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Morton J. Horwitz

The Transformation of American Law 1780-1860



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Morton J. Horwitz



The Transformation Of American Law 1780 1860 Studies In Legal History:

The Transformation of American Law, 1780-1860 Morton J. Horwitz, 1977 *The Transformation of American Law* Morton J. Horwitz, 1979 **The Transformation of American Law, 1870-1960** Morton J. Horwitz, 1992 When the first volume of Morton Horwitz's monumental history of American law appeared in 1977 it was universally acclaimed as one of the most significant works ever published in American legal history The New Republic called it an extremely valuable book Library Journal praised it as brilliant and convincing And Eric Foner in The New York Review of Books wrote that the issues it raises are indispensable for understanding nineteenth century America It won the coveted Bancroft Prize in American History and has since become the standard source on American law for the period between 1780 and 1860 Now Horwitz presents The Transformation of American Law 1870 to 1960 the long awaited sequel that brings his sweeping history to completion In his pathbreaking first volume Horwitz showed how economic conflicts helped transform law in antebellum America Here Horwitz picks up where he left off tracing the struggle in American law between the entrenched legal orthodoxy and the Progressive movement which arose in response to ever increasing social and economic inequality Horwitz introduces us to the people and events that fueled this contest between the Old Order and the New We sit in on *Lochner v New York* in 1905 where the new thinkers sought to undermine orthodox claims for the autonomy of law and watch as Progressive thought first crystallized We meet Oliver Wendell Holmes Jr and recognize the influence of his incisive ideas on the transformation of law in America We witness the culmination of the Progressive challenge to orthodoxy with the emergence of Legal Realism in the 1920s and 30s a movement closely allied with other intellectual trends of the day And as postwar events unfold the rise of totalitarianism abroad the McCarthyism rampant in our own country the astonishingly hostile academic reaction to *Brown v Board of Education* we come to understand that rather than self destructing as some historians have asserted the Progressive movement was alive and well and forming the roots of the legal debates that still confront us today The Progressive legacy that this volume brings to life is an enduring one one which continues to speak to us eloquently across nearly a century of American life In telling its story Horwitz strikes a balance between a traditional interpretation of history on the one hand and an approach informed by the latest historical theory on the other Indeed Horwitz's rich view of American history as seen from a variety of perspectives is undertaken in the same spirit as the Progressive attacks on an orthodoxy that believed law an objective neutral entity The Transformation of American Law is a book certain to revise past thinking on the origins and evolution of law in our country For anyone hoping to understand the structure of American law or of America itself this volume is indispensable *The Transformation of American Law* Morton J. Horwitz, 1977 **The Transformation of American Law**, 1977 Yale Law School and the Sixties Laura Kalman, 2006-05-18 The development of the modern Yale Law School is deeply intertwined with the story of a group of students in the 1960s who worked to unlock democratic visions of law and social change that they associated with Yale's past

and with the social climate in which they lived During a charged moment in the history of the United States activists challenged senior professors and the resulting clash pitted young against old in a very human story By demanding changes in admissions curriculum grading and law practice Laura Kalman argues these students transformed Yale Law School and the future of American legal education Inspired by Yale s legal realists of the 1930s Yale law students between 1967 and 1970 spawned a movement that celebrated participatory democracy black power feminism and the counterculture After these students left the repercussions hobbled the school for years Senior law professors decided against retaining six junior scholars who had witnessed their conflict with the students in the early 1970s shifted the school s academic focus from sociology to economics and steered clear of critical legal studies Ironically explains Kalman students of the 1960s helped to create a culture of timidity until an imaginative dean in the 1980s tapped into and domesticated the spirit of the sixties helping to make Yale s current celebrity possible Subversive Legal History Russell Sandberg,2021-07-29 Provocative audacious and challenging this book rejuvenates not only the historical study of law but also the role of Law Schools by asking which stories we tell and which stories we forget It argues that a historical approach to law should be at the beating heart of the Law School curriculum Far from being archaic elitist and dull historical perspectives on law are and should be subversive Comparison with the past underscores how the law and legal institutions are not fixed but are constructed that every line drawn in the law and everything the law holds as sacred is actually arbitrary and how the environment into which law students are socialised is a historical construct A subversive approach is needed to highlight question de construct and re construct the authored nature of the law revealing that legal change on a larger scale is possible Far from being archaic this recasts legal history as being anarchic Subversive Legal History is not a type of Legal History but is its defining characteristic if it is to be a central part of Law School life It describes a legal method that should not be the preserve only of specialist legal historians but rather should be part of the toolkit of all law students teachers and researchers This book will be essential reading for all who work and study in Law Schools proposing a radical new approach not only to the historical study of law but also to the content purpose and ambition of legal education A subversive approach can revolutionise Law Schools providing a more ambitious legal education which is grounded in the socio legal reality helping to ensure that today s law students are better equipped to be the professionals and citizens of tomorrow Law, Society, and History Robert W. Gordon,Morton J. Horwitz,2011-03-07 This book assembles essays on legal sociology and legal history by an international group of distinguished scholars All of them have been influenced by the eminent and prolific legal historian legal sociologist and scholar of comparative law Lawrence M Friedman Not just a Festschrift of essays by colleagues and disciples this volume presents a sustained examination and application of Friedman s ideas and methods Together the essays in this volume show the powerful ripple effects of Friedman s work on American and comparative legal sociology American and comparative legal history and the general sociology of law and legal change **Encyclopedia of Historians and Historical Writing** Kelly

Boyd,2019-10-09 The Encyclopedia of Historians and Historical Writing contains over 800 entries ranging from Lord Acton and Anna Comnena to Howard Zinn and from Herodotus to Simon Schama Over 300 contributors from around the world have composed critical assessments of historians from the beginning of historical writing to the present day including individuals from related disciplines like Jürgen Habermas and Clifford Geertz whose theoretical contributions have informed historical debate Additionally the Encyclopedia includes some 200 essays treating the development of national regional and topical historiographies from the Ancient Near East to the history of sexuality In addition to the Western tradition it includes substantial assessments of African Asian and Latin American historians and debates on gender and subaltern studies **The Yale Law School Guide to Research in American Legal History** John B. Nann,Morris L. Cohen,2018-01-01 The first guide to legal research intended for the many nonspecialists who need to enter this arcane and often tricky area *Law in American History, Volume III* G. Edward White,2019-04-18 In *Law in American History Volume III* 1930 2000 the eminent legal scholar G Edward White concludes his sweeping history of law in America from the colonial era to the near present Picking up where his previous volume left off at the end of the 1920s White turns his attention to modern developments in both public and private law One of his findings is that despite the massive changes in American society since the New Deal some of the landmark constitutional decisions from that period remain salient today An illustration is the Court's sweeping interpretation of the reach of Congress's power under the Commerce Clause in *Wickard v Filburn* 1942 a decision that figured prominently in the Supreme Court's recent decision to uphold the Affordable Care Act In these formative years of modern American jurisprudence courts responded to and affected the emerging role of the state and federal governments as regulatory and redistributive institutions and the growing participation of the United States in world affairs They extended their reach into domains they had mostly ignored foreign policy executive power criminal procedure and the rights of speech sexuality and voting Today the United States continues to grapple with changing legal issues in each of those domains *Law in American History Volume III* provides an authoritative introduction to how modern American jurisprudence emerged and evolved of the course of the twentieth century and the impact of law on every major feature of American life in that century White's two preceding volumes and this one constitute a definitive treatment of the role of law in American history *A History of Water Rights at Common Law* Joshua Getzler,2004 This volume describes how the courts created rights for land owners and users competing to appropriate water for factories town supply drainage and transport It covers the period from early times to the late nineteenth century illustrating the changing common law of property and tort and throwing new light on the growth of the economy and the social and legal dimensions of technological innovation **The Indian Yearbook of Law and Interdisciplinary Studies** Ranita Nagar,Hiteshkumar Thakkar,2022-11-23 This yearbook focuses on law and its interdisciplinarity in India It brings together scholars of law economics and policy to foster multidisciplinary thinking and analysis across subject areas The contributors to this volume embody an interdisciplinary spirit through their academic

experience and aim to bring to the fore unique suggestions for a better understanding of the law The volume explores various key issues that are central to state policy demanded by a functioning democracy in terms of democratic quality aspirations and sustainability It discusses global and social issues such as foreign interference in domestic elections feminism and climate change and looks at other subjects such as economics religion history literature from the perspective of law A unique contribution to the study of law in India this book will be an essential read for scholars and researchers of law jurisprudence political science economics public policy sociology social anthropology the Indian Constitution and South Asia studies

Transformations in American Legal History Daniel W. Hamilton, Alfred L. Brophy, 2009 During his career at Harvard Morton Horwitz changed the questions legal historians ask In this book Horwitz's students re-examine legal history from America's colonial era to the late twentieth century The essays are like Horwitz's provocative and original as they continue his transformation of American legal history **A Historical Introduction to English Law** Russell Sandberg, 2023-05-11 Designed for those studying law for the first time this book explores where the English common law came from *Subject Catalog of the Institute of Governmental Studies Library, University of California, Berkeley* University of California, Berkeley. Institute of Governmental Studies. Library, 1978 **Modern Chivalry in Early American Law** Madeline Sapienza, 1992-01-27 This work contains the legal contributions and observations of Hugh Henry Brackenridge Pennsylvania Supreme Court judge teacher preacher publisher gazetteer lawyer and fiction writer who reached the pinnacle of his career during the Jeffersonian era Brackenridge's body of legal thought is juxtaposed with the published lectures of James Wilson the commentaries on Blackstone by St George Tucker and selections from The Federalist Papers Contents Modern Chivalry The Early Books Modern Chivalry The Later Books Overview of Law Miscellanies Selected State Supreme Court Cases Concluding Thoughts **Patterns of American Legal Thought** G. Edward White, 1978 This book is a series of essays on scholarly thought the judiciary and constitutional law The essays discuss the development of American law *Historical Social Research* , 1985 International journal for the application of formal methods to history **Kentucky Law Journal** , 1981

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