This is a three-unit class that will meet once each week for two hours. Enrollment will be limited to 20 people, first-come first-served, and will be open to graduate students in other areas as well as law students. The course will have a reading-discussion component and a writing component. Reading will consist three (more or less) article-length academic writings each week, sometimes with an additional legal writing that implicates one or more of the issues raised in the other readings.

Each assignment will consider several possible interpretations of a different issue in legal history. Examples might include the significance of the New Deal court-packing incident, the suppression of political dissent in the World War I era, competing strategies of the late nineteenth-century women’s movement, or the real-world impact of Brown v. Board of Education. The course will demonstrate that different interpretations are available for any particular historical problem. The aim is to think about how one makes choices between different interpretations of historical events, and what those choices imply for our lives in the present.

Grades: Grades will rest primarily on one paper, ca. 25 pages, based on outside reading on a topic of the student’s choice. Each student will also be responsible for leading one of the class discussions; class members will review each discussion anonymously over the following week and the instructor will summarize the reviews for the discussion leader. Attendance, preparation, and participation in class will also affect final grades.

Books: There are no books to buy. The syllabus and all of the readings are available at Lexis/Nexis Web Course 126646, for which everyone registered for the class has been signed up. Students should print their own copies of the readings from the Web Course site. Registered students will get the first week’s readings by email.

Email list: The class has an email list (law944-1-s07@lists.wisc.edu), which students should use to communicate with me and among themselves.

No Laptops: Laptops are a useful tool for research. They may also be a convenient and efficient way of making readings available to students (this class will test that hypothesis). Laptops are, however, toxic to the ecology of the classroom. Laptops will, therefore, not be permitted in class without a written advisory, addressed to me, from Disabled Student Services.
Weekly assignments and discussion topics are as follows:

1. (26 January) Introduction

   Alfred H. Kelly, Clio and the Court: An Illicit Love Affair, 1965 Sup. Ct. Rev. 119
   “The Art of Conversation,” 381 The Economist 381:8509 (23 December 2006), 79-82

2. (02 February) Historiographical Issues in Legal Studies


3. (09 February) Judicial Biography


4. (16 February) Work Accidents

5. (23 February) Family Law


6. (02 March) The Legacy of J. Willard Hurst


Hurst, letter on Brown v. Board of Education (1954)


7. (01 March) Social Change and Tort Law


8. (09 March) The Origins of Civil Rights


Newspaper Articles re: Operation Rescue

9. (16 March) Brown v. Board of Education


10. (23 March) The New Deal

Barry Cushman, Rethinking the New Deal Court, 80 Va. L. Rev. 201 (1994)


11. (30 March) **Lochner v. New York**


12. (06 April) SPRING BREAK

13. (13 April) **Reproductive Rights**


14. (20 April) **Marriage and Divorce**


   Lawrence M. Friedman, “A Dead Language: Divorce Law and Practice Before No-

15. (27 April) Law Schools

