

Political Economy:

Hypothesized relationships among persons, state, and society

Excerpts from classical texts

TEAM A:

Come to class (2/9/2011) prepared to articulate and defend the position of Justice Sutherland in *Carter v Carter Coal* (298 US 238 (1936)).

In preparation for your role in this debate/discussion, you may want to buttress the specific discussion of what the US Constitution permits/ requires with arguments from the anti-federalists, Hayek and Friedman, excerpted in this packet.

TEAM B:

Come to class (2/9/2011) prepared to articulate and defend the position of Justice Cardozo in *Carter v Carter Coal* (298 US 238 (1936)).

In preparation for your role in this debate/discussion, you might want to buttress the specific discussion of what the US Constitution permits/requires with arguments from Marx, members of the Frankfurt Institute (Horkheimer and Adorno) and Mills.

BOTH TEAMS:

1. Why are these arguments relevant to our 'energy problem?'
2. What has changed since *Carter v. Carter Coal* that might prompt a contemporary sitting Justice to decide differently than either Justice Sutherland or Cardozo?
3. It might help to read the other team's materials and position.
4. Additionally relevant cases for those who wish to read further into American constitution law on the role of government in the regulation of markets include: *Lochner v. New York* 198 US 45 (1905); *Schechter Poultry Corporation v. US* 293 US 495 (1935).
5. Finally, a very recently decided case that touches fundamental issues concerning the relationships among persons, state and society but in a very different area: *Citizens United v. Federal Election Commission* 130 C. Ct 876 (2010).

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