Constructing Civil Liberties

Discontinuities in the Development of
American Constitutional Law

The modern jurisprudence of civil liberties and civil rights is best understood not as the outgrowth of an applied philosophical project involving the application of principles to facts, but as a developmental product of diverse, institutionalized currents of reformist political thought. This book demonstrates that rights of individuals in the criminal justice system, workplace, and school were the endpoint of a succession of progressive-spirited ideological and political campaigns of statebuilding and reform. In advancing this vision of constitutional development, this book integrates the developmental paths of civil liberties law into an account of the rise of the modern state and the reformist political and intellectual movements that shaped and sustained it. In doing so, Constructing Civil Liberties provides a vivid, multilayered, revisionist account of the genealogy of contemporary constitutional law and morals.

For Barbara and Robert Kersch, and
In memory of Sylvia Schillinger
Constructing Civil Liberties

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of American Constitutional Law

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