

DUKE UNIVERSITY SCHOOL OF LAW

# LAW AND CONTEMPORARY PROBLEMS



LAW AND NEOLIBERALISM

DAVID SINGH GREWAL &  
JEDEDIAH PURDY

SPECIAL EDITORS

VOLUME 77

NUMBER 4

2014



# LAW AND CONTEMPORARY PROBLEMS

Volume 77

2014

Number 4



## LAW AND NEOLIBERALISM

*David Singh Grewal & Jedediah Purdy*  
Special Editors

|                                                                                                            |     |
|------------------------------------------------------------------------------------------------------------|-----|
| INTRODUCTION: LAW AND NEOLIBERALISM.....                                                                   | 1   |
| <i>David Singh Grewal &amp; Jedediah Purdy</i>                                                             |     |
| NEOLIBERALISM IN U.S. FAMILY LAW: NEGATIVE LIBERTY AND<br>LAISSEZ-FAIRE MARKETS IN THE MINIMAL STATE ..... | 25  |
| <i>Anne L. Alstott</i>                                                                                     |     |
| THE MAINSTREAMING OF LIBERTARIAN CONSTITUTIONALISM .....                                                   | 43  |
| <i>David E. Bernstein &amp; Ilya Somin</i>                                                                 |     |
| NEOLIBERALISM AND THE CRISIS OF LEGAL THEORY .....                                                         | 71  |
| <i>Corinne Blalock</i>                                                                                     |     |
| PRELIBERAL AUTONOMY AND POSTLIBERAL FINANCE.....                                                           | 105 |
| <i>Robert Hockett</i>                                                                                      |     |
| INTELLECTUAL PROPERTY'S LEVIATHAN.....                                                                     | 131 |
| <i>Amy Kapczynski</i>                                                                                      |     |
| A POWERLESS COMPANION: HUMAN RIGHTS IN THE AGE OF<br>NEOLIBERALISM .....                                   | 147 |
| <i>Samuel Moyn</i>                                                                                         |     |
| THE HIDDEN COSTS OF HEALTH CARE COST-CUTTING: TOWARD A<br>POSTNEOLIBERAL HEALTH-REFORM AGENDA .....        | 171 |
| <i>Frank Pasquale</i>                                                                                      |     |
| NEOLIBERAL CONSTITUTIONALISM: LOCHNERISM FOR A NEW ECONOMY...                                              | 195 |
| <i>Jedediah Purdy</i>                                                                                      |     |
| NEOLIBERAL POLITICAL LAW.....                                                                              | 215 |
| <i>Zephyr Teachout</i>                                                                                     |     |