Evidence Law Adrift By Mirjan R Dama Ka

Buy a new version of this Connected Casebook and receive access to the online e-book, practice questions from your favorite study aids, and an outline tool on CasebookConnect, the all in one learning solution for law school students. CasebookConnect offers you what you need most to be successful in your law school classes—portability, meaningful feedback, and greater efficiency. Evidence Under the Rules: Text, Cases, and Problems is one of the most widely-adopted Evidence casebooks ever published. Structured around the Federal Rules of Evidence, the book contains carefully edited cases and secondary materials, as well as numerous problems that allow students to apply concepts during classroom exercises or on their own. Text boxes provide interesting background on select cases and additional perspectives on key issues. The Ninth Edition has been updated to include the most recent Evidence cases and developments, as well as insights into recent and pending amendments to the Federal Rules. It has been streamlined by shortening or eliminating some notes, making it even more user-friendly. It contains applications of evidence law to factual scenarios that students are likely to find

particularly interesting. New to the Ninth Edition: Discussion of recent influential cases, including the Supreme Court's decisions in Ohio v. Clark and Pena-Rodriguez v. Colorado, as well as the most contemporary federal circuit and trial court decisions New problems exploring issues on Rule 404(b) evidence, Rule 410 protections for plea bargaining statements, the Rule 606(b) ban on postverdict juror testimony, demonstrative aids, and attorney-client privilege New Comment/Perspective boxes on issues of "corporate character evidence" and the use of handwriting experts to authenticate writings after Daubert Discussion of recent amendments to the Federal Rules, such as the amendment to the Rule 803(16) Ancient Documents hearsay exception, as well as discussion of the pending proposal to amend the Rule 807 Residual exception to the hearsay rule Professors and students will benefit from: Introductory text that provides a foundation for understanding the cases and materials that follow Numerous problems that treat cutting-edge issues, allowing students to apply important concepts to contemporary evidentiary problems Guidance for answering Note questions to assist students in understanding how to approach nuanced evidentiary questions "Comment/Perspective" text boxes that provide broader perspectives to aid in understanding doctrine CasebookConnect features: ONLINE E-BOOK Law school comes with a lot of reading, so

access your enhanced e-book anytime, anywhere to keep up with your coursework. Highlight, take notes in the margins, and search the full text to quickly find coverage of legal topics. PRACTICE QUESTIONS Quiz yourself before class and prep for your exam in the Study Center. Practice questions from Examples & Explanations, Emanuel Law Outlines, Emanuel Law in a Flash flashcards, and other best-selling study aid series help you study for exams while tracking your strengths and weaknesses to help optimize your study time. OUTLINE TOOL Most professors will tell you that starting your outline early is key to being successful in your law school classes. The Outline Tool automatically populates your notes and highlights from the e-book into an editable format to accelerate your outline creation and increase study time later in the semester.

Based on Adrian Zuckerman's 'The Principles of Criminal Evidence', this book presents a comprehensive treatment of the fundamental principles & underlying logic of the law of criminal evidence. It includes changes relating to presumption of innocence, privilege against self-incrimination, character, & the law of corroboration.

"Oscar G. Chase studies the American legal system in the manner of an anthropologist. By comparing American 'dispute ways' with those of other systems, including some commonly believed to be more 'primitive, ' he finds interesting similarities that

challenge the premise that we live in a society regulated by a rational and just 'rule of law.'" --New York Law Journal"A witty and engaging endeavor. . . . A good contribution to our professional knowledge, and it is a must reading." --Law and Politics Book Review"After reading Law, Culture, and Ritual, no one could ever again think that our legal proceedings are nothing more than an efficient method of discovering truth and applying law. Oscar Chase effectively uses a comparative approach to help us to step back from our legal practices and see just how steeped in myths, rituals and traditions they are. Scholars will want to read this book for its contribution to comparative law, but everyone interested in American culture should read this book. Chase shows us that there is no separating law from culture: each informs and maintains the other. Law, Culture, and Ritual is a major step forward in the rapidly expanding field of the cultural study of law." --Paul Kahn, author of The Cultural Study of Law: Reconstructing Legal Scholarship"Having allowed ourselves to be convinced (wrongly) that we are the most litigious people in the world, Americans have become obsessed with finding (quick) cures. Oscar Chase's book sounds a salutary warning. By presenting striking comparative examples that shatter our parochialism, he forces us to examine the cultural roots of dispute processes." --Richard Abel, Connell Professor of Law, UCLA

LawSchoolDisputing systems are products of the societies in which they operate - they originate and mutate in respons

Provides a comprehensive, readable overview of how criminal justice actually works in the United States, and what makes US procedures distinctive and important.

The major achievements of Japanese criminal justice are thus inextricably intertwined with its most notable defects, and efforts to fix the defects threaten to undermine the accomplishments."--BOOK JACKET.

The cruel power of misdirected words, artfully structured but spiritually empty and bearing the stamp of law or legalistic reasoning, is a persistent theme in the modern novel. Richard Weisberg, who has written extensively on both literature and law, explores the role of legalism and its abuses in eight major novels of the nineteenth and twentieth centuries. Beginning with Dostoevski and moving by way of trenchant analyses of Flaubert and Camus, Weisberg culminates his argument in a brilliantly revisionist reading of Melville's Billy Budd. In each of the novels treated, Weisberg sees a verbally gifted central character relying on wordiness to avoid or distort previously revealed truths. He argues that the malaise Nietzsche called ressentiment goads these characters to verbalizations that do violence to others and, ironically, indict their very creators. He

identifies the legalistic theme as the major mode of iconoclasm in modern fiction and the source of its holocaustic vision. Writers, he reflects, viewed with profound skepticism their culture's tendency to substitute complex narrative formalism for earlier, absolute approaches to justice. In this, Weisberg concludes, their works anticipated the jurisprudential discourse of today. "The Failure of the Word is a creative, provocative, and learned work, written with style and feeling. Weisberg brings to bear on his core themes (the legalistic proclivity and ressentiment) a wide body of knowledge and thought in law and philosophy, literary history and theory."--Robert L. Jackson, Yale University

The dominant approach to evaluating the law on evidence and proof focuses on how the trial system should be structured to guard against error. This book argues instead that complex and intertwining moral and epistemic considerations come into view when departing from the standpoint of a detached observer and taking the perspective of the person responsible for making findings of fact. Ho contends that it is only by exploring the nature and content of deliberative responsibility that the role and purpose of much of the law can be fully understood. In many cases, values other than truth have to be respected, not simply as side-constraints, but as values which are internal to the nature and purpose of the trial. A party does not merely have a right that the

substantive law be correctly applied to objectively true findings of fact, and a right to have the case tried under rationally structured rules. The party has, more broadly, a right to a just verdict, where justice must be understood to incorporate a moral evaluation of the process which led to the outcome. Ho argues that there is an important sense in which truth and justice are not opposing considerations; rather, principles of one kind reinforce demands of the other. This book argues that the court must not only find the truth to do justice, it must do justice in finding the truth.

This extensively revised second edition is a rigorous introduction to the construction and criticism of arguments about questions of fact, and to the marshalling and evaluation of evidence at all stages of litigation. It covers the principles underlying the logic of proof; the uses and dangers of story-telling; standards for decision and the relationship between probabilities and proof; the chart method and other methods of analyzing and ordering evidence in fact-investigation, in preparing for trial, and in connection with other important decisions in legal processes and in criminal investigation and intelligence analysis. Most of the chapters in this new edition have been rewritten; the treatment of fact investigation, probabilities and narrative has been extended; and new examples and exercises have been added. Designed as a flexible tool for undergraduate and

postgraduate courses on evidence and proof, students, practitioners and teachers alike will find this book challenging but rewarding.

The Academy is an institution for the study and teaching of public and private international law and related subjects. Its purpose is to encourage a thorough and impartial examination of the problems arising from international relations in the field of law. The courses deal with the theoretical and practical aspects of the subject, including legislation and case law. All courses at the Academy are, in principle, published in the language in which they were delivered in the "Collected Courses of the" "Hague Academy of International Law." This volume contains: - International Business Transactions in United States Courts by H.H. KOH, Professor at Yale University, New Haven; - Citoyennete de l'Union europeenne, nationalite et condition des etrangers, par E. PEREZ VERA, professeur a l'Universidad Nacional de Educacion a Distancia, Madrid. To access the abstract texts for this volume please click here

How can we distinguish between injustice and misfortune? What can we learn from the victims of calamity about the sense of injustice they harbor? In this book a distinguished political theorist ponders these and other questions and formulates a new political and moral theory of injustice that encompasses not only deliberate acts of cruelty or unfairness but also indifference to such acts. Judith N. Shklar draws on the writings of Plato, Augustine, and Montaigne, three skeptics who gave the theory of injustice its main structure and intellectual force, as well as on political theory, history, social psychology, and literature from sources as diverse as Rosseau, Dickens, Hardy, and E. L. Doctorow. Shklar argues that we cannot set rigid rules to distinguish instances of misfortune from injustice, as most theories of justice would

have us do, for such definitions would not take into account historical variability and differences in perception and interest between the victims and spectators. From the victim's point of view--whether it be one who suffered in an earthquake or as a result of social discrimination--the full definition of injustice must include not only the immediate cause of disaster but also our refusal to prevent and then to mitigate the damage, or what Shklar calls passive injustice. With this broader definition comes a call for greater responsibility from both citizens and public servants. When we attempt to make political decisions about what to do in specific instances of injustice, says Shklar, we must give the victim's voice its full weight. This is in keeping with the best impulses of democracy and is our only alternative to a complacency that is bound to favor the unjust.

In this important book, a distinguished legal scholar examines how the legal culture and institutions in Anglo-American countries affect the way in which evidence is gathered, sifted, and presented to the courts. Mirjan Damaska focuses on the significance of the divided tribunal (between judge and jury), the concentrated character of trials ("day-in-court" justice), and the prominent role of the parties in adjudication (the adversary system). Throughout he contrasts the Anglo-American system with civil law justice, where lay fact finders sit with professional judges in unified tribunals, proceedings are episodic rather than concentrated, and the parties have fewer responsibilities than in the common law tradition.

The Oxford Handbook of Criminal Process surveys the topics and issues in the field of criminal process, including the laws, institutions, and practices of the criminal justice administration. The process begins with arrests or with crime investigation such as searches for evidence. It continues through trial or some alternative form of adjudication such as plea bargaining that may lead to conviction and punishment,

and it includes post-conviction events such as appeals and various procedures for addressing miscarriages of justice. Across more than 40 chapters, this Handbook provides a descriptive overview of the subject sufficient to serve as a durable reference source, and more importantly to offer contemporary critical or analytical perspectives on those subjects by leading scholars in the field. Topics covered include history, procedure, investigation, prosecution, evidence, adjudication, and appeal.

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specific type of proceeding and common-law evidence restricted to a narrow sphere.

Evidence Law Adrift

International courts and tribunals are often asked to review decisions originally made by domestic decision-makers. This can often be a source of tension, as the international courts and tribunals need to judge how far to defer to the original decisions of the national bodies. As international courts and tribunals have proliferated, different courts have applied differing levels of deference to those originial decisions, which can lead to a fragmentation in international law. International courts in such positions rely on two key doctrines: the standard of review and the margin of appreciation. The standard of review establishes the extent to which national decisions relating to factual, legal, or political issues arising in the case are re-examined in the international court. The margin of appreciation is the extent to which national legislative, executive, and judicial decision-makers are allowed to reflect diversity in their interpretation of human rights obligations. The book begins by providing an overview of the margin of appreciation and standard of review, recognising that while the margin of appreciation explicitly acknowledges the existence of such deference, the standard of review does not: it is rather a procedural mechanism. It looks in-depth at how the public policy exception has been assessed by the European Court of Justice and the WTO dispute settlement bodies. It examines how the European Court of Human Rights has taken an evidence-based approach towards the margin of appreciation, as well as how it has addressed issues of hate speech. The Inter-American system is also investigated, and it is established how far deference is possible within that legal organisation. Finally, the book studies how a range of other international courts, such as the International Criminal Court, and the Law of the

Sea Tribunal, have approached these two core doctrines. Based on family records and didactic texts, this book reconstructs how men of the Victorian middle class experienced the demands of an exacting domestic code, and how they negotiated its contradictions.

The Oxford Handbook of Criminal Law reflects the continued transformation of criminal law into a global discipline, providing scholars with a comprehensive international resource, a common point of entry into cutting edge contemporary research and a snapshot of the state and scope of the field. To this end, the Handbook takes a broad approach to its subject matter, disciplinarily, geographically, and systematically. Its contributors include current and future research leaders representing a variety of legal systems, methodologies, areas of expertise, and research agendas. The Handbook is divided into four parts: Approaches & Methods (I), Systems & Methods (II), Aspects & Issues (III), and Contexts & Comparisons (IV). Part I includes essays exploring various methodological approaches to criminal law (such as criminology, feminist studies, and history). Part II provides an overview of systems or models of criminal law, laying the foundation for further inquiry into specific conceptions of criminal law as well as for comparative analysis (such as Islamic, Marxist, and military law). Part III covers the three aspects of the penal process: the definition of norms and principles of liability (substantive criminal law), along

with a less detailed treatment of the imposition of norms (criminal procedure) and the infliction of sanctions (prison or corrections law). Contributors consider the basic topics traditionally addressed in scholarship on the general and special parts of the substantive criminal law (such as jurisdiction, mens rea, justifications, and excuses). Part IV places criminal law in context, both domestically and transnationally, by exploring the contrasts between criminal law and other species of law and state power and by investigating criminal law's place in the projects of comparative law, transnational, and international law.

This book aims to honour the work of Professor Mirjan Damaška, Sterling Professor of Law at Yale Law School and a prominent authority for many years in the fields of comparative law, procedural law, evidence, international criminal law and Continental legal history. Professor Damaška 's work is renowned for providing new frameworks for understanding different legal traditions. To celebrate the depth and richness of his work and discuss its implications for the future, the editors have brought together an impressive range of leading scholars from different jurisdictions in the fields of comparative and international law, evidence and criminal law and procedure. Using Professor Damaška's work as a backdrop, the essays make a substantial contribution to the development of

comparative law, procedure and evidence. After an introduction by the editors and a tribute by Harold Koh, Dean of Yale Law School, the book is divided into four parts. The first part considers contemporary trends in national criminal procedure, examining cross-fertilisation and the extent to which these trends are resulting in converging practices across national jurisdictions. The second part explores the epistemological environment of rules of evidence and procedure. The third part analyses human rights standards and the phenomenon of hybridisation in transnational and international criminal law. The final part of the book assesses Professor Damaška 's contribution to comparative law and the challenges faced by comparative law in the twenty first century. A blueprint for creating sustainable businesses, emphasizing the power and potential of cooperative models Drawing on both her extensive experience founding and directing social enterprises and her interviews with sustainability leaders, Melissa Scanlan provides a legal blueprint for creating alternate corporate business models that mitigate climate change, pay living wages, and act as responsible community members, including Certified B Corps and benefit corporations. With an emphasis on cooperatives, this book reveals the power and potential of cooperating as a unifying concept around which to design social enterprise achieving triple bottom-line results: for society, the environment, and

finance.

"Law and Evidence: A Primer for Criminal Justice, Criminology, Law and Legal Studies, Second Edition," introduces the complex topics of evidence law in a straightforward and accessible manner. The use and function of criminal evidence and civil evidence in cases is examined to offer a complete understanding of how evidence principles play out in the real world of litigation and advocacy. This revised Second Edition includes new sections on Rules and Case Law Analysis, Forensic Cases, and Evidentiary Software Programs. Important Notice: The digital edition of this book is missing some of the images or content found in the physical edition.

A highly flexible casebook focusing on core concepts and central controversies in evidence law. With well-selected and tightly edited cases, this casebook offers thoroughly up-to-date coverage of technical and jurisprudential developments in scientific proof. Specifically, the fourth edition contains a dozen new cases while also dropping older material made redundant by the additions. The author has replaced the Supreme Court s confrontation decisions in Davis v. Washington and Michigan v. Bryant with the Court s 2015 decision in Clark v. Ohio. The Court s 2012 decision in Williams v. Illinois, regarding confrontation and expert witnesses, has replaced State v. Lewis. And Warger v. Shauers, the Court s 2014 decision applying Federal Rule of Evidence

606(b), has pushed aside Tanner v. United States and People v. Fleiss.

What exactly is the context in which all aspects of this new field of criminal law have to be interpreted? What does the principle of legality mean in the context of supranational criminal law? Which tradition lies at the basis of this new law system? Is supranational criminal law as it grows the result of a deliberate policy, tending towards a coherent system? Or is it merely the result of crisis management? Those are some of the questions that are highlighted in this first volume of the Supranational Criminal Law series.

In this important book, a distinguished legal scholar examines how the legal culture and institutions in Anglo-American countries affect the way in which evidence is gathered, sifted, and presented to the courts. Mirjan Damaska focuses on the significance of the divided tribunal (between judge and jury), the concentrated character of trials ("day-in-court" justice), and the prominent role of the parties in adjudication (the adversary system). Throughout he contrasts the Anglo-American system with Continental, or civil- law justice, where lay fact finders sit with professional judges in unified tribunals, proceedings are episodic rather than concentrated, and the parties have fewer responsibilities than in the common-law tradition. Damaska describes the impact of the traditional

institutional environment on the gathering and handling of evidence in common- law jurisdictions and then explores recent transformations of this environment: trial by jury has dramatically declined, pretrial proceedings have greatly proliferated, the adversary system shows signs of weakening in some types of cases. As a result, many rules and practices supporting the treatment of evidentiary material are in danger of becoming extinct. In addition, says Damaska, the increasing use of scientific methods of inquiry could place further strains on the use of traditional common-law evidence. In the future we should expect greater variety in decisionmaking activity, with factual inquiries tailored to the specific type of proceeding and common-law evidence restricted to a narrow sphere

In the last two decades there has been a meteoric rise of international criminal tribunals and courts, and also a strengthening chorus of critics against them. Today it is hard to find strong defenders of international criminal tribunals and courts. This book attempts such a defense against an array of critics. It offers a nuanced defense, accepting many criticisms but arguing that the idea of international criminal tribunals can be defended as providing the fairest way to deal with mass atrocity crimes in a global arena. Fairness and moral legitimacy will be at the heart of this defense. The authors take up the

economic and political arguments that have been powerfully expressed, as well as arguments about sovereignty, punishment, responsibility, and evidence; but in the end they show that these arguments do not defeat the idea of international criminal courts and tribunals.

"A highly flexible, case-based set of materials focusing on core concepts and central controversies in evidence law"--

This fully revised and updated second edition of The Oxford Handbook of Comparative Law provides a wide-ranging and diverse critical survey of comparative law at the beginning of the twenty-first century. It summarizes and evaluates a discipline that is time-honoured but not easily understood in all its dimensions. In the current era of globalization, this discipline is more relevant than ever, both on the academic and on the practical level. The Handbook is divided into three main sections. Section I surveys how comparative law has developed and where it stands today in various parts of the world. This includes not only traditional model jurisdictions, such as France, Germany, and the United States, but also other regions like Eastern Europe, East Asia, and Latin America. Section II then discusses the major approaches to comparative law - its methods, goals, and its relationship with other fields, such as legal history, economics, and linguistics. Finally, section III deals with the status of comparative studies in over a dozen subject matter areas, including the major categories of private, economic, public, and criminal law. The Handbook contains forty-eight chapters written by experts from around the world. The aim of each chapter is to provide an accessible, original, and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come. Each chapter also includes a short bibliography referencing the definitive works

in the field.

"This volume brings together the work of leading international scholars across criminology, sociology, political science, and law - along with contributions from reform-minded practitioners - to examine a variety of issues in prosecutorial performance and the institutional structures that frame their behavior. The power of the modern prosecutor arises from several features of the criminal justice landscape: widespread use of law and order political rhetoric; legislatures' embrace of extreme sentencing ranges to respond to voter concerns; and the uncertain or limited accountability of prosecutors to other units of government, the electorate, the bar, or other political and professional constituencies. The convergence of these trends has transformed prosecution into an indispensable field of study. The Handbook connects the dots among existing theoretical and empirical research related to prosecutors. Major sections of the volume cover (1) prosecutor performance during distinct phases of a criminal case, (2) the features of the prosecutor's environment, both inside the office and external to the office, that influence the choices of individual prosecutors and office leaders, and (3) prosecutorial priorities when dealing with specialized types of crimes, victims, and defendants. Taken together, the chapters in this volume identify the founding texts, discuss leading theoretical and methodological approaches, explain the scope of unresolved issues, and preview where this field is headed. The volume provides a bottom-up view of an important new scholarly field. It offers an indispensable starting point for newcomers and a compelling synthesis for specialists and practitioners"--

Oregon Evidence, Fifth Edition is the only Oregon-specific evidence treatise published, regularly cited by the Oregon courts. It is written and updated by Professor Laird C. Kirkpatrick, noted Oregon and federal evidence expert. An

eminent work by the first name in Oregon evidence, Oregon Evidence contains everything you need to know about the Oregon evidence rules, including the full text of the rules, official legislative commentary, and insightful commentary by Prof. Kirkpatrick. Also included is the full text of the Federal Rules of Evidence. The publication provides quick access to supporting authority and detailed analysis to aid in developing winning courtroom strategies. Ideal for lawyers, judges, and law students alike, this well-organized work delivers clear insight into evidentiary issues, pinpoints hidden aspects of rules, and cites more than 1,100 cases to illustrate important points. Be sure to use the same evidence book the judge is using!

A leading legal scholar provides a highly original comparative analysis of how justice is administered in legal systems around the world and of the profound and often puzzling changes taking place in civil and criminal procedure. Constructing a conceptual framework of the legal process based on the link between politics and justice, Mirjan R. Damaska provides a new perspective that enables disparate procedural features to emerge as fascinating recognizable patterns. His book is "a significant work of scholarship . . . full of important insights."—Harold J. Berman

This Handbook presents innovative research that compares different criminal procedure systems by focusing on the mechanisms by which legal systems seek to avoid error, protect rights, ground their legitimacy, expand lay participation in the criminal process and develop alternatives to criminal trials, such as plea bargaining, as well as alternatives to the criminal process as a whole, such as intelligence operations. The criminal procedures examined in this book include those of the United States, Germany, France, Spain, Russia, India, Latin America, Taiwan and Japan, among others.

A defense of regulatory agencies' efforts to combine public consultation with bureaucratic expertise to serve the interest of all citizens The statutory delegation of rule-making authority to the executive has recently become a source of controversy. There are guiding models, but none, Susan Rose-Ackerman claims, is a good fit with the needs of regulating in the public interest. Using a cross-national comparison of public policy-making in the United States, the United Kingdom, France, and Germany, she argues that public participation inside executive rule-making processes is necessary to preserve the legitimacy of regulatory policy-making.

Forensic science evidence plays a pivotal role in modern criminal proceedings. Yet such evidence poses intense practical and theoretical challenges. It can be unreliable or misleading and has been associated with miscarriages of justice. In this original and insightful book, a global team of prominent scholars and practitioners explore the contemporary challenges of forensic science evidence and expert witness testimony from a variety of theoretical, practical and jurisdictional perspectives. Chapters encompass the institutional organisation of forensic science, its procedural regulation, evaluation and reform, and brim with comparative insight.

Genocide, crimes against humanity, war crimes, ethnic cleansing are terms which in recent years have entered common usage. The worst cases of these crimes seen in the Yugoslav secession conflict and the Rwandan slaughter resulted in attempts by the international legal community to initiate an international mechanism for establishing criminal accountability. In 1998, after many States signed the Rome Statute, it was expected that justice would prevail over state power and impunity be eliminated. However there is a serious question mark over the effectiveness of this process. That is

the starting point for this collection. It is not an acclamatory collection that is meant to celebrate the undoubted advances of international criminal justice. The articles in the first part show the importance of comparative criminal law research to the development of international criminal justice, and in the second part they deal with the foundations, substantive and procedural aspects of international criminal law.

Well-chosen negative legal proof rules can be useful procedural safeguards. They existed in both pre-modern and modern criminal procedures.

Why did Enlightenment happen in Edinburgh?

"As Gary Lawson shows, legal claims are inherently objects of proof, and whether or not the law acknowledges the point openly, proof of legal claims is just a special case of the more general norms governing proof of any claim. As a result, similar principles of evidentiary admissibility, standards of proof, and burdens of proof operate, and must operate, in the background of claims about the law. This book brings these evidentiary principles for proving law out of the shadows so that they can be analyzed, clarified, and discussed."--Amazon website.

From the bestselling author of For Common Things, a brilliant and ambitious rethinking of the meaning of property in democratic society In his latest book, Jedediah Purdy takes up a question of deep and lasting importance: why is property ownership a value to society? His answer returns us to the foundations of American society and enables us to interpret the writings of the patron saint of liberal economics, Adam Smith, in a wholly new light. Unlike Milton Friedman and other free-market scholars, who consider property a key to efficient markets, Purdy draws upon Smith’s theories to argue that the virtues of wealth are social rather than economic. In Purdy’s view, ownership does much more than shield one from government interference. Property shapes social life in

ways that bring us closer to, or take us farther from, the ideal of a community of free and equal members. This view of property is neither libertarian nor communitarian but treats the community as the precondition of individual freedom. This view informed U.S. law in the early days of the republic, Purdy writes, and it is one that we need to restore today. Touching upon some of the most charged issues in American politics and law, including slavery, inheritance, international development, and climate change, The Meaning of Property offers a compelling new view of property and freedom and enriches our understanding of democratic society. Constitutional Sentiments provides new insights into the foundations of law, the complexities of legal institutions, and the hidden genealogies of lawmaking. As the book makes clear, constitutions are human creations that embody all aspects of our humanity. It is an example of serious scholarship that will attract readers of all disciplines who have a keen interest in social and political life. --Book Jacket.