, typed and double-spaced format. **Your answer may exceed neither 7 pages nor 2,100 words.** Most word processors include a feature that counts words. You need not write a full 7 pages or 2,100 words for each question.
6. All of the work on this examination must be your own. With regard to Question One, you may consult freely with others, but be sure that the final work-product represents your own thoughts in your own words. Any words or ideas of others (whether written or spoken, but especially if written) that you end up using should, of course, be cited to source. You should not feel that you need to do any reading whatsoever outside the assigned materials.
7. For Question Two, the rules regarding collaboration are different. Once you have picked up the examination, you may not discuss it with other students until after 3:00 p.m. on 11 December.
8. There is no reason to use any particular citation form. Indeed, for the purposes of this exam, Professor Russell regards the style of your citations as entirely unimportant. Do not, for example, feel that you should open up *A Uniform System of Citation* (the *Harvard Law Review Bluebook*) in order to write your essay. For example, if you refer to material from the lecture, do not include any citation at all. If you wish to cite from Friedman, *History of American Law*, use a simple, parenthetical citation in the body of your essay, such as (HAL, p. __). You can cite to the documents with a simple reference to the author or title. If you remember something from the reading and wish to refer to it but cannot remember just where it was that you encountered it, do not waste time trying to find the exact page, just skip the citation. However, if you refer to sources that were not part of the course reading, be sure to include a citation that is sufficient to allow Professor Russell to identify the source. **You should at all times avoid plagiarism, and if you quote directly from a source, be sure to put that material in quotation marks and cite the source and page number.**
9. Be sure to put your exam number on the first page of both of your answers. For the sake of convenience and safety, you may wish to put your number on each page. Do not put your name anywhere on your essays.
10. If, in preparing for this examination you have violated the Honor Code, or if, during this examination, you violate the Honor Code, the best course of action is for you to report to Dean of Students immediately after this examination ends.
11. You may keep your copy of this exam question.
12. Good Luck and Thank You. I have enjoyed the semester a great deal.

QUESTION TWO

Consider carefully Friedman's treatment of slavery in *A History of American Law*, pp. 218-29.

In light of the in-class lectures and documents concerning slavery, how—if at all—would you revise, refine, or otherwise transform Friedman’s discussion of 19th-century slavery?

END OF QUESTION TWO

END OF EXAM