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Stanford Law School

Stanford Constitutional Law Center

Interdisciplinary Summer Workshop in Constitutional History
July 9-14, 2017
Stanford, California

THE LOCHNER ERA
Sponsored by the Institute for Constitutional History
with the Stanford Constitutional Law Center



DESCRIPTION:

This seminar will examine major developments in the areas of constitutional law governing social and economic regulation in the so-called "Lochner Era," extending roughly from 1880 to 1940. The topics considered will include limitations placed upon state and federal regulatory authority by the Due Process Clauses of the Fifth and Fourteenth Amendments, the Equal Protection Clause, the Tenth Amendment, and the Dormant Commerce Clause, as well as restrictions on and changes in the scope of the federal powers to tax, to spend, and to regulate interstate commerce. Our aim will be to understand how these limitations and developments presented both obstacles and opportunities to regulatory reformers, how they constrained and

shaped their legal strategies, and why they succeeded or failed in securing their regulatory objectives. Attention also will be given to the ways in which these developments have been understood and presented by historians, political scientists, and legal scholars; to the role that the period's jurisprudence played in shaping labor, housing, and educational markets for women and racial minorities; and to the relationship between that period's jurisprudence and the law and political economy of our own time. The assigned readings will include Supreme Court decisions of the period and secondary works that focus on specific topics within the period.

WORKSHOP LEADER:

Barry Cushman is the John P. Murphy Foundation Professor of Law and Concurrent Professor of History and Political Science at the University of Notre Dame. Before coming to Notre Dame in 2012 he served for fifteen years on the faculty of the University of Virginia, where he was the James Monroe Distinguished Professor of Law and Professor of History. He has published widely on the subjects of constitutional law, political economy, and social reform during the Progressive Era and the New Deal. His book, *Rethinking the New Deal Court: The Structure of a Constitutional Revolution* (Oxford University Press, 1998) was awarded the American Historical Association's Littleton-Griswold Prize in American Law and Society.

STIPENDS AND SUPPORT: Participants will receive accommodation at the Munger Graduate Residence on the campus of Stanford Law School and a modest stipend for meals. Participants will also receive a travel reimbursement up to \$250. Workshop participants are expected to attend all sessions and engage in all program activities.

ELIGIBILITY AND APPLICATION PROCEDURE: The summer workshop is designed for university instructors who now teach or plan to teach courses in constitutional studies, including constitutional history, constitutional law, and related subjects. Instructors who would like to devote a unit of a survey course to constitutional history are also welcome to apply. All university-level instructors are encouraged to apply, including adjuncts and part-time faculty members, and post-doctoral fellows from any academic discipline associated with constitutional studies (history, political science, law, anthropology, sociology, literary criticism, etc.).

To apply, please submit the following materials: a detailed résumé or curriculum vitae with contact information; syllabi from any undergraduate course(s) in constitutional studies you currently teach; a 500-word statement describing your interest in both constitutional studies and this workshop; and a letter of recommendation from your department chair or other professional reference (sent separately by e-mail or post). The application statement should address your professional background, any special perspectives or experiences you might bring to the workshop, and how the workshop will enhance your teaching in constitutional studies.

THE DEADLINE FOR APPLICATIONS IS MAY 1, 2017. Applications should be sent via electronic mail to MMarcus@nyhistory.org. Successful applicants will be notified soon thereafter.

FOR FURTHER INFORMATION PLEASE CONTACT:

Maeva Marcus
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New-York Historical Society and
The George Washington University Law School
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ABOUT ICH:

The Institute for Constitutional History (ICH) is the nation's premier institute dedicated to ensuring that future generations of Americans understand the substance and historical development of the U.S. Constitution. Located at the New York Historical Society and the George Washington University Law School, the Institute is co-sponsored by the American Historical Association, the Organization of American Historians, and the American Political Science Association. The Association of American Law Schools is a cooperating entity. ICH prepares junior scholars and college instructors to convey to their readers and students the important role the Constitution has played in shaping American society. ICH also provides a national forum for the preparation and dissemination of humanistic, interdisciplinary scholarship on American constitutional history.

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