



Confounded Expectations: The Law's Struggle with Personal Responsibility (Legal Studies)

George W. Jarecke M.F.A. J.D., Nancy K. Plant B.A. J.D.

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George W. Jarecke and Nancy K. Plant present a selection of cases across a broad spectrum of American law to demonstrate that our society relies inappropriately on the legal system to cure ills the system was not designed to address.

Jarecke and Plant note that while we in the United States worry considerably about the problem of individual assumption of responsibility—whether for personal mistakes, financial setbacks, or pure bad luck—we appear uneasy about the concept and unclear about what it means on a daily basis. Not only are we incapable of accepting personal responsibility; we barely know what it means to do so.

Mistakenly, we turn to the legal system to solve this dilemma. Yet our laws as our legislators write them, as judges interpret them, as lawyers argue them, and as juries apply them send mixed messages about whether and how we should exercise personal responsibility.

Each chapter of *Confounded Expectations* features one main case to explain one legal theory, with other cases noted as examples of facets of each theory. To demonstrate the law that requires merchants to guarantee the quality of their products, for example, Jarecke and Plant discuss the case of the band mothers whose fund-raising luncheon menu included turkey salad contaminated by salmonella. Peripheral cases include a horse falsely sold as a gelding, a riding mower that tipped over when used as instructed, makeup that was guaranteed to be safe but caused a rash, and pigs sick with hog cholera.

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