



Agenda Forum on the Economic and Legal Foundations of Capitalism

Wednesday April 27 through
Sunday, May 1, 2022

Agenda

Wednesday, April 27

4:00 – 6:00 pm **Registration**

6:00 – 9:00 pm **Welcome Reception and Dinner**
(Guests Welcome)

Opening Remarks

Donald J. Kochan, Professor of Law and Deputy Executive Director, Law & Economics Center,
George Mason University Antonin Scalia Law School

Thursday, April 28

7:00 – 7:50 am **Breakfast**
(Guests Welcome)

8:00 – 9:15 am **Lecture 1: The Historical and Philosophical Foundations of the Rule of Law and Its Necessity
for Capitalism**

Todd J. Zywicki, George Mason University Foundation Professor of Law, George Mason
University Antonin Scalia Law School

Reading Assignment:

Friedrich A. Hayek, [The Use of Knowledge in Society](#), 35 AM. ECON REV. 519, 519-530 (1945).

9:15 – 9:30 am **Break**

9:30 – 10:45 am **Breakout Session 1**

Group A

Terry L. Anderson, John and Jean De Nault Senior Fellow, Hoover Institution, Stanford
University

Patrick R. Wyrick, Judge, US District Court for the Western District of Oklahoma

Group B

Todd J. Zywicki, George Mason University Foundation Professor of Law, George Mason
University Antonin Scalia Law School

David N. Wecht, Justice, Supreme Court of Pennsylvania

Group C

Andrew P. Morriss, Professor, Bush School of Government and Public Service and School of Law, Texas A&M University

Jeremy D. Kernodle, Judge, US District Court for the Eastern District of Texas

10:45 – 11:00 am **Break**

11:00 am – 12:15 pm **Lecture 2: Property Rights and Economic Development | Anderson**

Reading Assignment:

Terry L. Anderson & P.J. Hill, [The Evolution of Property Rights: A Study of the American West](#), 18 J.L. & Econ. 163 (1975).

Terry L. Anderson & Fred S. McChesney, [Raid or Trade? An Economic Model of Indian-White Relations](#), 37 J.L. & Econ. 39 (1994).

12:15 pm **Adjourn for Day: Afternoon Study session**

Friday, April 29

7:00 – 7:50 am **Breakfast**
(Guests Welcome)

8:00 – 9:15 am **Lecture 3: The Continuing Significance of Adam Smith's Philosophy**

Bart J. Wilson, Donald P. Kennedy Chair in Economics and Law, George L. Argyros School of Business and Economics and Dale E. Fowler School of Law; Director, Smith Institute for Political Economy and Philosophy, Chapman University

Reading Assignment:

Donald J. Boudreaux, [Today's Relevance of Adam Smith's Wealth of Nations](#), 24 INDEP. REV. 487, 487-497 (2020).

Paul G. Mahoney, [Adam Smith, Prophet of Law and Economics](#), 46 J. LEGAL STUD. 207, 207-236 (2017).

Adam Smith, [GLASGOW EDITION OF THE WORKS AND CORRESPONDENCE VOL.1 THE THEORY OF MORAL SENTIMENTS](#), (D.D. Raphael and A.L. Macfie, 1982).

Vernon L. Smith, [Adam Smith: From Propriety and Sentiments to Property and Wealth](#), 42, No. 4 F. FOR SOC. ECON. 283 (2020).

9:15 – 9:30 am **Break**

9:30 – 10:45 am **Breakout Session 2**

Group A

Group B

Group C

10:45 – 11:00 am **Break**

11:00 am – 12:15 pm **Lecture 4: Creating the Law of the Market through the Market for Law | Morriss**

Reading Assignment:
Paul H. Rubin, *THE CAPITALISM PARADOX: HOW COOPERATION ENABLES FREE MARKET COMPETITION*, Introduction, Chapters 1-2 (2019).

12:15 pm **Adjourn for Day: Afternoon Study Session**

Saturday, April 30

7:00 – 7:50 am **Breakfast**
(Guests Welcome)

8:00 – 9:15 am **Lecture 5: Capitalism and the Environment | Anderson**

Reading Assignment:
Terry L. Anderson, [Environmental Markets vs. Environmental Socialism: Capturing Prosperity and Environmental Quality](#), HOOVER INST. PRESS (2020).

9:15 – 9:30 am **Break**

9:30 – 10:45 am **Breakout Session 3:**

Group A

Group B

Group C

10:45 – 11:00 am **Break**

11:00 am – 12:15 pm **Lecture 6: Capitalism and the History of Innovation | Morriss**

Reading Assignment:
[Chapter 8: Innovation's Essentials](#) and [Chapter 12: An Innovation Famine](#), in MATT RIDLEY, *HOW INNOVATION WORKS: AND WHY IT FLOURISHES IN FREEDOM* (1st ed. 2020).

B. Zorina Khan, [INVENTING IDEAS: PATENTS, PRIZES, AND THE KNOWLEDGE ECONOMY](#), 1-30 (2020).

12:15 – 5:15 pm **Afternoon Study Break**

5:15 pm **Refreshments**

5:30 – 6:30 pm **Lecture 7: The Importance of the Rule of Law to Capitalism and the American Legal System: The Threat of Wokeism | Zywicki**

Reading Assignment:
Todd Zywicki, [Extending the Culture Wars](#), CATO INST. (2021).

Todd Zywicki, [Cancel Culture Comes to Banking](#), NEWSWEEK (2022).

Herbert Marcuse, [Repressive Tolerance](#), in ROBERT PAUL WOLFF ET AL., *A CRITIQUE OF PURE TOLERANCE* 1, 1-12 (1965).

[Chapter 2: Postmodernism's Applied Turn: Making Oppression Real](#), in HELEN PLUCKROSE & JAMES LINDSEY, CYNICAL THEORIES: HOW ACTIVIST SCHOLARSHIP MADE EVERYTHING ABOUT RACE, GENDER, AND IDENTITY—AND WHY THIS HARMS EVERYBODY 45, 45-66 (2020).

["Statement on Faculty Principles"](#) George Mason University (November 2019)

6:30 pm

Reception and Dinner
(Guests Welcome)

Sunday, May 1

7:00 – 7:50 am

Breakfast

8:00 – 9:00 am

Lecture 8: Is Capitalism Competitive or Cooperative? | Anderson

Reading Assignment:

Paul H. Rubin, *THE CAPITALISM PARADOX: HOW COOPERATION ENABLES FREE MARKET COMPETITION*, Chapters 3-6 (2019).

9:00 – 9:15 am

Break

9:15 – 10:00 am

Breakout Session 4

Group A

Group B

Group C

10:00 am

Program Adjourns