Record Nr. UNINA9910157410503321 Autore Kessler Amalia D. Titolo Inventing American Exceptionalism: The Origins of American Adversarial Legal Culture, 1800-1877 / / Amalia D. Kessler Pubbl/distr/stampa New Haven, CT:,: Yale University Press,, [2017] ©2017 **ISBN** 9780300224849 Descrizione fisica 1 online resource (462 pages) Collana Yale Law Library Series in Legal History and Reference Disciplina 347.73 Sociological jurisprudence - United States Soggetti Culture and law - United States **United States** Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Includes index. Note generali Nota di bibliografia Includes bibliographical references and index. Nota di contenuto Frontmatter -- Contents -- Acknowledgments -- Introduction -- 1. The "Natural Elevation" of Equity -- 2. A Troubled Inheritance -- 3. The Non- Revolutionary Field Code -- 4. Cultural Foundations of American Adversarialism -- 5. Market Freedom and Adversarial Adjudication --6. The Freedmen's Bureau Exception -- Conclusion -- Appendix --Notes -- Index Sommario/riassunto A highly engaging account of the developments-not only legal, but also socioeconomic, political, and cultural-that gave rise to Americans' distinctively lawyer-driven legal culture When Americans imagine their legal system, it is the adversarial trial-dominated by dueling largerthan-life lawyers undertaking grand public performances-that first comes to mind. But as award-winning author Amalia Kessler reveals in this engrossing history, it was only in the turbulent decades before the Civil War that adversarialism became a defining American practice and ideology, displacing alternative, more judge-driven approaches to procedure. By drawing on a broad range of methods and sources-and

> by recovering neglected influences (including from Europe)-the author shows how the emergence of the American adversarial legal culture was a product not only of developments internal to law, but also of wider socioeconomic, political, and cultural debates over whether and how to

undertake market regulation and pursue racial equality. As a result, adversarialism came to play a key role in defining American legal institutions and practices, as well as national identity.