Submissions — The NYU Journal of Law & Liberty accepts unsolicited articles and essays of any length. Please footnote only when doing so is necessary or helpful and use the standard Bluebook format. The Journal prefers electronic submissions in Word format, emailed to: law.jll.submissions@nyu.edu

Hard-copy submissions can be sent to: Submissions NYU Journal of Law & Liberty, NYU School of Law, 110 West Third Street, New York, NY 10012-2411.

Subscriptions – For domestic addresses, subscriptions are $30 per year ($28 for agents) or $10 per issue. Foreign subscriptions are $36 per year ($34 for agents). Postage is included. Subscription requests should be sent with payment (check made payable to “New York University”) to: Journal Subscriptions, NYU Journal of Law & Liberty, NYU School of Law, 110 West Third Street, New York, NY 10012-2411.

For further inquiries, contact us at law.jll.info@nyu.edu.

The NYU Journal of Law & Liberty is devoted to the critical discussion of classical liberal legal scholarship. The Journal publishes essays and articles on the nature of rules & order, legal philosophy, theories of rights & liberty, constitutional law, jurisprudence, legal history, and historical & contemporary legislation.
New York University
Journal of Law & Liberty

Masthead (2006-2007)

Editor-in-Chief
Amie Broder

Managing Editor
Cameron Grant

Executive Articles Editor
Jeffrey A. Benjamin

Articles Editors
Chris Gerson
Jennifer Hardy
Christopher Rheinheimer

Executive Notes Editor
Casey Hail

Articles Editors
Amitai Barth (On Leave)
Joshua Fulop
Brendan Killeen
Jordan Pace
Desirée Ripo
David Steinberg
Matthew Wolfe

Hanna Abrams
David Boyd
Julian Dayal
Isaac Ravin Hirsch
Cedric Logan
Brandon Maultasch
Sabrina Miesowitz
Kevin Neveloff
Allen Schwartz
Katherine Marie Stehle

David Ata
Peggy Kaki Chan
Yuliya Epifantseva
Shevani Jaisingh
Kevin Macikowski
James McFarlane
Sarah Montgomery
Shruti Raju
Anil Shankar

Brian Boerman
Jennifer Chen
Alexandra Gil
Stephanie Lester
Grant Mandsanger
Kevin Michael
Raleigh Morgan
Mark Riso
Joshua Slocum
Ryan Walsh

Deniz Coskun
Doug Jennings

Fiona Henderson

Adrian James
Adam Lamparello

Gavin Carrucan
Allison Grodin
John Naughton
Bryan Swiss

Harold Davidson
Matthew Gurch
Erik Patel
William Weeks
Asaf Yeshaya

James Devlin
Matthew Jackson
Evan Saucier
David Yaroslavsky
ARTICLES

CUSTOM, REASON, AND THE COMMON LAW: A REPLY TO HASNAS
Samuel T. Morison 209

CONFUSION ABOUT HAYEK’S CONFUSION: A RESPONSE TO MORISON
John Hasnas 241

REJOINDER TO HASNAS
Samuel T. Morison 258

LEGAL REASONING: JUSTIFYING TOLERANCE IN THE U.S. SUPREME COURT
Harel Arnon 262

THE CONSTITUTIONAL STRUCTURE OF DISESTABLISHMENT
Ian Bartrum 311

STUDENT NOTES

PROTECTING REPUBLICAN GOVERNMENT FROM ITSELF: THE GUARANTEE CLAUSE OF ARTICLE IV, SECTION 4
Jonathan Toren 371