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STRANGE
CAREER
OF LEGAL
LIBERALISM

LAURA KALMAN

Strange Career Of Legal Liberalism

Lei Shi



Strange Career Of Legal Liberalism:

The Strange Career of Legal Liberalism Laura Kalman, 1996-01-01 Legal scholarship is in a state of crisis argues Laura Kalman in this history of the most prestigious field in law studies constitutional theory Since the New Deal Kalman says most law scholars have identified themselves as liberals who believe in the power of the Supreme Court to effect progressive social change In recent years however new political and interdisciplinary perspectives have undermined the tenets of legal liberalism and liberal law professors have enlisted other disciplines in the attempt to legitimize their beliefs Such prominent legal thinkers as Cass Sunstein Bruce Ackerman and Frank Michelman have incorporated the work of historians into their legal theories and arguments turning to eighteenth century republicanism which stressed communal values and an active citizenry to justify their goals Kalman a historian and a lawyer suggests that reliance on history in legal thinking makes sense at a time when the Supreme Court repeatedly declares that it will protect only those liberties rooted in history and tradition There are pitfalls in interdisciplinary argumentation she cautions for historians reactions to this use of their work have been unenthusiastic and even hostile Yet lawyers law professors and historians have cooperated in some recent Supreme Court cases and Kalman concludes with a practical examination of the ways they can work together more effectively as social activists

The Strange Career of Legal Liberalism Laura Kalman, 1998-08-11 Legal scholarship is in a state of crisis Laura Kalman argues in this history of the most prestigious field in law studies constitutional theory Since the time of the New Deal says Kalman most law scholars have identified themselves as liberals who believe in the power of the Supreme Court to effect progressive social change In recent years however new political and interdisciplinary perspectives have undermined the tenets of legal liberalism and liberal law professors have enlisted other disciplines in the attempt to legitimize their beliefs Such prominent legal thinkers as Cass Sunstein Bruce Ackerman and Frank Michelman have incorporated the work of historians into their legal theories and arguments turning to eighteenth century republicanism which stressed communal values and an active citizenry to justify their goals Kalman a historian and a lawyer suggests that reliance on history in legal thinking makes sense at a time when the Supreme Court repeatedly declares that it will protect only those liberties rooted in history and tradition There are pitfalls in interdisciplinary argumentation she cautions for historians reactions to this use of their work have been unenthusiastic and even hostile Yet lawyers law professors and historians have cooperated in some recent Supreme Court cases and Kalman concludes with a practical examination of the ways they can work together more effectively as social activists

Beyond All Reason Daniel A. Farber, Suzanna Sherry, 1997-10-30 Would you want to be operated on by a surgeon trained at a medical school that did not evaluate its students Would you want to fly in a plane designed by people convinced that the laws of physics are socially constructed Would you want to be tried by a legal system indifferent to the distinction between fact and fiction These questions may seem absurd but these are theories being seriously advanced by radical multiculturalists that force us to ask them These scholars

assert that such concepts as truth and merit are inextricably racist and sexist that reason and objectivity are merely sophisticated masks for ideological bias and that reality itself is nothing more than a socially constructed mechanism for preserving the power of the ruling elite In *Beyond All Reason* liberal legal scholars Daniel A Farber and Suzanna Sherry mount the first systematic critique of radical multiculturalism as a form of legal scholarship Beginning with an incisive overview of the origins and basic tenets of radical multiculturalism the authors critically examine the work of Derrick Bell Catherine MacKinnon Patricia Williams and Richard Delgado and explore the alarming implications of their theories Farber and Sherry push these theories to their logical conclusions and show that radical multiculturalism is destructive of the very goals it wishes to affirm If for example the concept of advancement based on merit is fraudulent as the multiculturalists claim the disproportionate success of Jews and Asians in our culture becomes difficult to explain without opening the door to age old anti Semitic and racist stereotypes If historical and scientific truths are entirely relative social constructs then Holocaust denial becomes merely a matter of perspective and Creationism has as much validity as evolution The authors go on to show that rather than promoting more dialogue the radical multiculturalist preferences for legal storytelling and identity politics over reasoned argument produces an insular set of positions that resist open debate Indeed radical multiculturalists cannot critically examine each others ideas without incurring vehement accusations of racism and sexism much less engage in fruitful discussion with a mainstream that does not share their assumptions Here again Farber and Sherry show that the end result of such thinking is not freedom but a kind of totalitarianism where dissent cannot be tolerated and only the naked will to power remains to settle differences Sharply written and brilliantly argued this book is itself a model of the kind of clarity civility and dispassionate critical thinking which the authors seek to preserve from the attacks of the radical multiculturalists With far reaching implications for such issues as government control of hate speech and pornography affirmative action legal reform and the fate of all minorities *Beyond All Reason* is a provocative contribution to one of the most important controversies of our time

Boundaries of the Law Anthony Musson, 2017-07-05 Alongside and inexorably linked with the ecclesiastical establishment the law was one of the main social bonds that shaped and directed the interactions of day to day life in medieval and early modern times Exploring the boundaries of the law as they existed and as they have been perceived by historians this volume offers wide ranging insight into a key aspect of European society

The Blessings of Liberty Michael Les Benedict, 2022-07-11 This concise accessible text provides students with a history of American constitutional development in the context of political economic and social change Constitutional historian Michael Benedict stresses the role that the American people have played over time in defining the powers of government and the rights of individuals and minorities He covers important trends and events in U S constitutional history encompassing key Supreme Court and lower court cases The volume begins by discussing the English and colonial origins of American constitutionalism Following an analysis of the American Revolution s meaning to constitutional history the text traces the Constitution s evolution from the

Early Republic to the present day This fourth edition is updated to include the 2016 election the Trump administration the 2020 election and the first activities of the Biden administration Mastery and Drift Brent Cebul, Lily Geismer, 2025-02-11

A revelatory look at modern liberalism's historical evolution and enduring impact on contemporary politics and society Since the 1960s American liberalism and the Democratic Party have been remade along professional class lines widening liberalism's impact but narrowing its social and political vision In Mastery and Drift historians Brent Cebul and Lily Geismer have assembled a group of scholars to address the formation of professional class liberalism and its central role in remaking electoral politics and the practice of governance Across subjects as varied as philanthropy consulting health care welfare race immigration economics and foreign conflicts the authors examine not only the gaps between liberals' egalitarian aspirations and their approaches to policymaking but also how the intricacies of contemporary governance have tended to bolster professional class liberals' power The contributors to Mastery and Drift all came of age amid the development of professional class liberalism giving them distinctive and important perspectives in understanding its internal limitations and its relationship to neoliberalism and the Right With never ending disputes over the meaning of liberalism the content of its governance and its relationship to a resurgent Left now is the time to consider modern liberalism's place in contemporary American life Local Citizenship in a Global Age Kenneth A. Stahl, 2020-05-14

Presents a distinctly local idea of citizenship that with the advance of globalization often conflicts with national citizenship **The Adaptability Paradox** Stephen Skowronek, 2025-09-29

Has American democracy outstripped its constitutional accommodations Faith in the resilience and adaptability of the US Constitution rests on a long history of finding new ways to make the system work In The Adaptability Paradox political scientist Stephen Skowronek examines the rearrangements that regenerated the American government in the past and brings that experience to bear on our current predicament He shows how a constitution framed in writing some 230 years ago can run into serious difficulties directly related to its long and impressive history of adaptation Skowronek connects questions about the Constitution's adaptability to the challenges of democratization For most of American history serial rearrangements of constitutional relationships widened the government's purview as a national democracy without giving either nationalism or democracy free rein Skowronek argues that the politics of adaptation shifted fundamentally with the Rights Revolution of the 1960s and 70s when American national democracy approached the inclusion of all its citizens on equal footing Since then power and authority have been reconfigured in ways that have steadily magnified conflicts over the essentials of good order Conservatives aim to dismantle a Constitution that progressives are intent on building upon and the consensus necessary for a constitutional democracy to function effectively has all but evaporated No longer a socially bound framework for national action the Constitution has become an abstract matrix of possibilities a disembodied opportunity structure open to starkly different mutually unacceptable futures Rather than being liberated by this unbound Constitution the American people now appear entrapped by it Is it possible that the development of American democracy has exhausted

the adaptive capacities of the Constitution A timely reminder that constitutional democracies do not survive on faith alone
The Adaptability Paradox is a sober appraisal of the unfamiliar ground on which we now tread **The Supreme Court**
Peter Charles Hoffer, William James Hull Hoffer, N. E. H. Hull, 2018-08-28 For more than two centuries the U S Supreme Court
has provided a battleground for nearly every controversial issue in our nation s history Now a veteran team of talented
historians including the editors of the acclaimed Landmark Law Cases and American Society series have updated the most
readable astute single volume history of this venerated institution with a new chapter on the Roberts Court The Supreme
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watched tribunal in the world Underscoring the close connection between law and politics the authors highlight essential
issues cases and decisions within the context of the times in which the decisions were handed down Deftly combining
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the Court makes has shaped our nation with an emphasis on how the Court responded or failed to respond to the plight of the
underdog Each chapter covers the Court s years under a specific Chief Justice focusing on cases that are the most reflective
of the way the Court saw the law and the world and that had the most impact on the lives of ordinary Americans Throughout
the authors reveal how in times of war class strife or moral revolution the Court sometimes voiced the conscience of the
nation and sometimes seemed to lose its moral compass Their extensive quotes from the Court s opinions and dissents
illuminate its inner workings as well as the personalities and beliefs of the justices and the often contentious relationships
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pedestrian decisions and by justices ranging from brilliant and wise to slow witted and expedient An epic and essential story
it illuminates the Court s role in our lives and its place in our history in a manner as engaging for general readers as it is
rigorous for scholars Law as Culture and Culture as Law John Phillip Reid, 2000 Law as Culture and Culture as Law
presents a spectrum of historical inquiries developing and engaging John Phillip Reid s insights and methodological
approaches to legal and constitutional history The essays gathered in this volume span nearly three centuries and two
continents ranging from the agonizing struggles over law religion and governance in late seventeenth century Ireland to the
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