

JUSTICE WITHOUT THE STATE

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BY BRUCE L. BENSON

Enterprise Of Law Justice Without The State

Peter Lothian Nelson, Walter E. Block



Enterprise Of Law Justice Without The State:

The Enterprise of Law Bruce L. Benson, 1990 Includes details on how private sector institutions can support social order foster cooperation and reduce violent confrontations

The Enterprise of Law Bruce L. Benson, 2011-07-01 Defenders of the state's monopoly on lawmaking and law enforcement typically assume that any alternative arrangement would favor the rich at the expense of the poor or would lead to the collapse of social order and ignite a war Questioning how well these beliefs hold up to scrutiny this book offers a powerful rebuttal of the received view of the relationship between law and government The provision of justice and security has long been linked in most people's minds to the exclusive province of government monopolies However in this path breaking book Benson shows that a system of market based institutions rooted in the legal principle of personal accountability under a rule of law in all aspects of criminal justice have and can deliver those services on their own without the aid of taxation and a coercive state monopoly on the establishment and enforcement of law In *The Enterprise of Law* Benson offers a powerful rebuttal of the received view of the relationship between law and government The book brilliantly shows that non state institutions have and do fight crime resolve disputes and render justice more effectively than the state because they have stronger incentives to do so The book offers a host of landmark findings and here is just a sampling The rapid recent growth of private sector security and conflict resolution continues the effective legacy of private crime control and the common law Protections for individual rights and private property are not the exclusive purview of government run legal systems Privatizing security and dispute resolution services and contracting out to the private sector can offer tangible benefits namely better and more just services at lower costs

An Essay on the Modern State Christopher W. Morris, 2002-07-29 This important book is the first serious philosophical examination of the modern state It inquires into the justification of this particular form of political society It asks whether all states are nation states what are the alternative ways of organizing society and which conditions make a state legitimate The author concludes that while states can be legitimate they typically fail to have the powers e.g. sovereignty that they claim Christopher Morris has written a book that will command the attention of political philosophers political scientists legal theorists and specialists in international relations

A Contractarian Approach to Law and Justice William E. O'Brien Jr., 2020-05-20 This book presents a distinctive version of a contractarian approach to law and justice The work argues that law and justice are social norms that arise from a process of social evolution and are binding only if and to the extent that they are mutually beneficial It explicitly rejects accounts of law and justice that are based on morality on the basis that morality itself is only legitimately founded on mutual advantage But it also rejects most existing versions of contractarianism which are based on ideas of hypothetical agreements by rational contractors in favour of an approach that is based on actually existing social norms but advocates critically examining these norms and discarding those that are not truly mutually beneficial The first half of the book develops the approach while the second half explores some of its implications for law It argues for a left libertarian

approach to property an approach largely based on the common law of tort contract and criminal law and a rejection of most statutory law which is based not on mutual advantage but rather on benefiting some at the expense of others However it ultimately recognises that there are those who want a more extensive state than this approach allows and advocates a strong form of federalism to allow this provided robust exit rights are provided The book combines political philosophy economics and law into an approach that is broadly libertarian but distinctive in many respects It will be of interest to scholars in all three of those disciplines

Promoting Participation: Law or Politics? David Campbell, 2012-07-23 First published in 1999 Routledge is an imprint of Taylor Francis an informa company

The Encyclopedia of Public Choice Charles Rowley, Friedrich Schneider, 2008-01-25 The Encyclopedia provides a detailed and comprehensive account of the subject known as public choice However the title would not convey sufficiently the breadth of the Encyclopedia's contents which can be summarized better as the fruitful interchange of economics political science and moral philosophy on the basis of an image of man as a purposive and responsible actor who pursues his own objectives as efficiently as possible This fruitful interchange between the fields outlined above existed during the late eighteenth century during the brief period of the Scottish Enlightenment when such great scholars as David Hume Adam Ferguson and Adam Smith contributed to all these fields and more However as intellectual specialization gradually replaced broad based scholarship from the nineteenth century onwards it became increasingly rare to find a scholar making major contributions to more than one Once Alfred Marshall defined economics in neoclassical terms as a narrow positive discipline the link between economics political science and moral philosophy was all but severed and economists redefined their role into that of the humble dentist providing technical economic information as inputs to improve the performance of impartial benevolent and omniscient governments in their attempts to promote the public interest This indeed was the dominant view within an economics profession that had become besotted by the economics of John Maynard Keynes and Paul Samuelson immediately following the end of the Second World War

Secession, State, and Liberty David Gordon, The political impulse to secede to attempt to separate from central government control is a conspicuous feature of the post cold war world It is alive and growing in Canada Russia China Italy Belgium Britain and even the United States Yet secession remains one of the least studied and least understood of all historical and political phenomena The contributors to this volume have filled this gap with wide ranging investigations rooted in history political philosophy ethics and economic theory of secessionist movements in the United States Canada and Europe Is secessionism extremist a dangerous rebellion that threatens the democratic process Gordon and his contributors think otherwise They believe that the secessionist impulse is a vital part of the classical liberal tradition one that emerges when national governments become too big and too ambitious Unlike revolution secession seeks only separation from rule preferably through non violent means It is based on the moral idea articulated by Ludwig von Mises in 1919 that no people and no part of a people shall be held against its will in a political association that it does not want The authors cite the famed

1861 attempt to create a confederacy of Southern states as legal right and a justifiable response to Northern political imperialism They note that this was not the first American secession attempt the New England states tried to form their own confederacy during the War of 1812 This evidence they argue begs a reinterpretation of the U S Constitution along secessionist lines Further they believe that the threat of secession should be revived as a bulwark against government encroachment on individual liberty and private property rights a guarantor of international free trade and a protection against attempts to curb the freedom of association These straightforward pellucid arguments include essays by Donald Livingston Murray N Rothbard Clyde Wilson Thomas DiLorenzo and Bruce Benson among others If overgrown nations continue to decompose as they have for the last decade these authors believe it is essential that secession be taken seriously and fully understood Secession State and Liberty makes a vital contribution toward that end This stimulating thought provoking collection is necessary reading for intellectual historians and political scientists

Libertarian Anarchy Gerard Casey, 2012-07-19 Political philosophy is dominated by a myth the myth of the necessity of the state The state is considered necessary for the provision of many things but primarily for peace and security In this provocative book Gerard Casey argues that social order can be spontaneously generated that such spontaneous order is the norm in human society and that deviations from the ordered norms can be dealt with without recourse to the coercive power of the state Casey presents a novel perspective on political philosophy arguing against the conventional political philosophy pieties and defending a specific political position which he identifies as libertarian anarchy The book includes a history of the concept of anarchy an examination of the possibility of anarchic societies and an articulation of the nature of law and order within such societies Casey presents his specific form of anarchy undergirded by a theory of human action that prioritises liberty as a philosophically and politically viable alternative to the standard positions in political theory

The Law of Political Economy Poul F. Kjaer, 2020-04-23 Political economy themes have directly and indirectly been a central concern of law and legal scholarship ever since political economy emerged as a concept in the early seventeenth century a development which was reinforced by the emergence of political economy as an independent area of scholarly enquiry in the eighteenth century as developed by the French physiocrats This is not surprising in so far as the core institutions of the economy and economic exchanges such as property and contract are legal institutions In spite of this intrinsic link political economy discourses and legal discourses dealing with political economy themes unfold in a largely separate manner Indeed this book is also a reflection of this in so far as its core concern is how the law and legal scholarship conceive of and approach political economy issues

Philosophy of Law Walter E. Block, Roy Whitehead, 2019-11-14 Looking at discrimination education environment health and crime this volume analyses United States Supreme Court rulings on several legal issues and proposed libertarian solutions to each problem Setting their own liberal theory of law each chapter discusses the law at hand what it should be and what it would be if their political economic philosophy were the justification of the legal practice Covering issues such as

sexual harassment religion markets in human organs drug prohibition and abortion this book is a timely contribution to classical liberal debate on law and economics *Space Capitalism* Peter Lothian Nelson,Walter E. Block,2018-07-06 This book compares and contrasts the motivations morality and effectiveness of space exploration when pursued by private entrepreneurs as opposed to government The authors advocate market driven private initiatives take the lead through enhanced competition and significant resources that can be allocated to the exploration and exploitation of outer space Space travel and colonisation is analysed through the prism of economic freedom and laissez faire capitalism in a unique and accessible book **Anarchism/Minarchism** Roderick T. Long,2016-04-08 It is well known that the radical libertarian philosopher Robert Nozick sharply distinguished his vision of the free society from egalitarian liberals such as John Rawls Less remarked upon is the distinction he drew between the free society governed by a strictly limited government commonly referred to as minarchism and the society without any government at all anarchism In this volume the editors Long an anarchist and Machan a minarchist have brought together a selection of specially commissioned essays from key theorists actively involved in this debate Each tackles the question of whether or not a government forms a legitimate part of a free society or whether anarchy minarchy is merely a distinction without a difference *The Changing Places and Faces of War* Sarah A. Wagner,Peter Mario Kreuter,2019-01-04 This volume was first published by Inter Disciplinary Press in 2014 War and conflict provide a multifaceted palette for analysis Here interventions in regions of conflict Afghanistan to Somalia are discussed historic processes investigated ceasefire of the IRA George I and recent debates clarified for example the justification of violence in Islam What are the consequences of interventions Does Islam justify and promote war Why did the IRA declare a war on drugs How do civilians fare in the aftermath of war These and many other questions are discussed in this new volume on war and conflict An interdisciplinary group of authors offers new and fascinating insights into regions of crises ranging from Afghanistan to Somalia thereby investigating war and conflict by using political science theories the Quran or even blogs This specific combination of researchers and practitioners provides a unique take on state building political violence development aid peace negotiations historic precedents the aftermath of war for U S service members and the Islamic justification of violence This volume is especially relevant in a post 9 11 period characterised by asymmetric and small wars and defined by its interrelatedness of issues and challenges Nowadays war and conflicts are not restrained anymore to their specific location their effects spill over into other countries societies and cultures *Corporate Criminal Liability in Environmental Jurisprudence* Indrajit Dube,Mia Mahmudur Rahim,2025-09-08 Environmental jurisprudence is a dynamic field that integrates insights from various disciplines including basic sciences earth science economics and law At its core this discipline emphasizes the importance of enforcing rights as environmental pollution poses significant threats to individuals and society as a whole The repercussions of pollution are not confined to the immediate vicinity they can reverberate across vast regions and impact countless future generations Addressing pollution as a wrong or crime demands a

nuanced understanding of the law making the study of environmental jurisprudence essential This book explores corporate polluter liability within the framework of environmental jurisprudence While protective measures for the environment have been embedded in various statutes since the early 20th century the notion of environmental jurisprudence has only recently come to the forefront of legal discourse This field is crucial for safeguarding the natural and legal rights of individuals communities and the state With a comprehensive approach that encompasses both national and international dimensions this book critically engages with the foundational concepts of environmental jurisprudence exposing the rampant environmental violations perpetrated by corporations and outlining how these entities can be held accountable within regulatory frameworks Furthermore it provides a thorough analysis of essential international instruments aimed at combatting corporate induced environmental degradation offering recommendations to elevate corporate criminal liability within the realm of environmental jurisprudence scholarship Highlighting the urgent need for accountability but also inspiring action toward a sustainable future this book will interest legal scholars researching on criminal liability and environmental law

Future Survey Annual 1992 Michael Marien,1993-01-30 **Advertising of Any State-sponsored Lottery, Gift Enterprise, Or Similar Scheme** United States. Congress. House. Committee on the Judiciary. Subcommittee on Administrative Law and Governmental Relations,1984 Law and Justice in China's New Marketplace Ronald C. Keith,2001-01-11 Law and Justice in China s New Marketplace provides the first comprehensive multidisciplinary analysis of the jurisprudence and related law underlying the contemporary Chinese transition to the socialist market economy New pluralized jurisprudence has moved beyond Marxist class analysis to consider a new balance of values relating to economic efficiency and social justice in the marketplace and yet the interior debates and perspectives concerning these values are virtually unknown in the Western scholarly literature By analysing the changing Chinese approach in law to the adjustment of social interests in the context of profound economic change Law and Justice in China s New Marketplace provides a unique reference tool It outlines the new vocabulary of market jurisprudence and law and examines new legal thinking on rights protection with reference to widely ranging and often hot internal debate over human rights property law and procedural or judicial justice **From the Nation State to Stateless Nations** Tom W. Bell,2018 Your Next Government From the Nation State to Stateless Nations reveals the revolution quietly transforming governments bottom up inside out worldwide It will attract scholars of international law and trade special jurisdictions development policy urban planning and political philosophy as well as lay readers interested in these topics *Enterprise and American Law, 1836-1937* Herbert Hovenkamp,2009-06-01 In this integration of law and economic ideas Herbert Hovenkamp charts the evolution of the legal framework that regulated American business enterprise from the time of Andrew Jackson through the first New Deal He reveals the interdependent relationship between economic theory and law that existed in these decades of headlong growth and examines how this relationship shaped both the modern business corporation and substantive due process Classical

economic theory the cluster of ideas about free markets became the guiding model for the structure and function of both private and public law Hovenkamp explores the relationship of classical economic ideas to law in six broad areas related to enterprise in the nineteenth and early twentieth centuries He traces the development of the early business corporation and maps the rise of regulated industry from the first charterbased utilities to the railroads He argues that free market political economy provided the intellectual background for constitutional theory and helped define the limits of state and federal regulation of business behavior The book also illustrates the unique American perspective on political economy reflected in the famous doctrine of substantive due process Finally Hovenkamp demonstrates the influence of economic theory on labor law and gives us a reexamination of the antitrust movement the most explicit intersection of law and economics before the New Deal Legal economic and intellectual historians and political scientists will welcome these trenchant insights on an influential period in American constitutional and corporate history Property Rights in the Age of Enterprise ,1997

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