



TEL AVIV אוניברסיטת
UNIVERSITY תל אביב



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Getting the American Model Right: State Constitutional Revision and the Achievement of General Laws

Sunday, December 16, 2018, 15:30

J. Kagan Hall (100), Buchmann Faculty of Law

[The Seventh Conference of The Economic History Association of Israel](#)

Although equality is a topic of much concern these days, discussion has focused almost entirely on its material manifestations, especially trends in the distribution of income and wealth. Drawing on work with John Wallis, I aim in this talk to shift attention to a very different concept of equality: the idea that laws should treat everyone the same, that they should be general in their application. This concept of equality was not an achievement of the American Revolution, nor of the period of constitution writing that followed it. To the contrary, most legislation in the first half of the nineteenth century continued to be private and local—that is, to grant special privileges to particular individuals, groups, and communities. The idea that laws should be general was the product of a mid-century crisis in public finance that led nine states to default on their debts and a number of others to teeter on the brink of default. As states rewrote their constitutions to prevent such catastrophes from recurring, they moved to reign in their legislatures by prohibiting them from enacting such special and local laws. These provisions spread across states during the second half of the century, transforming the workings both of government and the economy and raising new concerns about the meaning of equality.

Monopolies in U.S. History: From Standard Oil to Google

Monday, December 17, 2018, 17:45

The Sonia and Edward Kossoy Conference Room (307),
Buchmann Faculty of Law

[The Edmond J. Safra Center for Ethics](#)

This lecture sets recent concerns about the monopoly power of technology giants like Google in the long history of Americans' response to big business. It argues that we cannot understand that history unless we realize that Americans have been primarily concerned with the unfair advantages—both economic and political—that large firms could exploit and not simply the cost to consumers of monopoly rents. The problem legislators faced after the rise of Standard Oil was how to counter the unfair aspects of bigness without punishing firms that grew large because they were innovative. They managed this balancing act with remarkable success during the early twentieth century, mainly by developing antitrust policy but also by enacting complementary measures such as campaign finance legislation. However, excesses by antitrust authorities after the Second World War provoked a counter reaction that undid most of the checks on bigness that kept Americans' fears of market power in check.