

Reading List for MSJLS
Comprehensive Exam

Area I. Law and Society

Theories of Justice

Hobbes, Thomas, *Leviathan*, chs. 13-18 (1651).

Locke, John, *Second Treatise of Civil Government* (1690).
Full text online at <http://www.constitution.org/jl/2ndtreat.htm>

Nozick, R., *Anarchy State and Utopia* (New York: Basic Books, 1974), ch. 2, 3, 7, 8.

Rawls, J., *A Theory of Justice*, chs. 1-4 (Cambridge, MA: Harvard University Press, 1971).
(Other editions available – any edition OK)

Legal Theory

Dworkin, R., *Law's Empire* (Cambridge, MA: Harvard University Press, 1986).

Finnis, J., "Natural Law and Legal Reasoning," in Robert George, ed., *Natural Law Theory: Contemporary Essays* (Clarendon, 1992).

Hart, H. L. A., *Concept of Law*, rev. ed. (Oxford: Clarendon Press, 1994). (Other editions available – any edition OK)

Outsider Jurisprudence

Delgado, R., et al., *Critical Race Theory: An Introduction* (New York University Press, 2001).

Kairys, D., ed., *The Politics of Law: A Progressive Critique*, 3rd ed. (Cambridge, MA: Basic Books, 1998) (Must be 3rd edition)

Selected Chapters: (Students, please remember to cite chapter authors, not book editors)

Kairys, D. Introduction

Mensch, E. History of mainstream legal thought

Kennedy, D. Legal education as training for hierarchy

Minow, M. Politics and procedure

Sarat, A. Going to court

Halley, J. Gay rights and identity limitation

Burns, H. Law and race in early America

Freeman, A. Antidiscrimination law from 1954 to 1989

Lawrence, C. Race and affirmative action

Law and Economics

Friedman, D., *Law's Order: What Economics Has to Do with Law and Why it Matters* (Princeton, 2000), ch. 1-4.

Feminist Legal Theory

Weisberg, D. Kelly, ed., *Feminist Legal Theory: Foundations* (Temple University Press, 1993).

Selected Chapters: (Students, please remember to cite chapter authors)

Taub, N., & Schneider, E.M. Women's subordination and the role of law

West, R. Jurisprudence and gender

Posner, R. A. Conservative feminism

Williams, W. W. Equality's riddle: Pregnancy and the equal treatment/special treatment debate

Krieger, L. J., & Cooney, P.N. The Miller-Wohl Controversy: Equal Treatment, Positive Action and the Meaning of Women's Equality

Hay, H. H. Equality and Difference: The Case of Pregnancy

Finley, L. M. Transcending Equality Theory: A Way Out of the Maternity and the Workplace Debate

Minow, M. Feminist Reason: Getting It and Losing It

Harris, A. P. Race and Essentialism in Feminist Legal Theory

Cain, P. A. *Feminist Jurisprudence: Grounding the Theories*

Kline, M. *Race, Racism, And Feminist Legal Theory*

Crenshaw, K. *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*

Olsen, F. *Statutory Rape: A Feminist Critique of Rights Analysis*

Williams, P. J. *Alchemical Notes: Reconstructing Ideals from Deconstructed Rights*

Barlett, K. T. *Feminist Legal Methods*

Williams, P. J. *On Being the Object of Property*

Law and Social Science

Marx, Karl, *On The Jewish Question*.

Monahan, J., & L. Walker, *Social Science in Law* (Foundation Press, 1994), ch. 1; 4,II; 6,II; 7,I, II-C.

Durkheim, E., *The Division of Labor in Society* (Glencoe, IL: The Free Press, 1947).

Weber, Max, *Protestant Ethic and The Spirit of Capitalism*
<http://xroads.virginia.edu/~HYPER/weber/toc.html>

Giddens, A., *Capitalism and Modern Social Theory* (Cambridge University Press, 1971).

Civil and Common Law Traditions

Gordon, Scott. *Controlling the State: Constitutionalism from Ancient Athens to Today* (Harvard University Press, 1999).

Hunt, Lynn, *Inventing Human Rights* (W. W. Norton & Co., 2007).

McIlwain, C. H., *Constitutionalism: Ancient and Modern* (1940).

Scalia, A., *A Matter of Interpretation: Federal Courts and the Law* (Princeton, NJ: Princeton University Press, 1997)

Wieacker, Franz. "The Importance of Roman Law for Western Civilization and Western Legal Thought," *Boston College International and Comparative Law Review* 4 (1981): 257-281.

Area II. Justice and Public Policy

Prisoner Reentry

Maruna, S. (2000). *Making good: How ex-convicts reform and rebuild their lives*. APA.

Travis, J., & Visher, C. (Eds.). (2006). *Prisoner reentry and crime in America*. Cambridge University Press.

Select chapters:

(Students please remember to cite chapter authors, not book editors)

Travis, Jeremy, & Visher, Christy. (2006). Introduction: Viewing public safety through the reentry lens.

Petersilia, Joan. (2006). From cell to society: Who is returning home?

Blumstein, Al, & Beck, Allen J. (2006). Reentry as a transient state between liberty and recommitment.

Maruna, Shadd, & Toch, Hans. (2006). The impact of imprisonment on the desistance process.

Clear, Todd R., Waring, Elin, & Scully, Kristen. (2006). Communities and reentry: Concentrated reentry cycling.

Living in Prison: Stress, Coping, and Corrections

George, Erin. (2010). *A woman doing life: Notes from a prison for women*. Oxford University Press.

Haney, Craig. (2005b). Reforming punishment: Psychological limits to the pains of imprisonment. American Psychological Association.

Johnson, Robert. (2002). *Hard time: Understanding and reforming the prison*. Wadsworth (3rd ed)

Kruttschnitt, Candace, & Gartner, Rosemary. (2005). *Marking time in the Golden State: Women's imprisonment in California*. Cambridge University Press.

Liebling, A., & Maruna, S. (Eds.). *The effects of imprisonment*. Willan.

Select chapters:

(Students please remember to cite chapter authors, not book editors)

Irwin, John, & Owen, Barbara. (2005). Harm and the contemporary prison.

Johnson, Robert. (2005). Brave new prisons: The growing social isolation of modern penal institutions.

Oshinsky, D.M., (1996). *Worse than slavery: Parchman Farm and the ordeal of Jim Crow justice*. Free Press.

Salzman, M. (2004). *True notebooks: A writer's year at juvenile hall*. New York: Alfred A. Knopf.

Policing in Democratic Societies

Bittner, E. (1970). *The functions of the police in modern society*. Rockville, MD: National Institute of Mental Health.

Black, D. (1971). The social organization of arrest. *Stanford Law Review*, 23, 1087-1111.

Forst, Brian. (2004). *Errors of justice*. Cambridge University Press. [Chapter on Policing]

Forst, B., & Manning, P. (1999). *The privatization of policing: Two views*. Washington, D.C.: Georgetown University Press.

Klinger, D. A. (1997). Negotiating order in patrol work: An ecological theory of police response to deviance. *Criminology*, 35, 277-306.

Muir, W. K. (1977). *Police: Streetcorner politicians*. Chicago, IL: University of Chicago Press.

Skogan, W., & Frydl, K. (2004). Fairness and Effectiveness in Policing: The Evidence. Washington, DC: National Academies Press. http://www.nap.edu/catalog.php?record_id=10419

Skolnick, J. (1966/1975). *Justice without trial: Law enforcement in a democratic society* (2/ed). New York: Wiley.

Police Behavior and Occupational Culture

Bennett, R., & Corrigan, R. (1980). Police occupational solidarity: Probing a determinant in the deterioration of police/citizen relations. *Journal of Criminal Justice*, 8, 111-122.

Crank, John. 1998. *Understanding police culture*. Cincinnati, OH : Anderson Pub.

Herbert, S. (1998). Police subculture reconsidered. *Criminology*, 36, 343-369.

Manning, P., & van Maanen, J. (Eds.). (1978). *Policing: A view from the street*. Santa Monica, CA: Goodyear Publishing.

Select chapters:

(Students please remember to cite chapter authors, not book editors)

van Maanen, P. (1978). The asshole

Manning, P. (1978). The police: Mandate, strategies, and appearances

Wilson, J.Q., (1968). *Varieties of police behavior*. Cambridge, MA: Harvard University Press.

Sentencing and Imprisonment Policy

Blumstein, Alfred. (2002). Prisons: A policy challenge. In J.Q. Wilson, & J. Petersilia (Eds.), *Crime: Public policies for crime control*. Oakland, CA: Institute for Contemporary Studies.

Kovandzic, Tomislav, Sloan, John J. III, & Vieraitis, Lynne M. (2004). "Striking out" as crime reduction policy: The impact of "Three strikes" laws on crime rates in U.S. cities. *Justice Quarterly*, 21(2), 207-240.

Lynch, James P., & Sabol, William J. (2000). Prison use and social control. In the National Institute of Justice (Ed.), *Criminal justice 2000. Vol. 3. Policies, processes, and decisions of the criminal justice system*. This chapter is in a four-volume anthology available online from NCJRS

The website for the four-volume Criminal Justice 2000 is at: <http://www.ojp.usdoj.gov/nij/pubs-sum/cj2000.htm>

Lynch & Sabol chapter is at: http://www.ncjrs.gov/criminal_justice2000/vol_3/03b.pdf

Schmertmann, Carl P., Amankwaa, Adansi A. & Long, Robert D. (1998). Three strikes and you're out: Demographic analysis of mandatory prison sentencing. *Demography*, 35(4), 445-463.

Spelman, William. (2000). What recent studies do (and don't) tell us about imprisonment and crime. In M. Tonry (Ed.), *Crime and justice: A review of research*, Vol. 27. Chicago, IL: University of Chicago Press.

Tonry, Michael. (1996). *Sentencing matters*. New York: Oxford University Press.

Zimring, Franklin E. & Hawkins, Gordon. (1995). *Incapacitation: Penal confinement and the restraint of crime*. New York: Oxford University Press.

Zimring, Franklin E., Hawkins, Gordon & Kamin, Sam. (2001). *Punishment and democracy: Three strikes and you're out in California*. New York: Oxford University Press.

Criminology: Criminal Careers and Life-course Criminology

Blumstein, Alfred, Cohen, Jacqueline, & Farrington, David P. (1988). Criminal career research: Its value for criminology. *Criminology*, 26(1), 1-35.

Blumstein, Alfred, Cohen, Jacqueline, & Farrington, David P. (1988). Longitudinal and criminal career research: Further clarifications. *Criminology*, 26(1), 57-74.

Cullen, F.T., Wright, J.P., & Belvins, K. (Eds.). (2006). *Advances in criminological theory: Vol. 15 Taking stock: The status of criminological theory*. New Brunswick, NJ; Transaction Publishers.

Select chapters:

(Students please remember to cite chapter authors, not book editors)

Laub, J.H., Sampson, R.J., & Sweeten, G.A. (2006). Assessing Sampson and Laub's life-course theory of crime

Moffitt, T.E. (2006). A review of research on the taxonomy of life-course persistent versus adolescence-limited antisocial behavior

Huesmann, L. Rowell, Eron, Leonard D., Lefkowitz, Monroe M. & Walder, Leopold O. (1984). Stability of aggression over time and generations. *Developmental Psychology*, 20(6), 1120-1134. [reprinted in Piquero & Mazerolle (Eds.), *Life-course criminology: Contemporary and classic readings*].

Moffitt, Terrie E. (1993). Adolescence-limited and life-course-persistent antisocial behavior: A developmental taxonomy. *Psychological Review*, 100(4), 674 - 701. [reprinted in Piquero & Mazerolle (Eds.), *Life-course criminology: Contemporary and classic readings*].

Sampson, R.J., & Laub, J.H. (1992). Crime and deviance in the life course. *Annual Review of Sociology*, 18, 63-84.

Area III: Jurisprudence and Social Thought

Theories of Justice

Hobbes, Thomas, *Leviathan*.

Locke, John, *Second Treatise of Civil Government* (1690).
Full text online at <http://www.constitution.org/jl/2ndtreat.htm>

Mill, J.S., *On Liberty*.

Rousseau, J.J., *Essay On The Origin of Inequality & The Social Contract*.

Nozick, R., *Anarchy State and Utopia* (Basic Books, 1974), ch. 2, 3, 7, 8.

Rawls, J., *A Theory of Justice*, chs. 1-4. (Harvard University Press, 1971) (Other editions available – any edition OK)

Rawls, J., *Political Liberalism Part II* (Columbia University Press, 1993)

Sen, A. K., *Development as Freedom* (Anchor Books, 1999).

Walzer, M. *Spheres of Justice: A Defense of Pluralism and Equality* (Basic Books, 1983).

Legal Theory

Dworkin, R., *Law's Empire* (Harvard University Press, 1986).

Finnis, J., "Natural Law and Legal Reasoning," in Robert George, ed., *Natural Law Theory: Contemporary Essays* (Clarendon, 1992).

Hart, H.L.A., *Concept of Law*, rev. ed. (Clarendon Press, 1994) (ONLY Edition with Hart's Response is OK., must be 1994 or later)

Pragmatic Jurisprudence

Coleman, J. L., *The Practice of Principle: In Defence of a Pragmatist Approach to Legal Theory* (Clarendon Law Lectures) (Oxford, 2001).

Kalman, L., *The Strange Career of Legal Liberalism* (Yale University Press, 1996).

Law and Economics

Calabresi, G. "Transaction Costs, Resource Allocation and Liability Rules - A Comment," *Journal of Law and Economics* 11 (1968): 67.

Coase, R. H., "The Problem of Social Cost," *Journal of Law and Economics* 3 (Oct. 1960): 1-44.

Friedman, D., *Law's Order: What Economics Has to Do with Law and Why it Matters* (Princeton, 2000), ch. 1-4.

Critical Jurisprudence

Delgado, R., "Rodrigo's *Corrido*: Race, Postcolonial Theory, and U.S. Civil Rights," 61 *Vand. L. R.* (2008).

Kennedy, D., "The Structure of Blackstone's Commentaries," 28 *Buff. L. Rev.* 205 (1978-1979).

Mackinnon, C., *Only Words* (Harvard University Press, 1993), ch. 1 and 3.

Okin, S., "Inequality Between the Sexes in Different Cultural Contexts," in Nussbaum, M., & Glover, J., *Women, Culture & Development* (1995), 274-297.

West, Robin, "Jurisprudence and Gender," 55 *U. Chi. L. Rev.* 1 (1988).

Social Theory And The Foundations of Knowledge

Marx, Karl. *On The Jewish Question*.

Durkheim, E., *The Division of Labor in Society* (Free Press, 1947).

Weber, Max, *Protestant Ethic and The Spirit of Capitalism*
<http://xroads.virginia.edu/~HYPER/weber/toc.html>

Ayer, A.J., *Language, Truth and Logic*, 2d ed. (Gollancz, 1946).

Giddens, A., *Capitalism and Modern Social Theory* (Cambridge University Press, 1971).

Fay, B. and Moon J. D., "What Would an Adequate Philosophy of Social Science Look Like?" in *Readings in the Philosophy of Social Science*, ed. Martin, M. and Macintyre, L. (MIT Press, 1994).

Friedman, M., "The Methodology of Positive Economics," in *Readings in the Philosophy of Social Science*, ed. Martin, M. and Macintyre, L. (MIT Press, 1994).

Lukes, Stephen, "Different Cultures, Different Rationalities?" *Journal of the History of the Human Sciences* 13, 1 (February 2000): 5-18.

Quine, W. V., "Two Dogmas of Empiricism." *The Philosophical Review* 60 (1951): 20-43.

Taylor, C., "Interpretation and the Sciences of Man," in *Readings in the Philosophy of Social Science*, ed. Martin, M. and Macintyre, L. (MIT Press, 1994).

Winch, P., *The Idea of a Social Science and Its Relation to Society* (Routledge & Kegan Paul, 1958).

Civil and Common Law Traditions

Wieacker, Franz. "The Importance of Roman Law for Western Civilization and Western Legal Thought," *Boston College International and Comparative Law Review* 4 (1981): 257-281.

Gordon, Scott. *Controlling the State: Constitutionalism from Ancient Athens to Today* (Harvard University Press, 1999).

Area IV. Terrorism & Homeland Security:

Definitions, Causes and Scope of Terrorism

Martha Crenshaw, *Terrorism, Legitimacy, and Power* (Middletown, CT: Wesleyan University Press, 1983)

Brian Forst, *Terrorism, Crime and Public Policy* (New York: Cambridge University Press, 2009), Chapters 1-9

Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 2005)

Samuel P. Huntington, *The Clash of Civilizations* (Simon & Schuster, 1998)
<<http://www.washingtonpost.com/wp-srv/style/longterm/books/chap1/clashofcivilizations.htm>>

Bernard Lewis, "The Roots of Muslim Rage," *Atlantic Monthly* (September 1990)
<<http://www.theatlantic.com/issues/90sep/rage.htm>>

Gus Martin, *Understanding Terrorism: Challenges, Perspectives, and Issues*, 3rd edition (Thousand Oaks, CA: Sage, 2010)

Robert Pape, *Dying to Win: The Strategic Logic of Suicide Terrorism* (New York: Random House, 2005)

Jessica Stern, *Terror in the Name of God: Why Religious Militants Kill* (Ecco, 2003)

Charles R. Tittle, "Theoretical Developments in Criminology," in *The Nature of Crime: Continuity and Change*, Gary LaFree, editor (Washington: U.S. Department of Justice, 2000) - Criminal Justice 2000, Volume 1, pp. 51-101

Security Breakdowns and Solutions

9/11 Commission Report (W.W. Norton, 2004) <<http://www.9-11commission.gov/report/911Report.pdf>>

Fear of Terrorism: Media and Politics

Brian Forst, *Terrorism, Crime and Public Policy* (New York: Cambridge University Press, 2009), Chapter 10

Frank Furedi, *Culture of Fear* (Continuum, 2002)

John Mueller, *Overblown: How Politicians and the Terrorism Industry Inflate National Security*

Threats, and Why We Believe Them (New York: Free Press, 2006)

Terrorism and Just War Principles

Department of Defense, *Army/Marine Corps Counterinsurgency Field Manual* (University of Chicago, 2007), originally *Army Field Manual, FM 3-24*

David Kilcullen, *The Accidental Guerrilla: Fighting Small Wars in the Midst of a Big One* (New York: Oxford University Press, 2009)

Thomas E. Ricks, *Fiasco: The American Military Adventure in Iraq* (New York: Penguin, 2006)

Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (Basic Books, 1992)

Michael Walzer, *Arguing About War* (Yale, 2004)

The Prevention of Terrorism

Akbar Ahmed, *Islam Under Siege* (Polity Press, 2003)

Akbar Ahmed and Brian Forst, *After Terror: Promoting Dialogue Among Civilizations* (Polity Press, 2005)

Brian Forst, *Terrorism, Crime and Public Policy* (New York: Cambridge University Press, 2009), Chapters 11 and 12

Fawaz A. Gerges, *The Far Enemy: Why Jihad Went Global* (New York: Cambridge University Press, 2005)

Greg Mortenson, *Stones into Schools: Promoting Peace with Books, Not Bombs, in Afghanistan and Pakistan* (New York: Viking, 2009)

Jonathan Sacks, *The Dignity of Difference* (Continuum, 2003)

Balancing Security with Rights to Liberty and Privacy

Ronald Dworkin, "Terror and the Attack on Civil Liberties," *The New York Review of Books*, Volume 50, Number 17 (November 6, 2003)
<<http://www.dasbistro.com/pipermail/nvgreen/2003-November/002233.html>>

Brian Forst, *Errors of Justice: Nature, Sources and Remedies* (Cambridge, 2004), Chapters 5 and 7

Brian Forst, *Terrorism, Crime, and Public Policy* (Cambridge, 2009), Chapter 13

Michael Ignatieff, "Lesser Evils," *New York Times Magazine* (May 2, 2004)
<http://www.ksg.harvard.edu/news/opeds/2004/ignatieff_less_evils_nytm_050204.htm>

Richard Posner and David Cole, "How to Skip the Constitution: An Exchange," *The New York Review of Books*, Volume 50, Number 17 (January 11, 2007)
<<http://www.nybooks.com/articles/19800>>

Thomas Powers, "Can We Be Secure and Free?" *The Public Interest* (Spring 2003)
<<http://www.thepublicinterest.com/archives/2003spring/article1.html>>