

Freedom to Harm *The Lasting Legacy*
of the Laissez Faire Revival Thomas
O. McGarity

Freedom To Harm The Lasting Legacy Of The Laissez Faire Revival

**Damien Cahill, Melinda Cooper, Martijn
Konings, David Primrose**

Freedom To Harm The Lasting Legacy Of The Laissez Faire Revival:

Freedom to Harm Thomas O. McGarity, 2009 This book tells the story of how the business community and the trade associations and think tanks that it created launched three powerful assaults during the last quarter of the twentieth century on the federal regulatory system and the state civil justice system to accomplish a revival of the laissez faire political economy that dominated Gilded Age America Although the consequences of these assaults became painfully apparent in a confluence of crises during the early twenty first century the patch and repair fixes that Congress and the Obama administration put into place did little to change the underlying laissez faire ideology and practice that continues to dominate the American political economy In anticipation of the next confluence of crises Thomas McGarity offers suggestions for more comprehensive governmental protections for consumers workers and the environment Publisher s description

Freedom to Harm Thomas O. McGarity, 2013-03-19 DIV How much economic freedom is a good thing This comprehensive look at America s succession of laissez faire revivals shows how anti regulatory business crusades harm public safety and economic performance div

Economism James Kwak, 2017 Outlines a deconstruction of the framework for understanding the world of classroom economics clarifying assumptions and misleading teachings while sharing historical insights into how economism became a prevalent influence in the U S

Empirical Legal Research in Action Willem H. van Boom, Pieter Desmet, Peter Mascini, 2018-06-29 Empirical legal research is a growing field of academic expertise yet lawyers are not always familiar with the possibilities and limitations of the available methods Empirical Legal Research in Action presents readers with first hand experiences of empirical research on law and legal issues

Family Values Melinda Cooper, 2017-02-01 Why was the discourse of family values so pivotal to the conservative and free market revolution of the 1980s and why has it continued to exert such a profound influence on American political life Why have free market neoliberals so often made common cause with social conservatives on the question of family despite their differences on all other issues In this book Melinda Cooper challenges the idea that neoliberalism privileges atomized individualism over familial solidarities and contractual freedom over inherited status Delving into the history of the American poor laws she shows how the liberal ethos of personal responsibility was always undergirded by a wider imperative of family responsibility and how this investment in kinship obligations recurrently facilitated the working relationship between free market liberals and social conservatives Neoliberalism she argues must be understood as an effort to revive and extend the poor law tradition in the contemporary idiom of household debt As neoliberal policymakers imposed cuts to health education and welfare budgets they simultaneously identified the family as a wholesale alternative to the twentieth century welfare state And as the responsibility for deficit spending shifted from the state to the household the private debt obligations of family were defined as foundational to socio economic order Despite their differences neoliberals and social conservatives were in agreement that the bonds of family needed to be encouraged and at the limit enforced as a necessary counterpart to market

freedom In a series of case studies ranging from Clinton's welfare reform to the AIDS epidemic and from same sex marriage to the student loan crisis Cooper explores the key policy contributions made by neoliberal economists and legal theorists Only by restoring the question of family to its central place in the neoliberal project she argues can we make sense of the defining political alliance of our times that between free market economics and social conservatism

Achieving Democracy Sidney A. Shapiro, Joseph P. Tomain, 2014 Democracy is the ability to participate freely and equally in the political and economic affairs of the country Americans have relied on philosophical pragmatism and on the impulse of political progressivism to express those creedal democratic values Achieving Democracy argues that in the last 30 years however by focusing on free markets and small government America has since lost its grasp on these crucial democratic values Economically the vast majority of Americans have been made worse off due to a historically unprecedented redistribution of wealth from the lower and middle classes to the top one percent Politically partisan gridlock has hampered efforts to seek fairer taxes responsive and effective regulation reliable health care and better education among other needs Achieving Democracy critiques the history of the last 30 years of neoliberal government in the United States and enables an understanding of the dynamic and changing nature of contemporary government and the future of the regulatory state Sidney A Shapiro and Joseph P Tomain demonstrate how lessons from the past can be applied today to regain essential democratic losses within the successful framework of a progressive government to ultimately construct a good society for all citizens

Disorder Peter Swenson, 2021-01-01 An incisive look into the problematic relationships among medicine politics and business in America and their effects on the nation's health A comprehensive revealing and surprising account of the history of American medicine David Blumenthal M D coauthor of *The Heart of Power* Health and Politics in the Oval Office and president of the Commonwealth Fund This book is both an important contribution to the history of the American medical profession and its impact on society as a whole and a reminder of the malleable historically contingent nature of its identity and ethos Scott H Podolsky M D author of *The Antibiotic Era* Meticulously tracing the dramatic conflicts both inside organized medicine and between the medical profession and the larger society over quality equality and economy in health care Peter A Swenson illuminates the history of American medical politics from the late nineteenth century to the present This book chronicles the role of medical reformers in the progressive movement around the beginning of the twentieth century and the American Medical Association's dramatic turn to conservatism later Addressing topics such as public health medical education pharmaceutical regulation and health care access Swenson paints a disturbing picture of the entanglements of medicine politics and profit seeking that explain why the United States remains the only economically advanced democracy without universal health care Swenson does however see a potentially brighter future as a vanguard of physicians push once again for progressive reforms and the adoption of inclusive effective and affordable practices

The New View from Cane River Heather Ostman, 2022-07-06 The New View from Cane River features ten in depth essays that

provide fresh diverse perspectives on Kate Chopin's first novel *At Fault*. While much critical work on the author prioritizes her famous groundbreaking second book *The Awakening*, its 1890 predecessor remains a fascinating text that presents a complicated moral universe including a plot that involves divorce, alcoholism, and murder set in the aftermath of the Civil War. Edited by Chopin scholar Heather Ostman, the essays in *The New View from Cane River* provide multiple approaches for understanding this complex work with particular attention to the dynamics of the post Reconstruction era and its effects on race, gender, and economics in Louisiana. Original perspectives introduced by the contributors include discussions of Chopin's treatment of privilege, sexology, and Unitarianism, as well as what *At Fault* reveals about the early stages of literary modernism and the reading audiences of late nineteenth century America. This overdue reconsideration of an overlooked novel gives enthusiastic readers, students, and instructors an opportunity for new encounters with a cherished American author.

Regulatory Reform from Nixon to Biden John D. Graham, 2024-10-03 This book examines the development of regulatory policy since the 1960s, focusing on how each president from Nixon to Biden stimulated reform. Highlighting the increasingly dominant role of the president in the modern administrative state, John D. Graham presents a regulatory reform agenda for Congress, the executive branch, and the judiciary.

Burning Down the House Andrew Koppelman, 2022-10-04 A lively history of American libertarianism and its decay into dangerous fantasy. In 2010, in South Fulton, Tennessee, each household paid the local fire department a yearly fee of 75.00. That year, Gene Cranick's house accidentally caught fire. But the fire department refused to come because Cranick had forgotten to pay his yearly fee, leaving his home in ashes. Observers across the political spectrum agreed, some with horror and some with enthusiasm, that this revealed the true face of libertarianism. But libertarianism did not always require callous indifference to the misfortunes of others. Modern libertarianism began with Friedrich Hayek's admirable corrective to the Depression-era vogue for central economic planning. It resisted oppressive state power. It showed how capitalism could improve life for everyone. Yet today it's a toxic blend of anarchism, disdain for the weak, and rationalization for environmental catastrophe. Libertarians today accept new radical arguments which crumble under scrutiny that justify dishonest business practices and Covid deniers who refuse to wear masks in the name of freedom. Andrew Koppelman's book traces libertarianism's evolution from Hayek's moderate pro-market ideas to the romantic fabulism of Murray Rothbard, Robert Nozick, and Ayn Rand, and Charles Koch's promotion of climate change denial. *Burning Down the House* is the definitive history of an ideological movement that has reshaped American politics.

Law, Vulnerability, and the Responsive State Martha Albertson Fineman, Laura Spitz, 2023-10-09 This book considers how vulnerability theory provides the basis for a reconceptualization of the liberal ideas of autonomy, equality, and freedom. Vulnerability theory argues a vulnerable legal subject should displace the liberal legal subject that currently dominates law and policy. The theory is based on the fundamental empirical realities of the material body and offers an alternative to a social contract or rights-based notion of state responsibility, both of which tend to privilege abstractions.

such as rationality or dignity A vulnerability analysis poses law and policy questions based on the vulnerable legal subject and requires new thinking about state or governmental responsibility To achieve a truly comprehensive and inclusive notion of what constitutes social justice or a universal or common good vulnerability theory mandates a reassessment of both equality and freedom as these concepts are currently conceived Presenting the work of scholars from a wide range of doctrinal areas it is this task that the book takes up In particular in recognizing that many social or institutional relationships entail uneven positions of dependence and reliance it maintains that individualized notions of equality or freedom are inadequate and must be reformulated to include a sense of collective or social justice incorporating asymmetric or unequal allocations of responsibility and requiring appropriate limitations on the individual This book s reorientation of the subject as well as the central objectives of law and policy will appeal to scholars and students in law vulnerability studies gender studies critical legal and political theory politics philosophy and sociology

Corporations Are People Too Kent

Greenfield,2018-10-23 Why we re better off treating corporations as people under the law and making them behave like citizens Are corporations people The U S Supreme Court launched a heated debate when it ruled in Citizens United that corporations can claim the same free speech rights as humans Should corporations be able to claim rights of free speech religious conscience and due process Kent Greenfield provides an answer Sometimes With an analysis sure to challenge the assumptions of both progressives and conservatives Greenfield explores corporations claims to constitutional rights and the foundational conflicts about their obligations in society He argues that a blanket opposition to corporate personhood is misguided since it is consistent with both the purpose of corporations and the Constitution itself that corporations can claim rights at least some of the time The problem with Citizens United is not that corporations have a right to speak but for whom they speak The solution is not to end corporate personhood but to require corporations to act more like citizens

Pollution, Politics, and Power Thomas O. McGarity,2019-11-19 Today s electric power companies compete to provide cleaner electricity That s a good thing but progress has come with costs especially for communities reliant on the coal industry Thomas McGarity examines the changes of recent decades and offers ideas for building a more sustainable grid while easing the economic downsides of coal s demise

Fighting Westway William W. Buzbee,2014-04-03 From 1971 to 1985 battles raged over Westway a multibillion dollar highway development and park project slated for placement in New York City It would have projected far into the Hudson River including massive new landfill extending several miles along Manhattan s Lower West Side The most expensive highway project ever proposed Westway also provoked one of the highest stakes legal battles of its day In Fighting Westway William W Buzbee reveals how environmentalists citizens their lawyers and a growing opposition coalition despite enormous resource disparities were able to defeat this project supported by presidents senators governors and mayors much of the business community and most unions Although Westway s defeat has been derided as lacking justification Westway s critics raised substantial and ultimately decisive objections They questioned

claimed project benefits and advocated trading federal Westway dollars for mass transit improvements. They also exposed illegally disregarded environmental risks especially to increasingly scarce East Coast young striped bass often found in extraordinarily high numbers right where Westway was to be built. Drawing on archival records and interviews Buzbee goes beyond the veneer of government actions and court rulings to illuminate the stakes, political pressures and strategic moves and countermoves that shaped the Westway war, a fight involving all levels and branches of government, scientific conflict, strategic citizen action and hearings, trials and appeals in federal court. This Westway history illuminates how high stakes regulatory battles are fought, the strategies and power of America's environmental laws, ways urban priorities are contested, the clout of savvy citizen activists and effective lawyers and how separation of powers and federalism frameworks structure legal and political conflict. Whether readers seek an exciting tale of environmental, political and legal conflict to learn what really happened during these battles that transformed New York City or to understand how modern legal frameworks shape high stakes regulatory wars, *Fighting Westway* will provide a good read. *The Opening of American Law* Herbert Hovenkamp, 2015. Two late Victorian ideas disrupted American legal thought: the Darwinian theory of evolution and marginalist economics. The legal thought that emerged can be called neoclassical because it embodied ideas that were radically new while retaining many elements of what had gone before. Although Darwinian social science was developed earlier in most legal disciplines outside of criminal law and race theory, marginalist approaches came to dominate. This book carries these themes through a variety of legal subjects in both public and private law. *The Myth of the Litigious Society* David M. Engel, 2016-09-16. Why do Americans seem to sue at the slightest provocation? The answer may surprise you: we don't. For every Whiplash Charlie who sees a car accident as a chance to make millions, for every McDonald's customer to pursue a claim over a too-hot cup of coffee, many more Americans suffer injuries but make no claims against those responsible or their insurance companies. The question is not why Americans sue but why we don't sue more often, and the answer can be found in how we think about injury and personal responsibility. With this book David M. Engel demolishes the myth that America is a litigious society. The sobering reality is that the vast majority of injury victims more than nine out of ten rely on their own resources, family and friends and government programs to cover their losses. When real people experience serious injuries they don't respond as rational actors. Trauma and pain disrupt their thoughts and potential claims are discouraged by negative stereotypes that pervade American television and popular culture. Think Saul Goodman in *Breaking Bad* who keeps a box of neck braces in his office to help clients exaggerate their injuries. Cultural norms make preventable injuries appear inevitable or the victim's fault. We're taught to accept setbacks stoically and not blame someone else. But this tendency to lump it doesn't just hurt the victims; it hurts us all. As politicians continue to push reforms that miss the real problem, we risk losing these claims as a way to quickly identify unsafe products and practices. Because injuries disproportionately fall on people with fewer resources, the existing framework creates a social underclass whose needs must be met by government.

programs all citizens shoulder while shielding those who cause the harm It s time for America to have a more responsible blame free discussion about injuries and the law With *The Myth of the Litigious Society* Engel takes readers clearly and powerfully through what we really know about injury victims and concludes with recommendations for how we might improve the situation **Incomprehensible!** Wendy Wagner,Will Walker,2019-07-11 The legal system is awash with excessive and incomprehensible information Yet many of us assume that the unrelenting torrent of information pouring into various legal programs is both inevitable and unstoppable We have become complacent but it does not have to be this way Incomprehensible argues that surrendering to incomprehensibility is a bad mistake Drawing together evidence from diverse fields such as consumer protection financial regulation patents chemical control and administrative and legislative processes this book identifies a number of important legal programs that are built on the foundational assumption that more information is better Each of these legal processes have been designed in ways that ignore the imperative of meaningful communication To rectify this systemic problem the law must be re designed to pay careful attention to the problem of incomprehensibility **Plutocracy in America** Ronald P. Formisano,2015-09-15 This data driven book offers insight into the fallacy of widespread opportunity the fate of the middle class and the mechanisms that perpetuate income disparity

The SAGE Handbook of Neoliberalism Damien Cahill,Melinda Cooper,Martijn Konings,David Primrose,2018-02-26 Over the last two decades neoliberalism has emerged as a key concept within a range of social science disciplines including sociology political science human geography anthropology political economy and cultural studies The SAGE Handbook of Neoliberalism showcases the cutting edge of contemporary scholarship in this field by bringing together a team of global experts Across seven key sections the handbook explores the different ways in which neoliberalism has been understood and the key questions about the nature of neoliberalism Part 1 Perspectives Part 2 Sources Part 3 Variations and Diffusions Part 4 The State Part 5 Social and Economic Restructuring Part 6 Cultural Dimensions Part 7 Neoliberalism and Beyond This handbook is the key reference text for scholars and graduate students engaged in the growing field of neoliberalism

Broken Trust Stephen M. Griffin,2015-08-21 Variouslly and roundly perceived as gridlocked incompetent irresponsible and corrupt American government commands less respect and trust today than perhaps at any time in the nation s history But the dysfunction in government that we like so little along with the policy disasters it engenders is in fact a product of that deep and persistent distrust Stephen M Griffin contends in *Broken Trust* an accessible work of constitutional theory and history with profound implications for our troubled political system Undertaken with a deep concern about the way our government is performing *Broken Trust* makes use of the debate over dysfunctional government to uncover significant flaws in the conventional wisdom as to how the Constitution works Indeed although Americans strongly believe that our government is dysfunctional they are just as firmly convinced that the Constitution still works well Griffin questions this conviction by examining how recent policy disasters such as the 9 11 terrorist attacks the response to Hurricane Katrina and

the 2008 financial crisis are linked to our constitutional system. This leads him to pose the question of whether the government institutions we have inherited from the eighteenth century are poor fits for contemporary times. Griffin argues that understanding the decline of trust in government requires investigating the historical circumstances of the last several decades as well as the constitutional experience of the states. In particular, he examines hybrid democracy, the form of constitutionalism prevailing in California and other western states that combines Madisonian style representative government with direct democracy. Hybrid democracy offers valuable lessons relevant to our contemporary difficulties with dysfunctional government at the national level. These lessons underpin the agenda for reform that Griffin then proposes, emphasizing democratic innovations aimed at producing both more effective government and greater trust in our political institutions. Building on a better understanding of the sources and consequences of government dysfunction, his book holds genuine hope as well as practical possibilities for the repair of our broken political and constitutional system.

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