

Morton J. Horwitz

**The
Transformation
of American
Law 1780-1860**



The Transformation Of American Law 1780 1860

Morton J. Horwitz



The Transformation Of American Law 1780 1860:

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, 1780-1860 Morton J. HORWITZ, Morton J
Horwitz, 2009-06-30 In a remarkable book based on prodigious research Horwitz offers a sweeping overview of the
emergence of a national legal system from English and colonial antecedents He treats the evolution of common law as
intellectual history and demonstrates how shifting views of private law became a dynamic element in the economic growth of
the U S *The Transformation of American Law*, 1977 The Transformation of American Law Morton J. Horwitz, 1977

The Transformation of American Law, 1870-1960 Morton J. Horwitz, 1994-12-15 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 Legacy of Oliver Wendell Holmes, Jr Robert Watson Gordon, 1992 On his retirement from the Supreme Court at the age of 90 in 1932 Oliver Wendell Holmes Jr was celebrated as few judges have ever been beloved and revered as a national treasure Holmes s influence magnified into legend by the attention he has continued to receive has helped to constitute the identity of the legal profession the conception of the judicial function and the role of the public intellectual in modern American culture The present collection of seven essays attempts to view Holmes s work apart from the restricted framework supplied by traditional jurisprudence by reassessing Holmes as an intellectual a legal theorist and an iconic public figure and culture hero Each essay adds something new and distinctive to the scholarly controversies that have surrounded Holmes for over a century J W Burrow begins the volume by looking at Holmes s relations to various strands of Victorian social thought she next three essays approach each from a different angle the problem of Holmes s relationship to formalism or classical orthodoxy in legal thought Morton Horwitz provides a sweeping reassessment of the development of Holmes s legal thinking between the early period of the 1870 s and 1880 s and *The Path of the Law* in 1897 Mathias Reimann presents the first thorough exploration of Holmes s use misuse more often of German philosophy notably his discrediting in *The Common Law* of the legacy of Kant and Hegel Stephen Diamond approaches Holmes s jurisprudence and his broader social and personal views by another original pathway his legal opinions in taxation cases and his private views on taxation The final three essays consider Holmes as a man of letters and representative man of the American scene both as he created himself and as he was created by others Robert Ferguson shows how Holmes deliberately went about the work of fashioning the public persona of a judge Peter Gibian shows how Holmes s construction of his public style was formed as a deliberate reaction against that of his famous father Dr Oliver Wendell Holmes Sr The final essay by David Hollinger has a dual purpose to ask what Holmes meant by the scientific way of looking at the world and to discover how Holmes came to be such a hero to liberal Jewish intellectuals like Felix Frankfurter and Harold J Laski

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A Shameful Business James A. Gross, 2011-02-23 In a book that confronts the moral choices that U S corporations make every day in the treatment of their workers James A Gross issues a clarion call for the transformation of the American workplace based on genuine respect for human rights rather than whatever the economic and regulatory landscape might allow Gross questions the nation s underlying fabric of values as reflected in its laws and our assumptions about workers and the workplace Arguing that our market philosophy is incompatible with core principles of human rights he forces readers to realign the country s labor policies so that they conform with the highest international human rights standards To make his case Gross assesses various aspects of U S labor relations freedom of association racial discrimination management rights workplace safety and human resources through the lens of internationally accepted human rights principles as standards of judgment His findings are chilling Employers who

maintain workplaces that require men and women and sometimes even children to risk their lives and endanger their health and eyes and limbs in order to earn a living are treating human life as cheap and are seeking their own gain through the desecration of human life Gross argues and such behavior should be considered as crimes against humanity rather than matters of efficiency productivity or morale By revealing how truly unacceptable management s best practices can be when considered as human rights issues A Shameful Business encourages a bold new vision for workers whether organized or not that would signify a radical rethinking of social values and the concept of workplace rights and justice in the courtroom the boardroom and on the shop floor

Salt of the Earth, Conscience of the Court John M. Ferren, 2006-03-08 The Kentucky born son of a Baptist preacher with an early tendency toward racial prejudice Supreme Court Justice Wiley Rutledge 1894-1949 became one of the Court s leading liberal activists and an early supporter of racial equality free speech and church state separation Drawing on more than 160 interviews John M Ferren provides a valuable analysis of Rutledge s life and judicial decisionmaking and offers the most comprehensive explanation to date for the Supreme Court nominations of Rutledge Felix Frankfurter and William O Douglas Rutledge was known for his compassion and fairness He opposed discrimination based on gender and poverty and pressed for expanded rights to counsel due process and federal review of state criminal convictions During his brief tenure on the Court he died following a stroke at age fifty five he contributed significantly to enhancing civil liberties and the rights of naturalized citizens and criminal defendants became the Court s most coherent expositor of the commerce clause and dissented powerfully from military commission convictions of Japanese generals after World War II Through an examination of Rutledge s life Ferren highlights the development of American common law and legal education the growth of the legal profession and related institutions and the evolution of the American court system including the politics of judicial selection

The Irony of Regulatory Reform Robert Britt Horwitz, 1989 This study examines the history of telecommunications both telephone and broadcast with particular reference to attempts to regulate these media in the USA

The Land We Share Eric T. Freyfogle, 2003-08-08 Is private ownership an inviolate right that individuals can wield as they see fit Or is it better understood in more collective terms as an institution that communities reshape over time to promote evolving goals What should it mean to be a private landowner in an age of sprawling growth and declining biological diversity These provocative questions lie at the heart of this perceptive and wide ranging new book by legal scholar and conservationist Eric Freyfogle Bringing together insights from history law philosophy and ecology Freyfogle undertakes a fascinating inquiry into the ownership of nature leading us behind publicized and contentious disputes over open space regulation wetlands protection and wildlife habitat to reveal the foundations of and changing ideas about private ownership in America Drawing upon ideas from Thomas Jefferson Henry George and Aldo Leopold and interweaving engaging accounts of actual disputes over land use issues Freyfogle develops a powerful vision of what private ownership in America could mean an ownership system fair to owners and taxpayers alike that fosters healthy

land and healthy economies Slave Law in the American South Mark V. Tushnet, 2003 Tying together legal historical social political and literary strands to show how the law itself was implicated in the persistence of slavery this work sheds new light on slavery and Southern history as it probes the conscience of a troubled jurist incapable of fully transcending his times

Civil Rights, the Constitution, and Congress, 1863-1869 Earl M. Maltz, 1990 Through a close analysis of legislative proceedings and of the precise language used Maltz builds a strong case that Congressional actions on civil rights including statutes such as the Freedman s Bureau Bill the District of Columbia Suffrage Bill and the Civil Rights Act of 1866 as well as the thirteenth fourteenth and fifteenth amendments of the early Reconstruction era generally reflected the ideology and intentions of the more conservative Republicans These moderates advocated limited absolute equality rather than total racial equality and opposed the undue federal regulation of private and state actions **Transatlantic Radicals and the Early**

American Republic Michael Durey, 1997 In the transatlantic world of the late eighteenth century easterly winds blew radical thought to America Thomas Paine had already arrived on these shores in 1774 and made his mark as a radical pamphleteer during the Revolution In his wake followed more than 200 other radical exiles English Dissenters Whigs and Painites Scottish lads o parts and Irish patriots who became influential newspaper writers and editors and helped change the nature of political discourse in a young nation Michael Durey has written the first full scale analysis of these radicals evaluating the long term influence their ideas have had on American political thought Transatlantic Radicals uncovers the roots of their radicalism in the Old World and tells the story of how these men came to be exiled how they emigrated and how they participated in the politics of their adopted country Nearly all of these radicals looked to Paine as their spiritual leader and to Thomas Jefferson as their political champion They held egalitarian anti federalist values and promoted an extreme form of participatory democracy that found a niche in the radical wing of Jefferson s Republican Party Their divided views on slavery however reveal that democratic republicanism was unable to cope with the realities of that institution As political activists during the 1790s they proved crucial to Jefferson s 1800 presidential victory then after his views moderated and their influence waned many repatriated others drifted into anonymity and a few managed to find success in the New World Although many of these men are known to us through other histories their influence as a group has never before been so closely examined Durey persuasively demonstrates that the intellectual ferment in Britain did indeed have tremendous influence on American politics His account of that influence sheds considerable light on transatlantic political history and differences in religious political and economic freedoms Skillfully balancing a large cast of characters Transatlantic Radicals depicts the diversity of their experiences and shows how crucial these reluctant migr s were to shaping our republic in its formative years **Water, Land, and Law in the West** Donald J. Pisani, 1996 The series presents an interdisciplinary approach to the use and misuse of resources in the American West This volume comprises essays written between 1982 and 1994 and previously published in journals such as Western Historical Quarterly J of American History and Environmental

History Review Pisani one of the nation's leading environmental and Western historians highlights the central role played by land water and timber allocation in the American West and shows how efforts to achieve justice and efficiency were compromised by the region's obsession with achieving rapid economic growth Annotation copyright by Book News Inc Portland OR

Shifting the Blame Nan Goodman, 1998-07-21 Drawing on legal cases legal debates and fiction including works by James Fenimore Cooper Mark Twain Stephen Crane and Charles Chesnutt Nan Goodman investigates changing notions of responsibility and agency in nineteenth century America By looking at accidents and accident law in the industrializing society Goodman shows how courts moved away from the doctrine of strict liability to a new notion of liability that emphasized fault and negligence *Shifting the Blame* reveals the pervasive impact of this radically new theory of responsibility in understandings of industrial hazards in manufacturing dangers and in the stories that were told and retold about accidents In exciting tales of the actions of good Samaritans or of sea steamboat or railroad accidents features of risk that might otherwise escape our attention such as the suddenness of impact the encounter between strangers and the debates over blame and responsibility were reconstructed in a manner that revealed both imagined and actual solutions to one of the most difficult philosophical and social conflicts in the nineteenth century United States Through literary and legal stories of accidents Goodman suggests we learn a great deal about what Americans thought about blame injury and individual responsibility in one of the most formative periods of our history

Bless the Pure and Humble Nicholas George Malavis, 1996 Nicholas George Malavis's well reasoned and sophisticated study of the development of petroleum regulation offers historical and legal analysis of the basic issues affecting property rights and the public interest and traces the legal moves that shaped a new regulatory system centered around the Texas Railroad Commission It provides a fascinating view of the multiple roles of lawyers in putting the new system in place as they worked for a variety of clients to resolve the serious conflicts plaguing the oil industry in its efforts to manage overproduction in the 1920s and 1930s Access to the internal records of Vinson and Elkins has allowed Malavis to provide readers a rare view inside the world of lawyer client relations He describes how prominent attorney James Elkins and others applied their legal talents negotiating skills and political influence to fight for solutions to the problems that would help define the parameters of the new prorating system

The Transformation in the Conception of Property in American Law, 1780-1860 Morton J. Horwitz, 1973 **A Nation of Laws** Peter Charles Hoffer, 2010 An introduction to and meditation on the key concepts history evolution complexities and importance of law in our nation's 233 year existence

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 provocative and original as they continue his transformation of American legal history

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