FIRST-YEAR COURSES

301. Elements of the Law. A course designed to give beginning law students an understanding of the jurisprudential setting of American law. Subjects considered are the sources and forms of American law; the adversary forum; the nature of legal principles, rules and concepts; the theory and operation of a system of judicial precedent in case-law, statutory law, and under a written constitution; the divisions of functions, including the relationship between law and other institutions; basic ideas and distinctions. Aut (4). Mr. E. Levi.

302. Contracts. The course will deal with the historical development of the enforceability of contractual arrangements, sanctions for their breach, and justification or excuses for nonperformance. The nineteenth-century elaboration of such basic contract doctrines as that of consideration will be examined in the light of their decline and fall in our own century. The relationship between contract liability and tort liability, taken as twin halves of a general theory of civil obligation, will be stressed. Aut (4), Win (4). Mr. Brilmayer, Mr. Epstein.

303. Criminal Law. This course relates the general doctrines of criminal liability to the moral and social problems of crime. The definitions of crimes against the person and against property (as they are at present and as they might be) are considered in the light of the purposes of punishment and of the role of the criminal justice system, including police and correctional agencies, in influencing behavior and protecting the community. Win (4), Spr (4). Mr. Morris.

304. Civil Procedure. The first part of this course concerns the formulation and defense of legal claims in civil litigation, with special reference to the adversary system and the role of the lawyer in it. It includes an analysis of pleading and discovery procedures and the right and function of jury trial. The second part of the course is a study of jurisdiction and the scope and effect of judgments, with an emphasis upon the problems imposed by a federal system upon complete determination of disputes that cross state lines; state court jurisdiction from Pennmoyer v. Neff to present-day “long-arm” statutes; principles of finality of judgments and their implementation through the Full Faith and Credit Clause; proceedings in rem and quasi in rem and interpleader and class actions as devices for extending judgments to the rights of persons beyond the personal jurisdiction of the court; the role of the federal courts under the diversity jurisdiction; the enforcement of judgments. Aut (4). Mr. Currie, Mr. Stone, Spr (4). Mr. Dam, Mr. Lucas.

305. Property. This course provides an introduction to the legal relationships that arise out of or comprise ownership of property. The first half explores the form and extent of the law’s recognition and protection of ownership, including its treatment of multiple interests in the same land or object. The second half focuses on the transfer of property rights and on disputes concerning the use of land. The effect of such private arrangements as easements and covenants on land-use controversies receives particular attention. Win (4), Spr (4). Mr. Martin.

306. Torts. This course deals with the Anglo-American system (mainly judge-created) of liability for physical injury to person or property. Special stress is laid on the legal doctrines governing accidental injury, such as negligence and strict liability, assumption of risk, and the duty requirement. The rules for determining damages in personal-injury cases will also be discussed. Alternative theories of tort liability, e.g., moral and economic, will be compared. Aut (4), Win (4). Mr. Kimball, Mr. Posner.

Elective. In the Spring Quarter first-year students will elect one course or seminar from among the following: Development of Legal Institutions, Economic Analysis of Law I, Jurisprudence, Legal History, Professional Responsibility, Seminar on Comparative Constitutional Law, Seminar on Worker’s Com-
pensation: The Interrelationship of Public and Private Law. Preferences will be indicated in advance registration during the Winter Quarter. Where necessary in order to limit these courses and seminars to a reasonable size, enrollment by first-year students will be limited by lot.

308. Tutorial Work. Each first-year student is assigned to a tutor for individual and small-group work in legal analysis, research, and exposition, including an exercise in brief-writing and oral argument. Aut, Win, Spr (5). Mr. Stone and Bigelow Teaching Fellows.

SECOND- AND THIRD-YEAR COURSES

401. Restitution. The course is concerned with the legal and equitable remedies for redressing unjust enrichment, and with the principles determining the availability of such relief in the varied contexts in which a claim of unjust enrichment may plausibly be asserted. The problems examined cut across, but are not limited to, contracts and torts: they include receipt of unsolicited benefits, gains obtained through the use of ideas originated by others; restitution as an alternative remedy in consensual transactions affected by fraud, mistake, and partial performance; and restitution of gains obtained through conduct that is independently tortious. Spr (4). Mr. Jones.

403. Equity. Equity is a disparate body of supplemental remedies, devices, and rules, lumped together by the historical accident of being administered in a separate court for several centuries. Law and equity courts have now merged in most jurisdictions, but distinctively equitable problems continue to emerge. Equity cuts across and interacts with all substantive fields of law, and much of it has been absorbed into other courses. This is a survey course with emphasis on matter not systematically covered elsewhere, including the remedies of injunction and receivership, the defenses of laches, waiver, estoppel, and unclean hands, the irreparability rule, and the special problems raised by non-monetary remedies, such as prematurity, voluntary cessation, comparative hardship, impracticality, enforcement, modification, and preliminary relief. Win (4). Mr. Laycock.

405. Decedents' Estates and Trusts. The study of the various means of gratuitous transfer of wealth—by will, by inter vivos transfer, and by operation of statute on intestacy. Part I: The policy bases of inheritance and of the Wills Act formalities. Part II: The common will substitutes—gift, joint ownership, life insurance, revocable trust. Part III: Intestate succession, family protection, and mortmain legislation. Part IV: Testamentary capacity and the formalities of drafting and revoking wills. Part V: Distinctive constructional doctrines of the law of wills. Part VI: The creation and termination of trusts and the duties of trustees, executors, and other fiduciaries. Part VII: Charitable trusts and foundations, with emphasis on recent constitutional standards arising from litigation concerning racially restrictive trusts. Throughout the course the relevant portions of the Uniform Probate Code will be studied. Each student will be asked to draft a will and to submit an accompanying memorandum explaining its purposes. Win (5). Mr. Langbein.

406. Land Development. Primary attention will be given to the legal tools for raising capital for real estate ventures. Emphasis will be given to the methods for liquidating a venture which has gone sour. The impact of debtor and consumer protection movements on the availability of methods of liquidating or foreclosing will be considered. The importance of certainty as against the importance of flexibility in considering the tax importance of a liquidating decision. (4). [Not offered in 1979-80.]

408. Oil and Gas. Oil and Gas examines the law relating to the exploration and production of oil and gas and the distribution of profits and losses resulting from these activities. In general, postproduction marketing controls—the subject
of regulated industries—are not covered. For purposes of comparison and contrast some attention will be given to the development of other minerals, coal, geothermal and solar energy. The principal topics covered are (1) ownership interests in fugitive natural resources, (2) leasing and field development, (3) the classification of production interests and their transfer, and (4) regulation of field operation—pooling, unitization and environmental controls. Some attention will be given to oil and gas taxation and to the role of production incentives in the context of natural energy policy planning. (4). [Not offered in 1979–80.]

409. Land Use Controls. Land Use Controls examines the private and public control of land use and development. First, the problems caused by interactions among land uses are identified using the disciplines of city planning, ecology, and welfare economics. Second, private efforts to minimize these problems through the law of nuisance and restrictive covenants are explored. Third, the alleged failures of private controls are analyzed as a basis for a critical examination of the principal public controls. The major topics covered are (1) zoning, (2) subdivision regulation, (3) official map ordinances, and (4) environmental impact analysis. Special attention will be given to contemporary problems such as exclusionary zoning, the relationship between planning and land use controls, the use of land use controls for fiscal objectives, the impact of air and water pollution regulations on local land use planning, and recent initiatives for state and regional planning and land use controls. Win (4). Mr. Williams.

410. Commercial Law I. This course deals with the sale of goods under Article 2 of the Uniform Commercial Code and with the law of commercial paper (negotiable instruments, bank collections, letters of credit and documents of title). The course will meet four times a week. Commercial paper will be covered in lecture. Win (4). Mr. Rossiter.

411. Commercial Law II. This course will study secured transactions: extensions of credit secured by interests in personal property under Article 9 of the Uniform Commercial Code. Both commercial and consumer applications will be studied. Consideration will be given to the interaction of Article 9 with the rest of the Commercial Code and with the Bankruptcy Code. Commercial Law I is not a prerequisite. Spr (4). Mr. Laycock.

412. Insurance Law. The law of the insurance enterprise: its institutional and regulatory framework, the relationship of insurance to the evolution of legal doctrine in torts and other areas, the uses of insurance, the law of the insurance contract. (4). Mr. Kimball. [Not offered in 1979–80.]

415. Family Law. This course will examine the legal regulation of the family, with special emphasis on marriage (and marriage substitutes), divorce, child custody, and adoption. Some attention will be paid to the historical and comparative dimensions of the subject, and to the economic model of the family developed by the economist Gary Becker. There will be no consideration of family tax planning. Spr (4). Mr. Posner.

417. Evidence (a). The content and reform of the law governing proof of disputed propositions of fact in criminal and civil trials, with incidental treatment of other adjudicative processes, including burdens of proof, presumptions and judicial notice; the function of judge and jury and the preservation of errors for review; the hearsay “rule” and other rules of exclusion; the competency, examination, and privileges of witnesses. Aut (5). Mr. Melzer.

418. Evidence (b). (This is a repeat offering of Law 417.) Spr (5). Mr. Stone.

419. Criminal Procedure. Study of the legal rules governing the operation of the criminal justice system, a multistage screening process by which society selects those to be punished for criminal behavior. Subjects include investigation of crime and acquisition of evidence by such means as electronic surveillance, search warrants, searches incident to arrest, and interrogation;
custody of the defendant, including arrest, detention, release on bail; criminal pleadings, including complaint, information, indictment and plea; counsel and other defense resources for the indigent; function of screening devices, such as prosecutor discretion, preliminary hearing, grand jury, and guilty plea; motion practice and discovery in criminal cases; the criminal trial; post-trial motions and sentencing procedures; appeal and post-conviction proceedings. Spr (4). Mr. Easterbrook.

421. The Criminal Justice System. A study of the operation of the criminal justice system and of problems in its reform. The primary purpose is to study the operation of the criminal justice system as a whole and to understand its relationships; a subsidiary purpose is to train the student in the critical assessment of research data bearing on that system and on its reform. Topics will include the definition and measurement of crime, aspects of the function of the police, pretrial criminal procedures, plea negotiations, and sentencing convicted offenders. Required materials: The Criminal Justice System: Materials on the Administration and Reform of the Criminal Law by Franklin E. Zimring and Richard S. Frase, Little, Brown, 1979. Aut (4). Mr. Morris.

422. Economic Analysis. A systematic treatment of the economic theory of resource allocation. The topics covered are the theory of choice, the theory of the firm, the organization of firms under competitive and noncompetitive conditions, externalities, and the theory of factor markets. The course emphasizes the usefulness of economic theory as a tool for understanding real-world problems, and the relevance of economic theory to legal analysis. To this end, economic theory is applied to questions of the effects of laws, government regulation of the market, and conservation and pollution. Successful completion of this course will equip the student to take any other course or seminar offered as part of the Law and Economics Program. The course also provides useful background for courses not formally a part of the program—such as antitrust law, taxation, pollution, and labor law—to which economics is relevant. Aut (4). Mr. Carlton.

423. Economic Analysis of Law I. A survey of the application of basic economic principles to problems in the law. The topics covered in the course this year will be property, family, contract, tort, and criminal law; the legal process (including the theory of legislation and civil procedure); and the theory of monopoly. No prior acquaintance with economics is assumed; the relevant economic concepts are developed through an examination of particular legal applications. The text for the course is Posner, Economic Analysis of Law (2nd ed. 1977). Spr (4). Mr. Landes.

424. Economic Analysis of Law II. The application of the theoretical and quantitative methods of economics to selected areas of law. The course will use economic analysis to study the impact of legal rules on behavior and will examine the underlying economic logic of a variety of legal rules. The topics to be covered include the following: the choice between property rights and liability rules, the Coase theorem; the allocative effects of alternative liability rules (e.g., strict liability versus negligence); the determination of damages for breach of contract; the economics of altruism and its relevance to rescue doctrines; the economics of crime and punishment including an analysis of optimal sanctions, the choice between fines and prison sentences, legal error and the deterrent effects of capital punishment and other sanctions; and the economics of legal procedure including the role of precedent in legal decision-making, pretrial settlements, and compensation to winning parties in a law suit. No prior acquaintance with law is required or assumed; however, a prior course in economic analysis and some calculus are required. (4). Mr. Landes. [Not offered in 1979-80.]

426. Economic Analysis of Antitrust Law. This course will systematically apply economic analysis to the issues of antitrust law. The topics covered will include monopoly, cartels, patents, price discrimination, resale price mainte-
nance, predatory pricing, tie-in sales, advertising, vertical integration and durable goods. The course is intended primarily as a sequel to Antitrust Law (Law 441, 442) for those students wishing to pursue in greater depth economic concepts and the relevance of these concepts to antitrust enforcement. No prior knowledge of economics is required. Prerequisite: Antitrust Law or permission of Mr. Landes. (4). Mr. Landes. [Not offered in 1979-80.]

427. Statistics and the Law. An introductory course on the theory and methods of statistical analysis and its applications in law. Both descriptive and inferential statistical methods will be treated, with emphasis on applications such as the weighing of uncertain evidence, the evaluation of social innovations, and the role and ethical limitations of controlled experiments in medicine. Topics will include estimation, hypothesis testing, and regression analysis and its interpretation. There will be a laboratory on applications to experimental and observational data in which interactive computation resources (remote consoles) will be provided. A year of college level mathematics would be helpful but is not essential. No prior experience with computational methods is expected. Win (4). Mr. Meier.

428. Accounting. The course is primarily concerned with a study of the major topics making up the body of "generally accepted accounting principles" and the manner in which they enter into legal problems. Introductory material on the record-keeping process and form of financial statements is followed by an analysis of major problem areas: revenue recognition, inventory accounting, depreciation, accounting for debt instruments and for corporate capital. The course is concluded with a section on analysis and interpretation of financial statements. Published corporate financial reports, Opinions of the Accounting Principles Board of the American Institute of CPA's, and Accounting Series Releases of the SEC are used as the basic accounting materials for analysis. Aut (4). Mr. Davidson.

429. Corporation Law. This course considers the nature of the modern business corporation. It begins with an inquiry into the nature of the firm, including problems of the scope of limitations on liability, the selection of a particular form of doing business, and the extent of integration of operations. It then considers the role of managers, devices by which their authority is defined and restricted, and their duties to shareholders (including duties with respect to insider trading); the market for corporate control, including tender offers, mergers, squeeze-outs, going private, proxy fights, and other devices by which some owners can replace either fellow owners or management; the market for corporate chartering, including the choice between state and federal law and the competition among states; the social responsibility of corporations, including corporate altruism, corporate speech, the use of bribes to obtain business, the amenability of corporations to the criminal law, and the responsibility of corporations for the acts of preceding owners of their assets; derivative litigation and other attempts by owners to act directly for the corporation. Aut (4). Mr. Easterbrook.

431. Federal Regulation of Securities. This course deals with federal regulation of selling, trading, and dealing in securities in accordance with the provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934, together with a consideration of the effect of such laws upon the law of corporations, except to the extent that such matters are considered in the course in Corporation Law. The latter course is a prerequisite. Spr (4). Mr. Ritch.

432. Corporate Readjustments and Reorganizations. This course considers the adjustment of the rights of shareholders in connection with mergers and also by charter amendment and voluntary exchanges of securities, including the rights of dissenting shareholders through appraisal evaluation proceedings. It then deals with the problems encountered in adjusting debt, especially in the face of financial stress, and in rearranging the rights of shareholders in distress situations. Attention is directed to the standards of fairness imposed by law on modifi-
cation of shareholders' rights and rearrangement of relationships between debtor and creditors and among creditors in these various situations. The standards for reorganization in a bankruptcy proceeding are contrasted with the rules of fairness applied where readjustment is voluntary or is compelled by something other than the debtor's financial difficulties. Attention is also directed to the factors in our society which encourage the use of debt or equity capital. Corporation Law is a prerequisite. Aut (4). Mr. Blum.

433. Business Planning. The aim of this course is to apply the student's knowledge of taxation and corporation law to the solution of a series of transactional problems involving typical steps in corporate formation and rearrangement. The problems include the formation of a closely held corporation, the formation of a publicly owned corporation, stock redemption, the sale of a business, merger and other types of combination transactions, and recapitalization, division, and dissolution of corporations. Both small-group discussions and lectures will be employed. Students will be assigned to represent the interests of particular parties, negotiate transactions, and prepare the necessary documents. The student must have taken Corporation Law and Federal Taxation II. Spr (4). Mr. Hess, Mr. Krane.

434. Professional Responsibility. The course will be concerned primarily with the fiduciary responsibilities of the lawyer to his client and the nature of his obligations to others, including adversaries, the courts, and the public. It will consider such topics as the creation of the attorney-client relationship; conflicts of interest and the consequences thereof; the permissible limits of counseling and of advocacy; the attorney-client privilege and the duty to disclose; the grounds for liability for malpractice and for disciplinary sanctions. To the extent possible, problems of professional responsibility will be considered through the study of decided cases involving such problems. Spr (4). Mr. Neal.

435. Federal Taxation I. A tax on the income of persons, with rates graduated upward, is the most significant element in the tax system adopted by the federal government. This first course in federal taxation examines the structure of the current version of the income tax. It emphasizes the problems of determining what is to be treated as gross income for purposes of the tax, what offsets are to be allowed in arriving at the amount of net income upon which the tax is imposed, who will be required to include various items in income or be allowed to claim various deductions, and when these factors are to be reflected in computing income. Particular attention is devoted to the treatment of gains and losses from changes in the value of property. Five central questions are continuously under examination: (1) To what extent do tax rules mean something other than they appear to mean? (2) What policies underlie the mass of technical detail which characterizes the law? (3) How much change in conduct is needed to alter the tax consequences involved in pursuing various goals? (4) What criteria can be found for choosing among alternative tax policies under a progressive income tax? (5) Can one discover any directions in which tax policies and tax law are developing? Aut (4). Mr. Blum.

436. Federal Taxation II. This course builds upon the basic relationships and concepts looked at in Federal Taxation I. It deals primarily with the treatment of business profits under the income tax. The taxation of income generated by sole proprietorships and the problems of allocating the profits of a partnership to the partners for tax purposes are explored. The major part of the course is devoted to analyzing our dual system of taxing the incomes both of corporations and of their shareholders. Attention is particularly focused on the problems and consequences of taxing business income to an artificial entity as compared to taxing it directly to the owners of that entity; on the importance of tax considerations in business decisions; and on evaluating alternative policies for treating corporate profits under a tax system which subjects personal income to rates graduated upward. Spr (4). Mr. Epstein.
437. **Federal Taxation III.** The principal objective of this course is an examination of the federal estate and gift tax law and federal income taxation of decedents' estates and trusts. The course includes a study of various arrangements for the devolution of wealth, applying principles of the law of wills, trusts, future interests, and tax. The course seeks to develop an understanding of the process of estate planning—or choosing between alternative means of accomplishing client objectives regarding property disposition. Proposals for reform of the federal estate and gift tax law will be examined and compared to the existing law. Spr (4). Mr. Blum.

438. **State and Local Taxation.** A study of government finance in a federal state with an emphasis upon apportionment of tax resources among governmental units and including an examination of federal and state constitutional provisions, efforts at interstate co-operation, and proposed federal legislative solutions, together with a brief canvass of problems in the administration of typical state-local tax systems. Aut (4). Mr. Lucas.

439. **Labor Law I.** The legal framework for collective bargaining, strikes, picketing, boycotts, lockouts, and other forms of self-help, examined in the context of pertinent historical, social, and economic considerations; regulation of the organizational process, selection of representatives for collective bargaining, and negotiation, administration, and enforcement of collective agreements; the relationships of the NLRB, courts, and Congress; problems of federalism. Win (4). Mr. Meltzer.

440. **Labor Law II.** A more intensive examination of the enforcement of collective agreements, including the grievance-arbitration process and its coordination with external law; protection of individual interests in the negotiation and administration of collective agreements; the overlap and conflict between fair employment legislation, labor arbitration and the regulation of labor-relations; protection of the community against intolerable stoppages; collective action and public employees; union government and administration, including admission, discipline, elections, fiduciary obligations, professional and ethical obligations in the tripartite relationships involved; inter-union relations; the regulation of political expenditures. Labor Law I (or the consent of the instructor, which will be given only in unusual situations) is a prerequisite. Spr (4). Mr. Meltzer.

441. **Antitrust Law I.** An introduction to the law and economics of antitrust. After a brief consideration of the common law of restraint of trade and the basic antitrust statutes, the course focuses on the practices by which competing firms eliminate, or are alleged to eliminate, competition among themselves. The practices considered include formal cartels, price-fixing conspiracies, “conscious parallelism,” trade association activities, resale price maintenance, cross-licensing of patents, and mergers to monopoly and other types of horizontal merger. No prior knowledge of economics is assumed. The text is Posner, *Antitrust: Cases, Economic Notes, and Other Materials* (1974). Aut (4). Mr. Landes, Mr. Neal.

442. **Antitrust Law II.** A continuation of Antitrust Law I. The focus of the course is on the practices by which firms exclude or are alleged to exclude actual or potential competitors from their markets. Among the practices considered are boycotts, tying arrangements and reciprocal buying, vertical integration, and price discrimination under the Robinson-Patman Act. Vertical and conglomerate mergers, and the modern cases dealing with the offense of monopolization, are discussed. Also considered are the procedural aspects of the private antitrust case. The text is Posner, *Antitrust: Cases, Economic Notes, and Other Materials*. Antitrust Law I (or the consent of one of the instructors) is a prerequisite. Win (4). Mr. Easterbrook, Mr. Landes.

444. **Regulated Industries.** An introductory survey course dealing with statutes controlling entry, price, and performance of private firms. Institutions
studied include franchises, certificates of public convenience and necessity, lease or sale of government property, government procurement, competitive bidding, maximum and minimum price controls, and safety standards. The course will emphasize federal statutes and those industries—transportation, communications, oil and natural gas, and agriculture—subject to pervasive federal regulation. Spr (4). Mr. Scalia.

445. Legal Regulation of the Competitive Process. The course deals with federal and state laws designed to protect against unfair competition and the federal law of copyrights, patents, and trademarks. Protections against the dissemination of misinformation and protections accorded to interests in information and ideas having economic value, such as inventions, literary, musical, and other artistic works, designs, commercial symbols, and trade secrets, are studied. An aim of the course is to evaluate the law's accommodations between the competing goals of encouraging innovation and creativity, protecting the reliability of commercial communication, and preserving freedom of trade. (4). Mr. Kitch. [Not offered in 1979-80.]

446. Administrative Law. Administrative law is the law that governs administrative agencies, including executive departments, in their complex tasks of carrying out governmental programs. Governmental control of private activities, especially of economic life, seems to be everywhere increasing. Legislative bodies determine the general programs, and agencies make them more specific through making rules, adjudicating cases, investigating, prosecuting, and supervising. The main focus of administrative law is on procedural safeguards and on the allocation and control of power, including the structuring, checking, and confining of discretion. A central inquiry repeated in many contexts is how to accommodate procedural fairness to the efficient accomplishment of legislative purposes. The constant quest is for understanding principles of exertion of governmental power and principles of justice that cut across functions of federal, state, and local agencies and their relations with reviewing courts and with legislative and executive authorities. Win (4). Mr. Scalia.

447. Public Law and the Economy. The impact of governmental institutional arrangements on the economy will be studied. The focus will be on procedural and jurisdictional rules affecting economic policy, including the budget, monetary policy, and regulation of business. The course will deal extensively with rules bearing on checks and balances among the three branches of the Federal government. Among the sources of such rules are the Constitution, comprehensive statutes such as the Congressional Budget and Impoundment Control Act, and custom (sometimes reflected in statutes). Attention will be devoted to the status of independent agencies, the procedures and committee structure of the Congress, and the role of agencies in the Executive Office of the President, such as the Office of Management and Budget. Other topics include the Freedom of Information Act and the role of the courts in economic policy decisions. (4). Mr. Dann. [Not offered in 1979-80.]

448. Constitutional Law I (a). The function of constitutionalism, the institution and role of judicial review, the concept of jurisdiction, the role of precedents, the interplay of the various branches of the federal government within the framework of separation of powers, and the relationship between constitutional adjudication and its political, social and economic context. Aut (4). Mr. Scalia.

449. Constitutional Law I (b). (This is a repeat offering of Law 448.) Spr (4). Mr. Currie.

450. Constitutional Law II: Freedom of Expression. A detailed study of problems of freedom of speech that have a constitutional dimension, including such topics as prior restraints, obscenity, the right of privacy, libel, group libel, fair trial and free press, congressional investigating committees, loyalty oaths,
compulsory disclosure laws, sedition, public-issue picketing, symbolic conduct, and protest in public places. Win (4). Mr. Stone.

451. Constitutional Law III: The Constitution and Equality. The course will focus on the development of the equal protection clause and, especially, on the recent emergence of the concept of "substantive" equal protection. Particular attention will be paid to the legacy of the Reconstruction Amendments for non-whites, the poor, and women, in education, voting, legislative reapportionment, housing, employment, and the criminal process. (4). Mr. Stone. [Not offered in 1979-80.]

452. Employment Discrimination. This course studies the prohibition of discrimination in the labor market, based on factors such as race, sex, religion, national origin, and age. The focus is on Title VII of the Civil Rights Act of 1964, with limited comparative treatment of the many other sources of protection from discrimination. Attention is given to substantive, procedural, and remedial issues, including unequal treatment, continuing effects of past unequal treatment, equal treatment with unequal impact, reprisals, affirmative action, goals, quotas, reverse discrimination, reinstatement, back pay, constructive seniority, job progression rules, attorneys' fees, procedural obstacles, and class actions. Aut (4). Mr. Laycock.

453. Welfare Law. This course focuses on several major government programs designed to meet the cash income needs of individuals and families, including both the more important ones that employ an eligibility test explicitly measuring need (AFDC, the new Supplemental Security Income program, and general assistance) and Social Security. Recent proposals for welfare reform will be analyzed. Several legal themes will recur and furnish bases for comparing programs: (1) the nature of an individual's rights to the benefits being distributed; (2) the opportunities for legal representation in claim disputes; (3) the administrative and judicial mechanisms for enforcing federal standards against the states and state standards against local agencies; and (4) the degree to which eligibility and benefit amount depend on state doctrines of family or property law. Aut (4). Mr. Martin.

454. State and Local Government. An examination of selected provisions of state constitutions, general laws providing for the formation and regulation of public corporations, and legislative and freehold charters, with an emphasis on the role of defining the voting public in the design and operation of democratic institutions. Win (4). Mr. Lucas.

455. Federal Jurisdiction. An examination of the jurisdiction and powers of the federal courts as defined largely by the Judiciary Code and by the Constitution. Subjects emphasized include the diversity, federal-question, and admiralty jurisdictions; Supreme Court review and habeas corpus; governmental immunity, abstention, and injunctions against suit. Win (4). Mr. Currie.

457. Admiralty. Historical development of "cases of admiralty and maritime jurisdiction" as an element of the jurisdiction of the federal district courts; the role of the Supreme Court in the "common law" development of the substantive law of the admiralty; a brief introduction to the main elements of the substantive maritime law: the maritime lien, maritime torts and contracts, salvage, general average, and limitation of liability. (4). Mr. Lucas. [Not offered in 1979-80.]

458. Conflict of Laws. An inquiry into the division of lawmaking and judging authority among the several states and between the states and the federal government, principally through consideration of choice of law, personal jurisdiction, and respect for prior judgments in cases connected with more than one state. Spr (4). Ms. Brilmayer.

460. Jurisprudence. An investigation of different concepts of law designed to enable students to examine critically their explicit and implicit theories about
the nature and function of law and of state. The concepts of rule, obligation, and authority will be reviewed in the context of a study of the idea of a legal system. The limits of sanctions and of other enforcement strategies will also be examined. An attempt will be made to contrast political and legal decision making. Spr (4). Mr. Gotlieb.

461. STUDIES IN ARGUMENT. An examination of a series of legal and nonlegal texts, varying somewhat from year to year, in an attempt to work out a way of elaborating what is meant when an argument (or other statement defining and supporting a position) is labeled good or bad. What is meant, for example, by saying that a good argument should be "rational"? Are there ways in which competing statements of value can be judged other than by simply stating one's own preferences in conclusory ways? We shall explore such questions as: "How do we change our minds about important public questions?"; "What is it that we admire when we approve of a statement—say a judicial opinion—with the conclusion of which we disagree?" The concerns of the course will be to work out some sense of what is meant by excellence in discourse about matters of public concern; a language in which to explicate and criticize what is read; and an improved capacity to engage in such discourse as participants. Readings will include works by Thucydides, Plato, Burke, Paine, Hamilton, Chief Justice Marshall, and Thoreau. (4). Mr. White. [Not offered in 1979-80.]

462. DEVELOPMENT OF LEGAL INSTITUTIONS. An introductory course in the historical background of the modern Anglo-American common law, focusing on the principal structural elements which developed during the Middle Ages and the Renaissance: the jury system; common law criminal procedure; the forms of action; the bar, the yearbooks, and the treatises; illustrative doctrinal development: trespass, case, and assumpsit; the rise of equity; prerogative justice in Council, Admiralty, and Star Chamber; the battle of the courts; the transformation of the juries and the development of the law of evidence; the recasting of criminal procedure: investigation, prosecution, and defense; the origins of the privilege against self-incrimination; the deterioration of Chancery procedure and the fusion of law and equity; and the early history of judicial review of administrative action. Spr (4). Mr. Langbein.

463. LEGAL HISTORY: CONTRACT, TORT, AND PROPERTY. A course devoted to the study of the doctrinal development of the main substantive fields of the common law. Topics are taken primarily but not entirely from the period before the separation of English and American law. The history of contract law will predominate, with particular attention to the origins of assumpsit and its derivatives, the development of the consideration rules, and the long-delayed formation of the law of damages. There will be minimum overlap with Law 462, Development of Legal Institutions. Spr (4). Mr. Simpson.

464. CONSTITUTIONAL HISTORY. The course will examine the separation of powers and the operations of the three branches of government from the adoption of the Constitution through the presidency of Thomas Jefferson. Emphasis will be placed on noncase materials such as the budgetary process, Congress's role in the making of foreign policy, the workings of administrative departments, and the jurisdiction of the federal courts. Constitutional Law I is a prerequisite. Win (4). Mr. Casper.

465. COMPARATIVE LEGAL INSTITUTIONS: GERMANY. A course designed to acquaint students with the nonadversarial legal institutions of the Continent as exemplified in the West German system. Part I: The law professions, with emphasis on legal education, judicial selection, the prosecutorial career, and the structure of the bar. Part II: Criminal procedure, with particular attention to the scheme forbidding the exercise of prosecutorial discretion. Part III: Civil procedure. Part IV: Codification and the significance of case law in a code system. The course materials are in English. Students with adequate command of German may substitute a research paper for the examination. Enrollment:
Limited to 40 students, preference to third-year students and to second-year students with foreign language backgrounds who anticipate doing subsequent law school work in comparative law. Aut (4). Mr. Langheim.

467. INTERNATIONAL LAW. Students will be acquainted with the nature and functions of law in a system devoid of effective adjudication and enforcement techniques. The basic course in international law is designed to familiarize students with the character and nature of law applicable in relations between states and in international organizations. Emphasis will be placed on the position of individuals in the international legal order, the legal control of international conflicts, and the character and function of United Nations organs. Win (4). Mr. Gottlieb.

468. INTERNATIONAL ECONOMIC INSTITUTIONS. Since World War II a large number of regional and international organizations have been created. In the economic arena these institutions have been particularly influential. The course will focus on the interaction between long-standing, constantly evolving international economic problems and these new institutions. Emphasis will be placed on the ways in which legal rules and institutional forms can influence economic outcomes. The principal institutions examined will be the International Monetary Fund and the General Agreement on Tariffs and Trade. Aut (4). Mr. Dam.

469. COMPARATIVE CONSTITUTIONAL LAW: UNITED STATES AND FEDERAL REPUBLIC. The course will examine the power of judicial review in a comparative setting. The comparison will focus on two societies which are similar in that the power of judicial review has been fully developed against the background of a written democratic constitution. Furthermore, both societies, generally speaking, have similar attitudes toward questions of social and economic organization. On the other hand, they differ greatly in terms of political and constitutional history as well as legal theory (for one, the Federal Republic is part of the "civil law" world). In addition to providing an introduction to the origins of judicial review in Germany (knowledge of the general outlines of American constitutional history will be presupposed), the course will examine decisions in comparable fact situations for such areas of constitutional law as electoral process, freedom of speech, federalism, foreign affairs and social legislation. All sources will be made available in English. (4). Mr. Casper. [Not offered in 1979-80.]

INDEPENDENT STUDY

499. INDIVIDUAL RESEARCH. In addition to the opportunities for writing of research papers afforded in many of the seminars listed below, second- and third-year students may earn course credit by independent research under the supervision of a member of the faculty. Such projects (commonly known as "499 papers") are arranged by consultation between the student and the particular member of the faculty in whose field the proposed topic falls. Special rules regarding credit, permission, and requirements for submission of written work are set forth in the regulations of the Law School. Students wishing to register for 499 credit should consult the Dean of Students.

Written work is not a formal requirement for the J.D. degree, but students are encouraged to include some such work in their programs and most students do so, either through participation in a seminar or through 499 credit. Students are encouraged to submit outstanding papers for publication in the Law Review or in other legal periodicals.

Before being granted permission to register for 499 work the student must submit a précis of his or her proposed study to the supervising faculty member. In considering possible fields or topics for such projects, students may wish to consider seminars described below but listed as not offered in the current year and to consult the instructors concerned as to the possibility of independent work in those fields.
SEMINARS

No more than twenty students will ordinarily be admitted to a seminar, and in some seminars enrollment is limited to a smaller number. Students will be given an opportunity to sign tentative registration lists for seminars. Selection of enrollment where necessary will be by lot or by a method to be determined by the instructor. Students are not permitted to register for more than one seminar in a quarter except with the permission of the Dean of Students.

501. Seminar: Section 1983 Civil Rights Litigation. The seminar will examine the use of the Ku Klux Klan Act of 1871 by private litigants to seek redress for violations of their civil rights. Initially the elements of the cause of action, defenses, immunities and remedies will be analyzed. The seminar will then consider litigation strategies used by civil rights lawyers to increase the availability and effectiveness of civil rights remedies. Throughout the seminar selected briefs and documents from cases pending on the Section 1983 docket of the Mandel Legal Aid Clinic will be examined to see how some of these strategies are currently being applied in the Seventh Circuit. Students will be encouraged to select a topic for the written paper suggested by the discussion of pending cases. The seminar will be open only to third-year students. Students should have taken or be enrolled in courses in federal jurisdiction, constitutional law and injunctions. Win (4), Mr. Palm.

507. Seminar: Law and Urban Problems. The seminar will explore selected current issues affecting urban government, such as revenue sharing, mixed-use zoning, urban industrial development, redevelopment, and clearing of title to tax-delinquent land. Study of these problems will be aimed at drafting of appropriate legislation and other legal documents Aur (4), Mr. J. Levi.

511. Seminar: Pollution. An examination of government’s response to pollution. Common-law nuisance; administrative mechanisms at local, state, and federal levels; the role of the private citizen; rule-making, enforcement, and variances; economic theory and alternatives. (4), Mr. Currie. [Not offered in 1979–80.]

515. Seminar: Juvenile Justice. This seminar will examine the principles and institutions of juvenile justice in the United States. Topics will include jurisdiction of juvenile courts in delinquency, child neglect and neglected children, and minors in need of supervision (e.g., truancy cases, runaways, etc.). Major emphasis will be placed on the institutions of juvenile justice: the courts, intake facilities, probation, detention, clinical services, community service agencies and correctional institutions. Enrollment will be limited to fifteen students from the Law School and fifteen students from the School of Social Service Administration. (4), Mrs. Rosenberg, Mr. Zimring. [Not offered in 1979–80.]

516. Seminar: Law and Psychiatry. The seminar will run through the Winter and Spring Quarters, meeting from 4:00 p.m. to 6:00 p.m. on Wednesday afternoons. The Winter Quarter will be devoted to a study of basic psychiatric disorders, their etiology and treatment. In addition to class discussion, students will attend case demonstrations and observe interviewing methods. Students will be required to live and work in a state mental hospital for two days and nights, from a Thursday afternoon through Saturday afternoon. In the Spring Quarter the focus of attention will shift to selected legal-psychiatric problems in the criminal law and in the hospitalization of the insane and retarded. Visits to courts responsible for committing the mentally ill will be arranged. Comparisons between prison and hospital will be drawn, and the conflict between individual freedom and social responsibility will be delineated. A paper will be required. Win (2), Spr (2), Mr. Morris.
518. Seminar: Issues in Sentencing Reforms. Several states and the federal Congress have passed, or are considering, legislation that would alter the procedures for sentencing convicted criminal offenders. This seminar will examine a variety of proposed and enacted reforms, analyzing their impact on the allocation of sentencing power, disparity in punishments, prison terms and populations, and the principles of punishment. (4). Mr. Morris, Mr. Zimring. [Not offered in 1979-80.]

519. Seminar: Principal Issues in Civil Litigation. The seminar examines the principal issues confronted in civil litigation, with primary emphasis on the business and corporate context. Such issues arise in connection with pleading preparation, discovery strategy and techniques, motion practice, and other pretrial and trial aspects of civil litigation. Emphasis is on dealing with the practical and legal issues commonly encountered, rather than upon teaching trial technique. Cases and other materials on discovery, privileges, and litigation strategy are used. The principal teaching vehicle is a hypothetical lawsuit in which students prepare pleadings, discovery requests, and briefs, take depositions, examine witnesses, and present opening arguments. Approximately one-half of the course grade will be based upon such weekly assignments; the balance of the grade will be based upon a final examination. The seminar also focuses upon the role and responsibility of the attorney and deals with issues of professional liability. A course in evidence is not a prerequisite, but is desirable. Enrollment will be limited to twelve students and preference given to third-year students. Win (4). Mr. Shakman.

520. Seminar: Trial Practice (a). An introduction to the techniques of advocacy in civil and criminal trials. In civil cases, pleading and discovery and their relationship to trial will be addressed. In criminal cases, the seminar will consider pretrial proceedings such as commissioner’s hearings, preliminary hearings, arraignments, and motions, and post-trial proceedings such as motions for a new trial and sentencing hearings. Experienced trial lawyers will participate by instruction and demonstration. Members of the seminar will be responsible for either the preparation and trial of simulated civil cases or, insofar as permitted by court rules, actual criminal cases, or both. Students in the seminar should have taken Evidence; those with special interest in criminal trials should have taken or be currently enrolled in Criminal Procedure. Enrollment will be limited to thirty-five students. Permission of the instructor is required. Preference will be given to third-year students. The seminar will extend over two quarters. Win (2), Spr (2). Ms. E. Epstein.

521. Seminar: Trial Practice (b). A two-quarter seminar, beginning in the Spring Quarter and concluding in the following Autumn Quarter. The seminar introduces and develops techniques of trial advocacy, with special emphasis on representation of the poor. During the Spring Quarter members of the seminar make written and oral presentations for critique by the seminar and experienced trial lawyers. In civil cases, seminar topics include investigation, pleading, motions, and discovery and their relationship to trial and possible appeal. In criminal cases, seminar topics include pretrial hearings and motions, voir dire, trial post-trial proceedings, and the special problems incident to representation of the incarcerated defendant. During the Autumn Quarter students will prepare and present actual cases in court under the supervision of the instructor and clinic fellows. Preference in enrollment is given to second-year participants in the Mandel Legal Aid Clinic who will be eligible for certification under Illinois Supreme Court Rule 711 to practice with the Clinic during their third year. Students taking Trial Practice (b) are not eligible to enroll in Trial Practice (a). Aut (2), Spr (2). Mr. Palm.

523. Seminar: Workshop in Industrial Organization. Studies in the structure and behavior of industries, with special emphasis on the role of government regulation. Law students wishing to participate in the workshop may do so by registering for 499 credit, with the permission of the Dean. Aut, Win, Spr. Mr. Stigler.

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524. Seminar: Workshop in Law and Economics. This workshop is devoted to the intensive examination of selected problems in the application of economic reasoning to legal questions in such fields as property law, criminal procedure, accident law, and antitrust law. Workshop sessions will be devoted to the presentation and discussion of papers by students and by members of the faculty of the University of Chicago and of other institutions. The workshop will meet every other week throughout the academic year. Students enrolled in the workshop will receive six credits for satisfactory completion of a substantial paper. Aut (2), Win (2), Spr (2). Mr. Landes, Mr. Posner.

535. Seminar: School Desegregation. An analysis of the Supreme Court's decisions in the area of school segregation from Brown to Dayton. The development of doctrine and the administration of the judicial process will be central to the study. Students will be expected to prepare papers to be presented in class. Registration limited. Spr (4). Mr. Kurland.


539. Seminar: Labor-Management Relations. This seminar will deal with selected current labor-management problems. In the Winter Quarter, students interested in enrolling will be encouraged to propose topics for this seminar. Thereafter, proposed topics for student papers and presentations will be announced, and assignments will be made. The basic course in Labor Law or the consent of the instructor is a prerequisite for enrollment. (4). Mr. Melzer. [Not offered in 1979-80.]

540. Seminar: Affirmative Action. An examination of the origins, development and content of the requirement that federal contractors take affirmative action to insure equal opportunity in employment, the labor-market analysis underlying findings of underutilization, and the compatibility of affirmative action and existing enforcement mechanisms with statutory and constitutional provisions concerning discrimination and due process, with special attention to problems of universities. (4). Mr. Laycock, Mr. Meyer, Mr. Melzer. [Not offered in 1979-80.]

541. Seminar: Social Security. This seminar will explore selected current issues of Social Security law and policy. Topics will include: the relationship between Social Security (Old Age, Survivors, and Disability Insurance) and the overlapping program of need-tested benefits (Supplemental Security Income), spouse benefits and various reform measures designed to respond to the changing roles of men and women, the effects of the new "decoupled" benefit formula, inconsistencies between the retirement policy and incentives incorporated in Social Security and federal age discrimination legislation, and problems of standard and procedure in the award of Social Security disability benefits. Win (4). Mr. Martin.

542. Seminar: Worker's Compensation: The Interrelationship of Public and Private Law. This seminar shall examine the origins, growth, and future prospects of the law of worker's compensation, with a view toward determining the way in which it integrates concerns of public and private law. The emphasis in the seminar will be less upon the operating specifics of the worker's compensation system and more upon its philosophical and institutional premises. The course will deal with both government-run and private worker's compensation programs, and will consider the coordination of worker's compensation law with, for example, the tort law and first party health insurance. The materials for the seminar will be drawn not only from the decided cases, but from legislative, historical and scholarly sources. Spr (4). Mr. Epstein.

544. Seminar: Federal Communications Law. This seminar will examine selected issues of current interest in federal regulation of radio and television
broadcasting. Particular attention will be given to the interaction among the Federal Communications Commission, the Congress, the President, and the courts in developing law in this field; to the techniques and procedures of FCC rule-making; and to the role of interest groups in the regulatory process. Prerequisite: Administrative Law. Spr (4). Mr. Scalia.

548. Seminar: Governmental Immunities. This seminar will survey a variety of doctrines under which government and government officials claim immunity from suit, from regulation, and from taxation, including domestic and international sovereign immunity, the Tenth and Eleventh Amendments to the Constitution of the United States, judicial, legislative, prosecutorial, official, and municipal immunity, and limitations on the meaning of “person” in Reconstruction civil rights legislation. These doctrines raise fundamental questions about the nature of federalism and the enforcement of constitutional rights. A short paper will be required. Win (4). Mr. Laycock.

549. Seminar: Church and State. A study of the First Amendment’s religion clauses as interpreted and misinterpreted by the Supreme Court. Students will be expected to prepare papers to be presented in class. Registration limited. Aut (4). Mr. Kurland.

551. Seminar: Equal Protection of the Laws. Students enrolled in this seminar are divided into “courts,” each of which consists of five “Justices.” During each of the first five weeks of the quarter, the courts are assigned several hypothetical cases raising issues under the Equal Protection Clause of the Fourteenth Amendment. The cases must be decided with opinion (concurring and dissenting opinions are permitted). The decisions may be premised on the legislative history of the Clause, and on any doctrines or precedents created by the “Justices” themselves. The “Justices” may not rely, however, upon any aural decisions of the United States Supreme Court. The seminar is designed to give students some insight into the problems a Justice confronts in collaborating with colleagues, interpreting an ambiguous constitutional provision, and then living with the doctrines and precedents he or she creates. Spr (4). Mr. Stone.

552. Seminar: The Supreme Court. An analysis of cases on the docket of the Supreme Court in the current term. The members of the seminar prepare draft opinions after studying the briefs filed in the Supreme Court. The opinions are circulated and then discussed in the seminar, usually in advance of the actual decision of the particular case by the Court. The required written work consists of the several opinions which each student must prepare. Enrollment is by permission of the instructor and is limited to approximately nine students. Aut (4). Mr. Currie, Mr. Easterbrook.

553. Seminar: Comparative Constitutional Law. The seminar will be concerned with how various major countries constitute themselves to reach public decisions. Of particular concern will be issues involving the separation of powers, federalism, and the role of the judiciary. Topics covered will correspond to those covered in Constitutional Law I rather than those covered in Constitutional Law II and III. However, none of those three courses is a prerequisite. A research paper on a constitutional issue within the scope of the seminar and involving the law of a foreign country will be required. Spr (4). Mr. Dam.

554. Seminar: The Legislative Process. Contemporary Congressional legislation will be examined in light of the problems addressed, the political controversies involved, the development of legislative history, constitutional issues raised, and reasons for the success or failure of the legislative proposals. Students will be expected to prepare papers to be presented in class. Registration limited. Win (4). Mr. Kurland.

555. Seminar: Separation of Powers. The seminar will examine the issues involved in the separation of powers among the executive, legislative, and judicial branches of the federal government. Emphasis will be placed not
merely on cases decided by the judiciary but also on established practices in such areas as the budget, monetary policy, tax policy, economic regulation, and government reorganization. Procedural rules within the executive and the legislative branches will be examined to determine their bearing on the outcome of issues involving other branches. (4). Mr. Dam. [Not offered in 1979–80.]

557. Seminar: Administrative Law. This will be a research seminar on selected issues in administrative law. Each student and the instructor will do a substantial research paper and written editorial critiques on others' papers. Students may select their own topics, but the instructor will provide some suggestions, including, for example: identification of "liberty" and "property" interests protected from invasion by the concept of procedural due process; communications and external "pressure" in rulemaking proceedings; the concept of "prejudice" in rulemaking proceedings; limits on agency power to proceed by adjudication rather than rulemaking; the implication of private rights of action from legislation and Constitutional provisions; the scope of immunity of federal and state officers; agency power to fund public participation; estoppel against the government; the Ashbacher doctrine. Administrative Law is a prerequisite. Aut (4). Mr. Williams.

558. Seminar: Roman Law. An examination of selected topics in the Roman law of contracts, torts (delict), property, and procedure. Topics will be selected in order to shed light on the relationship between common-law and Roman law treatment of certain problems of current interest. The seminar is not designed to provide a comprehensive knowledge of all the detailed workings of Roman law. No knowledge of Latin will be required for the seminar. (4). Mr. Epstein. [Not offered in 1979–80.]

559. Seminar: Jurisprudence. A detailed analysis of selected problems in jurisprudence studied in connection with the classic original writings in the area. Among the problems to be considered are: the definition of law, the relationship between law and morality, the enforcement of morals, the analysis of "legal" concepts, and the place of precedent in legal thought. Students will be required to write a paper on a problem of their own choosing. (4). Mr. Epstein. [Not offered in 1979–80.]

560. Seminar: Primitive Law. The subject of the seminar is legal concepts, rules, procedures, and institutions in ancient and primitive societies, such as those of ancient Greece and Rome, tribal Africa, and North American Indians, as described by anthropologists such as Maine, Gluckman, Driver, Fallers, and Hoebel. Particular attention will be paid to methods of dispute resolution, to criminal and contract law, to the role of custom as a source of law, and to the applicability of modern ideas of economic rationality to premodern societies. Modern parallels in such areas as international law and the law of arbitration will also be considered. There will be a reading list as well as distribution of some mimeographed materials, and each student enrolled in the seminar will be expected to write a substantial paper. (4). Mr. Posner. [Not offered in 1979–80.]

561. Seminar: The Legal Imagination. A study of the ways in which lawyers think and speak. We explore the limits and resources of traditional forms of legal thought and expression both directly and by extensive comparison with passages drawn from other fields, including poetry, fiction, drama, and history. The premise of the study is that the law can be regarded as an imaginative and literary activity that yields the sorts of pleasures and significance, and makes the sorts of demands, that other important writing does. To discover the possibilities available to him or to her both as a lawyer and as an independent mind, the student will be asked to prepare a series of detailed legal and non-legal writing assignments. The subject of the seminar is the art by which those possibilities can be enhanced or expanded. Specific topics with respect to which these interests are pursued include: the rhetoric of the death penalty; the intellectual implications of the statutory form; the ways in which the law talks

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about human character; the use of racial language in the law; the implications of the use of the rule as an instrument for the organization of social relations and as a device for arriving at and explicating judgments; and rather extended comparisons between the sorts of writing the lawyer does and the writing of poets and historians. Weekly papers are assigned. Enrollment will be limited to fifteen students. Readings: White, The Legal Imagination; Shakespeare, Troilus and Cressida; Euripides, Alcestis; and Jane Austen, Pride and Prejudice. (4). Mr. White. [Not offered in 1979-80.]

565. Seminar: English Legal History. The seminar provides an opportunity for intensive research and writing in the legal history of the early modern period. Enrollment is very small, research is supervised, and papers normally go through several drafts. The object is to produce work of publishable quality, primarily on topics connected with the history of criminal and civil procedure in the seventeenth and eighteenth centuries. Among the questions suitable for investigation: changes in the jury system, such as the decline of the grand jury; juror selection; the feigned issue; the development and scope of various rules of evidence, such as the disqualification of parties for interest; the origins of compulsory process for witnesses; the Statute of Frauds of 1677; the development of the right to defense counsel and other safeguards in the criminal process; the growth of appellate review for insufficiency of the evidence; the expansion of the lawyer's role from pleading to trial advocacy. Prerequisite: Law 462, Development of Legal Institutions, or the permission of the instructor. Writing is likely to extend over the Winter and Spring Quarters. Aur (4). Mr. Langbein.

566. Seminar: European Legal History. A reading seminar designed to provide students of Anglo-American legal history with a basis for comparative study. Part I: The sources of European law in the Middle Ages—canon law, vulgar Roman law, Germanic law, feudal law, urban law. Part II: The revival of Roman law in Italy and the differentiation of the national legal systems in the North. Part III: The "reception of Roman law" in the Renaissance. Part IV: The assimilation of Roman law and the origins of the codification movement. (Prerequisites: Law 462, Development of Legal Institutions, and Law 558, Seminar: Roman Law. Students with adequate command of German, French, Italian, or Dutch may substitute a paper for the examination.) (4). Mr. Langbein. [Not offered in 1979-80.]

567. Seminar: International Law. The seminar will discuss the legal and political dimensions of self-determination as they affect the present state system as well as international law. Particular attention will be paid to federalism as a mode for approaching self determination problems. Spr (4). Mr. Gottlieb.