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The **Chet Mitchell Lecture Series**
invites you to a talk by

Peer Zumbansen

*How Lochner Became Disembedded:
Legal Anxieties in a Global Context*

November 22, 2012 at 4:30pm
Senate Room, 608 Robertson Hall

The actors and issues at the heart of the US Supreme Court's 1905 decision in *Lochner v New York* (198 US 45) have long become seminal to debates over the boundaries of state action and the place of private autonomy and freedom of contract in a market society. Today, as we revisit this decision and its legacy as a powerful assertion of 'free market' ideology and of a rejection of governmental 'intervention' in allegedly 'private' business transactions we are facing a formidable dilemma: to whom may we today compare the factory owner and employer, who opposed the state legislator's setting of a maximum number of working hours? In the current global environment and the manifold stand-offs between 'winners' and 'losers' of globalization, whose interests are at stake on either side of such litigations? What have been the consequences of the dissenting Justice Holmes' assertion that 'general principles do not decide concrete cases'? Can we today still learn anything from his observation that constitutions provide for a platform of political negotiation, but not for a unified economic theory? These are among the questions to be taken up in the lecture.

Peer Zumbansen is Professor of Law and Canada Research Chair at Osgoode Hall Law School in Toronto. He is the founding director of the Critical Research Laboratory in Law & Society and Editor in Chief of the quarterly journal *'Transnational Legal Theory'*. He teaches corporate law, legal theory and transnational law and has been visiting professor at law schools in the U.S., Latin America, Europe and Australia. Recent publications include *"Rough Consensus and Running Code. A Theory of Transnational Private Law"* (Hart: 2010, pb. 2012, co-authored with Galf Calliess); *Transnational Law, Evolving*, in J.Smits ed., Elgar Encyclopedia of Comparative Law (2nd ed., 2012); *Transnational comparisons: theory and practice of comparative law as a critique of global governance*, in: M.Adams & J.Bomhoff eds., Practice and Theory in Comparative Law (Cambridge UP, 2012).

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