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The Guardian of Every Other Right: A Constitutional History of Property Rights (Bicentennial Essays on the Bill of Rights)

By James W. Ely



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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.



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Review

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"An informative and balanced account of the history of property rights protections under the Constitution."--*The American Journal of Legal History*

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"This slender volume should serve well on reading lists both in introductory American history courses and in upper-division legal history or constitutional law courses."--*The American Historical Review*

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"Greatly clarifies the pivotal place of private property in the American system. Through a sophisticated historical analysis, Ely illuminates two recurring issues of great importance: the constitutional limits on government regulation of property and the complex relationship between property ownership and individual liberty."--Norman Dorsen, New York University School of Law

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Review

"An impressively concise treatment of a complex topic. Ely manages to focus admirably, making this an excellent supplementary text for a course in constitutional law."--Dan O'Bryan, Sierra Nevada College

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"A fine overview of property rights in the courts, which makes a good foundation for the study of present day land use planning and land use controls."--Irving Schiffman, California State University, Chico

About the Author

James W. Ely, Jr. is Milton R. Underwood Professor of Law and Professor of History at Vanderbilt University. He is the author or editor of sixteen books, including *Ambivalent Legacy: A Legal History of the South* (1984), *An Uncertain Tradition: Constitutionalism and the History of the South* (1989), *The Bill of Rights in Modern America: After 200 Years* (1993), *The Chief Justiceship of Melville W. Fuller, 1888-1910* (1995), and *Railroads and American Law* (2001).

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