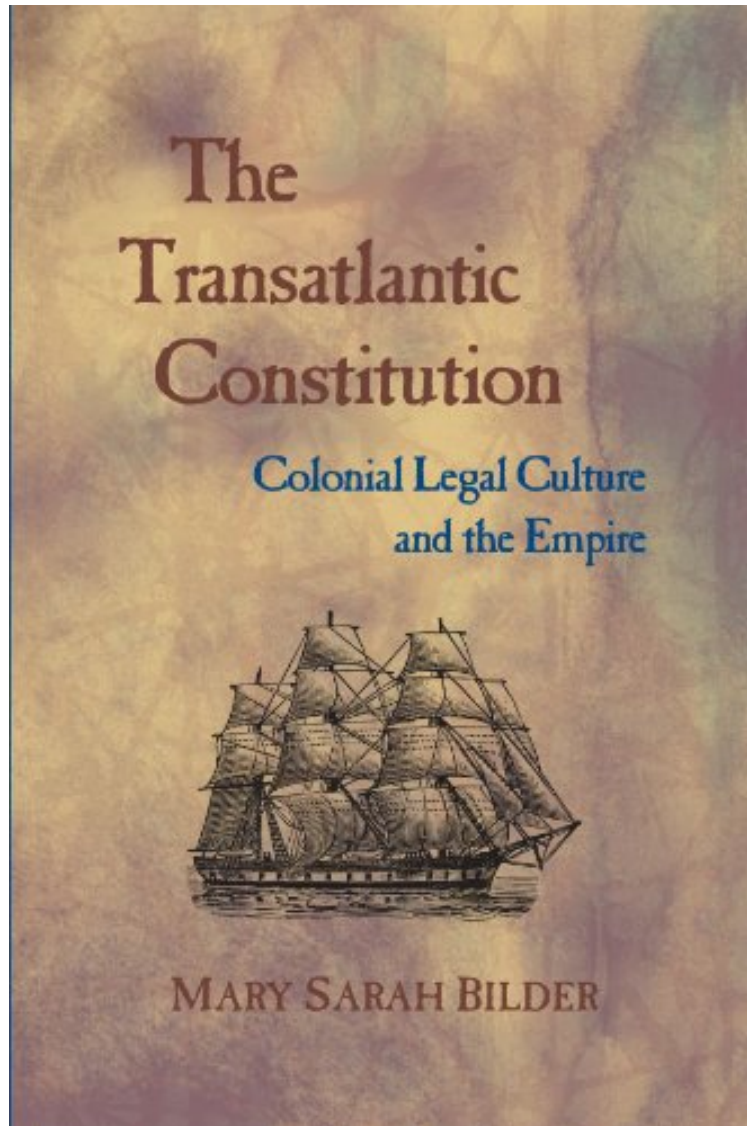


[DOWNLOAD] The Transatlantic Constitution: Colonial Legal Culture and the Empire

The Transatlantic Constitution: Colonial Legal Culture and the Empire

Mary Sarah Bilder

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Mary Sarah Bilder : The Transatlantic Constitution: Colonial Legal Culture and the Empire before purchasing it in order to gage whether or not it would be worth my time, and all praised The Transatlantic Constitution: Colonial Legal Culture and the Empire:

5 of 5 people found the following review helpful. Colonial Rhode Island's Legal Autonomy within the EmpireBy Ronald H. ClarkThis is a book of serious legal historical scholarship. Ms. Bilder is a Law Professor at Boston College

Law School, and holds a Ph.D. in American history from Harvard. As such, portions of it may be heavy-going for the general reader, but enough of the general analysis comes through to make this a valuable resource for anyone interested in the judiciary and colonial legal history. At issue is how tiny Rhode Island managed to maintain a very substantial degree of legal autonomy within the British Empire. To answer this query, Bilder focuses upon the central principle of the Empire that while "a colony's laws could not be repugnant to the laws of England [they] could differ according to the people and place" (p. 1). This principle was implemented as to all the American colonies, and gave each colony much maneuvering room to maintain a healthy degree of local autonomy. While we have an exceptional general overview of London v. colony in Joseph H. Smith's, "Appeals to the Privy Council from the American Plantations," he obviously cannot probe in great detail any individual colony's experience with this system. That Bilder does do in taking up such topics as "Women, Family, Property," "Personnel and Practices" (a very interesting chapter), "Religious Establishment and Orthodoxy," and other issues. Her discussion of the Privy Council and the development of the appeal is particularly effective. Basically, over time, the "repugnance" and "divergence" principle was ambiguous enough to fuel an effective sharing of responsibilities within the Empire (sort of a variant of "salutary neglect"), though over time with the tightening of control from London this flexibility was constricted, prompting the American Revolution. Bilder's final chapter is probably the most valuable for the general reader and scholars alike. What effect did this experience with the "repugnancy principle" have on the development of judicial review within the new states, the institution of federal judicial review of state and Congressional legislation, and the evolution of federalism? In sum, a very fine contribution indeed by Bilder based upon impeccable research (the notes run over 80 pages) and an impressive command of the topic. 1 of 1 people found the following review helpful. An Essential Read By The Newport, RI Connoisseur Dr. Bilder's Transatlantic Constitution... brings a document that delivered a terribly troubled culture to a utopia with religious freedoms that America craves to this day. The book is a masterpiece for those interested in the roots of First Amendment rights; it is packed with fascinating detail about the force and effect of Dr. John Clarke's Rhode Island Charter of 1663, that document wherein, for the first time in history, a sovereign granted separation of church and state to a political entity. Transatlantic... is a must read for aspiring law students as well as historians and public figures. See a deeper review of this important work at [...]. 2 of 2 people found the following review helpful. Welcome Back to the British World, "America" By W. Pue Mary Sarah Bilder has written a marvellous account of the workings of colonial constitutionalism in Rhode Island from the colonies founding to the American war of independence. The book is well researched and well documented. Though somewhat "heavy going" for a general readership, it is an excellent account of the constitutional principles that bound the English world in the colonial period. The last chapter illustrates the fidelity to English law that was manifest by rebel colonials as they formed their own state. A splendid book and well worth the effort.

Departing from traditional approaches to colonial legal history, Mary Sarah Bilder argues that American law and legal culture developed within the framework of an evolving, unwritten transatlantic constitution that lawyers, legislators, and litigants on both sides of the Atlantic understood. The central tenet of this constitution that colonial laws and customs could not be repugnant to the laws of England but could diverge for local circumstances shaped the legal development of the colonial world. Focusing on practices rather than doctrines, Bilder describes how the pragmatic and flexible conversation about this constitution shaped colonial law: the development of the legal profession; the place of English law in the colonies; the existence of equity courts and legislative equitable relief; property rights for women and inheritance laws; commercial law and currency reform; and laws governing religious establishment. Using as a case study the corporate colony of Rhode Island, which had the largest number of appeals of any mainland colony to the English Privy Council, she reconstructs a largely unknown world of pre-Constitutional legal culture.

The Transatlantic Constitution makes a major impact on the way we see the legacy of the colonial period and the later federal relationship that continues to affect us today. Mary Sarah Bilder presents an intensive examination of the structure and functioning of the legal relationship across the Atlantic, between the people of a colony and the legal metropolis in London. This exhaustively researched and deeply informed book recasts the way we think about how the "transatlantic relationship" affected law and authority. (David Konig, Washington University in St. Louis) Mary Sarah Bilder has taken an old and long-unfashionable topic and successfully given it new interest, perspective, and importance. She is the first historian to explore the relationship between colonial legal culture and sources of constitutional authority within the British empire, and she does so with a fine appreciation for the negotiated, pragmatic, and changing nature of the relationship. This book is a major contribution to colonial American legal, constitutional, and imperial history and sets the standard for future study of the transatlantic constitution. (Bruce H. Mann, author of Republic of Debtors: Bankruptcy in the Age of American Independence) Bilder describes an emerging Colonial legal profession and clearly explains the function of the local and imperial legal systems. Largely a legal history of case law that determined if Colonial divergence was indeed not repugnant, the book is rich in social history as well, with the evolving status of women and institutional religion providing much of the legal grist. (E. R. Crowther Choice 2005-09-01) Mary Sarah Bilder's The Transatlantic Constitution is an excellent example of the wealth of fresh

insights that a focus on constitutionalism still has to offer...Bilder's argument is so compelling, and her delineation of transatlantic legal culture so revealing, that historians will undoubtedly feel the need to test her results elsewhere. Atlantic history will be all the richer for it. (Alexander B. Haskell *William and Mary Quarterly* 2005-07-01)Bilder is one of those energetically prudent scholars who appear in full control of their considerable enthusiasms. She never exaggerates her cases. She welcomes other investigations, but she rightly understands that the micro-level of investigation that we find here represents the work that is now needed in legal history, and she does not shy away from the extensions that are possible from it. There is, in fact, considerable grace in Bilder's ability to supply the details without losing her reader in them. (Robert A. Ferguson *Law and History* 2005-10-01)This study of the British imperial constitution, based upon extensive research in English and American archives, is one of the more significant recent pieces of scholarship in this area...Mary Sarah Bilder has come to some new conclusions that make this short volume essential reading for all students of early America. (Herbert A. Johnson *Journal of American History* 2005-12-01)In *The Transatlantic Constitution: Colonial Legal Culture and the Empire*, Mary Sarah Bilder finds evidence for a transatlantic constitutional culture that influenced everything from the intellectual formation of colonial lawyers and judges, to the course of appeals of inheritance cases, to the beginnings of judicial review in the early Republic...The argument is lucidly presented and clearly compelling...The clarity of Bilder's argument will make the book, and the tradition of legal constitutional history of empire from which it emanates, compelling to scholars outside the field of American legal history. (Lauren Benton *Law Social Inquiry*) *The Transatlantic Constitution* makes a major impact on the way we see the legacy of the colonial period and the later federal relationship that continues to affect us today. Mary Sarah Bilder presents an intensive examination of the structure and functioning of the legal relationship across the Atlantic, between the people of a colony and the legal metropolis in London. This exhaustively researched and deeply informed book recasts the way we think about how the "transatlantic relationship" affected law and authority. (David Konig, Washington University in St. Louis)About the AuthorMary Sarah Bilder is Professor of Law and Michael and Helen Lee Distinguished Scholar, Boston College Law School.