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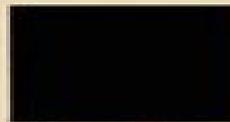
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AMERICA



PETER CHARLES HOFFER

# The Laws Conscience Equitable Constitutionalism In America

**EW Minium**



## **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

**Women and the U.S. Constitution** Sibyl A. Schwarzenbach, Patricia Smith, 2004-02-18 *Women and the U.S. Constitution* is about much more than the nineteenth amendment This provocative volume incorporates law history political theory and philosophy to analyze the U.S. Constitution as a whole in relation to the rights and fate of women Divided into

three parts History Interpretation and Practice this book views the Constitution as a living document struggling to free itself from the weight of a two hundred year old past and capable of evolving to include women and their concerns Feminism lacks both a constitutional theory as well as a clearly defined theory of political legitimacy within the framework of democracy The scholars included here take significant and crucial steps toward these theories In addition to constitutional issues such as federalism gender discrimination basic rights privacy and abortion Women and the U S Constitution explores other issues of central concern to contemporary women areas that strictly speaking are not yet considered a part of constitutional law Women s traditional labor and its unique character and women and the welfare state are two examples of topics treated here from the perspective of their potentially transformative role in the future development of constitutional law

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

*The U.S. Justice System* Steven Harmon Wilson, 2011-12-06 A comprehensive three volume set that provides detailed background essays short topical entries and primary document excerpts to explain the organization history and functioning of the U S justice system The U S Justice System An Encyclopedia is a one stop resource uniquely structured to include both introductory information as well as more in depth and detailed resources It explains not only how the American civil and criminal justice system affects the parties to a particular case or other legal action but also how the rights benefits and legal protections of our country impact virtually all people in America The set comprises three volumes The first volume provides chapter length essays explaining the organization and functioning of federal state and local government as well as the working of federal and state judiciaries regulatory bodies and penal systems The second volume contains shorter alphabetically arranged entries on hundreds of law related topics including case descriptions and biographies of major figures federal and state court organizational charts legal statistics and other background information The third volume contains original documents statutes and texts of important cases relevant to the functioning of the American justice system Readers will understand the structures concepts and vocabulary of American law and legal institutions and grasp how the U S legal system has evolved to meet the complex changing needs of the nation

**The Oxford Companion to American Law** Kermit L. Hall, David S. Clark, James W. Ely, Joel B. Grossman, N. E. H. Hull, 2002-05-02 A landmark in legal publishing The Oxford Companion to the Supreme Court is a now classic text many of whose entries are regularly cited by scholars as the definitive statement on any particular subject In the tradition of that work editor in chief Kermit L Hall offers up The Oxford Companion to American Law a one volume A Z encyclopedia that

covers topics ranging from aging and the law wiretapping and electronic eavesdropping the Salem Witch Trials and Plessy vs Ferguson The Companion takes as its starting point the insight that law is embedded in society and that to understand American law one must necessarily ask questions about the relationship between it and the social order now and in the past The volume assumes that American law in all its richness and complexity cannot be understood in isolation as simply the business of the Supreme Court or as a list of common law doctrines Hence the volume takes seriously issues involving laws role in structuring decisions about governance the significance of state and local law and legal institutions and the place of American law in a comparative international perspective Nearly 500 entries are included written by over 300 expert contributors Intended for the working lawyer or judge the high school student working on a term paper or the general adult reader interested in the topic the Companion is the authoritative reference work on the subject of American law **A**

**Nation of Laws** Peter Charles Hoffer, 2010 An introduction to and meditation on the key concepts history evolution complexities and importance of law in our nation s 233 year existence *God and Man in the Law* Robert Lowry Clinton, 1997 In a wide ranging study based on legal history political theory and philosophical ideas going all the way back to Plato and Roman law Robert Clinton challenges current faith in an activist judiciary Claiming that a human centered Constitution leads to government by reductive moral theory and illegitimate judicial review he advocates a return to traditional jurisprudence and a God centered Constitution grounded in English common law and its precedents *The Law's Conscience* Peter Charles Hoffer, 1990 How to apply diagnostic tools and sound turfgrass management principles A history of equity in Anglo American jurisprudence from the inception of the chancellor s court in medieval England to the most recent civil rights and affirmative action decisions of the US Supreme Court Annotation copyrighted by Book News Inc Portland OR

**At Home and Abroad** Elizabeth Shakman Hurd, Winnifred Fallers Sullivan, 2021-03-02 From right to left notions of religion and religious freedom are fundamental to how many Americans have understood their country and themselves Ideas of religion politics and the interplay between them are no less crucial to how the United States has engaged with the world beyond its borders Yet scholarship on American religion tends to bracket the domestic and foreign despite the fact that assumptions about the differences between ourselves and others deeply shape American religious categories and identities At Home and Abroad bridges the divide in the study of American religion law and politics between domestic and international bringing together diverse and distinguished authors from religious studies law American studies sociology history and political science to explore interrelations across conceptual and political boundaries They bring into sharp focus the ideas people and institutions that provide links between domestic and foreign religious politics and policies Contributors break down the categories of domestic and foreign and inquire into how these taxonomies are related to other axes of discrimination asking questions such as What and who counts as home or abroad how and by whom are these determinations made and with what consequences Offering a new approach to theorizing the politics of religion in the context of the

American nation state At Home and Abroad also interrogates American religious exceptionalism and illuminates imperial dynamics beyond the United States Michigan Law Review ,1991 Yale Journal of Law & the Humanities ,1991 *The Reconstruction Justice of Salmon P. Chase* Harold Melvin Hyman,1997 The demise of the Confederacy left a legacy of legal arrangements that raised fundamental and vexing questions regarding the legal rights and status of former slaves and the status of former Confederate states As Harold Hyman shows few individuals had greater impact on resolving these difficult questions than Salmon P Chase chief justice of the United States Supreme Court from 1865 to 1873 Hyman argues that in two cases In Re Turner 1867 and Texas v White 1869 Chase combined his abolitionist philosophy with an activist jurisprudence to help dismantle once and for all the deposed machineries of slavery and the Confederacy In these cases Chase sought to consolidate the gains of the Civil War era while demonstrating that the war had both preserved the precious core characteristics of the federal union of states and fundamentally improved the nature of both private and public law In Re Turner was a private law case decided at the federal circuit level It involved a black woman s claim that she a recent slave was being held in involuntary servitude Elizabeth Turner s mother had apprenticed Elizabeth to their former master who had not abided by his contractual obligations to provide Elizabeth with training and compensation substantively keeping her in slavery Chase s decision which relied upon due process and equal protection implications in the thirteenth amendment and 1866 Civil Rights Act confirmed the rights of emancipated slaves to bargain and contract with employers on a parity with white workers Texas v White was a public law case decided in the Supreme Court It revolved around the issue of whether the holders of U S bonds seized and sold by the Confederate state of Texas could demand payment after the war from that state s newly reconstructed government In effect Chase and his associate justices were asked to determine the legality of actions committed by all former Confederate states and thus to define what constituted a state Chase s opinion reaffirmed the Union s permanence and that of the constituent states in the federal union and the states duty to respect the legal rights and obligations of all citizens because states were people as well as acreages and institutions Hyman s exemplary analysis of these cases reveals how their political legal and constitutional aspects were so inextricably interwoven They secured for Chase a rostrum for both moral and legal reform from which he asserted his strong views on the fundamental rights of individuals and states in an era of sporadically increasing federal power Hyman s study provides a much needed reevaluation of those cases both in the context of Chase s life and in terms of their mark on history **The Hastings Law Journal** ,1997

**The Proceedings of 1995 Annual Meeting, Research Committee on Sociology of Law, International Sociological Association** International Sociological Association. Research Committee on Sociology of Law. Annual Meeting,1995 **The Proceedings of 1995 Annual Meeting, Research Committee on Sociology of Law, International Sociological Association: Papers, section meetings** International Sociological Association. Research Committee on Sociology of Law. Meeting,1995 Wayward Wives, Runaway Slaves and the Limits of Patriarchal Authority

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