

TEACHING THE LOCHNER ERA

B \* AMIN

Ud á \$f &\$ n Af æ 33378Š N 8& á 6N ÀUe "† 1ð ÀQFÁ> Á à f. 426 2945E

tsuhgh

"bca" h h

2 Munn, which  
3 The bill  
"p" h dha hghn  
tjinh

---

\* REFERENCES

1. 94 IS113, 113 (1877). Munn, which  
See PAUL BEE AL.,  
DAN 477 (6th 2015); E W CH,  
LAW 618 (5th d 2017); JE H CREAL, LAW:  
CAS, CM S, AN Q 376 (12th 2015); C AM MAE, AM  
LAW: PKN LB 485 (5th d 2016); MEE SE PAN  
AL, TH CM UN SAE 1520 (3d 2017); GE R SE  
AL, CM LAW 752 (7th 2013); K AN M SEN & NQH FRN,  
LAW 486 (19th 2016); JOHN D VART & V96 398.52 237.37 6.37.36 (1908.30)  
LAW: CASAN MAE 466 (15th 2017).

2. 198 IS45, 64 (1905). Lochner it dshin

3. Fjn DAAN BRIN, WAM C BAK & RE A. SM,  
LAW: SEAN REN OR FRL SM 767-79 (6th

the City of  
St. Louis  
in 1937  
the  
of the  
in the

"the  
5 in

'sup  
897  
Lochner

4  
"

v

2018] TEACHING THE ERA 539

898 d 937, 6 Lochner 7  
w de 1911 te Lochner 7  
d 1911 8  
1911 8

6. See, e.g., 264 IS292, 294 -95 (1924) (1910 and 1911)  
B 249 IS296, 307 (1911) (1911)  
249 IS265, 267 -69 (1919) (1911)  
& A 247 IS197,  
200 (1918) (1911)  
& A 244 IS336, 345 (1917) (1911)  
& B 243 IS426, 433-34, 438  
(1917) (1911)  
IS 332, 341, 359 (1917) (1911) B 39  
236 IS385, 388 -89, 396 (1915) (1911)  
236 IS373, 379, 384 (1915) (1911)  
232 IS718, 718 (1914) (1911)  
232 IS671, 679, 681 (1914) (1911)  
& A 231 IS112, 118, 120 (1913)  
(1911) IS222  
IS257, 258, 261 (1911) (1911) -1911  
B 221 IS612, 614 nl, 623 (1911)  
(1911) IS 208 IS412, 416, 423 (1908)  
(1911) IS 206 IS246, 254- 55 (1907)  
(1911) IS 199 IS602, 602 (1905)  
(1911) IS 191 IS207,  
224 (1903) (1911) IS366, 380,  
398 (1898) (1911)

7. See Wolff Packing Co., 267 IS552.

8. See, e.g., G E MAG & PR J SM, C L LAW 560  
(3d 2015) (“It is Lochner, 1905”) (1911)  
“); B A L., supra, 196 (“B 890 d 934, 1911”) (1911)  
“); C M., supra, 1626 (“It is Lochner, 1905”) (1911)  
(1911) IS 200 (1911)



2018]

TEACHING THE ERA

541

with  
to  
to  
to  
is

d

with  
with  
“p

’s

”<sup>10</sup>

’s

---

to  
in  
on

-

” (6 in ); id. 635 (6

“Laissez-faire” is a French phrase meaning “let do” or “let be.” It is often used to describe a policy of non-interference in economic or social affairs. The term has been used in various contexts, including political theory, economics, and law. In the context of law, it often refers to the principle of freedom of contract and the right to property. The phrase is also used to describe a style of government that is hands-off and does not interfere in the lives of its citizens.

The concept of laissez-faire is often contrasted with that of interventionism, which is the practice of government interference in economic and social affairs. Laissez-faire is often associated with the idea of a free market and the belief that individuals should be free to pursue their own interests without government interference.

The term “laissez-faire” is also used to describe a style of government that is hands-off and does not interfere in the lives of its citizens. This style of government is often associated with the idea of a free market and the belief that individuals should be free to pursue their own interests without government interference.

The concept of laissez-faire is often contrasted with that of interventionism, which is the practice of government interference in economic and social affairs. Laissez-faire is often associated with the idea of a free market and the belief that individuals should be free to pursue their own interests without government interference.

The term “laissez-faire” is also used to describe a style of government that is hands-off and does not interfere in the lives of its citizens. This style of government is often associated with the idea of a free market and the belief that individuals should be free to pursue their own interests without government interference.

B. Laissez-Faire and Liberty: A Re-Evaluation of the Meaning and Origins of Laissez-Faire Constitutionalism 3 LAW & HISTORY REVIEW 293, 298, 304-31 (1985) (1985).

C. The Ambiguities of Free Labor: Labor and the Law in the Gilded Age 85 WISCONSIN LAW REVIEW 767, 771-72 (1985).

D. Justice Field and the Jurisprudence of Government Business Relations: Some Parameters of Laissez-Faire Constitutionalism 1863-1897, 61 J. AM. HISTORY 970, 971-73 (1975) (1975).

E. Understa









877

1934,<sup>24</sup> 25

“

920s

27

28

26

29

30

31

32

33

34

35

36

2018] TEACHING THE ERA 547

the  
tion  
B  
B  
in  
C  
B  
C  
B  
B  
C

<sup>35</sup> A had  
ti

the

's

"

B

<sup>36</sup> B

the

's

the  
B  
C

Lochner

<sup>37</sup> the

<sup>38</sup>

the  
116 S.307, 331 (1886) (the  
the  
the  
the

"

");

the). Railroad Commission Cases Chicago, Milwaukee & St. Paul  
the, supra, 479; the, supra, 418;



2018]

TEACHING THE

ERA

549

in 44 <sup>44</sup> ~~the~~ ~~the~~  
the <sup>44</sup> ~~the~~ ~~the~~  
the <sup>44</sup> ~~the~~ ~~the~~  
the <sup>44</sup> ~~the~~ ~~the~~  
the <sup>44</sup> ~~the~~ ~~the~~  
B <sup>46</sup>

“the  
in 45 ~~the~~

(b)(3.5 671 in (b)(3.948) (b)(1 (0.016 9.92 0.028) 4.3 (1.70) 0.418 ((g-8(0.053 dtd 1) 327) (B

1998

53

1998

1998

1998

'sa

n

07 (P 1062113AD)4.22 61 /P//NYT (-J - Jj) - MS (26-J - Jj) - D3-D-J - Jj - R/27(-J - R/27(25 0 048926-J - J(-J

2018]

TEACHING THE ERA

551

with a toB , fa  
p p p p p p





6 1898, *by y ma g n a*

*h h h h h*

*h h h h h*

*h h*

*h h h h h*

*h h h h h*

*h h h h h*

*h h*

*h h h h h*

*h h*

*h h h h h*

*h h h h h*

*h h h h h*

*h h h h h*

*h h h h h*

*h h*

*h h h h h*

*h h h h h*

*h h h h h*

*h h h h h*

*h h h h h*

*h h h h h*

*h h h h h*

*h h*

*h h h h h*

*h h h h h*

*h h h h h*

*h h h h h*

66 *A h h h h h h h h*

*h h h h h*

67 *h h*

68

*h h h h h*

69 *h h h h h*

's

i

70

-h

*h h h h h*

71

*h h h h h*

*h h h h h*

72 *h h h h h*

73 *h h h h h*

*h h*

*h h h h h*

*h h*

74

75 *h h h h h*

*h h h h h*

h

76 *h h h h h*

*h h h h h*

h

...  
...  
...  
...  
...

...

77 Adair

...

...

Coppage v. Kansas

Adair's

...  
...  
...  
...

...

...

...

78

...  
...  
...  
...

...

...

79

80

...

...

...  
...  
...  
...

81

...

82

2018]

TEACHING THE

ERA

555

g  
h

C. Singling Out

Lochner

1904, de

11.4

11.4

Lochner

11.4 (J-8.7 (2d (13.585 (4.2 -0 0 4.2 -5)3.4 (-5.318 -1.602 3(0.8 (3.53)0.01





102  
103

103

102

Muller

, J.B.

104

104

104

104

Lochner

Allgeyer v. Louisiana<sup>105</sup>

Lochner

104

104

104

B

104

104

104

104

106

's Lochner

107

102. B 184 S425, 431 (1902).

103. 187 S606, 610 -11 (1903).

104. 211 S539, 552 (1909) (B

105. 104 S103 (1904).

106. 104 S103 (1904). 107. 104 S103 (1904).

2018]

TEACHING THE

ERA

559

Holden

Holden v. Hardy

108

108

108

108

108

108

108

108

109

108

108

108

108

108

108

108

108

108

108

108

108

108

108

110

110

---

108

108

108

The Eight Hour and Prevailing Rate Movement in New York, State . Sc . Q. 414, 425 (1906)  
("

111  
111

111

111

4.3 (( 5928 (-)-13(21.6 ( 3243 (4.30) 643 (4-0 B

D -0.001 70.0222 MB



2018]

TEACHING THE

ERA

561

Is by the A.C.  
Min 1907 in Lochner  
the

is A in  
n

is by  
the  
the  
k in  
the  
the  
the

-

A 5.3 ( 2.6 2 ( 2 ) 5 ) T ( 1 ) - 7.3 ( 2.6 1 ) - 7.3 ( 2.6 ) 5 ) T ( 1 ) - 1.5 5 ) T ( 2.6 ) 5 82.5 ( B

27.3 7 7.3 7 8

562

SAINT LOUIS UNIVERSITY LAW JOURNAL

162 :537

1616  
1617  
1618

1619  
1620  
1621

117  
118  
119

a

2018]

TEACHING THE

ERA

563

Act 1866

123 d

“

”

1

Att

124

10/1/18

10/1/18

in *South Covington & Cincinnati Street Railway Co. v. City of Covington*, 16

*Ohio*, 101

101

101

101

*Lochner*

101

101

101

101

101

101

130

101

101

-b -B

101

I TH DE LO

2018] TEACHING THE ERA 565

9 3 C

d Ferguson v. Skrupa<sup>135</sup> B  
West Coast Hotel v. Parrish

136 d 137

West Coast Hotel Adkins

0 3 .

West Coast Hotel<sup>138</sup> Fullp

Lochner  
1937. -b

1917, City  
Bunting. Lochner

Adkins 139

7 t 4 t e Et 0.1.6 ( ) 1.1 ( ) 4.2 9u-4.2 ( ) 1.056 W:5.3 ( ) -1 la5 ( ) 2 ( ) 2 ( ) 5.3 ( ) 0





