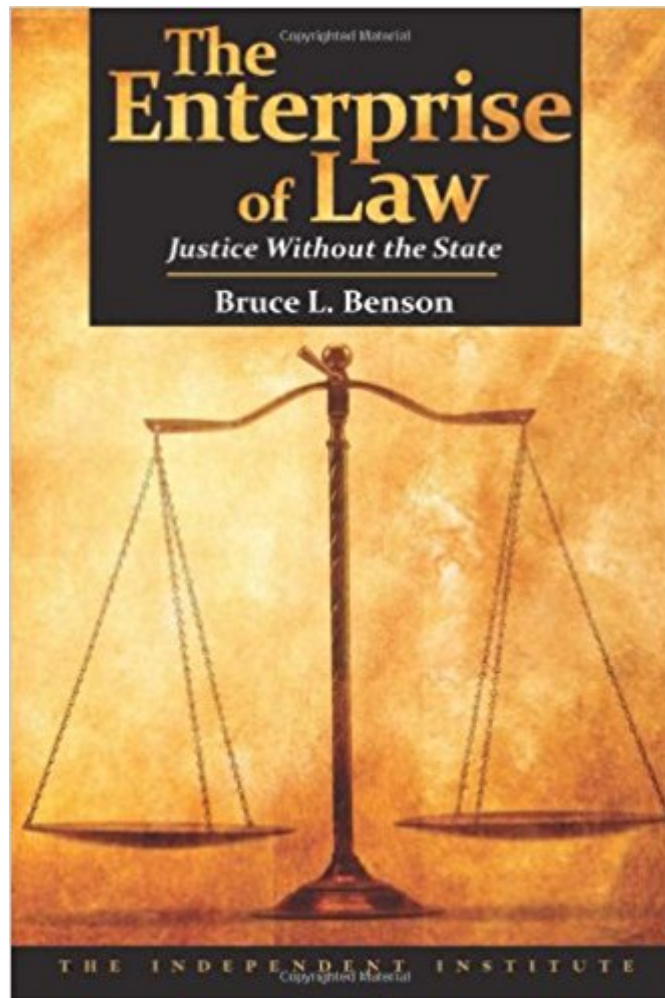




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The Enterprise Of Law: Justice Without The State



Synopsis

In the minds of many, the provision of justice and security has long been linked to the state. To ask whether non-state institutions could deliver those services on their own, without the aid of coercive taxation and a monopoly franchise, runs the risk of being branded as naive anarchism or dangerous radicalism. 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 book argues not only that the state is unnecessary for the establishment and enforcement of law, but also that non-state institutions would fight crime, resolve disputes, and render justice more effectively than the state, based on their stronger incentives.

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Customer Reviews

"Benson's book is an important contribution to law and economics literature. He properly emphasizes the role of institutions in shaping incentive and the role of incentives in shaping institutions." — Henry G. Manne, dean emeritus, School of Law, George Mason University
"In *The Enterprise of Law*, Bruce Benson provides us with the most comprehensive treatise on private sector alternatives to government law enforcement available today. Benson systematically addresses all the issues, arguments, and objections surrounding the growing role of market institutions in the legal system. But his book is more than a mere defense of

current privatization trends in protective services, corrections, and dispute resolution. The Enterprise of Law questions the seemingly axiomatic proposition that law and order are “necessary functions of government.” • Cato Journal “Benson’s book, The Enterprise of Law, promises to do for privately produced law what [Lawrence] White’s work did for free banking. Benson has produced a carefully researched and comprehensive introduction to polycentric law. It is sure to stimulate further work in the field. . . . I suggest Benson’s The Enterprise of Law as the best general overview of the field.” • Tom W. Bell, law professor, Chapman University

Bruce L. Benson is the recipient of the Ludwig von Mises Prize and the Adam Smith Award, a senior fellow of the Independent Institute, and a contributing editor of the Independent Review. He is a professor of economics at Florida State University, has written numerous articles and reviews, and is the author of The Economic Anatomy of Drug War, Privatization in Criminal Justice, and To Serve and Protect. He lives in Tallahassee, Florida.

Well, I am not in that group - but everyone on the planet should start considering options to the never ending paradigm of state monopolies and (non) solutions that are forced on all of us equally through nationalism and statism. This book is proof that we can do better than the states (non) solutions. In fact, I dare say that a full college course could be based on this book alone, it’s that well rounded and in depth. In the past decade I have read a lot on this topic, but let me say that this is by far the most comprehensive and in depth work in this area, period! What else can be expected from such an insightful economist, and someone with a developed understanding of law and justice from multiple perspectives. Bruce Benson, imo, should be regarded a titan for taking on such a complex subject and all the useless, baseless, and derogatory attacks that come from the statist quo - he holds his ground amazingly well. This publication should unanimously be regarded the sole authority on the matter of stateless justice system(s). Benson does a superb job of shooting down just about every possible “what if”, objection, and many of the obtuse critiques of from the statist quo - imho, it’s just amazing. He addresses the shortcomings of his previous writing on the topic, outlines them, and corrects them with cogent, easy to understand arguments and nearly perfect logical consistency. I have to say, if you are interested in how a justice system can function without the state being involved or even a system where the state justice system would have to compete against private justice systems, this is probably the only book worth investing in and reading. More compliments to Benson: you’ll not find a more comprehensive presentation, and cogent set of

arguments for how a stateless society will function in regards to a justice system. Nobody can read this book and walk away and simply just maintain their previous assumptions or beliefs. This book can actually teach you a new way of thinking and how to critique the state more appropriately and effectively - as anarchists and libertarians should. I think that all liberty minded people should consume this and improve their understanding of a free market and how it will actually work. The end of the state, like all things, is inevitable and that is why this is a must read. The only thing we as a species should allow to replace the state is a truly Free Market, and Benson has given us one of the most powerful tools (understanding thereof) that the Free Market will require to have to be truly viable and lasting solution post state.

I read this book as a 20-year-old libertarian mechanical engineering student, for fun, because I was interested in learning more about the historical development of governments and law, and voluntary customary legal systems. It was very enjoyable and educational. Recommended.

PART I / FROM VOLUNTARY TO AUTHORITARIAN LAW

II. Customary Legal Systems with Voluntary Enforcement

III. The Rise of Authoritarian Law

PART II / A PUBLIC CHOICE APPROACH TO AUTHORITARIAN LAW

IV. Law and Justice as a Political Market

V. The Demand Side of the Political Market

VI. The Supply Side of the Political Market

VII. Corruption of Law Enforcement Officials

PART III / REEMERGENCE OF PRIVATE ALTERNATIVES

VIII. Contracting Out for Law and Justice

IX. Current Trends in Privatization

X. Benefits to Privatization

PART IV / RATIONALIZING AUTHORITARIAN LAW

XI. Market Failure in Law and Justice

XII. The Legal Monopoly on Coercion

PART V / FROM AUTHORITARIAN TO PRIVATE LAW

XIII. Political Barriers to Privatization

XIV. Envisioning a Private System

An amazing book that will destroy all your statist friends beliefs when it comes to government providing law and police services. The government will always be second best when it comes to free market enterprise. I cant even begin to describe how much useful info is in this book. I actually tucked the government into bed last night and read a few pages of this book to it, and it started crying. Yes, this book made the government sob. It was pathetic.

Discusses the history of law and documents how free market law existed and thrived for thousands of years before government got involved in the production of law. Also reveals the reason government got into the law was not because existing free market law was inadequate, but rather to simply generate revenue for the government. This explains much!

The second half of the book

discusses the incentives and consequences of a government provision of law that virtually is entirely ignored in contemporary discussion on the topic. His analysis of special interest groups is fantastic.

This is an outstanding book. really fascinating. Benson brings up all kinds of new avenues that are really incredible !! This is a profound and comprehensive book. Probably the best I've read on this matter. A must read !!!

One of the most common objections to the idea of a voluntary, non-coercive, stateless society is phrased as a question that might go like this: Who will make the laws? How will we be protected against criminals? What if a merchant cheats me? Many people think that those questions make the idea of a voluntary society ridiculous. This book takes care of all that and more, and should be read by every person who already advocates voluntarism but is weak in defending this aspect of it. Further, it should be read by every person who wants to reject the use of coercion to maintain "law and order" but doesn't see how it could be done.

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