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Martin J. Sklar

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Reconstructing the Fourth Amendment Andrew E. Taslitz,2009-03 The modern law of search and seizure permits warrantless searches that ruin the citizenry s trust in law enforcement harms minorities and embraces an individualistic notion of the rights that it protects ignoring essential roles that properly conceived protections of privacy mobility and property play in uniting Americans Many believe the Fourth Amendment is a poor bulwark against state tyrannies particularly during the War on Terror Historical amnesia has obscured the Fourth Amendment s positive aspects and Andrew E Taslitz rescues its forgotten history in Reconstructing the Fourth Amendment which includes two novel arguments First that the original Fourth Amendment of 1791 born in political struggle between the English and the colonists served important political functions particularly in regulating expressive political violence Second that the Amendment s meaning

changed when the Fourteenth Amendment was created to give teeth to outlawing slavery and its focus shifted from primary emphasis on individualistic privacy notions as central to a white democratic polis to enhanced protections for group privacy individual mobility and property in a multi racial republic With an understanding of the historical roots of the Fourth Amendment suggests Taslitz we can upend negative assumptions of modern search and seizure law and create new institutional approaches that give political voice to citizens and safeguard against unnecessary humiliation and dehumanization at the hands of the police The Encyclopedia of American Law David A. Schultz, 2014-05-14 There s an old saving Ignorance of the law is no excuse for breaking it Yet for most people The Reconstruction of American **Liberalism**, **1865-1914** Nancy Cohen, 2002 Cohen argues that the values and programs characteristic of modern American liberalism were invented not during the Progressive Era as is generally assumed but in the conflict ridden years after the **Judicial Reconstruction and the Rule of Law** Angeline Lewis,2012-08-28 Challenging the dominant rhetoric Civil War of international rule of law operations this work reasserts the centrality of the community in building its own relationship with law counselling military interveners to refocus exclusively on restoring security using their extraordinary powers under The Broadview Anthology of American Literature Volume B: 1820 to Reconstruction Derrick R. Spires, Christina Roberts, Joseph Rezek, Justine S. Murison, Laura L. Mielke, Christopher Looby, Rodrigo Lazo, Alisha Knight, Hsuan L. Hsu, Rachel Greenwald Smith, Michael Everton, Christine Bold, 2022-04-13 Covering American literature from its pre contact Indigenous beginnings through the Reconstruction period the first two volumes of The Broadview Anthology of American Literature represent a substantial reconceiving of the canon of early American literature Guided by the latest scholarship in American literary studies and deeply committed to inclusiveness social responsibility and rigorous contextualization the anthology balances representation of widely agreed upon major works with an emphasis on American literature s diversity variety breadth and connections with the rest of the Americas Highlights of Volume B 1820 to Reconstruction Complete texts of Narrative of the Life of Frederick Douglass An American Slave and Benito Cereno In depth Contexts sections on such topics as Nature and the Environment Expansion Native American Expulsion and Manifest Destiny Gender and Sexuality and Oratory Broader and more extensive coverage of African American oral literature than in competing anthologies Full author sections in the anthology are devoted to authors such as George Moses Horton Jane Johnston Schoolcraft Jos Maria Heredia Black Hawk and many others A Legal History of the Civil War and **Reconstruction** Laura F. Edwards, 2015-01-26 This book provides a succinct and accessible account of the critical role of legal and constitutional issues of the American Civil War **Criminal Justice and Social Reconstruction** Hermann Mannheim, 2013-08-21 This is Volume V of fifteen in the Sociology of Law and Criminology series Originally published in 1946 readers of the present volume will be aware of the links existing for instance between certain chapters of the author s previous work Social Aspects especially those on Business Administration and similar subjects and the economic sections of

the present book or between the concluding Parts of the latter and of The Dilemma A few lectures of a programmatic character delivered at a Summer School of the Fabian Society and at the South Place Ethical Society also feature in this book It is one of the most important functions of Criminal Justice to play some part in the great task of Education for Citizenship

Critical Legal Studies Richard W Bauman, 2021-11-28 Contemporary legal thought has been powerfully influenced by Critical Legal Studies a school of legal scholars whose work has sustained a continuing radical critique of established legal doctrines In this essential reference work Richard Bauman presents the most thorough up to date guide available for this essential literature In addition to providing the basic bibliographic information Bauman offers a set of effective introductions to contextualize and explain the work being surveyed He has created a fundamental handbook not only for the law but also for politics and radical thought Traditions and Transformations Michaela Hailbronner, 2015 German constitutionalism has gained a central place in the global comparative debate but what underpins it remains imperfectly understood Its distinctive understanding of the rule of law and the widespread support for its powerful Constitutional Court are typically explains in one of two ways either as a story of change in a reaction to National Socialism or as the continuation of an older nineteenth century line of constitutional thought that emphasizes the function of constitutional law as a constraint on state power But while both narratives account for some important features their explanatory value is ultimately overrated This book adopts a broader comparative perspective to understand the rise of the German Constitutional Court It interprets the particular features of German constitutional jurisprudence and the Court's strength as a reconciliation of two different legal paradigms first a hierarchical legal culture as described by Mirjan Damaska building on Max Weber as opposed to a more co coordinated understanding of legal authority such as prevails in the United States and secondly a more recent paradigm of transformative constitutionalism which is most often associated with countries like South Africa and India Using post war legal history and sociological and empirical research in addition to case law this book demonstrates how German developments reflect the frequently conflicting demands of these two legal paradigms yielding an idiosyncratic synthesis in Value Formalism a specific type of constitutional reasoning at once pragmatic open formalist and technical Value Formalism however also comes with serious problems such as a lack of self reflection in the Court's jurisprudence and the closure of constitutional discourse towards laymen **Historical Dictionary of the Civil War and Reconstruction** William L. Richter, 2011-12-01 The importance of the Civil War and Reconstruction in the history of the United States cannot be overstated Many historians regard the Civil War as the defining event in American history At stake was not only freedom for 3 5 million slaves but also survival of the relatively new American experiment in self government A very real possibility existed that the union could have been severed but a collection of determined leaders and soldiers proved their willingness to fight for the survival of what Abraham Lincoln called the last best hope on earth The second edition of this highly readable one volume Historical Dictionary of the Civil War and Reconstruction looks to place the war in its historical context The more

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On Law and Legal Reasoning Fernando Atria, 2002-08-07 This book is about legal theory and legal reasoning In particular it seeks to examine the relations that obtain between law and a theory of law and legal reasoning and a theory of legal reasoning Two features of law and legal reasoning are treated as being of particular importance in this regard law is institutional and legal reasoning is formal These two features are so closely connected that it is reasonable to believe that in fact they are simply two ways of looking at the same issue This becomes clearer as the focus of the book shifts from the institutional nature of law to the consequences of this for legal reasoning and which is the principal focus of the book The author received the European Academy of Legal Theory award in 2000 for the doctoral dissertation on which this work was Reconstruction, 1919 The Facts of Reconstruction Eric Anderson, Alfred A. Moss, Jr., 1991-05-01 Thirty years based after the publication of John Hope Franklin's influential interpretative essay Reconstruction After the Civil War ten distinguished scholars have contributed to a new appraisal of Reconstruction scholarship Recognizing Professor Franklin s major contributions to the study of the Reconstruction era their work of analysis and review has been dedicated to him Although most of the contributors studied with John Hope Franklin The Facts of Reconstruction is not a festschrift at least not the conventional sense The book does not offer a comprehensive assessment of Franklin's remarkably wide ranging work in southern and Afro American history but instead engages his influential interpretation of Reconstruction The essays in The Facts of Reconstruction focus upon questions raised in Reconstruction After the Civil War Was southern white intransigence the decisive influence in Presidential Reconstruction What as the role of violence in southern redemption How successful were the educational experiments of the Reconstruction era Why did southern Republicans fail to build an effective coalition capable of surviving the pressure of racism In addition several essays discuss questions not directly addressed in Franklin s book since his pathbreaking work indirectly stimulated study in a variety of new areas For example contributors to The Facts of Reconstruction examine the ante bellum origins of Reconstruction evaluate the development of racial segregation during the late nineteenth century analyze the political and legal ideas behind the Reconstruction debates and study the prospering minority among blacks Representing a variety of perspectives the authors have sought to follow John Hope Franklin s admonition that Reconstruction should not be used as a mirror of ourselves If they have succeeded this book in honor of a profound scholar and inspiring teacher will provoke new discussion about the facts of Reconstruction The Other Reconstruction Ericka M. Miller, 2000 First Published in 2000 Routledge is an imprint of Taylor Francis an informa company

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