

SPRING 2006
CRIME & PUNISHMENT
HISTORY 300
Monday, 4:15-6:45, CS-313

Zouhair Ghazzal
Crown 552, MWF, 12:30-1:30
Monday, 3:00-4:15
(or by appointment)
(773) 508-3493

zghazza@luc.edu
<http://www.luc.edu/depts/history/ghazzal/ghazzal.htm>

Our main claim for the notions of crime and punishment is that both are social constructions, which implies, first, that such notions carry different meanings in each society and civilization, and, second, that for any given society, the cultural representations of crime and punishment would vary over time, creating different historical interpretations from one period to another. For instance, in the case of colonial America, there was not much of a penal system per se, and whatever was labeled as “crime” (such as blasphemy or fornication) was subject to a crude punishment enacted by a common-law judge. The system as-a-whole was very much under the aegis of a puritanical interpretation of the law, which perceived of “crime” as a “vice” that a person would carry within his or her “natural character.” The nineteenth century brought gradually with it a more complex notion of the judiciary, more systematic criminal codes, and a new notion of the penitentiary. But, above all, by freeing the law from its religious connotations, which made it harder to think in terms of a “natural law,” the notion of “crime” began to shift into new more abstract categories (such as that of “victimless crimes”), while the amount of “punishment” had to be rationalized and calculated, leading to a penitentiary where inmates were incarcerated in order to be “rehabilitated” and become better citizens. In *Discipline and Punish*, Michel Foucault has argued that the rationalization of the nineteenth-century penitentiary—*pace* Bentham’s panopticon—followed a more global pattern in many of the European industrialized countries, one that affected the family, sexuality, the school and the army.

Once we accept this notion of “social construction” for crime and punishment, there are several possibilities for research ahead of us. Since we’ll be mostly concerned in

documenting the evolution of the American system in the last two centuries, we'll have to experiment and see *how* in such a system the notions of crime and punishment have evolved between the nineteenth and twentieth centuries (the colonial period would serve as a backdrop), and *what* precisely caused such shifts (or “epistemological breaks”): Are the shifts or breaks sudden, or do they translate long-term evolutions that need careful historiographical analyses in order to be detected? For instance, was the presumed shift between the colonial period and the nineteenth century, which made the legal system less prone to religious and ecclesiastical influence, caused by the professionalization of the judiciary, the rapid industrialization and urbanization of the United States, the Civil War, or constitutional matters such as the bill of rights and other related amendments to the Constitution? Or should perhaps all such factors be considered *in toto* from an analytical perspective? But even if we acknowledge crime within a historical perspective for a given society and culture, there are other transformations to be accounted for besides the general historical trends. For instance, and to remain within the scope of our example on US criminal law, which specific events did trigger the major changes within the system? “Event” ought to be taken generally here: for instance, as a major historical happening, such as the Civil War or the New Deal; or, alternatively, as a judge’s opinion, or a supreme court decision, which thanks to the doctrine of precedent and *stare decisis*, may have in hindsight become “major” landmark opinions, affecting judicial decision making in specific areas for decades to come. One should add in this respect the existence of *doctrinal* transformations, which tend to be extremely subtle and hidden beneath the visible historical events, on such matters as precedent, *stare decisis*, the rule of law, or the separation of powers (between the executive, legislative, and judiciary); not to mention the *cultural* transformations, on such matters as gender representations, the role of women in the labor force, or the infiltration of technology in daily life (the internet or the ipod are prime examples at the moment).

In addition to the general historical transformations outlined above, and for which we will devote the first few sessions (Friedman’s *Crime and Punishment*), we will also take into consideration other alternative (but complementary) sociological or anthropological approaches. In general, students of the law tend to think of the rules of law as the most important component of the system, with an immediate effect on judicial decision making. The judiciary is thus commonly perceived as “applying” the rules of law, or at “interpreting” precedents in order to find new rules. Such a picture, which is common to both civil-law and common-law systems, generally postulates the existence of a “theory” to the system to be found in the rules themselves, and a “practice” in the routines of the courts and the art of judicial decision making. For that very reason, much attention has been allocated to all kinds of constitutional matters, the interpretations of rules, statutes, and precedents, or to the moral or ethical aspects of the law and judicial decision making (in particular in the work of Ronald Dworkin)—all such issues are looked upon as the “heart,” “spirit,” or “theory” of the system, upon which everything else rests. At the opposite end of the spectrum, such “conservative” views have been challenged either by the law-and-economics school, which looks at the economic foundation of law, including crime (a school best represented by Richard Posner); or by “deconstructionists” of all tendencies—feminists, Marxists, or the Critical Legal Studies (CLS) scholars—which tend to perceive the rules of the judiciary within their broader ideological and political

underpinnings.

Even though such scholarly contributions represent different methodologies to understand the law, what they nevertheless share is a common neglect, if not misunderstanding, of practice. Practice is in effect perceived, in most instances, as an outcome of rules, which could be religious, ethical, legal, political or ideological in their very essence. Thus, scholars in the line of Dworkin tend to underscore the “autonomy” of law, a system they believe is rooted in a combination of legal and moral principles, on the one, and the interpretive (or hermeneutical) efforts of judges to reach the best decision possible (in particular when it comes to “hard” cases with no clear precedent) on the other. While others in line with Duncan Kennedy and the CLS school, tend to focus on the lack of legal autonomy, the indeterminacy of law, and the political and ideological underpinnings of the whole system. Even the law-and-economics school, which claims to be the more “practical” of all, falls short when it comes to understanding practice, since an “optimum” decision making must be congruent with the rules of laissez-faire capitalism.

But what happens then in the space of a courtroom? And what are we supposed to make of the *linguistic* interactions between the social actors (or users) involved in a case? It is precisely at this level of practice that many legal theories, such as the ones briefly outlined above, quickly reach a dead end. As we’ll come to realize from Matoesian’s *Reproducing Rape*, what happens in the space of a courtroom proves to have extremely rich connotations for the researcher.

Judges like historians find themselves in the situation of searching for factual evidence to narrate their final ruling. It is in effect up to judges to *select* from the myriad of utterances, depositions, narrations, discourses, left by witnesses and official authorities, the ones that will ultimately survive the test of factual evidence: which of the “facts” will become factual evidence, and which ones will be relegated to the dubious role of personal testimonies, unreliable data, and tampered with evidence? It is up to judges to sanctify the personal testimonies of witnesses into factual evidence that has been rigorously tested through judicial procedures, and which will be ultimately quoted in the final ruling as objectively valid. The researcher must therefore keep an eye on how the individuated personal narratives of social actors—all of which using the “I” form of witnessing—either metamorphose into more “reliable” accounts approved and endorsed by the judiciary, or else are forgotten and invalidated.

A crime therefore metamorphoses into a method of inquiry, a thing that is objectified into the documents and images that constitute the case-file. When actors discuss the crime, say, in the privacy of their own homes, they will in all probability not adopt the same language and behavior that they would in the presence of a prosecutor or judge, because, as an outcome of institutional constraints, the crime-as-artifact pushes them to different forms of expressions, some of which may be more constrained than the ones adopted in private, or conversely, the objectivation of the crime may push them towards new forms of expression and representations. It is precisely to the *documentation* of the crime scene by the actors themselves—the most essential aspect of judicial practice—that we’ll devote some of our attention.

GENERAL REQUIREMENTS

There are weekly readings that we'll discuss collectively in class. Your participation is essential for the success of the course. You'll have to complete three presentations based (for the most part) on the weekly readings and term-papers (see below). Instructions on the presentations will be posted in due time on Blackboard.

In addition to the two-draft free-topic paper (see below the section on papers), you'll have to submit three interpretive essays based on our weekly readings: you'll receive sets of questions for each. *The final grade is averaged as one-fifth for each of the five papers. All interpretive essays are take-home and you'll be given a week to submit them. The purpose of the interpretive essays is to give you the opportunity to go "beyond" the literal meaning of a text and adopt interpretive and "textual" techniques. A failing grade in all interpretive essays means also a failing grade for the course, whatever your performance in the term-paper is. All essays and papers must be submitted on time according to the deadlines set below.*

First Interpretive Essay	20%
Second Interpretive Essay	20%
Final Interpretive Essay	20%
Preliminary paper draft	20%
Term Paper & presentations	20%

- It is essential that you complete all readings on time, and that you come to class well prepared. Always come to class with the required book: we'll discuss all readings extensively.
- The first, second, and final interpretive essays are all based on our weekly readings. They all consist of a single essay for which you'll receive the appropriate questions at the dates below, and you'll submit them in class a week later.
- The question handouts will only be distributed in class—no email communication.
- For all five papers follow the procedures outlined below in the section on papers.
- Essays and papers are to be submitted only in class. Do not send any material as an attached e-mail file or by fax.
- It's your responsibility to submit all essays and papers on time at the deadlines below. Late papers will be graded accordingly, and papers submitted a week after the deadline will be graded F.
- Each non-submitted paper will receive the grade of F, and your final grade will be averaged accordingly.
- The mid-term paper is a free-topic exercise that you should begin researching as soon as possible.
- If you do not show up for one of the assigned presentations, you'll have to submit a five-page report for the missed presentation.

READINGS

- Week 1: January 23
Introduction
- Week 2: January 30
Lawrence Friedman, *Crime & punishment in American society*, Basic Books 0465014879.
- Week 3: February 6
Friedman (continued)
Selection of texts from (to be announced on Blackboard):
David Garland, *Reader on punishment*, Oxford 0198763530.
- Week 4: February 13
David Garland, *The culture of control*, Chicago 0226283844.
- Week 5: February 20
Presentations of individual crime case histories from all over the world. Details to be announced on Blackboard.

February 13: first interpretive essay

the questions for the first essay (Friedman & Garland) will be distributed in class on February 13, and your essay must be submitted on February 27

- Week 6: February 27
Jack Katz, *Seductions of Crime*, Basic Books 0465076165.
- Week 7: March 13
Katz (continued)
Texts from *Reader*.
- Week 8: March 20
Gregory Matoesian, *Reproducing Rape*, Chicago 0226510808.
- Week 9: March 27
Matoesian (continued)
Texts from *Reader*.

March 27: term-paper first draft deadline

March 27: second interpretive essay

questions will be distributed in class on March 27, and submitted on April 10

- Week 10: April 3
Second oral presentations, based on Garland's *Reader* & David Garland & Richard Sparks, *Criminology and Social Theory*, Oxford 0198299427.
- Week 11: April 10
Edward Berenson, *The trial of Madame Caillaux*, California 0520084284.
- Week 12: April 17
Michael Taussig, *Law in a Lawless Land*, New Press 1565848632.
- Week 13: April 24
Garland & Sparks, *Criminology and Social Theory*, Oxford 0198299427.

April 24: final interpretive essay, to be submitted on May 1

- Week 14: May 1

presentation of term-papers
May 1: deadline for submitting term-papers
deadline for submitting final interpretive essay

PAPERS

You are requested to write one major research paper to be submitted during the last session, Monday, May 1. You will have to submit, however, a first draft of this paper on Monday, March 27. The first draft should be as complete as possible and follow the same presentation and writing guidelines as your final draft, and it will count as 20% of your total grade unless the final draft is of superior quality. The purpose of the first draft is to let you assess your research and writing skills and improve the final version of your paper. It is advisable that you choose a research topic and start preparing a bibliography as soon as possible. I would strongly recommend that you consult with me before making any final commitment. It would be preferable to keep the same topic for both drafts. You will be allowed, however, after prior consultation, to change your topic if you wish to do so.

You may choose any topic related to the criminal and penitential practices of any society. You may also write on any legal topic of your choice. *Papers should be analytical and conceptual.* Avoid pure narratives and chronologies and construct your paper around a main thesis.

Kate L. Turabian, *A Manual for Writers of Term Papers, Theses, and Dissertations*, 5th ed., Chicago: University of Chicago Press, 1987. Intended for students and other writers of papers not written for publication. Useful material on notes and bibliographies.

May 1: FINAL DRAFT DEADLINE
submit your final draft with your preliminary corrected one

Keep in mind the following when preparing your preliminary and final drafts:

- once you've decided on a paper-topic and prepared a preliminary bibliography, post an abstract and bibliography of your topic on Blackboard <blackboard.luc.edu> (see below). Your abstract of at least 400 words should include: (i) title; (ii) description; (iii) annotated bibliography; (iv) methodology (e.g. suggestions on how to read sources). **Your preliminary draft will not be accepted unless you've submitted an on-line abstract by March 20 at the latest.**
- preliminary drafts should be submitted on time, March 27.
- preliminary drafts should be complete and include footnotes and an **annotated bibliography**. (The Turabian reference above is annotated: it briefly spells what the book is about and to whom it might be useful.)
- do not submit an outline as a first draft.
- incomplete and poorly written first drafts will not be accepted, and you'll be advised to revise your first draft completely.
- if you submit a single draft throughout the semester, you'll receive F for 20% of the total and your final grade will be averaged accordingly.
- the oral presentation is an essential aspect of your grade; if you can't attend the last session, request an appointment.

- **your final draft should take into consideration all the relevant comments provided on your earlier draft:**
 - all factual and grammatical mistakes should be corrected, in addition to other stylistic revisions.
 - passages indicated as “revise” or “unclear” or “awkward” should be totally revised.
 - when specific additional references have been suggested, you should do your best to incorporate them into your material.
 - there might be several additional suggestions in particular on your overall assumptions and methodology. It will be up to you to decide what to take into consideration.
- **Submit the final draft with your preliminary corrected one.**
- if you're interested in comments on your final paper and interpretive essay, request an appointment by e-mail.

Please use the following guidelines regarding the format of your papers:

- use 8x10 white paper (the size and color of this paper). Do not use legal size or colored paper.
- use a typewriter, laser printer or a good inkjet printer and hand in the original.
- only type on one side of the paper.
- should be double spaced, with single spaced footnotes at the end of each page and an *annotated bibliography* at the end (see bibliography below).
- keep ample left and right margins for comments and corrections of at least 1.25 inches each.
- all pages should be numbered and stapled.
- **a cover page should include the following: paper's title, course number and section, your name, address, e-mail, and telephone.**

ELECTRONIC FORUM

This course is listed on the Loyola Blackboard webpage to freely post messages and conduct discussions: login at <blackboard.luc.edu> and follow the instructions.

SELECTED READINGS

A. Torture

1. *Premodern*

Langbein, John H. *Torture and the Law of Proof: Europe and England in the Ancien Regime*. Chicago: University of Chicago Press, 1977.

Peters, Edward. *Torture*. Expanded edition. Philadelphia: University of Pennsylvania Press, 1996.

Spierenburg, Petrus Cornelis. *The Spectacle of Suffering: Executions and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience*. Cambridge: Cambridge University Press, 1984.

2. *Contemporary/Experiential*

Améry, Jean. *At the Mind's Limits: Contemplations by a Survivor on Auschwitz and Its Realities*. Translated from the French by Sidney Rosenfeld and Stella P. Rosenfeld. Bloomington, Indiana: Indiana University Press, 1988.

Forrest, Duncan, ed. *A Glimpse of Hell: Reports on Torture Worldwide*. For Amnesty International. New York: New York University Press, 1996.

Scarry, Elaine. *The Body in Pain: The Making and Unmaking of the World*. London: Oxford University Press, 1985.

B. Influences and Early Contract Theorists

Helvétius, Claude Adrien. *De l'esprit, or, Essays on the Mind, and its Several Faculties*. [1758]. Translated from the French. London: Vernor, Hood, and Sharpe, 1810.

Hobbes, Thomas. *Leviathan: With Selected Variants from the Latin Edition of 1668*, edited by Edwin Curley. [1651]. Indianapolis: Hackett Publishing Company, 1994. [WWW]

Locke, John. *Second Treatise of Government*, edited by C. B. Macpherson. [1690]. Indianapolis: Hackett Publishing Company, 1980. [WWW]

Montesquieu, Baron Charles Louis Secondat de. *The Persian Letters*. [1721]. Translated from the French by George Healy. Indianapolis: Hackett Publishing Company, 1999. [WWW]

———. *The Spirit of the Laws*, edited by Anne M. Cohler. [1748]. Translated from the French by Anne M. Cohler, Basia Carolyn Miller, and Herold Samuel Stone. Cambridge, England: Cambridge University Press, 1989. [WWW]

Pufendorf, Samuel von. *The Two Books on the Duty of Man and Citizen According to Natural Law*. [1673]. Edited by James Tully. Translated from the German by Michael Silverthorne. Cambridge, England: Cambridge University Press, 1991. [WWW]

Rousseau, Jean-Jacques. *On Social Contract or Principles of Political Right*. [1762]. In *Rousseau: The*

Social Contract and Other Later Political Writings, edited by Victor Gourevitch. Translated from the French. Cambridge, England: Cambridge University Press, 1997. [WWW]

Tuck, Richard. *Hobbes*. Oxford: Oxford University Press, 1989.

———. *Philosophy and Government: 1572-1651*. Cambridge, England: Cambridge University Press, 1993.

The United States. "**A Declaration by the Representatives of the United States of America, in General Congress Assembled.**" Philadelphia: John Dunlap, 1776. [WWW]

C. Beccaria and Bentham

Andrews, Richard Mowery. "The Cunning of Imagery: Rhetoric and Ideology in Cesare Beccaria's Treatise *On Crimes and Punishments*." In *Begetting Images: Studies in the Art and Science of Symbol Production*, edited by Mary B. Campell and Mark Rollins. New York: Peter Lang, 1989.

———. *Law, Magistracy, and Crime in Old Regime Paris, 1735–1789*, volume I, *The System of Criminal Justice*. See 441-72. Cambridge: Cambridge University Press, 1994.

Beccaria, Cesare Bonesana. *An Essay on Crimes and Punishments*. [1764]. 2nd American edition. Translated from the Italian by Anonymous. Philadelphia: Philip H. Nicklin, 1819. [Archive]

Beccaria, Cesare. *On Crimes and Punishments*. [1764]. Translated from the Italian by Richard Davies and Virginia Cox. In *On Crimes and Punishments and Other Writings*, edited by Richard Bellamy. Cambridge: Cambridge University Press, 1995.

———. *On Crimes and Punishments*. [1764]. Translated from the Italian by David Young. Indianapolis, Indiana: Hackett, 1986.

———. "**A Discourse on Public Economy and Commerce.**" [1769]. Included as "Inaugural Lecture" in Cesare Beccaria, *On Crimes and Punishments and Other Writings*, edited by Richard Bellamy. Cambridge: Cambridge University Press, 1995. [WWW].

Beirne, Piers. "Towards a Science of *Homo Criminalis*: Cesare Beccaria's *Dei Delitti e Delle Pene*." [1991]. In *Inventing Criminology: Essays on the Rise of 'Homo Criminalis'*. Albany: SUNY Press, 1993.

Bentham, Jeremy. *An Introduction to the Principles of Morals and Legislation*. [1789]. In *A Bentham Reader*, edited by Mary Peter Mack. New York: Pegasus Books, 1969. [WWW]

———. *The Rationale of Punishment*. London: R. Heward, 1830. [WWW]

———. *The Rationale of Reward*. London: John and H. L. Hunt, 1825. [WWW]

Cockburn, J. S. "Punishment and Brutalization in the English Enlightenment." *Law and History Review* 12 (1994): 155-79.

Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Translated from the French by Alan Sheridan. New York: Vintage Books, 1979. [See Part II.]

Fuller, Timothy. "Jeremy Bentham and James Mill." In *History of Political Philosophy*, edited by Leo Strauss and Joseph Cropsey, 710-31. Third edition. Chicago: University of Chicago Press, 1987.

Geis, Gilbert. "Jeremy Bentham." In *Pioneers of Criminology*, edited by Hermann Mannheim. Montclair, New Jersey: Patterson Smith, 1972.

Hart, H. L. A. "Bentham and Beccaria." In *Essays on Bentham*, Oxford: Oxford University Press, 1982.

Maestro, Marcello T. *Cesare Beccaria and the Origins of Penal Reform*. Philadelphia: Temple University Press, 1973.

———. *Gaetano Filangieri and his Science of Legislation*. Philadelphia: American Philosophical Society, 1976.

———. *Voltaire and Beccaria as Reformers of Criminal Law*. New York: Columbia University Press, 1942.

Manzoni, Alessandro. *The Column of Infamy, Prefaced by Cesare Beccaria's "Of Crimes and Punishments."* Translated from the Italian by Kenelm Foster, O. P. and Jane Grigson, with an Introduction by A. P. d'Entrèves. London: Oxford University Press, 1964.

For biographic information and further bibliographic references about Beccaria, consult Richard Bellamy's Introduction to [On Crimes and Punishments](#) and the text and notes to [Beirne's](#) article cited above.

D. From the Classical School to the Penitentiary; Impact on Enlightenment Criminal Justice Practice

Beaumont, Gustave de, and Alexis de Tocqueville. *On the Penitentiary System in the United States and Its Application in France*. [1833]. Carbondale, Illinois: Southern Illinois University Press, 1964.

Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Translated from the French by Alan Sheridan. New York: Vintage Books, 1979.

Ignatieff, Michael. *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850*. New York: Pantheon Books, 1978.

Rothman, David J. *The Discovery of the Asylum: Social Order and Disorder in the New Republic*. [1971]. Revised second edition. Boston, Massachusetts: Little, Brown and Company, 1990.

E. Law—General

(*) indicates recommended reading

*Altman, Andrew. *Critical Legal Studies: A Liberal Critique*. Princeton: Princeton University Press, 1990.

Amselek, Paul. *Méthode phénoménologique et théorie du droit*. Paris: L.G.D.J., 1964.

Anderson, J. N. D. "Homicide in Islamic Law." *Bulletin of the School of Oriental and African Studies* 13 (1951): 811-28.

*Austin, John. *Lectures on Jurisprudence*. 2 vols. London: John Murray, 1863.

*Austin, John. *Province of Jurisprudence Determined*. London: Weidenfeld & Nicolson, 1954.

Balkin, J.M. "Being Just With Deconstruction." *Social & Legal Studies* 3, no. 3 (1994): 393-404.

Berque, Jacques. *Essai sur la méthode juridique maghrébine*. Rabat, 1944.

*Black, Donald. *Sociological Justice*. New York & Oxford: Oxford University Press, 1989.

Boltanski, Luc and Laurent Thévenot. *De la justification. Les économies de la grandeur, Les essais*. Paris: Gallimard, 1991.

*Bourdieu, Pierre. "The Force of Law: Toward a Sociology of the Juridical Field." *Hastings Law Journal* 38 (1987): 805.

- Bouretz, Pierre, ed. *La force du droit. Panorama des débats contemporains*. Paris: Éditions Esprit, 1992.
- Bousquet, G.-H. *Le droit coutumier des Aït Haddidou des Assif Melloul et Isselaten (Confédération des Aït Yafelmane). Notes et réflexions*. Algiers, 1956.
- Calder, Norman. *Studies in Early Muslim Jurisprudence*. Oxford: Clarendon Press, 1993.
- Carbonnier, Jean. *Droit et passion du droit sous la V^e République*. Paris: Flammarion, 1996.
- Chehata, Chafik. *Études de droit musulman*. Paris: Presses Universitaires de France, 1971.
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- Cohen-Tanugi, Laurent. *Le droit sans l'État*. Edited by Quadrigue. Paris: Presses Universitaires de France, 1985.
- *Conley, John M. and William M. O'Barr. *Rules Versus Relationships. The Ethnography of Legal Discourse*. Chicago and London: The University of Chicago Press, 1990.
- Derrida, Jacques. "Force of Law: The "Mystical Foundation of Authority"." *Cardozo Law Review* 11 (1990): 919-1045.
- Dews, Peter. "Agreeing What's Right." *London Review of Books*, 13 May 1993, 26-7.
- Douzinan, Costas & Peter Goodrich & Yifat Hachamovitch. *Politics, Postmodernity and Critical Legal Studies*: Routledge, 1994.
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- Engelstein, Laura. "Combined Underdevelopment: Discipline and the Law in Imperial and Soviet Russia." *The American Historical Review* 98, no. 2 (1993): 338-353.
- Ewald, François. *L'État providence*. Paris: Grasset, 1986.
- Foucault, Michel. "L'évolution de la notion d'« individu dangereux » dans la psychiatrie légale du XIX^e siècle." In *Dits et écrits, 1954-1988, III: 1976-1979*, edited by Daniel Defert & François Ewald. Paris: Gallimard, 1994.
- *Friedman, Lawrence M. *A History of American Law*. 2d ed. New York: Touchstone, 1985.
- Garapon, Antoine. *Bien juger. Essai sur le rituel judiciaire, Opus*. Paris: Éditions Odile Jacob, 1997.
- Garapon, Antoine. "La justice." *Magazine littéraire*, no. 345 (1996): 54-57.
- *Garland, David. *Punishment and Modern Society*. Chicago: The University of Chicago Press, 1990.
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- Gordon, Robert. "Critical Legal Histories." *Stanford Law Review* 36 (1984): 57.
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- Goy, Joseph. "Code civil." In *Dictionnaire critique de la Révolution française: Institutions et créations*, edited by François and Mona Ozouf Furet, 133-152. Paris: Flammarion, 1992.
- *Greenhouse, Carol J., Barbara Yngvesson & David M. Engel. *Law and Community in Three American Towns*. Ithaca and London: Cornell University Press, 1994.
- Habermas, Jürgen. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Translated by William Rehg. Cambridge, Massachusetts: The MIT Press, 1996.
- Habermas, Jürgen. "Reply to Symposium Participants, Benjamin N. Cardozo School of Law." *Cardozo Law Review* 17, no. 4-5 (1996): 1477-1558.
- Hallaq, Wael B. *Law and Legal Theory in Classical and Medieval Islam*. Brookfield: Variorum, 1995.
- *Hart, H.L.A. *The Concept of Law*. Oxford: Clarendon Press, 1961.
- Heyd, Uriel. *Studies in Old Ottoman Criminal Law*. Oxford: Clarendon Press, 1973.
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- Kennedy, Duncan. *Sexy Dressing Etc. Essays on the Power and Politics of Cultural Identity*. Cambridge-London: Harvard University Press, 1993.
- Kennedy, D., and K. Klare. "A Bibliography of Critical Legal Studies." *Yale Law Journal* 94, no. 2 (December) (1984): 461-90.
- Koshar, Rudy. "Foucault and Social History: Comments on "Combined Underdevelopment"." *The American Historical Review* 98, no. 2 (1993): 354-363.
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