



The Opening of American Law: Neoclassical Legal Thought, 1870-1970

By Herbert Hovenkamp

Download now

Read Online ➔

The Opening of American Law: Neoclassical Legal Thought, 1870-1970 By Herbert Hovenkamp

Two Victorian Era intellectual movements changed the course of American legal thought: Darwinian natural selection and marginalist economics. The two movements rested on fundamentally inconsistent premises. Darwinism emphasized instinct, random selection, and determinism; marginalism emphasized rational choice. American legal theory managed to accommodate both, although to different degrees in different disciplines. The two movements also developed mutually exclusive scientific methodologies. Darwinism emphasizing external indicators of welfare such as productivity, education or health, while marginalists emphasized market choice. Historians have generally exaggerated the role of Darwinism in American legal thought, while understating the role of marginalist economics. This book explores these issues in several legal disciplines and time periods, including Progressive Era redistributive policies, American common law, public law, and laws regarding corporations and competition. One is Progressive Era movements for redistributive policies about taxation and public goods. Darwinian science also dominated the law of race relations, while criminal law reflected an inconsistent mixture of Darwinian and marginalist incentive-based theories. The common law, including family law, contract, property, and tort, moved from emphasis on correction of past harms to management of ongoing risk and relationship. A chapter on Legal Realism emphasizes the Realists' indebtedness to institutional economics, a movement that powerfully influenced American legal theory long after it fell out of favor with economists. Five chapters on the corporation, innovation and competition policy show how marginalist economics transformed business policy. The ironic exception was patent law, which developed in relative insulation from economic concerns about innovation policy. The book concludes with three chapters on public law, emphasizing the role of institutional economics in policy making during and after the New Deal. A lengthy epilogue then explores the variety of postwar attempts to reconstruct a defensible and more market-oriented rule of law after the decline of Legal Realism and the New Deal.

 [**Download** The Opening of American Law: Neoclassical Legal Th ...pdf](#)

 [**Read Online** The Opening of American Law: Neoclassical Legal ...pdf](#)

The Opening of American Law: Neoclassical Legal Thought, 1870-1970

By Herbert Hovenkamp

The Opening of American Law: Neoclassical Legal Thought, 1870-1970 By Herbert Hovenkamp

Two Victorian Era intellectual movements changed the course of American legal thought: Darwinian natural selection and marginalist economics. The two movements rested on fundamentally inconsistent premises. Darwinism emphasized instinct, random selection, and determinism; marginalism emphasized rational choice. American legal theory managed to accommodate both, although to different degrees in different disciplines. The two movements also developed mutually exclusive scientific methodologies. Darwinism emphasizing external indicators of welfare such as productivity, education or health, while marginalists emphasized market choice. Historians have generally exaggerated the role of Darwinism in American legal thought, while understating the role of marginalist economics. This book explores these issues in several legal disciplines and time periods, including Progressive Era redistributive policies, American common law, public law, and laws regarding corporations and competition. One is Progressive Era movements for redistributive policies about taxation and public goods. Darwinian science also dominated the law of race relations, while criminal law reflected an inconsistent mixture of Darwinian and marginalist incentive-based theories. The common law, including family law, contract, property, and tort, moved from emphasis on correction of past harms to management of ongoing risk and relationship. A chapter on Legal Realism emphasizes the Realists' indebtedness to institutional economics, a movement that powerfully influenced American legal theory long after it fell out of favor with economists. Five chapters on the corporation, innovation and competition policy show how marginalist economics transformed business policy. The ironic exception was patent law, which developed in relative insulation from economic concerns about innovation policy. The book concludes with three chapters on public law, emphasizing the role of institutionalist economics in policy making during and after the New Deal. A lengthy epilogue then explores the variety of postwar attempts to reconstruct a defensible and more market-oriented rule of law after the decline of Legal Realism and the New Deal.

The Opening of American Law: Neoclassical Legal Thought, 1870-1970 By Herbert Hovenkamp Bibliography

- Rank: #1290015 in Books
- Published on: 2014-10-20
- Original language: English
- Number of items: 1
- Dimensions: 6.50" h x 1.40" w x 9.30" l, 2.15 pounds
- Binding: Hardcover
- 472 pages



[Download The Opening of American Law: Neoclassical Legal Th ...pdf](#)



[Read Online The Opening of American Law: Neoclassical Legal ...pdf](#)

Download and Read Free Online The Opening of American Law: Neoclassical Legal Thought, 1870-1970 By Herbert Hovenkamp

Editorial Review

Review

"Fans of richly detailed legal and intellectual history will relish this new volume." --Harvard Law Review

About the Author

Herbert Hovenkamp is the Ben V. & Dorothy Willie Professor of Law and History, University of Iowa, where he teaches antitrust, torts, American legal history, and innovation policy. He has written numerous books in these areas, and is the author of Antitrust Law, the leading resource in that field. He is a fellow of the American Academy of Arts and Sciences.

Users Review

From reader reviews:

Pauline Jefferson:

This book untitled The Opening of American Law: Neoclassical Legal Thought, 1870-1970 to be one of several books that best seller in this year, here is because when you read this book you can get a lot of benefit on it. You will easily to buy this book in the book shop or you can order it by way of online. The publisher with this book sells the e-book too. It makes you easier to read this book, since you can read this book in your Touch screen phone. So there is no reason to you personally to past this e-book from your list.

Michael Espy:

A lot of people always spent their free time to vacation or perhaps go to the outside with them household or their friend. Are you aware? Many a lot of people spent they will free time just watching TV, as well as playing video games all day long. If you would like try to find a new activity that's look different you can read some sort of book. It is really fun to suit your needs. If you enjoy the book that you read you can spent all day long to reading a publication. The book The Opening of American Law: Neoclassical Legal Thought, 1870-1970 it is rather good to read. There are a lot of people that recommended this book. These were enjoying reading this book. In the event you did not have enough space to deliver this book you can buy often the e-book. You can m0ore quickly to read this book from your smart phone. The price is not too expensive but this book has high quality.

Erica Northern:

Do you have something that that suits you such as book? The e-book lovers usually prefer to select book like

comic, small story and the biggest you are novel. Now, why not seeking The Opening of American Law: Neoclassical Legal Thought, 1870-1970 that give your pleasure preference will be satisfied by reading this book. Reading routine all over the world can be said as the means for people to know world a great deal better than how they react toward the world. It can't be stated constantly that reading behavior only for the geeky particular person but for all of you who wants to be success person. So , for all you who want to start studying as your good habit, you may pick The Opening of American Law: Neoclassical Legal Thought, 1870-1970 become your starter.

Tracy Brown:

You can find this The Opening of American Law: Neoclassical Legal Thought, 1870-1970 by go to the bookstore or Mall. Just simply viewing or reviewing it might to be your solve challenge if you get difficulties for the knowledge. Kinds of this book are various. Not only by means of written or printed but additionally can you enjoy this book by e-book. In the modern era including now, you just looking by your local mobile phone and searching what your problem. Right now, choose your ways to get more information about your e-book. It is most important to arrange yourself to make your knowledge are still change. Let's try to choose appropriate ways for you.

**Download and Read Online The Opening of American Law:
Neoclassical Legal Thought, 1870-1970 By Herbert Hovenkamp
#2X6TH0VJGAW**

Read The Opening of American Law: Neoclassical Legal Thought, 1870-1970 By Herbert Hovenkamp for online ebook

The Opening of American Law: Neoclassical Legal Thought, 1870-1970 By Herbert Hovenkamp Free PDF d0wnl0ad, audio books, books to read, good books to read, cheap books, good books, online books, books online, book reviews epub, read books online, books to read online, online library, greatbooks to read, PDF best books to read, top books to read The Opening of American Law: Neoclassical Legal Thought, 1870-1970 By Herbert Hovenkamp books to read online.

Online The Opening of American Law: Neoclassical Legal Thought, 1870-1970 By Herbert Hovenkamp ebook PDF download

The Opening of American Law: Neoclassical Legal Thought, 1870-1970 By Herbert Hovenkamp Doc

The Opening of American Law: Neoclassical Legal Thought, 1870-1970 By Herbert Hovenkamp Mobipocket

The Opening of American Law: Neoclassical Legal Thought, 1870-1970 By Herbert Hovenkamp EPub

2X6TH0VJGAW: The Opening of American Law: Neoclassical Legal Thought, 1870-1970 By Herbert Hovenkamp