



## The Transformation of American Law, 1780–1860 (Studies in Legal History)

By Morton J. Horwitz

Download now

Read Online 

### The Transformation of American Law, 1780–1860 (Studies in Legal History)

By Morton J. Horwitz

In a remarkable book based on prodigious research, Morton J. Horwitz offers a sweeping overview of the emergence of a national (and modern) legal system from English and colonial antecedents. He treats the evolution of the common law as intellectual history and also demonstrates how the shifting views of private law became a dynamic element in the economic growth of the United States.

Horwitz's subtle and sophisticated explanation of societal change begins with the common law, which was intended to provide justice for all. The great breakpoint came after 1790 when the law was slowly transformed to favor economic growth and development. The courts spurred economic competition instead of circumscribing it. This new instrumental law flourished as the legal profession and the mercantile elite forged a mutually beneficial alliance to gain wealth and power.

The evolving law of the early republic interacted with political philosophy, Horwitz shows. The doctrine of laissez-faire, long considered the cloak for competition, is here seen as a shield for the newly rich. By the 1840s the overarching reach of the doctrine prevented further distribution of wealth and protected entrenched classes by disallowing the courts very much power to intervene in economic life.

This searching interpretation, which connects law and the courts to the real world, will engage historians in a new debate. For to view the law as an engine of vast economic transformation is to challenge in a stunning way previous interpretations of the eras of revolution and reform.

 [Download The Transformation of American Law, 1780–1860 \(S ...pdf](#)

 [Read Online The Transformation of American Law, 1780–1860 ...pdf](#)



# The Transformation of American Law, 1780–1860 (Studies in Legal History)

*By Morton J. Horwitz*

**The Transformation of American Law, 1780–1860 (Studies in Legal History) By Morton J. Horwitz**

In a remarkable book based on prodigious research, Morton J. Horwitz offers a sweeping overview of the emergence of a national (and modern) legal system from English and colonial antecedents. He treats the evolution of the common law as intellectual history and also demonstrates how the shifting views of private law became a dynamic element in the economic growth of the United States.

Horwitz's subtle and sophisticated explanation of societal change begins with the common law, which was intended to provide justice for all. The great breakpoint came after 1790 when the law was slowly transformed to favor economic growth and development. The courts spurred economic competition instead of circumscribing it. This new instrumental law flourished as the legal profession and the mercantile elite forged a mutually beneficial alliance to gain wealth and power.

The evolving law of the early republic interacted with political philosophy, Horwitz shows. The doctrine of laissez-faire, long considered the cloak for competition, is here seen as a shield for the newly rich. By the 1840s the overarching reach of the doctrine prevented further distribution of wealth and protected entrenched classes by disallowing the courts very much power to intervene in economic life.

This searching interpretation, which connects law and the courts to the real world, will engage historians in a new debate. For to view the law as an engine of vast economic transformation is to challenge in a stunning way previous interpretations of the eras of revolution and reform.

**The Transformation of American Law, 1780–1860 (Studies in Legal History) By Morton J. Horwitz**  
**Bibliography**

- Sales Rank: #796152 in Books
- Brand: Brand: Harvard University Press
- Published on: 1979-04-30
- Original language: English
- Number of items: 1
- Dimensions: 9.25" h x .95" w x 6.00" l, 1.17 pounds
- Binding: Paperback
- 384 pages

 [Download The Transformation of American Law, 1780–1860 \(S ...pdf](#)

 [Read Online The Transformation of American Law, 1780–1860 ...pdf](#)



## Download and Read Free Online *The Transformation of American Law, 1780–1860* (Studies in Legal History) By Morton J. Horwitz

---

### Editorial Review

#### Review

He has read widely in many fields...[and] has gathered a rich harvest for any reader...a remarkable achievement. (*Yale Law Journal*)

It is to be hoped that a wide audience will read it since the issues it raises are indispensable...Horwitz's book is written with a passion. (*New York Review of Books*)

A thoughtful contribution to the continuing issue of whether and how much we are governed by our judges. (*Library Journal*)

One of the five most significant books ever published in the field of American legal history. (William E. Nelson, Yale University)

#### Review

One of the five most significant books ever published in the field of American legal history.

--William E. Nelson, Yale University

#### From the Back Cover

Awarded the Bancroft Prize in American History in 1978, Morton J. Horwitz's *The Transformation of American Law, 1780-1860* is considered one of the most significant works ever published in American legal history. Since its publication in 1977, it has become the standard source on early nineteenth-century American law. In this monumental book, Morton J. Horwitz offers a sweeping overview of the emergence of our national (and modern) legal system from English and colonial antecedents. He begins with the common law, which emerged during the eighteenth century as the standard doctrine with which to solve disputes in an egalitarian manner. He shows that the turning point in the use of common law came after 1790, when the law was slowly transformed to favor economic growth and development, and the courts began to spur economic competition rather than circumscribe it. This new instrumental law would flourish during the nineteenth century as the legal profession and the mercantile elite forged a mutually beneficial alliance to gain wealth and power. Horwitz also demonstrates how the emergence of contract law corresponded to the development of economic and legal institutions of exchange. And he discusses how the rise of the market economy influenced legal practices, how contracts became ways to negate preexisting common law duties, and how (to the benefit of entrepreneurs and commercial groups) the courts were able to overthrow earlier anticommercial legal rules. Previous historical studies have viewed law and policy as an accurate reflection of the needs of an undifferentiated society. In *The Transformation of American Law*, Horwitz successfully challenges this misconception and shows how, in the eighty years after the American Revolution, a major change in law took place in which aspects of social struggle turned to legal channels for resolution. Looking into the distribution of wealth and power during this time, Horwitz finds indeed that the change in legal ideology enabled commercial groups to win a disproportionate amount of wealth and power in American society. An accessible account of the history of law, this is a powerful statement on the great role of the legal system in American economic development.

### Users Review

#### From reader reviews:

**Reginald McDade:**

Book is actually written, printed, or highlighted for everything. You can learn everything you want by a e-book. Book has a different type. To be sure that book is important factor to bring us around the world. Adjacent to that you can your reading proficiency was fluently. A reserve The Transformation of American Law, 1780–1860 (Studies in Legal History) will make you to end up being smarter. You can feel considerably more confidence if you can know about anything. But some of you think that open or reading a book make you bored. It is far from make you fun. Why they could be thought like that? Have you looking for best book or suited book with you?

**Aaron Thomsen:**

Book is to be different for every single grade. Book for children right up until adult are different content. As it is known to us that book is very important normally. The book The Transformation of American Law, 1780–1860 (Studies in Legal History) seemed to be making you to know about other know-how and of course you can take more information. It is quite advantages for you. The e-book The Transformation of American Law, 1780–1860 (Studies in Legal History) is not only giving you considerably more new information but also to become your friend when you feel bored. You can spend your own spend time to read your guide. Try to make relationship with the book The Transformation of American Law, 1780–1860 (Studies in Legal History). You never experience lose out for everything in case you read some books.

**Joy Rodriguez:**

Do you certainly one of people who can't read gratifying if the sentence chained within the straightway, hold on guys this particular aren't like that. This The Transformation of American Law, 1780–1860 (Studies in Legal History) book is readable by means of you who hate those perfect word style. You will find the details here are arrange for enjoyable studying experience without leaving actually decrease the knowledge that want to deliver to you. The writer of The Transformation of American Law, 1780–1860 (Studies in Legal History) content conveys the idea easily to understand by a lot of people. The printed and e-book are not different in the articles but it just different in the form of it. So , do you even now thinking The Transformation of American Law, 1780–1860 (Studies in Legal History) is not loveable to be your top list reading book?

**Joseph Franson:**

Reading a reserve tends to be new life style within this era globalization. With reading you can get a lot of information that can give you benefit in your life. Having book everyone in this world can share their idea. Textbooks can also inspire a lot of people. Lots of author can inspire their particular reader with their story or maybe their experience. Not only the storyplot that share in the textbooks. But also they write about the information about something that you need example of this. How to get the good score toefl, or how to teach your young ones, there are many kinds of book which exist now. The authors on this planet always try to improve their proficiency in writing, they also doing some investigation before they write to the book. One of them is this The Transformation of American Law, 1780–1860 (Studies in Legal History).

**Download and Read Online The Transformation of American Law,  
1780–1860 (Studies in Legal History) By Morton J. Horwitz  
#T35V1SJKLBI**

## **Read The Transformation of American Law, 1780–1860 (Studies in Legal History) By Morton J. Horwitz for online ebook**

The Transformation of American Law, 1780–1860 (Studies in Legal History) By Morton J. Horwitz 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 Transformation of American Law, 1780–1860 (Studies in Legal History) By Morton J. Horwitz books to read online.

## **Online The Transformation of American Law, 1780–1860 (Studies in Legal History) By Morton J. Horwitz ebook PDF download**

**The Transformation of American Law, 1780–1860 (Studies in Legal History) By Morton J. Horwitz Doc**

**The Transformation of American Law, 1780–1860 (Studies in Legal History) By Morton J. Horwitz Mobipocket**

**The Transformation of American Law, 1780–1860 (Studies in Legal History) By Morton J. Horwitz EPub**