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.


This event is sponsored by the Jurisprudence Center and Department of Law and Legal Studies, Carleton University.