Legislation Distribution I

Seidman, Robert B.

http://hdl.handle.net/2144/20677

Boston University
# TABLE OF CONTENTS

## INTRODUCTION

Legislation aimed at problem of leaking home underground fuel oil storage tanks (UST's)  
1  
Problem  
1  
Questions  
1  
Seidman, Comment of Wu and Cao on "Legislative Technique"  
3  
Seidman, "The Memorandum of Law and Legislative Theory..."  
11

## CHAPTER I. SOME OBJECTIONS TO THE USE OF LAW TO SOLVE SOCIAL PROBLEMS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Some examples of how law can misfire</td>
<td>2</td>
</tr>
<tr>
<td>B.</td>
<td>Can we know the law's impact on people's behavior?</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>1. Griffiths, &quot;Is the law important?&quot;</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>2. Singer, &quot;The Player and the Cards: Nihilism and Legal Theory&quot;</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Notes and Questions</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Kidder, Connecting Laws and Society</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Gusfield, &quot;Moral Passage&quot;</td>
<td>13</td>
</tr>
<tr>
<td>C.</td>
<td>Should society use law to change institutions? (Miller v. Schoene and the Samuels-Buchanan debate)</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>Notes</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Demsetz on the Coase Theorem</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>Ellickson on the Coase Theorem</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>Chambliss and Seidman, Law, Order and Power</td>
<td>26</td>
</tr>
<tr>
<td>D.</td>
<td>The domain of study of this book</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>Hurst, Law and Economic Growth...</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>Notes and questions</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>Tushnet, (review of Hurst)</td>
<td>32</td>
</tr>
</tbody>
</table>

## CHAPTER II. THE LAWS OF NON-TRANSFERABILITY OF LAW AND OF THE REPRODUCTION OF INSTITUTIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>The law of non-transferability of law</td>
<td>1</td>
</tr>
<tr>
<td>A.</td>
<td>The problem stated</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>&quot;On copying Hong Kong Economic Regulations and its Management System into Shenzhen&quot;</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Questions</td>
<td>10</td>
</tr>
<tr>
<td>B.</td>
<td>The consequences of copying English law into Africa</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Seidman, The State, Law and Development</td>
<td>10</td>
</tr>
<tr>
<td>C.</td>
<td>The Law of Non-transferability of Law</td>
<td>20</td>
</tr>
</tbody>
</table>
### Notes and Questions

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>D. Shenzhen and Hong Kong Revisited</td>
<td>24</td>
</tr>
<tr>
<td>Seidman and Seidman, &quot;On the proposal for Shenzhen to copy Hong Kong Law&quot;</td>
<td>25</td>
</tr>
<tr>
<td>Notes and questions</td>
<td>25</td>
</tr>
<tr>
<td>Cheng, &quot;No treasure island&quot;</td>
<td>51</td>
</tr>
</tbody>
</table>

## II. The Law of Reproduction of Institutions

A. The African Experience

- Seidman, *The State, Law and Development* 54

### Notes and questions

- 65

## CHAPTER III. METHODOLOGIES FOR CRITIQUING AND JUSTIFYING LEGISLATION

A. Introduction

- Problem 1
- Notes and questions 1
- Seidman, "Memorandum" 2
- Notes and questions 11
  - Coleman, "Problems of Conceptualization..." 12

B. Ends-means methodologies

- Stokey and Zeckhauser, *A Primer for Policy Analysis* 14
- Notes and questions 25
- Seidman, "The Memorandum of Law and Legislative Theory: An Institutionalist Approach" 26

C. Muddling Through: Creeping Incrementalism

- Making the Most of Analysis 35
- Notes and questions 39

D. Problem-solving

- Seidman, "Memorandum" 40
- A Note on Causality and Explanations 42
- Seidman, "Research Priorities" 42
- Solomon, "A Model Youth Differential Amendment..." 53
- Hawkins, "Promoting Jobs for Youth" 75
- Donovan, "Letter to the Editor" 76
- Seidman, "An Addendum to the Youth Differential Amendment" 77
- Notes and Questions 81
- Uchitelle, "Few Concerns Use Sub-Minus Wage" 84
CHAPTER IV. VOCABULARIES

I. Chambliss and Seidman, Law, Order, and Power
   Two Criteria of an Adequate Set of Categories
   Seidman and Seidman, The Long Rocky Road to Development

II. The Vocabulary of Classical Liberalism and Modern-Day Legal Process Theories
    Chambliss and Seidman, Law, Order and Power
    Seidman and Seidman, The Long Rocky Road to Development
    Notes and questions

III. The Institutionalist Model of a Legal Order
    Chambliss & Seidman, Law, Order and Power
    Stauffer, "Tenant Blacklisting..."
    Hamifin, "Legislation..."

PART III, LEGISLATING OBEDIENCE: ORIMARY ADDRESSEES

CHAPTER V. WHY DO PROBLE OBEY THE LAW?

I. Feest, "Compliance with Legal Regulations"
   Notes
   Legal Impact: Problems of Measurement

II. The 'Sociological' Vocabulary
    Tyler, "Why People Obey the Law (1990)
    Chapter 3, Legitimacy as a Theoretical Issue
    Question
    Seidman, "The Memorandum"
    Notes and questions
    Evan, "Law as an Instrument of Social Change"
    Notes and questions
    Tyler, "Why People Obey the Law (1990)
    Chapter 12, The Antecedents of Compliant Behavior
    Notes and questions

III. Law and Economics Models
    Posner, "The Economics of Justice"
    Kitch, "The Intellectual Foundations of 'Law and Economics'"
    Michelman, "Reflections of Professional Education..."
    Notes
    Posner, "The Economic Analysis of Law
    Posner, "The Regulation of the Market in Adoptions
    Notes and questions
IV. INSTITUTIONALIST THEORY
Seidman, "The Memorandum" 67
Notes and questions 72
A Problem Case: A Massachusetts Statute on Drug Rehabilitation 74
Notes 76
Chambliss and Seidman, Law, Order and Power 77
Seidman, State, Law and Development 80
Robertson and Teitlebaum, "Optimizing Legal Impact...." 82
Questions 99