

## LAW

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### INTERPRETIVE WORKS

**Auerbach, Jerold.** *Unequal Justice: Lawyers and Social Change in Modern America.* New York: Oxford University Press, 1976. ISBN: 0-19-502170-3. \$10.95.

A controversial account of the modern American legal profession, emphasizing its exclusivity. The most important account of the modern profession.

**Bailyn, Bernard, and Donald Fleming.** *Law in American History.* Boston: Little Brown & Co., 1971.

A fine collection of essays by leading scholars in the field. A good general introduction to the history of American law.

**Bickel, Alexander.** *The Supreme Court and the Idea of Progress.* New Haven, Conn.: Yale University Press, 1978. ISBN: 0-300-02238-7. \$20.00. ISBN: 0-300-02239-5. \$8.95 (paper).

An elegant set of lectures by one of America's leading constitutional lawyers that criticizes the activist role of the modern American Supreme Court.

**Currie, David P.** *The Constitution in the Supreme Court: The First Hundred Years.* Chicago: University of Chicago Press, 1985.

The most complete historical description of the early Supreme Court.

**Dargo, George.** *Jefferson's Louisiana: Politics and the Clash of Legal Traditions.* Cambridge, Mass.: Harvard University Press, 1975. ISBN: 0-674-47370-1. \$17.50.

An account of the introduction of the common law in early Louisiana, showing the tension between French and Spanish legal systems with those of the common law.

**Ferguson, Robert A.** *Law and Letters in American Culture.* Cambridge, Mass.: Harvard University Press, 1984. ISBN: 0-674-51465-3. \$22.50.

One of the best new works in law and literature. A reinterpretation of the role of law in the Republic.

**Friedman, Lawrence M.** *Contract Law in America: A Social and Economic Case Study.* Madison, Wis.: University of Wisconsin Press, 1965.

An outstanding case study of the development of substantive common law in the United States, focusing mainly on Wisconsin.

**Gilmore, Grant.** *The Ages of American Law.* New Haven, Conn.: Yale University Press, 1977. ISBN: 0-300-01951-3. \$22.00. ISBN: 0-300-02352-9. \$6.95 (paper).

A combative, controversial set of lectures interpreting the general nature of the development of the American legal system.

**Hartog, Hendrik.** *Public Property and Private Power: The Corporation of the City of New York in American Law, 1730-1870.* Chapel Hill, N.C.: University of North Carolina Press, 1983. ISBN: 0-8078-1562-4. \$27.50.

A study of the origins of the municipal corporation in America and especially of the legal origins of New York City.

**Haskins, George L.** *Law and Authority in Early Massachusetts: A Study in Tradition and Design.* New York: Macmillan, 1960. ISBN: 0-8191-4373-1. \$8.75 (paper).

An examination of the combination of common law roles, the Bible, and innovation in the origins of the New England legal tradition.

**Higginbotham, A. Leon, Jr.** *In the Matter of Color. Race and the American Legal Process: The Colonial Period.* New York: Oxford University Press, 1978. ISBN: 0-19-50237-0. \$22.50. ISBN: 0-19-502745-0. \$12.95 (paper).

A study of the origins of slave law in selected American colonies and the new nation.

**Horwitz, Morton J.** *The Transformation of American Law, 1780-1860.* Cambridge, Mass.: Harvard University Press, 1977. ISBN: 0-674-90370-6. \$22.50. ISBN: 0-674-90371-4. \$8.95 (paper).

A very important account of the impact of industrialization on the origins of a truly American law. Perhaps the most important of the newer works in American legal history.

**Hurst, James Willard.** *Law and the Conditions of Freedom in the Nineteenth-Century United States.* Madison, Wis.: University of Wisconsin Press, 1964. ISBN: 0-299-01363-4. \$9.50 (paper).

The most accessible account of Hurst's socioeconomic approach to American legal history. Extremely influential.

**Hyman, Harold M.** *A More Perfect Union: The Impact of the Civil War and Reconstruction on the Constitution.* New York: Alfred A. Knopf, 1973.

The constitutional history of the Civil War and Reconstruction, demonstrating the profound impact of the war on the American legal and constitutional structure.

**Konig, David T.** *Law and Society in Puritan Massachusetts: Essex County, 1629-1692.* Cambridge, Mass.: Harvard University Press, 1979. ISBN: 0-8078-1336-2. \$22.50. ISBN: 0-8078-4081-5. \$9.95 (paper).

An intensive study of the nature of litigation and legal rule in late Puritan society. Argues for the functionality of American litigiousness.

**Kutler, Stanley I.** *The American Inquisition.* New York: Hill & Wang, 1983. ISBN: 0-8090-2475-6. \$16.50. ISBN: 0-8090-0157-8. \$6.95 (paper).

A brilliant study of the political uses of justice in the 1940s and 1950s, criticizing the persecution of American citizens by the government.

**Levy, Leonard W.** *Emergence of a Free Press.* New York: Oxford University Press, 1985. ISBN: 0-19-503506-2. \$29.95.

Outstanding account of the American tradition of the freedoms of speech and of the press, focusing on the 18th century. Newly revised.

**McDonald, Forrest.** *Novus Ordo Seclorum: The Intellectual Origins of the Constitution.* Lawrence, Kan.: University Press of Kansas, 1985. ISBN: 0-7006-0284-4. \$25.00. ISBN: 0-7006-0311-5. \$9.95 (paper).

Excellent rendering of the intellectual origins of the Constitution.

**Nelson, William E.** *Americanization of the Common Law: The Impact of Legal Change on Massachusetts Society, 1760-1830.* Cambridge, Mass.: Harvard University Press, 1975. ISBN: 0-674-02970-4. \$17.50. ISBN: 0-674-02972-0. \$6.95 (paper).

One of the most important recent contributions to American legal history, stressing the ways in which the revolutionary era worked and the "Americanization" of a previously British legal system.

\_\_\_\_\_. *The Roots of American Bureaucracy, 1830-1900.* Cambridge, Mass.: Harvard University Press, 1982. ISBN: 0-674-77945-2. \$25.00.

A general account of the changing nature of American law in response to changing American government patterns and behavior. A controversial and original attempt to account for the origins of the modern bureaucratic state.

**Noonan, John T., Jr.** *Persons and Masks of the Law: Cardozo, Holmes, Jefferson, and Withe as Makers of the Masks.* New York: Farrar, Straus & Giroux, 1976.

A striking attempt to interpret the role of judges and other interpreters of the law as a way of understanding the intellectual role of law in American society.

**Tushnet, Mark.** *The American Law of Slavery, 1818-1860: Considerations of Humanity and Interest.* Princeton, N.J.: Princeton University Press, 1981. ISBN: 0-691-04681-6. \$27.50. ISBN: 0-691-10104-3. \$10.00 (paper).

A Marxist attempt to account for the unusual nature of American law as it related to the system of slavery in the antebellum period. Controversial, but one of the few general accounts of slavery and the law.

**White, George Edward.** *The American Judicial Tradition: Profiles of Leading American Judges.* New York: Oxford University Press, 1976. ISBN: 0-19-502361-7. \$12.95 (paper).

A fine account of general legal history as seen through analysis of the leading judges of federal and state courts. An excellent introduction to the study of American law in general.

**Wiecek, William M.** *The Sources of Anti-slavery Constitutionalism in America, 1760-1848.* Ithaca, N.Y.: Cornell University Press, 1977. ISBN: 0-8014-1089-4. \$30.00.

The best general study of slavery and American constitutionalism. An excellent approach to seeing how politics and constitutional law relate in America.

# Eindexamen Engels vwo 2003-II

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*Lees bij de volgende vragen steeds eerst de opgave voordat je de bijbehorende tekst raadpleegt.*

## ■ Tekst 11 Law

Na de Tweede Wereldoorlog bracht de Amerikaanse regering een aantal mensen om politieke redenen voor de rechter.

- <sup>1p</sup> **43**  Wordt er in de bibliografie een boek genoemd waarin dit onderwerp aan de orde wordt gesteld? Zo nee, antwoord "nee". Zo ja, noteer de titel.