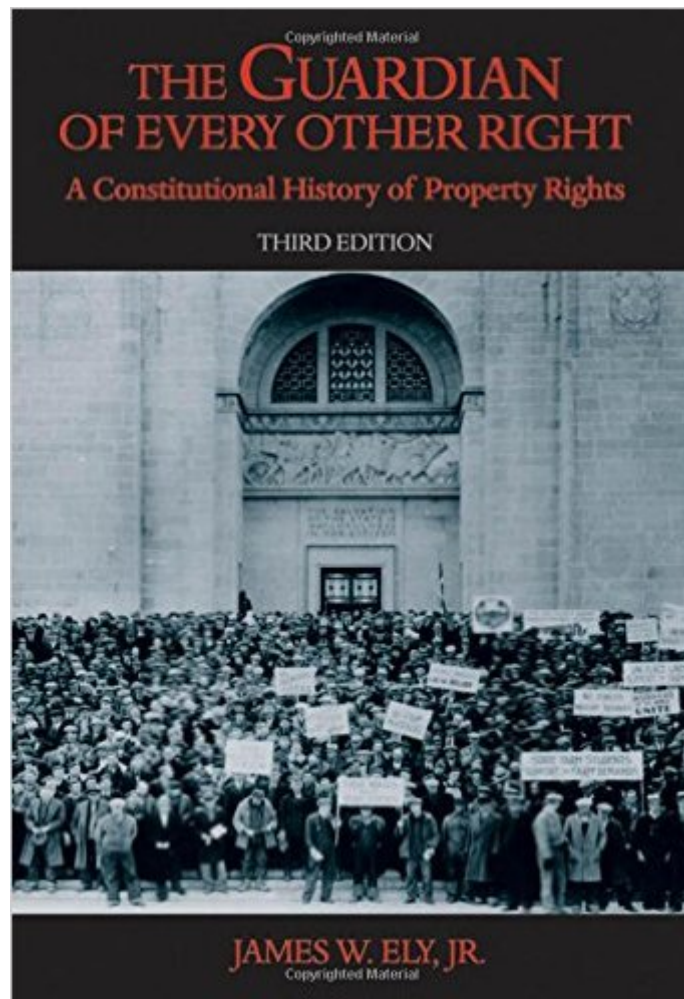


The book was found

The Guardian Of Every Other Right: A Constitutional History Of Property Rights (Bicentennial Essays On The Bill Of Rights)



Synopsis

The Guardian of Every Other Right chronicles the pivotal role of property rights in fashioning the American constitutional order from the colonial era to the current controversies over eminent domain and land use controls. The book emphasizes the interplay of law, ideology, politics, and economic change in shaping constitutional thought and provides a historical perspective on the contemporary debate about property rights. Since publication of the original edition of this work, both academic and popular interest in the constitutional rights of property owners has markedly increased. Now in its third edition, this text has been revised to incorporate a full treatment of important judicial decisions, notable legislation, and scholarship since the second edition appeared in 1997. In particular, Ely provides helpful background and context for understanding the controversial Kelo decision relating to the exercise of eminent domain power for "public use." Covering the entire history of property rights in the United States, this new edition continues to fill a major gap in the literature of constitutional history and is an ideal text for students of legal and constitutional history.

Book Information

Series: Bicentennial Essays on the Bill of Rights

Paperback: 240 pages

Publisher: Oxford University Press; 3 edition (November 30, 2007)

Language: English

ISBN-10: 0195323335

ISBN-13: 978-0195323337

Product Dimensions: 8.1 x 0.9 x 5.5 inches

Shipping Weight: 10.4 ounces (View shipping rates and policies)

Average Customer Review: 4.8 out of 5 starsÂ Â See all reviewsÂ (5 customer reviews)

Best Sellers Rank: #1,227,663 in Books (See Top 100 in Books) #301 inÂ Books > Law >

Business > Property #990 inÂ Books > Textbooks > Law > Constitutional Law #1539 inÂ Books > Law > Legal History

Customer Reviews

This is a very well conceived survey of the history of property rights in the United States. Ely seems to see American constitutional history as having four great periods. The first period is the colonial and early national period up to the ratification of the Constitution. The second period runs from that first Washington administration up to the adoption of the Reconstruction Amendments after the Civil War. The third period runs from then until the so-called "revolution of 1937" when the Supreme

Court did a turn around from its resistance to New Deal programs. From 1937 to the present time constitutes the final period of Ely's history. Obviously, from this perspective, the three great moments in U.S. constitutional history were 1. the original ratification of the Constitution, 2. the ratification of the 14th Amendment and 3. F.D.R.'s successful campaign to change the approach of the Supreme Court in 1937. To this history, Ely applies the following three analytical principles: 1. The framers of the Constitution and the Bill of Rights "envisioned some degree of federal judicial review of the substance of economic legislation" (Ely, p.9). 2. The framers did not regard personal and property rights as separable. "Indeed, the framers saw property ownership as a buffer protecting individuals from governmental coercion." (p. 43) 3. However, property is not constitutionally entitled to preferential treatment. Constitutional rights are not unlimited. In many cases, there are competing interests that must be balanced. Ely's survey of the colonial and revolutionary period serves to remind us that there has never been a period of time when property rights were granted unfettered priority.

The published reviews present a fairly accurate picture of the book. First, it is concise, always appreciated in a dry subject. Second, it is historical, not only in its order of presentation but also in the mode of analysis. It starts in the right place, America in the colonial period, and marches up to the 2006-07 Supreme Court term. It is blissful, and I mean blissful if you have read other works on this subject, free of lengthy disquisitions on the superiority or bankruptcy, depending on your point of view, of particular economic theories; and likewise blissfully free of cant, quack social science and meta-theoretical discussion that focus on academics' views far more than on actual events. Last, it is fairly balanced, and certainly the most balanced treatment I can find out there. The other reviewer says that the author "wears his conservative heart on his sleeve" and I respectfully disagree. The author delivers his story very much in a "on the one hand, on the other hand" fashion. There are many, especially in the not for profit world, who would like to impose a Hegelian narrative on the subject laying out a teleological progress toward the elimination of any "reification" or "privileging" of private property rights in favor of a "redistributive constitutional regime" that has been interrupted by evil reactionaries who would return us to the era of 16 hour workdays and child labor. There are others who would have you believe that intelligent life peaked when Adam Smith wrote *The Wealth of Nations* and all economic regulation is foam from the mouth of raving Marxists. This author paints a much more factual and balanced picture, which is summed up in three sentences (page 9): "First, the framers ...

[Download to continue reading...](#)

The Guardian of Every Other Right: A Constitutional History of Property Rights (Bicentennial Essays

on the Bill of Rights) Your Child, Custody, and the Law Guardian or Guardian ad litem The Guardian's Grimoire (The Guardian Series Book 1) Constitutional Law: Rights, Liberties and Justice 8th Edition (Constitutional Law for a Changing America) The War of 1812: A Forgotten Conflict, Bicentennial Edition Cosmic Constitutional Theory: Why Americans Are Losing Their Inalienable Right to Self-Governance (Inalienable Rights) Bill The Vampire (The Tome of Bill Book 1) Bill the Vampire, Scary Dead Things, The Mourning Woods, and Holier Than Thou: The Tome of Bill Series: Books 1-4 Essays That Will Get You into Medical School (Essays That Will Get You Into...Series) [Second Edition] (Barron's Essays That Will Get You Into Medical School) Multistate Workbook Volume 2: pmbr Multistate Specialist- Torts, Contracts, Criminal Law, Property, Evidence, Constitutional Law A Guide to Church Property Law: Theological, Constitutional and Practical Considerations The US Constitution: A Pocket Reference w/Constitution, Bill of Rights, Amendments, Declaration of Independence, History of the Constitution, Questions ... Quotes, and Free Download for 10 works James Baldwin : Collected Essays : Notes of a Native Son / Nobody Knows My Name / The Fire Next Time / No Name in the Street / The Devil Finds Work / Other Essays (Library of America) African American Student's College Guide: Your One-Stop Resource for Choosing the Right College, Getting in, and Paying the Bill (Black Excel) Every Man's Marriage: An Every Man's Guide to Winning the Heart of a Woman (The Every Man Series) The Complete Cook's Country TV Show Cookbook Season 8: Every Recipe, Every Ingredient Testing, Every Equipment Rating from the Hit TV Show American Constitutional Law: Essays, Cases, and Comparative Notes (Volume 2) American Constitutional Law: Essays, Cases, and Comparative Notes, Volume 1 No Constitutional Right to Be Ladies: Women and the Obligations of Citizenship Glannon Guide to Property: Learning Property Through Multiple-Choice Questions and Analysis, 2nd Edition

[Dmca](#)