

**The Lost World of
Classical Legal Thought:
Law and Ideology in
America, 1886–1937**

William M. Wiecek

Oxford University Press

Lost World Of Classical Legal Thought

Mark V. Tushnet



Lost World Of Classical Legal Thought:

The Lost World of Classical Legal Thought William M. Wiecek, 2001 This text examines the ideology of elite lawyers and judges from the Gilded Age to the New Deal Between 1866 and 1937 this coherent outlook or legal orthodoxy shaped the way the American bar interpreted and understood the law *The Lost World of Classical Legal Thought* William Michael

Wiecek, 1998 *A Companion to American Legal History* Sally E. Hadden, Alfred L. Brophy, 2013-02-22 *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

Preclassical Conflict of Laws Nikitas E. Hatzimihail, 2021-07-22 To better appreciate present day private international law and its future prospects and challenges we should consider the history and historiography of the field This book offers an original approach to the study of conflict of laws and legal history that exposes doctrinal lawyers to historical context and legal historians to the intricacies of legal doctrine The analysis is based on an in depth examination of Medieval and Early Modern conflict of laws focusing on the classic texts of Bartolus and Huber Combining theoretical insights textual analysis and historical perspectives the author presents the preclassical conflict of laws as a rich world of doctrines and policies theory and practice context and continuity This book challenges preconceptions and serves as an advanced introduction which illustrates the relevance of history in commanding private international law while aspiring to make private international law relevant for history

Reconstructions Thomas J. Brown, 2008-09-23 The pivotal era of Reconstruction has inspired an outstanding historical literature In the half century after W E B DuBois published *Black Reconstruction in America* 1935 a host of thoughtful and energetic authors helped to dismantle racist stereotypes about the aftermath of emancipation and Union victory in the Civil War The resolution of long running interpretive debates shifted the issues at stake in Reconstruction scholarship but the topic has remained a vital venue for original exploration of the American past In *Reconstructions New Perspectives on the Postbellum United States* eight rising historians survey the latest generation of work and point to promising directions for future research They show that the field is opening out to address a wider range of adjustments to the experiences and effects of Civil War Increased interest in cultural history now enriches understandings traditionally centered on social and political history Attention to gender has joined a focus on labor as a powerful strategy for analyzing negotiations over private and public authority The contributors suggest that Reconstruction historiography might further thrive by strengthening connections to such subjects as western history legal history and diplomatic history and by redefining the chronological boundaries of the postwar period The essays provide more than a variety of attractive vantage points for fresh examination of a major phase of American history By identifying the most

exciting recent approaches to a theme previously studied so ably the collection illuminates the creative process in scholarly historical literature *International Legal Theory and the Cognitive Turn* Anne van Aaken, Moshe Hirsch, 2025-04-02

Cognitive and behavioural studies are making inroads into international law international policy and literature Firstly international practice is drawing increasingly on behavioural studies The United Nations UN and its agencies have turned to behavioural science to confront new challenges faced by the international community including the Sustainable Development Goals climate change and gender equality Similarly the World Bank and World Health Organization have created teams of experts to advise on the incorporation of behavioural insights to support their operations Other international organizations are likewise following suit Secondly the cognitive behavioural turn is generating innovative research work in disciplines neighbouring international law and is gaining similar traction in international legal scholarship Yet despite this the implications of cognitive behavioural studies for international legal theory remain under explored With few exceptions international legal theories have long failed to explicitly address the cognitive behavioural assumptions of their respective theoretical approaches To fill this gap this book systematically examines the impact of the cognitive behavioural turn on the main theoretical schools within international legal scholarship Across thirteen chapters the contributors uncover the cognitive bases of their respective theories exploring both the cognitive similarities underlying the assumptions of different theories of international law as well as the limitations of the use of behavioural science in international law theories *International Legal Theory and the Cognitive Turn* makes explicit the relationship between cognitive behavioral methodologies and other ways of thinking about international law including TWAIL feminist and legal realist approaches and more This is an open access title available under the terms of a CC BY NC ND 4.0 International licence It is free to read on Oxford Scholarship Online and offered as a free PDF download from OUP and selected open access locations **The**

Hughes Court: Volume 11 Mark V. Tushnet, 2022-02-03 *The Hughes Court From Progressivism to Pluralism 1930 to 1941* describes the closing of one era in constitutional jurisprudence and the opening of another This comprehensive study of the Supreme Court from 1930 to 1941 when Charles Evans Hughes was Chief Justice shows how nearly all justices even the most conservative accepted the broad premises of a Progressive theory of government and the Constitution The Progressive view gradually increased its hold throughout the decade but at its end interest group pluralism began to influence the law By 1941 constitutional and public law was discernibly different from what it had been in 1930 but there was no sharp or instantaneous Constitutional Revolution in 1937 despite claims to the contrary This study supports its conclusions by examining the Court's work in constitutional law administrative law the law of justiciability civil rights and civil liberties and statutory interpretation **Legalist Empire** Benjamin Allen Coates, 2016-06-01 America's empire expanded dramatically following the Spanish American War of 1898 The United States quickly annexed the Philippines and Puerto Rico seized control over Cuba and the Panama Canal Zone and extended political and financial power throughout Latin America This age

of empire Benjamin Allen Coates argues was also an age of international law Justifying America's empire with the language of law and civilization international lawyers serving simultaneously as academics leaders of the legal profession corporate attorneys and high ranking government officials became central to the conceptualization conduct and rationalization of US foreign policy Just as international law shaped empire so too did empire shape international law Legalist Empire shows how the American Society of International Law was animated by the same notions of civilization that justified the expansion of empire overseas Using the private papers and published writings of such figures as Elihu Root John Bassett Moore and James Brown Scott Coates shows how the newly created international law profession merged European influences with trends in American jurisprudence while appealing to elite notions of order reform and American identity By projecting an image of the United States as a unique force for law and civilization legalists reconciled American exceptionalism empire and an international rule of law Under their influence the nation became the world's leading advocate for the creation of an international court Although the legalist vision of world peace through voluntary adjudication foundered in the interwar period international lawyers through their ideas and their presence in halls of power continue to infuse vital debates about America's global role

The Hughes Court Mark V. Tushnet, 2021 This book describes the closing of one era in constitutional jurisprudence and the opening of another This study of the Supreme Court from 1930 to 1941 when Charles Evans Hughes was Chief Justice shows how nearly all justices even the most conservative accepted the broad premises of a progressive theory of government and the Constitution The progressive view gradually increased its hold throughout the decade but at its end interest group pluralism began to influence the law By 1941 constitutional and public law was discernibly different from what it had been in 1930 but there was no sharp or instantaneous Constitutional Revolution in 1937 despite claims to the contrary This study supports its conclusions by examining the Court's work in constitutional law administrative law the law of justiciability civil rights and civil liberties and statutory interpretation

Research Methods in International Law Deplano, Rossana, Tsagourias, Nicholas, 2021-07-31 This timely Handbook contains a wide ranging overview of the diverse research methods used within international law Providing an insightful examination of how international legal knowledge is analysed and adopted this Handbook offers the reader a deeper understanding on the role and place of research methods in international legal theory reasoning and practice

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