

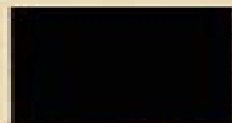
THE LAW'S CONSCIENCE

EQUITABLE

CONSTITUTIONALISM

IN

AMERICA



PETER CHARLES HOFFER

The Laws Conscience Equitable Constitutionalism In America

Albert P. Melone, Allan Karnes



The Law's Conscience Equitable Constitutionalism In America:

The Law's Conscience Peter Charles Hoffer, 2000-11-09 The Law's Conscience is a history of equity in Anglo American jurisprudence from the inception of the chancellor's court in medieval England to the recent civil rights and affirmative action decisions of the United States Supreme Court Peter Hoffer argues that equity embodies a way of looking at law including constitutions based on ideas of mutual fairness public trusteeship and equal protection His central theme is the tension between the ideal of equity and the actual availability of equitable remedies Hoffer examines this tension in the trusteeship constitutionalism of John Locke and Thomas Jefferson the incorporation of equity in the first American constitutions the antebellum controversy over slavery the fortunes of the Freedmen's Bureau after the Civil War the emergence of the doctrine of Balance of Equity in twentieth century public interest law and the desegregation and reverse discrimination cases of the past thirty five years *Brown v Board of Education* 1954 was the most important equity suit in American history and Hoffer begins and ends his book with a new interpretation of its lessons

Legal Memories And Amnesias In America's Rhetorical Culture Marouf Arif Hasian, 2021-11-28 In *Legal Memories and Amnesias in America's Rhetorical Culture* Marouf Hasian Jr critically examines the rhetoric of law specifically the shifting lines between the notions of liberty and license Hasian Jr explores how such issues as immigration labor national identity race and genetics have caused society to change how it thinks about and uses laws In *Legal Memories and Amnesias in America's Rhetorical Culture* Marouf Hasian Jr critically examines the rhetoric of law specifically the shifting lines between the notions of liberty and license Hasian Jr explores how issues such as immigration labor national identity race and genetics have caused society to change how it thinks about and uses laws The author builds on critical race theory feminist studies of the law and critical legal studies and he uses a case study framework that covers topics such as Sarah Roberts and the separate but equal doctrine John Brown's enactment of natural law at Harper's Ferry Typhoid Mary Mallon the Holocaust Susan Smith the human genome project and Rosewood All of the aforementioned are tied together by an introduction that clearly delineates the basic theoretical stance of the book Without a doubt the subject of this book is provocative timely and timeless

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

An Introduction to the Legal System of the United States, Fourth Edition E. Allan Farnsworth, 2010-07-16 In the updated fourth edition of this classic text which has been translated into over a dozen languages constitutional scholar and Columbia Law School professor E Allan Farnsworth provides a clear explanation of the structure and function of the U S

legal system in one handy reference An Introduction to the Legal System of the United States Fourth Edition is designed to be a general introduction to the structure and function of the legal system of the United States and is especially useful for those readers who lack familiarity with fundamental establishments and practices This text also gives the reader a clear understanding of how to research the law the importance of case law versus statutes and the difference between private and public law It illustrates issues that may be confusing or troublesome and provides a solid general overview It includes a new introduction by Steve Sheppard

The American Legal System Albert P. Melone, Allan Karnes, 2008 Firmly anchored in social science concepts the second edition of The American Legal System demonstrates the relationships among private law the business legal environment and public law issues as well as related subjects of interest This fifteen chapter book is divided into three parts Part I places the legal system in a political perspective centering on the origins of the law schools of jurisprudence branches and functions of law legitimacy of law how the judiciary functions in the federal system of government and judicial interpretation and decision making Part II contrasts legal processes civil suits for money damages criminal processes equity justice administrative processes and alternative dispute resolution Part III centers on the legal norms or rules governing both civil and criminal conduct property law family law contract law and government regulation of business Throughout the text features edited court opinions many new to this edition illustrating lively and thought provoking controversies that are certain to spark student interest Among the many compelling issues addressed are the legal and constitutional controversies surrounding the Bush Administration s War on Terror and the socially explosive developments concerning same sex marriage In addition each chapter includes at least three comparative notes showing how other legal cultures in different nation states treat legal matters A wealth of pedagogical features chapter opening objectives key terms names and concepts a glossary discussion questions and appendices are included to aid student comprehension The authors have prepared an Instructor s Manual and Test Bank to facilitate the book s use in the classroom

LAW - Volume I Aaron Schwabach, Arthur Cockfield, 2009-10-18 Law is a component of Encyclopedia of Social Sciences and Humanities in the global Encyclopedia of Life Support Systems EOLSS which is an integrated compendium of twenty one Encyclopedias The Theme on Law provides certain general perspectives and discusses such aspects as Philosophies and Systems of Law Fields of Law Specialization Law Ethics and Justice This volume is aimed at the following five major target audiences University and College Students Educators Professional Practitioners Research Personnel and Policy Analysts Managers and Decision Makers and NGOs

Thomas Jefferson, Legal History, and the Art of Recollection Matthew Crow, 2017-03-17 In this innovative book historian Matthew Crow unpacks the legal and political thought of Thomas Jefferson as a tool for thinking about constitutional transformation settler colonialism and race and civic identity in the era of the American Revolution Thomas Jefferson s practices of reading writing and collecting legal history grew out of broader histories of early modern empire and political thought As a result of the peculiar ways in which he theorized and experienced

the imperial crisis and revolutionary constitutionalism Jefferson came to understand a republican constitution as requiring a textual material culture of law shared by citizens with the cultivated capacity to participate in such a culture At the center of the story in Thomas Jefferson Legal History and the Art of Recollection Crow concludes we find legal history as a mode of organizing and governing collective memory and as a way of instituting a particular form of legal subjectivity

Southern Slavery and the Law, 1619-1860 Thomas D. Morris, 2004-01-21 This volume is the first comprehensive history of the evolving relationship between American slavery and the law from colonial times to the Civil War As Thomas Morris clearly shows racial slavery came to the English colonies as an institution without strict legal definitions or guidelines Specifically he demonstrates that there was no coherent body of law that dealt solely with slaves Instead more general legal rules concerning inheritance mortgages and transfers of property coexisted with laws pertaining only to slaves According to Morris southern lawmakers and judges struggled to reconcile a social order based on slavery with existing English common law or in Louisiana with continental civil law Because much was left to local interpretation laws varied between and even within states In addition legal doctrine often differed from local practice And as Morris reveals in the decades leading up to the Civil War tensions mounted between the legal culture of racial slavery and the competing demands of capitalism and evangelical Christianity

Reading Law Forward Peter Charles Hoffer, 2023-07-14 In the current legal climate where everyone is an originalist conventional wisdom suggests that judges merely find law rather than make it Orthodox common law jurisprudence makes fidelity to the past the central goal and criterion By contrast the alternative approach reading the law forward what some call judicial pragmatism or consequentialism is viewed as heretical Rather than mount a theoretical defense of a forward thinking jurisprudence legal historian Peter Charles Hoffer offers an empirical study of how this approach to constitutional interpretation actually leads to better law Reading Law Forward looks at seven judges who exemplify this alternative jurisprudence John Marshall Joseph Story Lemuel Shaw Louis D Brandeis Benjamin Cardozo William O Douglas and Stephen G Breyer In the hands of America's leading judges a jurisprudence of reading law forward enabled courts to respond to the challenges of changing conditions It kept law fresh It promoted and still promotes the growth of a democratic society Hoffer convincingly argues

Clio among the Muses Peter Charles Hoffer, 2023-11-21 History helps us understand change provides clues to our own identity and hones our moral sense But history is not a stand alone discipline Indeed its own history is incomplete without recognition of its debt to its companions in the humane and social sciences In Clio among the Muses noted historiographer Peter Charles Hoffer relates the story of this remarkable collaboration Hoffer traces history's complicated partnership with its coordinate disciplines of religion philosophy the social sciences literature biography policy studies and law As in ancient days when Clio was preeminent among the other eight muses so today the author argues that history can and should claim pride of place in the study of past human action and thought Intimate and irreverent at times Clio among the Muses synthesizes a remarkable array of information Clear and

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