

## The Yale Law Journal

Volume 92 Number 8 July 1983

Symposium
The Legacy of the New Deal:
Problems and Possibilities in the
Administrative State

Part 2

A Common Law for Labor Relations: A Critique of the New Deal Labor Legislation

Richard A. Epstein

Commontate Republic Research

Comments by Paul R. Verkuil, Julius G. Getman and Thomas C. Kohler

The Bureaucratization of the Judiciary Owen M. Fiss Comments by Gilbert S. Merritt and

Comments by Gilbert S. Merritt and Patricia M. Wald

Administrative Discretion: The Next Stage Martin Shapiro
Comment by E. Donald Elliott, Jr.

Regulation in a Liberal State:
The Role of Non-Commodity Values
Richard B. Stewart
Comments by Gerald E. Frug and
Peter H. Schuck

Afterword Stephen Breyer

## The Yale Law Journal

## Contents

Papers from the Yale Law Journal Symposium on The Legacy of the New Deal: Problems and Possibilities in the Administrative State Held at the Yale Law School on February 11-13, 1983 (Part 2)

A Common Law for Labor Relations: A Critique of the New Deal Labor Legislation

Richard A. Epstein 1357

Comments:

Whose Common Law for Labor Relations?

Paul R. Verkuil 1409

The Common Law, Labor Law, and Reality:

A Response to Professor Epstein

Julius G. Getman and 1415 Thomas C. Kohler

Reply:

Common Law, Labor Law, and Reality: A Rejoinder to Professors Getman and Kohler

Richard A. Epstein 1435

The Bureaucratization of the Judiciary

Owen M. Fiss 1442

Owen Fiss on Paradise Lost: The Judicial Bureaucracy in the Administrative State

Gilbert S. Merritt 1469

Bureaucracy and the Courts

Patricia M. Wald 1478

Administrative Discretion: The Next Stage

Martin Shapiro 1487

Comment:

The Dis-Integration of Administrative Law: A Comment on Shapiro

E. Donald Elliott, Jr. 1523