

DRAFT

**UNIVERSITY OF PENNSYLVANIA
DEPARTMENT OF HISTORY**

History 169
History of American Law Since 1877
Spring 2019

Tuesday/Thursday 9:00-10:30

Instructor: Robert S. Natalini
College Hall 216E
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Office Hrs.: Tue. 10:30-12:30

Text

Kermit Hall, et al., American Legal History: Cases and Materials (5th ed. 2017).

Available at the Penn Bookstore.

Introduction

This course introduces students to the development of the rules and principles that govern individual and group conduct in the United States since 1877. Subjects to be covered include regulation and deregulation of business enterprises, the convergence of private and public law in contract, property, and personal injury law, the development of legal education and the legal profession, the evolution of legal philosophy and concepts of judging, Native American Indian relations, gender and the law, civil rights and civil liberties.

Requirements

Class will combine lecture and discussion. Preparation, attendance, and participation are essential. Each student will review in writing three books from an assigned reading list. The reviews must include a critical description and discussion of the contents and a summary and analysis of at least three reviews of the book in academic journals such as *The Journal of American History*, *Reviews in American History*, *Law and History Review*, *The Journal of Social History*, *The Journal of Southern History*, *H-Net Reviews*, or a university law review. Reviews from newspapers, popular magazines, and websites that are not academic in nature are not acceptable. If you have any doubt about a review, please ask.

There will be an in-class midterm on **March 14** and a take home final examination, which will be distributed in class on **April 25** and be due by __, **May __, 2019**. Details for submitting the final will be explained when it is distributed.

Evaluation

The course grade will be based on the book reviews, the exams, and class participation.

Book Review Due Dates:

First: February 19
Second: April 2
Third: April 30

Reading Assignments

1. Race, Ethnicity, and the Law
Hall, pp. 222-225, 266-322
2. Gender and Domestic Relations
Hall, pp. 323-343
3. Crime and Punishment
Hall, pp. 343-362
4. Late-Nineteenth Century Legal Education and Theory
Hall, pp. 363, 367-375
5. The State and the Public Interest in a Mixed Economy, Part 1
Hall, pp. 375-397
6. Judicial Reaction to State Activity in a Mixed Economy
Hall, pp. 397-422
7. Civil Liberties in the Early 20th Century
Hall, pp. 423-441
8. World War II and Constitutional and Legal Developments
Hall, pp. 441-455
9. Civil Liberties and Criminal Justice
Hall, pp. 455-462
10. Civil Rights and Racial Justice
Hall, pp. 462-471
11. The Contours of Early-Twentieth Century Legal Culture
Hall, pp. 472-484
12. The New Deal and the Rise of Legal Liberalism
Hall, pp. 485-506
13. Civil Rights, Civil Liberties, and Criminal Justice in Modern America
Hall, pp. 507-579
14. Science, Technology, and the Law
Hall, pp. 579-595
15. The State and the Public Interest in a Mixed Economy, Part 2
Hall, pp. 596-657
16. The Modern Presidency, the Separation of Powers, and the Courts
Hall, pp. 658-688
17. Liberty and Security: Contemporary Tensions in Law and Politics
Hall, pp. 688-710