

Contents

Introduction

The Abnegation of Law's Empire 1

1. The Legality of Administrative Law 23
2. Separation of Powers without Idolatry 56
3. Deference and Due Process 87
4. Rationally Arbitrary Decisions 125
5. Thin Rationality Review 155
Appendix 190
6. How Law Empowers Nonlawyers 197

Conclusion

Law on the Margin 209

NOTES 221

ACKNOWLEDGMENTS 247

INDEX OF CASES 249

GENERAL INDEX 251