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Patriots and Cosmopolitans: Hidden Histories of American Law

John Fabian Witt

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John Fabian Witt : Patriots and Cosmopolitans: Hidden Histories of American Law before purchasing it in order to gage whether or not it would be worth my time, and all praised Patriots and Cosmopolitans: Hidden Histories of American Law:

Ranging widely from the founding era to Reconstruction, from the making of the modern state to its post-New Deal limits, John Fabian Witt illuminates the legal and constitutional foundations of American nationhood through the little-

known stories of five patriots and critics. He shows how law and constitutionalism have powerfully shaped and been shaped by the experience of nationhood at key moments in American history. Founding Father James Wilson's star-crossed life is testament to the capacity of American nationhood to capture the imagination of those who have lived within its orbit. For South Carolina freedman Elias Hill, the nineteenth-century saga of black citizenship in the United States gave way to a quest for a black nationhood of his own on the West African coast. Greenwich Village radical Crystal Eastman became one of the most articulate critics of American nationhood, advocating world federation and other forms of supranational government and establishing the modern American civil liberties movement. By contrast, the self-conscious patriotism of Dean Roscoe Pound of Harvard Law School and trial lawyer Melvin Belli aimed to stave off what Pound and Belli saw as the dangerous growth of a foreign administrative state. In their own way, each of these individuals came up against the power of American national institutions to shape and constrain the directions of legal change. Yet their engagements with American nationhood remade the institutions and ideals of the United States even as the national tradition shaped and constrained the course of their lives.

Extremely stimulating, consistently interesting. (Christopher Tomlins, American Bar Foundation) Impressive and ingenious, a model of scholarship in legal history. (Mark Tushnet, Harvard Law School) An elegantly written, broad-ranging and imaginative take on American nationalism from one of the best of the new generation of legal historians. (Mary Dudziak, University of Southern California School of Law) A must-read about fascinating individuals whose lives should be better known, since they vividly illuminate the history of American civil liberties and law. (Nadine Strossen, President, American Civil Liberties Union) Brimming with fresh insights, a rare marriage of style and substance. (William Forbath, University of Texas School of Law) Legal historians have long debated the relationship between America's origins as a constitutional state founded upon a legal text and its history as a nation-state animated by a pluralism of cultures and traditions. In this elegant and arresting new book, Professor John Witt describes how this interaction explains the "bounded contingency" of American legal development, which emphasizes the "the many possible paths open to legal and constitutional development" and "the many possible national identities open to self-described Americans" that are bounded by "American nationhood." Professor Witt's project charts a new course in American legal historiography by focusing on the ways in which America channeled and transformed global influences during critical periods in the nation's history. (Harvard Law) There is no more central legal issue in debate these days than whether we are unique among the nations of the world for our structure of laws and liberties or whether we change them as convenient fashion dictates. This collection of four answers by... John Fabian Witt illuminates that question as well as provokes those of us who think we already have the answer... It does not give away the book's focus to reveal that Witt does believe the American nationhood is rooted both in fundamental concepts of law and in the changing interpretation of those laws by an increasingly activist network of courts and, most provocatively, by a self-interested scrum of lawyers. Other nations are governed by laws, to be sure, Witt concedes. Yet he argues America is different. (James Srodes Washington Lawyer 2007-07-01) In the study of U.S. history, legal history is often neglected. No doubt, the complex nature of the subject is one explanation. Witt, a professor of law and history at Columbia University, cracks this barrier... This informative, readable book brings forth a new perspective. (J. J. Fox Jr. Choice 2008-01-01) There are some books that simply take your breath away for their daring. Patriots and Cosmopolitans is one of these. In this work the author covers the entire sweep of legal and constitutional history, from the founding generation to the late twentieth century. He tackles private law, lawyering, politics, reform, and legal theory; as well as war, peace, race, gender, and ideas of nationalism... Witt tells his stories well... His argument itself is proof that well-written and forcefully argued legal history can still elevate, inspire, and improve our thinking. (Peter Charles Hoffer The Historian 2008-06-01) About the Author John Fabian Witt is Professor of Law and History, Columbia University.