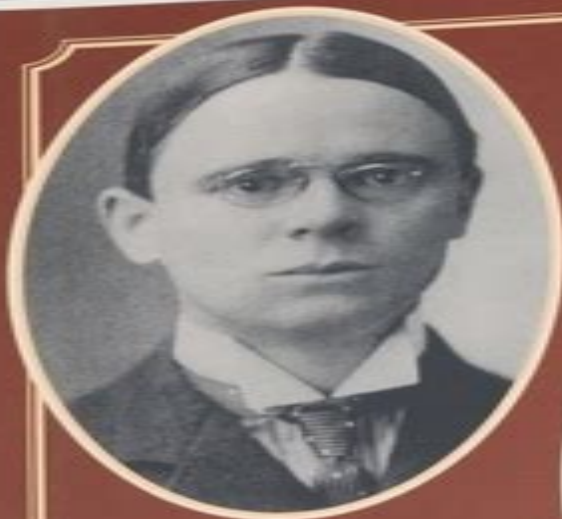


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Searching for
an American
Jurisprudence



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Roscoe Pound And Karl Llewellyn Searching For An American Jurisprudence

George Liebmann



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Roscoe Pound and Karl Llewellyn N. E. H. Hull, 1997 American legal history is traditionally viewed as a succession of discrete schools of thought or landmark court decisions not as the work of individuals. Such an approach however hardly does justice to the lives of two of the foremost teachers and theorists of American jurisprudence. In *Roscoe Pound and Karl Llewellyn Searching for an American Jurisprudence* N E H Hull reconstructs the historical cultural and intellectual context of the work of Pound and Llewellyn bringing to light their private and public relationship as well as the diverse sources from psychology to plant ecology to Icelandic sagas they separately drew upon in making their contributions to the American legal tradition.

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.

Wesley Hohfeld A Century Later Shyamkrishna Balganesh, Ted M. Sichelman, Henry E. Smith, 2022-07-28 Wesley Hohfeld is known the world over as the legal theorist who famously developed a taxonomy of legal concepts. His contributions to legal thinking have stood the test of time remaining relevant nearly a century after they were first published. Yet little systematic attention has been devoted to exploring the full significance of his work. Beginning with a lucid annotated version of Hohfeld's most important article this volume is the first to offer a comprehensive look at the scope significance reach intricacies and shortcomings of Hohfeld's work. Featuring insights from leading legal thinkers the book also contains many of Hohfeld's previously unseen personal papers shedding new light on the complex motivations behind Hohfeld's projects. Together these selected papers and original essays reveal a portrait of a multifaceted and ambitious intellectual who did not live long enough to see the impact of his ideas on the study of law.

The Future of Law and Economics Guido Calabresi, 2016-01-28 In a concise compelling argument one of the founders and most influential advocates of the law and economics movement divides the subject into two separate areas which he identifies with Jeremy Bentham and John Stuart Mill. The first Benthamite strain economic analysis

of law examines the legal system in the light of economic theory and shows how economics might render law more effective. The second strain law and economics gives equal status to law and explores how the more realistic less theoretical discipline of law can lead to improvements in economic theory. It is the latter approach that Judge Calabresi advocates in a series of eloquent thoughtful essays that will appeal to students and scholars alike.

Research Handbook on Modern Legal Realism Shauhin Talesh, Elizabeth Mertz, Heinz Klug, 2021-03-26. This insightful Research Handbook provides a definitive overview of the New Legal Realism NLR movement reaching beyond historical and national boundaries to form new conversations. Drawing on deep roots within the law and society tradition it demonstrates the powerful virtues of new legal realist research and its attention to the challenges of translation between social science and law. It explores an impressive range of contemporary issues including immigration policing globalization legal education and access to justice concluding with an examination of how different social science disciplines intersect with NLR.

Harvard Law Review: Volume 130, Number 9 - Bicentennial Issue 2017 Harvard Law Review, 2017-11-01

Epistemology and Ontology International Association for Philosophy of Law and Social Philosophy. World Congress, 2005. Contents: A van Aaken Synthesizing the Best of Two Worlds A Combination of New Institutional Economics and Deliberative Theories D Coskun Law as symbolic form Ernst Cassirer and the anthropocentric view of law L De Sutter How to Get Rid of Legal Theory L Garc a Ruiz On the Concept of Law and Its Place in the Legal Philosophical Research N Intzessiloglou Socio semiotic and socio cybernetic approaches to legal regulation in an interdisciplinary framework L Kaehler The indeterminacy of legal indeterminacy M Mahlmann Kant's Conception of Practical Reason and the Prospects of Mentalism M Mahlmann J Mikhail Cognitive Science Ethics and Law t G Noll The Exclusionary Construction of Human Rights in International Law and Political Theory C Peterson The Concept of Legal Dogmatics From Fiction to Fact F Puppo Law authority and freedom in Sophocles Antigone M Sandstr m The Concept of Legal Dogmatics Revisited B Schafer Ontological commitment and the concept of legal system in comparative law and legal theory S Schaumburg Mueller Truth Law and Human Rights P Sommaggio Boethius definition of persona a fundamental principle of modern legal thought X Yu Human Faculties and Human Societies A Three Dimensional Cultural Epistemology W Zaluski The Concept of Kantian Rationality and Game Theory

On Folkways and Mores Philip D. Manning, 2017-07-05

William Graham Sumner is remembered primarily as an opponent of government intervention in social and economic issues. Focusing on Folkways 1906 this book examines Sumner's fundamental work as a comparative ethnographer with an appreciation for the rules and rituals that regulate everyday behavior. In Folkways Sumner developed classifications and an array of sociological concepts that continue to influence the discipline today. This new book presents key excerpts from Folkways as well as three of Sumner's other classic essays. It also includes five original essays by contemporary authorities that explain and explore Sumner's importance and influence. By linking Sumner's work to contemporary research about social control the sociology of law and sociological theory these new essays confirm his status as a foundational thinker in the

field Sumner offers an elegant conceptual schema with which to analyze the moral codes of in and out groups His extensive use of comparative anthropological data demonstrates a qualitative methodology that can easily be applied to the analysis of contemporary American society This volume includes contributions by Jonathan B Imber Howard G Schneiderman and A Javier Trevino

The Common Law Tradition George Liebmann, 2017-09-04 This book commemorates a place and a time in American law teaching but more importantly an outlook the common law tradition That outlook was empirical and tolerant These values were carried into expression by a group of people who were not part of a cult or faction nor ruled by the herd instinct Now in paperback The Common Law Tradition is a collective portrait of five scholars who epitomize the tradition The focus is Chicago in the 1960s The five figures considered Edward H Levi Harry Kalven Jr Karl Llewellyn Philip Kurland and Kenneth Culp Davis did much to broaden the perspectives of the legal academy Levi made use of sociology economics and comparative law Kalven collaborated with sociologists on the Jury Project and with economists on tax law and auto compensation plans Llewellyn's commitment to empirical research underpinned his work on the Uniform Commercial Code Kurland's approach to constitutional law was highlighted by his insistence on the relevance of legal history Davis was an energetic comparativist in his work on administrative law What distinguished these Chicagoans is that their work was practical and rooted in the law and hence yielded concrete applications The group's diversity the tolerant atmosphere in which they taught and wrote and the attachment of its individual members to empirical approaches differentiate them from today's legal scholars and make their ideas of continuing importance

The Legalist Reformation William E. Nelson, 2003-01-14 Based on a detailed examination of New York case law this pathbreaking book shows how law politics and ideology in the state changed in tandem between 1920 and 1980 Early twentieth century New York was the scene of intense struggle between white Anglo Saxon Protestant upper and middle classes located primarily in the upstate region and the impoverished mainly Jewish and Roman Catholic immigrant underclass centered in New York City Beginning in the 1920s however judges such as Benjamin N Cardozo Henry J Friendly Learned Hand and Harlan Fiske Stone used law to facilitate the entry of the underclass into the economic and social mainstream and to promote tolerance among all New Yorkers Ultimately says William Nelson a new legal ideology was created By the late 1930s New Yorkers had begun to reconceptualize social conflict not along class lines but in terms of the power of majorities and the rights of minorities In the process they constructed a new approach to law and politics Though doctrinal change began to slow by the 1960s the main ambitions of the legalist reformation liberty equality human dignity and entrepreneurial opportunity remain the aspirations of nearly all Americans and of much of the rest of the world today

The Oxford Companion to American Law Kermit L. Hall, David S. Clark, James W. Ely, Joel B. Grossman, N. E. H. Hull, 2002-05-02 A landmark in legal publishing The Oxford Companion to the Supreme Court is a now classic text many of whose entries are regularly cited by scholars as the definitive statement on any particular subject In the tradition of that work editor in chief Kermit L Hall offers up The Oxford

Companion to American Law a one volume A Z encyclopedia that covers topics ranging from aging and the law wiretapping and electronic eavesdropping the Salem Witch Trials and Plessy vs Ferguson The Companion takes as its starting point the insight that law is embedded in society and that to understand American law one must necessarily ask questions about the relationship between it and the social order now and in the past The volume assumes that American law in all its richness and complexity cannot be understood in isolation as simply the business of the Supreme Court or as a list of common law doctrines Hence the volume takes seriously issues involving laws role in structuring decisions about governance the significance of state and local law and legal institutions and the place of American law in a comparative international perspective Nearly 500 entries are included written by over 300 expert contributors Intended for the working lawyer or judge the high school student working on a term paper or the general adult reader interested in the topic the Companion is the authoritative reference work on the subject of American law

The Oxford Handbook of Legal History Markus D. Dubber, Christopher Tomlins, 2018-07-26 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 Silent Peacemaker: Intellectual Property Rights and the Interwar International Legal Order, 1919-1939, 2024-12-02 This collection of essays explores the role intellectual property played in the interwar period and the expansion and protection of intellectual property rights The geographical scope of the book is global so as to give perspectives from different regions on how intellectual property law developed The topics covered range from a synopsis of intellectual property in Jewish works confiscated by the Nazis to how intellectual property can be understood as part of the evolution of inventors moral rights This volume s aim is to develop new narratives on the ideas and structures of intellectual property during the interwar period and on how those ideas and structures were held together by the competing forces of markets ownership and political ideals of the international legal order at that time Contributors are Michael Blakeney Enrico

Bonadio Patricia Covarrubia Christine Haight Farley Laura Ford Giacomo Gabbuti Johanna Gibson Phillip Johnson Ekaterina Kirsanova Anat Lior P Sean Morris Alessandro Nuvolari Emmanuel Oke V ronique Pouillard Akshita Rohatgi Anele Simon Caterina Sganga Noppanun Supasiripongchai Masabumi Suzuki and Lior Zemer Classic Writings in Law and Society A. Javier Trevino, 2017-07-05 This volume consists of outstanding essays by contemporary scholars and specialists on classic writings in law and society This second edition expands the previous volume by adding additional statements Included are commentaries on Edward A Ross s Social Control A Survey of the Foundations of Order Karl N Llewellyn s Jurisprudence Realism in Theory and Practice Jerome Frank s Law and the Modern Mind Leon Petrazycki s Law and Morality and Karl Renner s The Institutions of Private Law and their Social Functions The goal of Classic Writings in Law and Society is to acquaint a new generation of students with classic writings by diverse social and legal scholars ranging from Henry Sumner Maine Oliver Wendell Holmes Jr and Hans Kelsen to Eugen Ehrlich Nicholas S Timasheff and Richard Quinney This work continues to demonstrate their contemporary theoretical relevance Accordingly each chapter speaks of the scholars work in general how the particular book under consideration fits into that corpus and how the book is assessed in a present day context These essays have a clear relation to the classic tradition in sociolegal thought Reading the classics is useful in gaining a better understanding and appreciation of the essential foundation for a post classic approach in law and social inquiry an approach that can be found in such orientations as critical legal studies chaos theory in law and legal semiotics Classic Writings in Law and Society includes commentaries that consider early writings that set the standard for the social scientific approach in examining issues of law and punishment social control joint stock companies business firms and nation states in the study of law and society **Classic Writings in Law and Society** A. Javier Trevino, 2017-07-05 This volume consists of outstanding essays by contemporary scholars and specialists on classic writings in law and society This second edition expands the previous volume by adding additional statements Included are commentaries on Edward A Ross s Social Control A Survey of the Foundations of Order Karl N Llewellyn s Jurisprudence Realism in Theory and Practice Jerome Frank s Law and the Modern Mind Leon Petrazycki s Law and Morality and Karl Renner s The Institutions of Private Law and their Social Functions The goal of Classic Writings in Law and Society is to acquaint a new generation of students with classic writings by diverse social and legal scholars ranging from Henry Sumner Maine Oliver Wendell Holmes Jr and Hans Kelsen to Eugen Ehrlich Nicholas S Timasheff and Richard Quinney This work continues to demonstrate their contemporary theoretical relevance Accordingly each chapter speaks of the scholars work in general how the particular book under consideration fits into that corpus and how the book is assessed in a present day context These essays have a clear relation to the classic tradition in sociolegal thought Reading the classics is useful in gaining a better understanding and appreciation of the essential foundation for a post classic approach in law and social inquiry an approach that can be found in such orientations as critical legal studies chaos theory in law and legal semiotics Classic Writings in Law and Society includes commentaries

that consider early writings that set the standard for the social scientific approach in examining issues of law and punishment social control joint stock companies business firms and nation states in the study of law and society **Women and Justice for the Poor** Felice Batlan,2015-05-05 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

Rehabilitating Lochner David E. Bernstein,2011-05-15 In this timely reevaluation of an infamous Supreme Court decision David E Bernstein provides a compelling survey of the history and background of Lochner v New York This 1905 decision invalidated state laws limiting work hours and became the leading case contending that novel economic regulations were unconstitutional Sure to be controversial Rehabilitating Lochner argues that the decision was well grounded in precedent and that modern constitutional jurisprudence owes at least as much to the limited government ideas of Lochner proponents as to the more expansive vision of its Progressive opponents Tracing the influence of this decision through subsequent battles over segregation laws sex discrimination civil liberties and more Rehabilitating Lochner argues not only that the court acted reasonably in Lochner but that Lochner and like minded cases have been widely misunderstood and unfairly maligned ever since **Laboratory of Justice** David L. Faigman,2005-05-01 From the American Revolution to the genetic revolution to race and abortion rights legal expert David L Faigman s Laboratory of Justice examines the U S Supreme Court s uneasy attempts to weave science into the Constitution Suppose that scientists identify a gene that predicts that a person is likely to commit a serious crime Laws are then passed making genetic tests mandatory and anyone displaying the gene is sent to a treatment facility Would the laws be constitutional In this illuminating history Laboratory of Justice The Supreme Court s 200 Year Struggle to Integrate Science and the Law legal scholar David L Faigman reveals the tension between the conservative nature of the law and the swift evolution of scientific knowledge The Supreme Court works by precedent embedding the science of an earlier time into our laws In the nineteenth century biology helped settle the race question in the famous Dred Scott case not until a century later would cutting edge sociological data end segregation with Brown v Board of Education In 1973 Roe v Wade set a standard for the viability of a fetus that modern medicine could render obsolete And how does the Fourth Amendment apply in a world filled with high tech surveillance devices To ensure our liberties Faigman argues the Court must embrace science turning to the lab as well as to precedent Faigman takes the Supreme Court to task for persistently failing to inquire into the merits of the scientific evidence in the cases before it Daniel J Kevles Legal Affairs Faigman is one attorney who hasn t shied away from insisting that judges stay up to speed with scientific knowledge The Christian Science Monitor The Bureaucrat Kings Paul D. Moreno,2016-11-14 Provocative in nature this work looks critically at the bureaucratic infrastructure behind the U S federal government from its origins as a self governing republic in the 18th century to its modern presence as a centralized institution This fascinating critique

analyzes the inner workings of the American government suggesting that our federal system works not as a byproduct of the U S Constitution but rather as the result of liberal and progressive politics Distinguished academic and political analyst Paul D Moreno asserts that errant political movements have found loopholes in the U S Constitution allowing for federal bureaucracy a state he feels is a misinterpretation of America s founding dogma He contends that constitutionalism and bureaucracy are innately incompatible with the former suffering to accommodate the latter According to Moreno the leadership of the United States strayed from the democratic principles of the early founders and grew to what it is today a myriad of bureaucratic red tape couched in unreasonable policies A straightforward chronological narrative explains how non elected bureaucrats became powerful political mavens in America Each chapter covers several decades and features events spanning from the early history of the United States through coverage of the Affordable Care Act Obamacare of 2010

John Henry Wigmore and the Rules of Evidence Andrew Porwancher, 2017-06-30 Honorable Mention 2017 Scribes Book Award The American Society of Legal Writers At the dawn of the twentieth century the United States was reeling from the effects of rapid urbanization and industrialization Time honored verities proved obsolete and intellectuals in all fields sought ways to make sense of an increasingly unfamiliar reality The legal system in particular began to buckle under the weight of its anachronism In the midst of this crisis John Henry Wigmore dean of the Northwestern University School of Law single handedly modernized the jury trial with his 1904 5 Treatise on Evidence an encyclopedic work that dominated the conduct of trials In so doing he inspired generations of progressive jurists among them Oliver Wendell Holmes Jr Benjamin Cardozo and Felix Frankfurter to reshape American law to meet the demands of a new era Yet Wigmore s role as a prophet of modernity has slipped into obscurity This book provides a radical reappraisal of his place in the birth of modern legal thought

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