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## Reason.tv: Richard Epstein on Barack Obama, his former Chicago Law Colleague

November 22, 2010



Few legal scholars have blown as many minds and had the tangible impact that Richard Epstein has managed. His 1985 volume, Takings: Private Property and the Power of Eminent Domain is a case in point. Epstein made the hugely controversial argument that regulations and other government actions such as environmental regulations that substantially limit the use of or decrease the value of property should be thought of as a form of eminent domain and thus strictly limited by the Constitution. The immediate result was a firestorm of outrage followed by an acknowledgment that the guy was onto something.

As Epstein told Reason in a 1995 interview, "I took some pride in the fact that [Sen.] Joe Biden (D-Del.) held a copy of Takings up to a hapless Clarence Thomas back in 1991 and said that anyone who believes what's in this book is certifiably unqualified to sit in on the Supreme Court. That's a compliment of sorts.... But I took even more pride in the fact that, during the Breyer hearings [in 199X], there were no such theatrics, even as the nominee

was constantly questioned on whether he agreed with the Epstein position on deregulation as if that position could not be held by responsible people."

Born in New York in 1943, Epstein splits faculty appointments at the University of Chicago and New York University; he's also a senior fellow at Stanford's Hoover Institution, an adjunct scholar at the Cato Institute, and a contributor to Reason. In books such as Forbidden Grounds: The Case Against Employment Discrimination Laws (1992) to Simple Rules for a Complex World (1995), and Skepticism and Freedom: A Modern Case for Classical Liberalism (2003), Epstein pushes his ideas and preconceptions to their limits and takes his readers along for the ride. A die-hard libertarian who believes the state should be limited and individual freedom expanded, he is nonetheless the consummate intellectual who first and foremost demands he offer up ironclad proofs for his characteristically counterintuitive insights into law and social theory.

Indeed, Epstein's enduring value may not be any particular legal or policy prescription he's offered over the years but rather his methodology. He believes in robust and unfettered argument and debate as a way of gaining knowledge. If you don't put your ideas out in the arena, you can't be doing your best work, he argues. "The problem when you keep to yourself is you don't get to hear strong ideas articulated by people who disagree with you," he says.

Reason's Nick Gillespie interviewed Epstein at NYU's law building in October. The conversation was wide-ranging and high-energy--another Epsteinian virtue. They talked about legal challenges to ObamaCare, the effects of stimulus spending and TARP bailouts, and a former University of Chicago adjunct faculty member by the name of Barack Obama, with whom Epstein regularly interacted in the 1990s and early 2000s.

"He passed through Chicago without absorbing much of the internal culture," says Epstein of the president. "He's amazingly good at playing intellectual poker. But that's a disadvantage, because if you don't put your ideas out there to be shot down, you're never gonna figure out what kind of revision you want."

Filmed and edited by Jim Epstein (no relation) with help from Michael C. Moynihan and Josh Swain.

Approximately 12.30 minutes.

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