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**A History  
Of  
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American law in the

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twentieth century describes the explosion of law over the past century into almost every aspect of American life. Since 1900 the center of legal gravity in the United States has shifted from the state to the federal government, with

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the creation of  
agencies and  
programs ranging  
from Social Security  
to the Securities  
Exchange  
Commission to the  
Food and Drug  
Administration.  
Major demographic  
changes have  
spurred legal  
developments in

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such areas as family  
law and

immigration law.

Dramatic advances  
in technology have  
placed new  
demands on the  
legal system in  
fields ranging from  
automobile  
regulation to  
intellectual  
property.

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Throughout the book, Friedman focuses on the social context of American law. He explores the extent to which transformations in the legal order have resulted from the social upheavals of the twentieth century--including

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two world wars, the Great Depression, the civil rights movement, and the sexual revolution.

Friedman also discusses the international context of American law: what has the American legal system drawn from other countries?

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And in an age of global dominance, what impact has the American legal system had abroad? This engrossing book chronicles a century of revolutionary change within a legal system that has come to affect us all.

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Holdsworth, W.S.  
The Historians of  
Anglo-American  
Law. New York:  
Columbia University  
Press, 1928. 175  
pp. Reprinted 1994  
by The Lawbook  
Exchange, Ltd. ISBN  
0-9630106-9-7.  
Cloth. \$50. \* In  
chronological order,  
beginning with



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Coke and Selden, Holdsworth surveys the work of the great practitioners of Anglo-American legal history. No one interested in the growth of Anglo-American law can fail to read with pleasure and profit this stimulating treatment of the

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development of  
legal history.

No enterprise is so  
seductive as a  
railroad for the  
influence it exerts,  
the power it gives,  
and the hope of  
gain it  
offers.—Poor's  
Manual of Railroads  
(1900 At its peak,  
the railroad was the

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Internet of its day in its transformative impact on American life and law. A harbinger and promoter of economic empire, it was also the icon of a technological revolution that accelerated national expansion and in the process

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transformed our legal system. James W. Ely Jr., in the first comprehensive legal history of the rail industry, shows that the two institutions—the railroad and American law—had a profound influence on each other. Ely chronicles

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how "America's first big business" impelled the creation of a vast array of new laws in a country where long-distance internal transport had previously been limited to canals and turnpikes. Railroads, the first major industry to

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experience  
extensive

regulation, brought  
about significant  
legal innovations  
governing interstate  
commerce, eminent  
domain, private  
property, labor  
relations, and much  
more. Much of this  
development was  
originally designed

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to serve the  
interests of the  
railroads  
themselves but  
gradually came to  
contest and control  
the industry's power  
and exploitative  
tendencies. As Ely  
reveals, despite its  
great promise and  
potential as an  
engine of prosperity

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and uniter of far-flung regions, the railroad was not universally admired. Railroads uprooted people, threatened local autonomy, and posed dangers to employees and the public alike—situations with unprecedented legal ramifications.



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Ely explores the complex and sometimes contradictory ways in which those ramifications played out, as railroads crossed state lines and knitted together a diverse nation with thousands of miles of iron rail. Epic in its scope,

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Railroads and  
American Law

makes a complex  
subject accessible to  
a wide range of  
readers, from legal  
historians to  
railroad buffs, and  
shows the many  
ways in which a  
powerful industry  
brought change and  
innovation to

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A Constitutional  
History  
Law's History

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A History of  
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Publishing

A Comparative  
Primer

The Growth of  
American Law

American Law and  
the Constitutional  
Order

This book explains  
how the debate over  
originalism emerged

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from the interaction of constitutional theory, U.S. Supreme Court decisions, and American political development. Refuting the contention that originalism is a recent concoction of political conservatives like Robert Bork, Johnathan O'Neill asserts that recent appeals to the origin of

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the Constitution in  
Supreme Court  
decisions and  
commentary,  
especially by Justices  
Antonin Scalia and  
Clarence Thomas,  
continue an  
established pattern in  
American history.  
Originalism in  
American Law and  
Politics is  
distinguished by its

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historical approach to the topic. Drawing on constitutional commentary and treatises, Supreme Court and lower federal court opinions, congressional hearings, and scholarly monographs, O'Neill's work will be valuable to historians, academic lawyers, and political scientists.

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Following its publication in 1974, Grant Gilmore's compact portrait of the development of American law from the eighteenth century to the mid-twentieth century became a classic. In this new edition, the portrait is brought up to date with a new chapter by Philip Bobbitt that



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surveys the trajectory of American law since the original publication. Bobbitt also provides a Foreword on Gilmore and the celebrated lectures that inspired *The Ages of American Law*. "Sharp, opinionated, and as pungent as cheddar."—New Republic "This book

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has the engaging qualities of good table talk among a group of sophisticated and educated friends—given body by broad learning and a keen imagination and spiced with wit."—Willard Hurst

This is a study of the central role of history in late-nineteenth century American

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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

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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

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present, the book  
combines transatlantic  
intellectual history,  
legal history, the  
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thought,  
historiography,  
jurisprudence,  
constitutional theory,  
and the history of  
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Private law touches  
every aspect of  
people's daily

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lives—landholding, inheritance, private property, marriage and family relations, contracts, employment, and business dealings—and the court records and legal documents produced under private law are a rich source of information for anyone researching social, political,

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economic, or  
environmental history.

But to utilize these records fully, researchers need a fundamental understanding of how private law and legal institutions functioned in the place and time period under study.

This book offers the first comprehensive introduction in either

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English or Spanish to private law in Spanish Latin America from the colonial period to the present. M. C. Mirow organizes the book into three substantial sections that describe private law and legal institutions in the colonial period, the independence era and nineteenth century,



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and the twentieth century. Each section begins with an introduction to the nature and function of private law during the period and discusses such topics as legal education and lawyers, legal sources, courts, land, inheritance, commercial law, family law, and personal status. Each

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section also presents  
themes of special  
interest during its  
respective time period,  
including slavery,  
Indian status,  
codification, land  
reform, and  
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globalization.

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and the American  
Revolution

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White's

sweeping  
history of law  
in America from  
the colonial  
era to the  
present, White,  
covers the  
period between  
1865-1929,  
which  
encompasses

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xenophobic  
1920s. As in  
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volume, he  
connects the  
evolution of  
American law to  
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economic,  
cultural,  
social, and  
demographic

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the era. To  
enrich his  
account, White  
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social sciences  
--economic  
history,  
anthropology,  
and  
sociology--yet

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weave those  
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highly  
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compelling case  
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be seen as the  
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understanding  
the development



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intended for  
the many  
nonspecialists  
who need to  
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arcane and  
often tricky  
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America's  
history, our  
laws have been

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a reflection of  
who we are, of  
what we value,  
of who has  
control. They  
embody our  
society's  
genetic code.  
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masterful hands  
of the  
subject's  
greatest living

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story of the  
evolution of  
our laws serves  
to lay bare the  
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struggles over  
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justice that  
have shaped  
this country  
from its birth  
pangs to the

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present. Law in  
America is a  
supreme example  
of the  
historian's  
art, its  
brevity a  
testament to  
the great  
elegance and  
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composition.

"This is a

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revised edition  
of Law and war  
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march towards  
Justice for All."

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Ph.D. 30-year  
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Plucknett,  
Theodore F.T. A  
Concise History of  
the Common Law.  
Fifth Edition.

Boston: Little,  
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a solid reputation  
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and affected the  
legal philosophy  
of our

government  
framers. For  
example, the 4th  
Commandment—"Keep  
Holy the  
Sabbath"

PENNSYLVANIA

FRAME OF

GOVERNMENT,

April 25, 1682,

Article XXII:

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"That as often  
as any day of  
the  
month...shall  
fall upon the  
first day of the  
week, commonly  
called the  
Lord's Day, the  
business  
appointed for  
that day shall  
be deferred till  
the next day,

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unless in the  
case of  
emergency." U.S.  
CONSTITUTION,  
1787, Article I,  
Section 7,  
Paragraph 2 "If  
any Bill shall  
not be returned  
by the President  
within ten days  
(Sundays  
excepted) after  
it shall have

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been presented  
to him, the Same  
shall be a Law"  
Read how the Ten  
Commandments  
affected the  
views of  
America's  
leaders: "The  
Ten Commandments  
and the Sermon  
on the Mount  
contain my  
religion" - John

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Adams, Nov. 4,  
1816, letter to  
Thomas  
Jefferson. "The  
fundamental  
basis of this  
nation's laws  
was given to  
Moses on the  
Mount. The  
fundamental  
basis of our  
Bill of Rights  
comes from the

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teachings we get  
from Exodus and  
St. Matthew,  
from Isaiah and  
St. Paul. I  
don't think we  
emphasize that  
enough these  
days." - Harry S  
Truman, Feb. 15,  
1950, Attorney  
General's  
Conference. See  
references to

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the Ten

Commandments in  
court cases:

"The Ten

Commandments

have had an

immeasurable

effect on Anglo-

American legal

development" -

U.S. District

Court, Crockett

v. Sorenson,

W.D. Va. (1983)

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"It is equally undeniable  
...that the Ten  
Commandments  
have had a  
significant  
impact on the  
development of  
secular legal  
codes of the  
Western World."  
- U.S. Supreme  
Court, *Stone v.  
Graham*, (1980)



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(Rehnquist, J.,  
dissenting) An  
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the evolution of  
the legal  
framework that  
regulated  
American  
business  
enterprise from  
the time of

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through the  
first New Deal.  
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relationship  
between economic  
theory and law  
that existed in  
these decades of  
headlong growth  
and examines how  
this  
relationship



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modern business  
corporation and  
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about free  
markets--became  
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model for the  
structure and

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private and  
public law.

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related to  
enterprise in  
the nineteenth  
and early

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twentieth  
centuries. He  
traces the  
development of  
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corporation and  
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the first  
charterbased  
utilities to the  
railroads. He

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argues that free  
market political  
economy provided  
the intellectual  
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constitutional  
theory and  
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the limits of  
state and  
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regulation of  
business  
behavior. The

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famous doctrine  
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demonstrates the  
influence of

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on labor law and  
gives us a  
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political  
scientists will  
welcome these  
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The Birth of American  
Law: An Italian  
Philosopher and the  
American Revolution  
tells the forgotten,  
untold story of the  
origins of U.S. law.  
Before the  
Revolutionary War, a  
26-year-old Italian  
thinker, Cesare  
Beccaria, published

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On Crimes and  
Punishments, a

runaway bestseller that shaped the Declaration of Independence, the U.S. Constitution, and early American laws. America's Founding Fathers, including early U.S. Presidents, avidly read Beccaria's book--a product of the Italian Enlightenment

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that argued against  
tyranny and the death  
penalty. Beccaria's  
book shaped  
American views on  
everything from free  
speech to  
republicanism, to  
"Life, Liberty and the  
pursuit of Happiness,"  
to gun ownership and  
the founders'  
understanding of

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"cruel and unusual  
punishments," the  
famous phrase in the  
U.S. Constitution's  
Eighth Amendment. In  
opposing torture and  
infamy, Beccaria  
inspired America's  
founders to jettison  
England's Bloody  
Code, heavily reliant  
on executions and  
corporal punishments,

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and to adopt the  
penitentiary system.

The cast of characters  
in *The Birth of  
American Law*  
includes the usual  
suspects--George  
Washington, Thomas  
Jefferson, John Adams  
and James Madison.  
But it also includes the  
now little-remembered  
Count Luigi

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Castiglioni, a botanist  
from Milan

who--decades before

Alexis de

Tocqueville's

Democracy in

America--toured all

thirteen original

American states

before the 1787

Constitutional

Convention in

Philadelphia. Also

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figuring in this  
dramatic story of the  
American Revolution:  
Madison's Princeton  
classmate William  
Bradford, an early  
U.S. Attorney General  
and Beccaria devotee;  
John Dickinson, the  
"Penman of the  
Revolution" who  
wrote of Beccaria's  
"genius" and "masterly

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hand"; James Wilson  
and Dr. Benjamin  
Rush, signers of the  
Declaration of  
Independence and  
fellow Beccaria  
admirers; and Philip  
Mazzei, Jefferson's  
Italian-American  
neighbor at Monticello  
and yet another  
Beccaria enthusiast. In  
documenting



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Beccaria's game-changing influence, *The Birth of American Law* sheds important new light on the Constitution, the Bill of Rights, and the creation of American law.

According to Anthony Chase, American law has undergone a series of radical

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transformations that correspond to four broad periods of American history: precapitalist, capitalist, state capitalist, and global capitalist. Laws may be written down in black and white, but as economic and social history unfold, Chase argues, the spirit of

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the law slips quietly from the letter, leaving room for interpretation. This gray space is where legal analysis and debate take place - and legal institutions develop. Drawing on an impressive range of sources - from classic texts by Adam Smith, Karl Marx, and

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Friedrich Engels, to  
Norman Mailer  
lectures and the  
critical legal studies  
theory of Morton  
Horwitz - Law and  
History explores what  
the author calls "the  
intriguing mystery of  
how law and history fit  
together." How  
precisely have long-  
term economic cycles

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influenced American  
legal doctrine? How

have movements in  
U.S. social history  
shaped the  
development of our  
legal institutions?

After WWII, U.S.  
leaders sought to  
create liberal rule-of-  
law regimes in  
Germany and Japan,  
but the effort was

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often unsuccessful.

Kostal argues that the manifest failings of America's own rule-of-law democracy were partially to blame, weakening U.S. credibility and resolve and revealing the country's ambiguous status as a global moral authority.

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demonstrate  
that the legal  
order, once  
defined by*



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in molding the  
various forces  
of the social  
life of that  
society. The  
essays cover  
the entire  
period of the  
American  
experience,  
from the  
colonies to*

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society.*

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*the relation*  
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*the economy;*

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Friedman on  
American legal  
history.

In an  
examination of  
Southern slave  
law between  
1810 and 1860,  
Mark Tushnet  
reveals a  
structured  
dichotomy

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*between slave  
labor systems  
and bourgeois  
systems of  
production.*

*Whereas the  
former rest on  
the total  
dominion of the  
master over the  
slave and  
necessitate a  
concern for the*

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*slave's  
Friedman  
humanity, the  
latter rest of  
the purchase by  
the capitalist  
of a worker's  
labor power  
only and are  
concerned  
primarily with  
economic  
interest.*

*Focusing on a*

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*wide range of  
issues that  
include  
contract and  
accident law as  
well as  
criminal law  
and the law of  
manumission, he  
shows how  
Southern slave  
law had to  
respond to the*

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*competing  
pressures of  
humanity and  
interest.*

*Beginning with  
a critical  
evaluation of  
slave law, the  
author develops  
the conceptual  
framework for  
his own  
perspective on*



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*the legal  
system, drawing  
on the works of  
Marx and Weber.  
He then  
examines four  
appellate court  
cases decided  
in three  
different  
states, from  
civil-law  
Louisiana to*

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*commonlaw North  
Carolina, at  
widely  
separated  
times, from  
1818 to 1858.  
Professor  
Tushnet finds  
that the cases  
display a  
continuing but  
never wholly  
successful*

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*attempt at  
distinguish  
between law and  
sentiment as  
modes of  
regulating  
social  
interactions  
involving  
slaves. Also,  
the cases show  
that the  
primary method*

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*accommodating  
law and  
sentiment was  
an attempt to  
use rigid  
categories to  
confine the law  
of slavery to  
what was  
thought its  
proper sphere.  
Mark Tushnet is*

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decisions from  
that period  
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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,

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courts responded  
to, and affected,  
the emerging role  
of the state and  
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governments as  
regulatory and  
redistributive  
institutions and  
the growing  
participation of  
the United States

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in world affairs.  
They extended  
their reach into  
domains they had  
mostly ignored:  
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executive power,  
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procedure, and  
the rights of  
speech, sexuality,  
and voting. Today,

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White's two

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*colonial antecedents.*

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demonstrates how the  
shifting views of  
private law became a  
dynamic element in  
the economic growth  
of the United States.  
Horwitz's subtle and*

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*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*

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*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*

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*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*

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*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*



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*debate. For to view  
the law as an engine  
of vast economic  
transformation is to  
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interpretations of the  
eras of revolution and  
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saying: Ignorance of  
the law is no excuse  
for breaking it. Yet  
for most people*

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