



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:

Donna Cook:

The book The Opening of American Law: Neoclassical Legal Thought, 1870-1970 can give more knowledge and also the precise product information about everything you want. Exactly why must we leave the good thing like a book The Opening of American Law: Neoclassical Legal Thought, 1870-1970? Wide variety you have a different opinion about reserve. But one aim in which book can give many facts for us. It is absolutely suitable. Right now, try to closer with your book. Knowledge or details that you take for that, you could give for each other; you can share all of these. Book The Opening of American Law: Neoclassical Legal Thought, 1870-1970 has simple shape but you know: it has great and massive function for you. You can look the enormous world by open and read a guide. So it is very wonderful.

Ruth Nicholson:

Now a day people who Living in the era exactly where everything reachable by connect with the internet and the resources inside it can be true or not need people to be aware of each details they get. How people have to be smart in having any information nowadays? Of course the answer is reading a book. Looking at a book can help men and women out of this uncertainty Information mainly this The Opening of American Law: Neoclassical Legal Thought, 1870-1970 book since this book offers you rich info and knowledge. Of course the data in this book hundred pct guarantees there is no doubt in it everbody knows.

Mamie Shaw:

Nowadays reading books become more and more than want or need but also be a life style. This reading

practice give you lot of advantages. Advantages you got of course the knowledge your information inside the book in which improve your knowledge and information. The info you get based on what kind of publication you read, if you want have more knowledge just go with training books but if you want experience happy read one with theme for entertaining for instance comic or novel. Often the The Opening of American Law: Neoclassical Legal Thought, 1870-1970 is kind of reserve which is giving the reader erratic experience.

Joshua Dunleavy:

This The Opening of American Law: Neoclassical Legal Thought, 1870-1970 is great e-book for you because the content that is full of information for you who else always deal with world and have to make decision every minute. That book reveal it information accurately using great organize word or we can say no rambling sentences included. So if you are read that hurriedly you can have whole info in it. Doesn't mean it only offers you straight forward sentences but tricky core information with wonderful delivering sentences. Having The Opening of American Law: Neoclassical Legal Thought, 1870-1970 in your hand like finding the world in your arm, facts in it is not ridiculous one. We can say that no guide that offer you world throughout ten or fifteen minute right but this publication already do that. So , this is good reading book. Hey there Mr. and Mrs. active do you still doubt this?

**Download and Read Online The Opening of American Law:
Neoclassical Legal Thought, 1870-1970 By Herbert Hovenkamp
#WJY0QR5V NK6**

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 download, 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