

Final Examination
American Legal History
Fall 2003

Read the [Instructions](#) and then pick one of the questions on this page and answer it.

Your answers are due by 9 pm on 17 December. If you turn in your answers late, you flunk the course.

You may turn in your answers either by sending them directory to my assistant, Hope Kentnor, at hkentnor@law.du.edu or by using the exam [drop box](#). Do NOT send it in both ways. If you send it as e-mail, send yourself a copy and ask for a read-receipt. If you don't know how to do that, use the drop box.

1. Daniel Day Lewis: With an eye toward legal history, watch and review *The Last of the Mohicans*, *Gangs of New York*, and *The Age of Innocence*. Think carefully about the legal historical themes illustrated in these movies. Assess the verisimilitude. Craft an argument for your review that knits together themes from each of the movies.

2. Build a Lecture: On your own, find three (or more) documents that illustrate some aspect of American legal history that Professor Russell has either neglected or misrepresented. You may pick any topic from any period between 1607 and 1932. Based on these documents, write lecture that, if added to the course, would improve the course.

3. Equality: What is the importance of equality--the ideal and the practice--in the history of American law from colonial times to the 1950s?

4. Colonial Legal History: Some years ago, a young legal historian interested in the colonial period met with J. Willard Hurst. (Hurst is, of course, the great giant of American legal history since World War II; if Hurst has been eclipsed, it is only by Lawrence Friedman, who was Hurst's student.) The young historian met with Hurst in order to discuss the young historian's research and career plans. Hurst told the young historian--not too subtly--that colonial legal history was not worth studying. Hurst suggested instead that if the would-be colonial historian were interested in the relationship between the present and the American past, he should limit himself to studying the years after 1870. Hurst's conversation with the young historian raises the issue that is the subject of this question: why study colonial legal history?

You should approach this question by taking seriously the issue of whether we should study colonial legal history at all. (For the purposes of this question, the colonial period lasts until 1760.) Using material from the readings and lectures for the colonial period, as well as from other parts of the course, you should make an argument as to whether the study of colonial legal history is worthwhile. Along the way, you should define for yourself what it means for the study of any history to be "worthwhile." You should also feel free to use your essay as an opportunity to argue for either more or less material devoted to the colonial period in this course.

5. Rabbit-Proof Fence. View the film *Rabbit-Proof Fence*, which deals with Australia's policy of removing mixed-blooded aboriginal children from their families. Analyze the film in relation to the history of American law, with particular reference to the history of Native Americans and African-Americans.

6. Fitzhugh, *Sociology for the South*. You are an American lawyer in 1854. You can pick where you live as well as your political point of view. You have just read Fitzhugh's [*Sociology of the South*](#). Using the materials of your profession, write a letter to Fitzhugh responding to his argument.

7. Friedman on women and African-Americans. Friedman largely relegates women and African-Americans to two chapters of *History of American Law*. (See pp. 202-229, 488-510.) Using material drawn from the lectures and reading, critique (or support) Friedman's handling of women and African-Americans.