

Contents

Introduction	i
CHAPTER 1: The Democratic Challenge to Constitutional Law	4
CHAPTER 2: Democratic Aims and Experimentalist Procedure	22
CHAPTER 3: Information-Rich Jurisprudence	49
CHAPTER 4: Epstein, Holmes, and Regulatory Takings Jurisprudence	77
CHAPTER 5: <i>Lochnering</i>	105
CHAPTER 6: <i>Citizens United</i>	128
CHAPTER 7: <i>Brown</i> and <i>Obergefell</i> : Two Positive Precedents?	151
CHAPTER 8: From Social Contract Theory to Sociable Contract Theory	182
Conclusion	200
Acknowledgments	205
Notes	207
Bibliography	235
Index	245