



# Liberty of Contract: Rediscovering a Lost Constitutional Right

*David Mayer*

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# Liberty of Contract: Rediscovering a Lost Constitutional Right

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## **Liberty of Contract: Rediscovering a Lost Constitutional Right** David Mayer

This book shines a powerful light on a fundamental constitutional right that the Supreme Court abandoned more than 70 years ago—the freedom of individuals to bargain over the terms of their own contracts. Vital to economic and personal liberty, this right has been continuously diminished by the country's regulatory and welfare state. Beginning in 1897 with the Supreme Court's historic *Lochner* decision, the Court safeguarded this right for 40 years by declaring that laws that interfered with the freedom of people to bargain over the terms of their own contracts were unconstitutional. Then in 1937, as part of the New Deal, the Court abandoned its protection for the liberty of contract. This book rediscovers this lost right, identifying the foundations and nature of the Court's *Lochner*-era legal theories and decisions and shatters myths that scholars have created about this era and subject.

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