

The Volokh Conspiracy

- Home
- About
- DMCA Contact
- E-Mail Policy
- Link Policy
- Stuff
- Who Are We?
- Search
- Subscribe
- Twitter
- RSS
- Archives



Rehabilitating Lochner Event at the Cato Institute Monday at 4 pm

David Bernstein • April 29, 2011 1:28 pm

VC readers in the DC area are invited to a book form on Rehabilitating Lochner at the Cato Institute on Monday at 4:00 p.m. Here are the details from the Cato website:

Speakers: David Bernstein, George Mason University School of Law; with comments by Louis Michael Seidman, Georgetown University Law Center; and Gregory E. Maggs, George Washington University School of Law; moderated by Roger Pilon, Cato Institute.

The Cato Institute
1000 Massachusetts Avenue, NW
Washington, DC 20001

No Supreme Court decision concerning economic liberty has been more emblematic of

the alleged errors of the "old," pre-New Deal Court than *Lochner v. New York*, decided in 1905. Upholding contractual freedom against a New York statute that limited the hours that bakers might work, the decision has been reviled by both liberals and conservatives as an egregious example of judicial malfeasance — cited today most often for the prescient dissent of the sainted Justice Oliver Wendell Holmes. Yet the story of *Lochner* is not over. In a new book that examines the history and background of the case, David Bernstein argues that the decision has been widely misunderstood and unfairly maligned, that it was well grounded in precedent, and that subsequent battles over segregation laws, sex discrimination, civil liberties, and more owe much to the limited-government ideas of *Lochner's* proponents. Please join us for what is bound to be a lively discussion about this important new book.

If you can't make it in person, you can watch a live video feed at this link.

When I've given speeches at law school Federalist Society events, I've gotten much more favorable comments from liberal commenters than from conservative commenters. It will be interesting to see if this holds true with Seidman (liberals) and Maggs (conservative).

Categories: Rehabilitating Lochner



One Comment

1. **Debrah** says:



"I've gotten much more favorable comments from liberal commenters than from conservative commenters. It will be interesting to see if this holds true with Seidman (liberals) and Maggs (conservative)."

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It will Indeed be interesting to see if partisanship can be stifled for the sake of art and scholarship.

So glad there will be a video feed of Bernstein's presentation; however, chagrined not to be in the DC area for the live program.

5/2/2011

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I'm sure that David will ruffle a few feathers which is always exciting.

He's an excellent speaker. (Quote)

April 30, 2011, 12:01 am