

Bernard Schwartz

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# Main Currents In American Legal Thought

**Bernard Schwartz**



## **Main Currents In American Legal Thought:**

*Main Currents in American Legal Thought* Bernard Schwartz, 1993 A bracing work of scholarship that could inspire readers A virtue of *Main Currents in American Legal Thought* is that Mr Schwartz continually relates judicial opinions to what was happening in the country Books of the Times in the New York Times A worthy and welcome addition to the literature of American Law Careful documentation comprehensive index Highly recommended for all informed readers Choice Professor Bernard Schwartz is well known to me and other members of the Supreme Court for the extraordinary range of his scholarship in constitutional law His works reflect meticulous research into original sources an inquiry that is so essential to a clear understanding of the meaning of the constitutional provisions that in assuring the liberty and dignity of every person distinguish our governmental system from all others The quality of Professor Schwartz's work is exemplary Associate Justice William J Brennan Jr United States Supreme Court from the 1988 Annual Survey of American Law commenting generally on Professor Schwartz's scholarship

**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

**Blackstone and His Critics** Anthony Page, Wilfrid Prest, 2018-04-19 William Blackstone's Commentaries on the Laws of England 1765-69 is perhaps the most elegant and influential legal text in the history of the common law By one estimate Blackstone has been cited well over 10 000 times in American judicial opinions alone Prominent in recent reassessment of Blackstone and his works Wilfrid Prest also convened the Adelaide symposia which have now generated two collections of essays Blackstone and his Commentaries Biography Law History 2009 and Re Interpreting Blackstone's Commentaries A Seminal Text in National and International Contexts 2014 This third collection focuses on Blackstone's critics and detractors Leading scholars examine the initial reception of the Commentaries in the context of debates over law religion and politics in eighteenth century Britain and Ireland Having shown Blackstone's volumes to be a contested work of the Enlightenment the remaining chapters assess critical responses to Blackstone on family law the status of women and legal education in Britain and America While Blackstone and his Commentaries have been widely lauded and memorialised in marble this volume highlights the extent to which they have also attracted censure controversy and disparagement

**The Growth of American Law** James Willard Hurst, 2007

*Legal Science in the Early Republic*, Steven J. Macias, 2016-05-31 This work examines the intellectual motivations behind the concept of legal science the first coherent American jurisprudential movement after Independence Drawing mainly upon public but also private sources this book considers the goals of the bar's professional leaders who were

most adamant and deliberate in setting out their visions of legal science. It argues that these legal scientists viewed the realm of law as the means through which they could express their hopes and fears associated with the social and cultural promises and perils of the early republic. Law perhaps more so than literature or even the natural sciences provided the surest path to both national stability and international acclaim. While legal science yielded the methodological tools needed to achieve these lofty goals, its naturalistic foundations more importantly were at least partly responsible for the grand impulses in the first place. This book first considers the content of legal science and then explores its application by several of the most articulate legal scientists working and writing in the early republic.

**The Trouble with Culture** F. Allan Hanson, 2012-02-01 2007 CHOICE Outstanding Academic Title. In this highly original book, anthropologist F. Allan Hanson reveals an entirely unanticipated but vital link between two of the most widely discussed features of contemporary American society: the computer revolution and the culture wars. Hanson argues that the culture wars stem from a divergence in the evolutionary paths of society and culture. Societies have evolved significantly over the last few millennia from small bands of farmers or hunter-gatherers into huge internally diverse nation-states, while cultures, the closed systems of meanings and symbols that kept small face-to-face societies together, have failed to keep pace. If cultures became more open, Hanson contends, then the maladaptive rupture between society and culture would be healed and the clashes that currently beset us would be greatly diminished. Interweaving lucid analysis with concrete case studies of common law education and other areas of contemporary life, Hanson demonstrates how the widespread use of computers is in fact encouraging more originality and open-mindedness with the potential to ease polarization and calm the culture wars.

**Rebels in Law** John Clay Smith, 1998. The reflections on their lives in law of pioneer black women lawyers.

**The Failed Promise of Originalism** Frank Cross, 2013-01-09. Originalism is an enormously popular and equally criticized theory of constitutional interpretation. As Elena Kagan stated at her confirmation hearing: "We are all originalists." Scores of articles have been written on whether the Court should use originalism, and some have examined how the Court employed originalism in particular cases, but no one has studied the overall practice of originalism. The primary point of this book is an examination of the degree to which originalism influences the Court's decisions. Frank B. Cross tests this by examining whether originalism appears to constrain the ideological preferences of the justices, which are a demonstrable predictor of their decisions. Ultimately, he finds that, however theoretically appealing, originalism may seem, the changed circumstances over time and lack of reliable evidence means that its use is indeterminate and meaningless. Originalism can be selectively deployed or manipulated to support and legitimize any decision desired by a justice.

**The Semiotics of Law in Legal Education** Jan M. Broekman, Francis J. Mootz III, 2011-07-06. This book offers educational experiences including reflections and the resulting essays from the Roberta Kevelson Seminar on Law and Semiotics held during 2008-2011 at Penn State University's Dickinson School of Law. The texts address educational aspects of law that require attention and that also are issues in traditional jurisprudence and legal theory. The book introduces

education in legal semiotics as it evolves in a legal curriculum Specific semiotic concepts such as sign symbol or legal language demonstrate how a lawyer's professionally important tasks of name giving and meaning giving are seldom completely understood by lawyers or laypeople These concepts require analyses of considerable depth to understand the expressiveness of these legal names and meanings and to understand how lawyers can say the law or urge such a saying correctly and effectively in the context of a natural language that is understandable to all of us The book brings together the structure of the Seminar its foundational philosophical problems the specifics of legal history and the semiotics of the legal system with specific themes such as gender family law and business law *Great American Judges* John R. Vile, 2003-06-23 Inspiring and instructive biographies of the 100 most influential judges from state and federal courts in one easy to access volume *Great American Judges* profiles 100 outstanding judges and justices in a full sweep of U S history Chosen by lawyers historians and political scientists these men and women laid the foundation of U S law A complement to *Great American Lawyers* together these two volumes create a complete picture of our nation's top legal minds from colonial times to today Following an introduction on the role of judges in American history are A Z biographical entries portraying this diverse group from extraordinarily different backgrounds Students and history enthusiasts will appreciate the accomplishments of these role models and the connections between their inspiring lives and their far reaching legal decisions William Rehnquist Oliver Wendell Holmes Jr and 12 other Supreme Court justices are found alongside federal judges like Skelly Wright who ordered school desegregation in 1960 Influential state judges such as Rose Elizabeth Bird California's first woman Supreme Court Chief Justice are also featured *The Rehnquist Court* Martin H. Belsky, 2002 In 1986 the Supreme Court's leading conservative William H Rehnquist was made Chief Justice Almost immediately legal scholars practitioners and pundits began questioning what his influence would be and whether he would remake US constitutional corpus in his own image This collected volume gathers together a distinguished group of scholars journalists judges and practitioners to reflect on the fifteen year impact of the Rehnquist Court *The Social History of Crime and Punishment in America* Wilbur R. Miller, 2012-07-20 Several encyclopedias overview the contemporary system of criminal justice in America but full understanding of current social problems and contemporary strategies to deal with them can come only with clear appreciation of the historical underpinnings of those problems Thus this five volume work surveys the history and philosophy of crime punishment and criminal justice institutions in America from colonial times to the present It covers the whole of the criminal justice system from crimes law enforcement and policing to courts corrections and human services Among other things this encyclopedia explicates philosophical foundations underpinning our system of justice charts changing patterns in criminal activity and subsequent effects on legal responses identifies major periods in the development of our system of criminal justice and explores in the first four volumes supplemented by a fifth volume containing annotated primary documents evolving debates and conflicts on how best to address issues of crime and punishment Its signed entries in the

first four volumes supplemented by a fifth volume containing annotated primary documents provide the historical context for students to better understand contemporary criminological debates and the contemporary shape of the U S system of law and justice

**The Burger Court** Bernard Schwartz,1998 Warren E Burger served as Chief Justice of the Supreme Court from 1969 to 1987 an often tumultuous period in which the Court wrestled with several compelling constitutional issues An impressive collection of writings by legal scholars and practitioners including many by people who worked directly or indirectly with the Court itself The Burger Court Counter Revolution or Confirmation is the first truly systematic review of the Court s activity during Warren Burger s tenure Such distinguished contributors as Derrick Bell Robert Drinan Anthony Lewis and Mark Tushnet review individual cases and jurisprudential trends in order to render comprehensive judgments of the Court s accomplishments and shortcomings

**The Fundamental Holmes** Ronald K. L. Collins,2010-07-19 No figure stands taller in the world of First Amendment law than Oliver Wendell Holmes Jr This is the first anthology of Justice Holmes s writings speeches and opinions concerning freedom of expression The book contains eight original essays designed to situate Holmes s works in historical and biographical context The volume is enriched by extensive commentaries concerning its many entries which consist of letters speeches book excerpts articles state court opinions and U S Supreme Court opinions The edited materials spanning Holmes s 1861 1864 service in the Civil War to his 1931 radio address to the nation offer a unique view of the thoughts of the father of the modern First Amendment The book s epilogue which includes a major discovery about Holmes s impact on American statutory law explores Holmes s free speech legacy In the process the reader comes to know Holmes and his jurisprudence of free speech as never before

*Age of Betrayal* Jack Beatty,2008-04-08 Age of Betrayal is a brilliant reconsideration of America s first Gilded Age when war born dreams of freedom and democracy died of their impossibility Focusing on the alliance between government and railroads forged by bribes and campaign contributions Jack Beatty details the corruption of American political culture that in the words of Rutherford B Hayes transformed a government of the people by the people and for the people into a government by the corporations of the corporations and for the corporations A passionate gripping scandalous and sorrowing history of the triumph of wealth over commonwealth

*Just Words* John M. Conley,William M. O'Barr,Robin Conley Riner,2019-05-10 Is it just words when a lawyer cross examines a rape victim in the hopes of getting her to admit an interest in her attacker Is it just words when the Supreme Court hands down a decision or when business people draw up a contract In tackling the question of how an abstract entity exerts concrete power Just Words focuses on what has become the central issue in law and language research what language reveals about the nature of legal power John M Conley William M O Barr and Robin Conley Riner show how the microdynamics of the legal process and the largest questions of justice can be fruitfully explored through the field of linguistics Each chapter covers a language based approach to a different area of the law from the cross examinations of victims and witnesses to the inequities of divorce mediation Combining analysis of common legal events with a broad range

of scholarship on language and law Just Words seeks the reality of power in the everyday practice and application of the law As the only study of its type the book is the definitive treatment of the topic and will be welcomed by students and specialists alike This third edition brings this essential text up to date with new chapters on nonverbal or multimodal communication in legal settings and law language and race

**E Pluribus Unum** W. C. Harris, 2005-04 Out of many one But how do the many become one without sacrificing difference or autonomy This problem was critical to both identity formation and state formation in late 18th and 19th century America The premise of this book is that American writers of the time came to view the resolution of this central philosophical problem as no longer the exclusive province of legislative or judicial documents but capable of being addressed by literary texts as well The project of E Pluribus Unum is twofold Its first and underlying concern is the general philosophic problem of the one and the many as it came to be understood at the time W C Harris supplies a detailed account of the genealogy of the concept exploring both its applications and its paradoxes as a basis for state and identity formation Harris then considers the perilous integration of the one and the many as a motive in the major literary accomplishments of 19th century U S writers Drawing upon critical as well as historical resources and upon contexts as diverse as cosmology epistemology poetics politics and Bible translation he discusses attempts by Poe Whitman Melville and William James to resolve the problems of social construction caused by the paradox of e pluribus unum by writing literary and philosophical texts that supplement the nation s political founding documents Poe Eureka Whitman Leaves of Grass Melville Billy Budd and William James The Varieties of Religious Experience provide their own distinct sometimes contradictory resolutions to the conflicting demands of diversity and unity equality and hierarchy Each of these texts understands literary and philosophical writing as having the potential to transform conceptually or actually the construction of social order This work will be of great interest to literary and constitutional scholars

*Ethical Issues and Citizen Rights in the Era of Digital Government Surveillance* Cropf, Robert A., Bagwell, Timothy C., 2016-02-02 Questions surrounding the concept of freedom versus security have intensified in recent years due to the rise of new technologies The increased governmental use of technology for data collection now poses a threat to citizens privacy and is drawing new ethical concerns Ethical Issues and Citizen Rights in the Era of Digital Government Surveillance focuses on the risks presented by the usage of surveillance technology in the virtual public sphere and how such practices have called for a re examination of what limits should be imposed Highlighting international perspectives and theoretical frameworks relating to privacy concerns this book is a pivotal reference source for researchers professionals and upper level students within the e governance realm

California. Supreme Court. Records and Briefs California (State)., Court of Appeal Case s D014677

*The Spirit Of American Law* George S Grossman, 2018-04-24 Intended for the general public the readings in this collection explore the roots of American law from pre history to ancient Greece and Rome and the common law of England America s legal development is traced from the drafting of the Constitution to the Rehnquist Court Themes along the way

include the Golden Age of the early nineteenth century when American law took on its distinctive character the impact of slavery and the Civil War and the struggles of the Progressives to regulate the nation's industrialized economy between the post Civil War era and the New Deal A reading on the Nuremberg Trials introduces the theme of international human rights while post war readings trace the nation's legal confrontations over civil liberties civil rights the rights of women the protection of the environment and legal protections for those accused of crimes Dramatic highlights include the Sacco Vanzetti case the internment of Japanese Americans during the Second World War the trial of the Chicago Eight during the Vietnam War and the Watergate scandal Leading personalities include Sirs Edward Coke and William Blackstone in England Chief Justices John Marshall and Earl Warren Justices Stephen J Field Oliver Wendell Holmes Jr Louis D Brandeis and Felix Frankfurter and Judge Learned Hand Readings on the future of American law explore the impact of alternative dispute resolution science and technology globalization and space exploration as well as trends in the legal profession and in legal philosophy



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