

LIMITED ACCESS TRANSFORMATIONS IN AMERICAN LEGAL HISTORY II LAW IDEOLOGY AND METHODS ESSAYS IN HONOR OF MORTON J HORWITZ

Transformations in American Legal History: Law, ideology, and methods

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The Transformation of American Law, 1780–1860

In a remarkable book based on prodigious research, Morton J. Horwitz offers a sweeping overview of the emergence of a national (and modern) legal system from English and colonial antecedents. He treats the evolution of the common law as intellectual history and also demonstrates how the shifting views of private law became a dynamic element in the economic growth of the United States. Horwitz's subtle and sophisticated explanation of societal change begins with the common law, which was intended to provide justice for all. The great breakpoint came after 1790 when the law was slowly transformed to favor economic growth and development. The courts spurred economic competition instead of circumscribing it. This new instrumental law flourished as the legal profession and the mercantile elite forged a mutually beneficial alliance to gain wealth and power. The evolving law of the early republic interacted with political philosophy, Horwitz shows. The doctrine of *laissez-faire*, long considered the cloak for competition, is here seen as a shield for the newly rich. By the 1840s the overarching reach of the doctrine prevented further distribution of wealth and protected entrenched classes by disallowing the courts very much power to intervene in economic life. This searching interpretation, which connects law and the courts to the real world, will engage historians in a new debate. For to view the law as an engine of vast economic transformation is to challenge in a stunning way previous interpretations of the eras of revolution and reform.

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The Law of Contract 1670–1870

This book considers the development of contract law doctrine in England from 1670 to 1870.

The Transformation of American Law, 1870-1960

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.

Freedom Bound

Freedom Bound is about the origins of modern America - a history of colonizing, work and civic identity from the beginnings of English presence on the mainland until the Civil War. It is a history of migrants and migrations, of colonizers and colonized, of households and servitude and slavery, and of the freedom all craved and some found. Above all it is a history of the law that framed the entire process. *Freedom Bound* tells how colonies were planted in occupied territories, how they were populated with migrants - free and unfree - to do the work of colonizing and how the newcomers secured possession. It tells of the new civic lives that seemed possible in new commonwealths and of the constraints that kept many from enjoying them. It follows the story long past the end of the eighteenth century until the American Civil War, when - just for a moment - it seemed that freedom might finally be unbound.

On the Battlefield of Merit

Harvard Law School pioneered educational ideas, including professional legal education within a university, Socratic questioning and case analysis, and the admission and training of students based on academic merit. *On the Battlefield of Merit* offers a candid account of a unique legal institution during its first century of influence.

Making the American Century

Instead they assert the liberal and the conservative are always and essentially intertwined, mutually constituted and mutually constituting. Modern American liberalism operates amid tenacious, recurring forces that shape and delimit the landscape of social reform and political action just as conservatives layered their efforts over the cumulative achievements of twentieth century liberalism, necessarily accommodating themselves to shifts in the instruments of government, social mores and popular culture. These essays also unravel a third traditional polarity in twentieth century U.S. history, the apparent divide between foreign policy and domestic politics. Notwithstanding its proud anti-colonial heritage and its enduring skepticism about foreign entanglements, the United States has been and remains a robustly international (if not imperial) nation.

Women and Justice for the Poor

This book re-examines fundamental assumptions about the American legal profession and the boundaries between "professional" lawyers, "lay" lawyers, and social workers. Putting legal history and women's history in dialogue, it details the history of the origins and development of free legal aid for the poor in the United States.

The Passenger Cases and the Commerce Clause

In 1849 Chief Justice Taney's Court delivered a 5-4 decision on the legal status of immigrants and free blacks under the federal commerce power. The closely divided decision, further emphasized by the fact there were eight opinions, played a part in the increasingly contested politics over growing immigration, and the controversies about fugitive slaves and the western expansion of slavery that resulted in the Compromise of 1850. In the decades after the Civil War federal regulation of immigration almost entirely displaced the role of the states. Yet, over a century later, Justice Scalia in *Arizona v. US* appealed to the era when states exercised greater control over who they allowed to cross their borders; a dissent which has returned the Passenger Cases to the contemporary relevance. The Passenger Cases provide a counter-history that allowed the Court to affirm federal supremacy and state-federal cooperation in *Arizona I* (2011) and *II* (2012). In *The Passenger Cases and the Commerce Clause* Tony Allan Freyer focuses on the antebellum Supreme Court's role prescribing state-federal regulation of immigrants, the movement of free blacks within the United States and on the origins, state court decisions, federal precedents, appellate arguments, and opinion-making that culminated in the Court's decision of the Passenger Cases. The Court's split decision provided political legitimacy for the 1850 Compromise: enactment of a stronger fugitive slave law, admission of slavery in western territories based on popular vote of residents (popular sovereignty), and the abolition of the slave trade in Washington D.C. The divided opinions in the Passenger Cases also influenced the immigrant and slavery crises which disrupted the balance between free and slave-labor states, culminating in the Civil War. The states did indeed enact laws enabling exclusion of undesirable white immigrants and free blacks. The 5-4 division of the Court anticipated the better known, but even more divisive, views of the Justices in the *Dred Scott* case (1857). And in considering the post-Reconstruction evolution of new standards by which to judge immigration issues, the Passenger Cases revealed the continuing controversy over how to treat those who wish to come to our country, even as federal law came to dominate the regulation of immigration. These issues continued to complicate immigration law as much today as they did more than a century and a half ago. The persistence of these problems suggested that a "decent respect to the opinions of mankind" continued to demand a coherent, humane, and more consistent immigration policy.

The Bourgeois Charm of Karl Marx & the Ideological Irony of American Jurisprudence

The Bourgeois Charm of Karl Marx & the Ideological Irony of American Jurisprudence employs a well-known body of work, Marx's, to explain the inevitable limits of scholarship, in hopes to encourage academic boldness, and diversity, especially within American jurisprudence

Time and Environmental Law

Through the lens of time, the book critiques environmental law and recommends ways to enable it to respond to nature's time scales.

The Oxford Handbook of Law and Humanities

How does materiality matter to legal scholarship? What can affect studies offer to legal scholars? What are the connections among visual studies, art history, and the knowledge and experience of law? What can the disciplines of book history, digital humanities, performance studies, disability studies, and post-colonial studies contribute to contemporary and historical understandings of law? These are only some of the important questions addressed in this wide-ranging collection of law and humanities scholarship. Collecting 45 new essays by leading international scholars, The Oxford Handbook of Law and Humanities showcases the work of law and humanities across disciplines, addressing methods, concepts and themes, genres, and areas of the law. The essays explore under-researched domains such as comics, videos, police files, form contracts, and paratexts, and shed new light on traditional topics, such as free speech, intellectual property, international law, indigenous peoples, immigration, evidence, and human rights. The Handbook provides an exciting new agenda for scholarship in law and humanities, and will be essential reading for anyone interested in the intersections of law and humanistic inquiry.

A Class by Herself

A Class by Herself explores the historical role and influence of protective legislation for American women workers, both as a step toward modern labor standards and as a barrier to equal rights. Spanning the twentieth century, the book tracks the rise and fall of women-only state protective laws—such as maximum hour laws, minimum wage laws, and night work laws—from their roots in progressive reform through the passage of New Deal labor law to the feminist attack on single-sex protective laws in the 1960s and 1970s. Nancy Woloch considers the network of institutions that promoted women-only protective laws, such as the National Consumers' League and the federal Women's Bureau; the global context in which the laws arose; the challenges that proponents faced; the rationales they espoused; the opposition that evolved; the impact of protective laws in ever-changing circumstances; and their dismantling in the wake of Title VII of the Civil Rights Act of 1964. Above all, Woloch examines the constitutional conversation that the laws provoked—the debates that arose in the courts and in the women's movement. Protective laws set precedents that led to the Fair Labor Standards Act of 1938 and to current labor law; they also sustained a tradition of gendered law that abridged citizenship and impeded equality for much of the century. Drawing on decades of scholarship, institutional and legal records, and personal accounts, A Class by Herself sets forth a new narrative about the tensions inherent in women-only protective labor laws and their consequences.

Pillars of Justice

The constitutional theorist Owen Fiss explores the purpose and possibilities of life in the law through a moving account of thirteen lawyers who shaped the legal world during the past half century. He tries to identify the unique qualities of mind and character that made these individuals so important to the institutions and principles they served.

A Companion to American Legal History

A Companion to American Legal History presents a compilation of the most recent writings from leading scholars on American legal history from the colonial era through the late twentieth century. Presents up-to-date research describing the key debates in American legal history Reflects the current state of American legal history research and points readers in the direction of future research Represents an ideal companion for graduate and law students seeking an introduction to the field, the key questions, and future research ideas

Catalog of the Gerald K. Stone Collection of Judaica

Gerald K. Stone has collected books about Canadian Jewry since the early 1980s. This volume is a descriptive catalog of his Judaica collection, comprising nearly 6,000 paper or electronic documentary resources in English, French, Yiddish, and Hebrew. Logically organized, indexed, and selectively annotated, the catalog is broad in scope, covering Jewish Canadian history, biography, religion, literature, the Holocaust, antisemitism, Israel and the Middle East, and more. An introduction by Richard Menkis discusses the significance of the Catalog and collecting for the study of the Jewish experience in Canada. An informative bibliographical resource, this book will be of interest to scholars and students of Canadian and North American Jewish studies.

Biotechnology Law and Policy

This book covers an extensive range of issues raised by biotechnological advancements from a regulatory perspective. Written in a clear and readable style, its main objective is to give readers an idea of the relationship between biotechnology and law. Biotechnology advancements and their ethical, moral, economic, and social implications in different fields and the consequential normative demands on the law are crucial to this book. The chapters cover a multitude of themes and some of the most important legal issues arising in relation to biotechnology, including the historical development of a legal framework sufficient to protect public safety, the current biotechnology regulatory system, and the rules directing the primary agencies that regulate the products of biotechnology, namely the US Food and Drug Administration, the US Department of Agriculture, and the US Environmental Protection Agency, patents and IP rights in biotechnology, the regulation of human genome editing and its impact on health research, law and emerging genome editing technologies from recombinant DNA to CRISPR/Cas9, the development of legal principles to protect property rights in the human body and allow the efficient use of human tissue, organs, DNA, and cell-lines in medical research, and legal issues arising from the use of genetic engineered plants and animals. Presenting arguments that have been drawn from careful examination of various international documents and decisions made by legal institutions and judicial bodies, this book would be a valuable read for practitioners as well as academics of biotechnology law.

Insiders, Outsiders, Injuries, and Law

This volume closely examines a single canonical article and how it continues to shape the future of sociolegal studies.

Honorary Protestants

In Honorary Protestants, David Fraser presents the first legal history of the Jewish school question in Montreal.

The Code of Capital

"Capital is the defining feature of modern economies, yet most people have no idea where it actually comes from. What is it, exactly, that transforms mere wealth into an asset that automatically creates more wealth?"

The Code of Capital explains how capital is created behind closed doors in the offices of private attorneys, and why this little-known fact is one of the biggest reasons for the widening wealth gap between the holders of capital and everybody else. In this revealing book, Katharina Pistor argues that the law selectively "codes" certain assets, endowing them with the capacity to protect and produce private wealth. With the right legal coding, any object, claim, or idea can be turned into capital - and lawyers are the keepers of the code. Pistor describes how they pick and choose among different legal systems and legal devices for the ones that best serve their clients' needs, and how techniques that were first perfected centuries ago to code landholdings as capital are being used today to code stocks, bonds, ideas, and even expectations--assets that exist only in law. A powerful new way of thinking about one of the most pernicious problems of our time, The Code of Capital explores the different ways that debt, complex financial products, and other assets are coded to give financial advantage to their holders. This provocative book paints a troubling portrait of the pervasive global nature of the code, the people who shape it, and the governments that enforce it.--Provided by publisher.

Freedom and Criminal Responsibility in American Legal Thought

This book deals with the most fundamental problem in criminal law, the way in which free will and determinism relate to criminal responsibility.

UC Irvine Law Review

The aim of this edited collection of essays is to examine the relationship between private law and power – both the public power of the state and the 'private' power of institutions and individuals. It describes and critically assesses the way that private law doctrines, institutions, processes and rules express, moderate, facilitate and control relationships of power. The various chapters of this work examine the dynamics of the relationship between private law and power from a number of different perspectives – historical, theoretical, doctrinal and comparative. They have been commissioned from leading experts in the field of private law, from several different Commonwealth Jurisdictions (Australia, the UK, Canada and New Zealand), each with expertise in the particular sphere of their contribution. They aim to illuminate the past and assist in resolving some contemporary, difficult legal issues relating to the shape, scope and content of private law and its difficult relationship with power.

Private Law and Power

Some of the most exciting and innovative legal scholarship has been driven by historical curiosity. Legal history today comes in a fascinating array of shapes and sizes, from microhistory to global intellectual history. Legal history has expanded beyond traditional parochial boundaries to become increasingly international and comparative in scope and orientation. Drawing on scholarship from around the world, and representing a variety of methodological approaches, areas of expertise, and research agendas, this timely compendium takes stock of legal history and methodology and reflects on the various modes of the historical analysis of law, past, present, and future. Part I explores the relationship between legal history and other disciplinary perspectives including economic, philosophical, comparative, literary, and rhetorical analysis of law. Part II considers various approaches to legal history, including legal history as doctrinal, intellectual, or social history. Part III focuses on the interrelation between legal history and jurisprudence by investigating the role and conception of historical inquiry in various models, schools, and movements of legal thought. Part IV traces the place and pursuit of historical analysis in various legal systems and traditions across time, cultures, and space. Finally, Part V narrows the Handbooks focus to explore several examples of legal history in action, including its use in various legal doctrinal contexts.

The Oxford Handbook of Legal History

Evolution of the Property Relation defines an approach to economics which is centered around the concept of

property and explores the historical evolution of the relationship of the individual, private property, and the state, and the distinctive changes wrought by the emergence of the market.

The Evolution of the Property Relation

The study and teaching of international human rights law is dominated by the doctrinal method. A wealth of alternative approaches exists, but they tend to be discussed in isolation from one another. This collection focuses on cross-theoretical discussion that brings together an array of different analytical methods and theoretical lenses that can be used for conducting research within the field. As such, it provides a coherent, accessible and diverse account of key theories and methods. A distinctive feature of this collection is that it adopts a grounded approach to international human rights law, through demonstrating the application of specific research methods to individual case studies. By applying the approach under discussion to a concrete case it is possible to better appreciate the multiple understandings of international human rights law that are missed when the field is only comprehended through the doctrinal method. Furthermore, since every contribution follows the same uniform structure, this allows for fruitful comparison between different approaches to the study of our discipline.

Research Methods for International Human Rights Law

Monetary law is essential to the functioning of private transactions and international dealings by the state: nearly every legal transaction has a monetary aspect. Money in the Western Legal Tradition presents the first comprehensive analysis of Western monetary law, covering the civil law and Anglo-American common law legal systems from the High Middle Ages up to the middle of the 20th century. Weaving a detailed tapestry of the changing concepts of money and private transactions throughout the ages, the contributors investigate the special contribution made by legal scholars and practitioners to our understanding of money and the laws that govern it. Divided in five parts, the book begins with the coin currency of the Middle Ages, moving through the invention of nominalism in the early modern period to cashless payment and the rise of the banking system and paper money, then charting the progression to fiat money in the modern era. Each part commences with an overview of the monetary environment for the historical period written by an economic historian or numismatist. These are followed by chapters describing the legal doctrines of each period in civil and common law. Each section contains examples of contemporary litigation or statute law which engages with the distinctive issues affecting the monetary law of the period. This interdisciplinary approach reveals the distinctive conception of money prevalent in each period, which either facilitated or hampered the implementation of economic policy and the operation of private transactions.

Money in the Western Legal Tradition

This collection of original essays brings together leading legal historians and theorists to explore the oft-neglected but important relationship between these two disciplines. Legal historians have often been sceptical of theory. The methodology which informs their own work is often said to be an empirical one, of gathering information from the archives and presenting it in a narrative form. The narrative produced by history is often said to be provisional, insofar as further research in the archives might falsify present understandings and demand revisions. On the other side, legal theorists are often dismissive of historical works. History itself seems to many theorists not to offer any jurisprudential insights of use for their projects: at best, history is a repository of data and examples, which may be drawn on by the theorist for her own purposes. The aim of this collection is to invite participants from both sides to ask what lessons legal history can bring to legal theory, and what legal theory can bring to history. What is the theorist to do with the empirical data generated by archival research? What theories should drive the historical enterprise, and what wider lessons can be learned from it? This collection brings together a number of major theorists and legal historians to debate these ideas.

Law in Theory and History

Written by a renowned literary critic and legal historian, *Practice Extended* illuminates the intricacies of legal language and thought and the law's relationship to society, literature, and culture. Robert A. Ferguson details how judicial opinions are written, how legal thought and philosophy inform ideas, and how best to appreciate a courtroom novel. With chapters touching on a wide range of subjects, including immigration, eloquence, the U.S. Constitution, and the Supreme Court case over James Joyce's *Ulysses*, *Practice Extended* provides an ambitious argument for the importance of language in law and a much-needed analysis of the often vexed relationship between law and literature. Ferguson challenges the notion of law as a hermetic enterprise only accessible to experts. He reveals the discipline's relationships to history, religion, philosophy, psychology, anthropology, and the visual arts, offering a rich account of how the law has shaped and has been shaped by communal thought. He also recognizes the critical role of literature and other outside views in showcasing the social problems that law takes up. *Practice Extended* reflects Ferguson's crucial role as a pioneer in developing the field of law and literature. His writing reminds us of the need for a critical approach to the law that draws on the insights of literature to better understand political and legal history and the documents, laws, and arguments that shape our present. At the same time, this volume also showcases the ways in which the law has been integrated into works of literature, from *Billy Budd* to contemporary courtroom thrillers.

Practice Extended

A study of the Supreme Court under the leadership of Chief Justice Earl Warren, from 1953 to 1969, discussing the impact of the liberal court's civil rights and civil liberties decisions on American constitutional law.

The Warren Court and the Pursuit of Justice

- "These essays epitomize the deep and broad impact that William Nelson has had on the writing of American legal history.." - David Thomas Konig, Washington University in St. Louis - "Bill Nelson's influence] is displayed in this wonderful collection." - Larry Kramer, President, William & Flora Hewlett Foundation - "A fundamental contribution to our understanding of this country's legal history... Fine essays... A fitting tribute." - Stanley N. Katz, Princeton University "A wonderful offering." - Hendrik Hartog, Princeton University

Making Legal History

Llibre de l'any al Financial Times i al Business Insider El capital és la característica que defineix les economies modernes, però la majoria de persones no tenim ni idea d'on prové. Què és, exactament, el que transforma la mera riquesa en un actiu que genera automàticament més riquesa? El codi del capital explica com es crea el capital a porta tancada a les oficines dels advocats i per què aquest fet poc conegut és un dels principals motius de l'ampliació de la bretxa de riquesa entre els titulars del capital i la resta. La jurista Katharina Pistor argumenta que la llei «codifica» selectivament determinats actius i els dota de la capacitat de protegir i produir riquesa privada. Amb la codificació legal adequada, qualsevol objecte, reclamació o idea es pot convertir en capital, i els advocats són els responsables del codi. Pistor descriu com trien entre diferents sistemes i dispositius legals els que s'ajusten millor a les necessitats dels seus clients, i com les tècniques antigues de codificació de la propietat de la terra com a capital s'utilitzen avui per codificar accions, bons, idees i expectatives. Aquest llibre provocador dibuixa un retrat preocupant de la naturalesa global del codi, de les persones que li donen forma i dels governs que l'apliquen. La Fundació Irla ha col·laborat en l'edició d'aquest llibre.

El codi del capital

Que el capital reproduce la riqueza y que eso lo ha puesto en el centro de las economías modernas lo sabemos

bien. Lo que no sabemos —o no sabíamos hasta la aparición de *El código del capital*— es exactamente qué es el capital y cómo es que activos tan aparentemente inocuos como una parcela de tierra o una línea de código digital pueden convertirse en riqueza. En *El código del capital* Katharina Pistor —una de las estudiosas más novedosas del derecho— lo explica con claridad, mostrando cómo las leyes se han entrelazado para que los abogados puedan codificar ciertos activos para la producción y reproducción de la riqueza, invistiéndolos de los atributos clave para ello y usando distintos módulos legales. Pistor desvela en este volumen escrito con extraordinaria claridad y fluidez la naturaleza acumulativa del derecho, la complicidad del Estado con las estrategias privadas de codificación de riqueza, la multiplicidad de actores involucrados en el proceso —y la notoria ausencia de una mente maestra controlándolo todo—. *El código del capital* fue nombrado uno de los mejores libros de 2019 por el *Financial Times* y *Business Insider*.

El código del capital

Peter Brett (1918–1975), Alice Erh-Soon Tay (1934–2004) and Geoffrey Sawyer (1910–1996) are key, yet largely overlooked, members of Australia's first community of legal scholars. This book is a critical study of how their ideas and endeavours contributed to Australia's discipline of law and the first Australian legal theories. It examines how three marginal figures – a Jewish man (Brett), a Chinese woman (Tay), and a war orphan (Sawyer) – rose to prominence during a transformative period for Australian legal education and scholarship. Drawing on in-depth interviews with former colleagues and students, extensive archival research, and an appraisal of their contributions to scholarship and teaching, this book explores the three professors' international networks and broader social and historical milieux. Their pivotal leadership roles in law departments at the University of Melbourne, University of Sydney, and the Australian National University are also critically assessed. Ranging from local experiences and the concerns of a nascent Australian legal academy to the complex transnational phenomena of legal scholarship and theory, *Free Hands and Minds* makes a compelling case for contextualising law and legal culture within society. At a time of renewed crisis in legal education and research in the common law world, it also offers a vivid, nuanced and critical account of the enduring liberal foundations of Australia's discipline of law.

Special Sources of American Legal History

This is a study of the central role of history in late-nineteenth century American legal thought. In the decades following the Civil War, the founding generation of professional legal scholars in the United States drew from the evolutionary social thought that pervaded Western intellectual life on both sides of the Atlantic. Their historical analysis of law as an inductive science rejected deductive theories and supported moderate legal reform, conclusions that challenge conventional accounts of legal formalism. Unprecedented in its coverage and its innovative conclusions about major American legal thinkers from the Civil War to the present, the book combines transatlantic intellectual history, legal history, the history of legal thought, historiography, jurisprudence, constitutional theory, and the history of higher education.

Free Hands and Minds

A critical catalogue of how lawyers use history - as authority, as evocation of lost golden ages, as a nightmare to escape and as progress towards enlightenment.

Law's History

Both lionized and vilified, Claire L'Heureux-Dubé has shaped the Canadian legal landscape – and in particular its highest court. Only the second woman on the Supreme Court of Canada, L'Heureux-Dubé anchored her approach to cases in their social, economic, and political context. This compelling biography takes a similar tack, tracing the experience of a francophone woman within the male-dominated Quebec legal profession – and within the primarily anglophone world of the Supreme Court. In the process, Constance Backhouse enhances our understanding of the Canadian judiciary, the creation of law, the Quebec socio-legal

environment, and the nation's top court.

Select Essays in Anglo-American Legal History

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