

"I CITE ONE EPSTEIN BOOK AFTER ANOTHER."
— Charles Murray, coauthor of *The Bell Curve*

Richard A. Epstein

Principles
Reconciling
for a Free
Individual Liberty with
Society
the Common Good

Principles For A Free Society Reconciling Individual Liberty With The Common Good

Matt Zwolinski, John Tomasi



Principles For A Free Society Reconciling Individual Liberty With The Common Good:

Principles For A Free Society Richard A. Epstein, A Epstein, 2009-06-17 The country's leading libertarian scholar sets forth the essential principles for a legal system that best balances individual liberty versus the common good **Global Ethics and Global Common Goods** Patrick Riordan, 2014-12-18 Patrick Riordan takes a different approach to the questions of global ethics by following the direction of questioning initially pioneered by Aristotle for him the most basic question of ethics is what is the good life So in the context of contemporary global ethics the Aristotelian questioner wonders about the good life on a global scale Global Ethics and Global Common Goods fills the gap in existing literature caused by the neglect of the topic of the good in global ethics Beginning by outlining answers to questions such as what is good and is there a highest good Riordan demonstrates the value of a common good perspective in matters of universal human rights and their institutions and practices the study of international relations and the construction of global institutions and debates about global justice between cosmopolitanism nationalism and economic globalization Philosophical questions provoked by these debates are identified and pursued such as the question of a common human nature which seems presupposed by the language of universal rights For experienced students of political philosophy and international relations this is a crucial text in the literature exploring the possibilities for politics on a world scale while the perspective of the common good adds a new and distinctive dimension to current debates on global security and the challenges of managing conflict *The Individualists* Matt Zwolinski, John Tomasi, 2023-04-04 Is libertarianism a progressive doctrine or a reactionary one Does libertarianism promise to liberate the poor and the marginalized from the yoke of state oppression or does talk of equal liberty obscure the ways in which libertarian doctrines serve the interests of the rich and powerful Through an examination of the history of libertarianism this book argues that the answer is and always has been both In this book we explore the neglected 19th century roots of libertarianism to show that it emerged first as a radical and progressive doctrine Libertarianism took a conservative turn in the 20th century primarily as a reaction against the rise of state socialism Now with international communism no longer a threat libertarianism is in the midst of an identity crisis with progressive and reactionary elements struggling to claim the doctrine as their own most notably on issues of race This book tells the history of libertarianism through an examination of six defining themes private property skepticism of authority free markets individualism spontaneous order and individual liberty In doing so it reveals that history to be longer wider and considerably more diverse than is commonly believed It is a history full of internal tensions idiosyncratic personalities and surprising arguments It is a history of the men and sometimes women who called themselves *The Individualists* Total Freedom Chris Matthew Sciabarra, 2000 Building upon his previous books about Marx Hayek and Rand Total Freedom completes what *Lingua Franca* has called Sciabarra's epic scholarly quest to reclaim dialectics usually associated with the Marxian left as a methodology that can revivify libertarian thought Part One surveys the history of dialectics from the ancient Greeks through the Austrian

school of economics Part Two investigates in detail the work of Murray Rothbard as a leading modern libertarian in whose thought Sciabarra finds both dialectical and nondialectical elements Ultimately Sciabarra aims for a dialectical libertarian synthesis highlighting the need not sufficiently recognized in liberalism to think of the totality of interconnections in a dynamic system as the way to ensure human freedom while avoiding totalitarianism such as resulted from Marxism *The Politics of Personal Law in South Asia* Partha S. Ghosh,2012-05-23 It is a political study of the controversy surrounding the issue of the uniform civil code vis vis personal laws from a South Asian perspective At the centre of the debate is whether there should be a centralized view of the legal system in a given society or a decentralized view both horizontally and vertically This issue is entangled within the threads of identity politics minority rights women s rights national integration global Islamic politics and universal human rights Champions of each category view it through their own prisms making the debate extremely complex especially in politically and socially plural South Asia So this book attempts to harmonize the threads of the debate to provide a holistic political analysis **The Soul's Economy** Jeffrey Sklansky,2003-10-16 Tracing a seismic shift in American social thought Jeffrey Sklansky offers a new synthesis of the intellectual transformation entailed in the rise of industrial capitalism For a century after Independence the dominant American understanding of selfhood and society came from the tradition of political economy which defined freedom and equality in terms of ownership of the means of self employment However the gradual demise of the household economy rendered proprietary independence an increasingly embattled ideal Large landowners and industrialists claimed the right to rule as a privilege of their growing monopoly over productive resources while dispossessed farmers and workers charged that a propertyless populace was incompatible with true liberty and democracy Amid the widening class divide nineteenth century social theorists devised a new science of American society that came to be called social psychology The change Sklansky charts begins among Romantic writers such as Ralph Waldo Emerson and Margaret Fuller continues through the polemics of political economists such as Henry George and William Graham Sumner and culminates with the pioneers of modern American psychology and sociology such as William James and Charles Horton Cooley Together these writers reconceived freedom in terms of psychic self expression instead of economic self interest and they redefined democracy in terms of cultural kinship rather than social compact **Liability and Environment** Lucas Bergkamp,2021-12-06 Liability and Environment analyzes the role of law in particular civil liability in controlling environmental pollution and risk In modern environmental policy liability has become a popular instrument In this book Prof Bergkamp takes a fresh look at civil liability for environmental harm in an inter and transnational context Over the last decade industry s liability exposure for environmental harm has expanded significantly At the international EC and national level proposals for onerous strict environmental liability regimes are pending The polluter pays principle which is an articulation of the cost internalization theory in the environmental area is believed to justify such liability regimes Applying an instrumental approach to legal instruments Prof Bergkamp aims to redefine the role of liability

in the heavily regulated environmental area He shows that liability for environmental harm is not justified by the polluter pays principle is an uncertain and unreliable instrument for achieving prevention results in an inefficient insurance scheme and plays a dubious role in adjusting activity levels Based on an analysis of the basic characteristics of alternative legal instruments Prof Bergkamp concludes that civil liability should play a more modest limited role in an environmental law system dominated by public law Where deterrence is not the objective first party insurance compensation funds or other public law regimes should be preferred over liability rules In addition to civil liability of private parties Liability and Environment discusses State liability under international EC and national law Under international law breach of a primary obligation triggers a State s liability Prof Bergkamp argues that this rule should be applied also to liability of private parties In the environmental area a business primary obligations are spelled out in detailed permit conditions regulations and statutes According to Prof Bergkamp only if a primary obligation is breached a private person should be liable for environmental harm The system that Bergkamp advocates is an objective fault liability regime in which public environmental law defines the standard of care for both government and industry In rebuilding our civil liability system we should keep in mind that what is good for industry should be good for everyone or it is not good for anyone we should keep in mind that what is good for private parties should be good for the state or it is not good for either In rebuilding our civil liability system the international law of State responsibility which is unpolluted by risk spreading and activity level considerations will guide us a long way This book is aimed at advanced law students academic scholars and practitioners In addition it will be of interest to policy and legislative analysts legislators and government officials Professor Bergkamp s book cannot be described as solving the problems of legal and regulatory control of environmental harm whether within a nation or internationally As suggested before however the very idea of a solution is illusory All legal and regulatory regimes around the world are today and will remain for the future in a state of perpetually continuing development The virtue of this fine book is that it moves the process of that development forward by a very substantial measure from the Foreword by George L Priest

Skepticism and Freedom Richard A. Epstein, 2003 With this book Richard A Epstein provides a spirited and systematic defense of classical liberalism against the critiques mounted against it over the past thirty years One of the most distinguished and provocative legal scholars writing today Epstein here explains his controversial ideas in what will quickly come to be considered one of his cornerstone works He begins by laying out his own vision of the key principles of classical liberalism respect for the autonomy of the individual a strong system of private property rights the voluntary exchange of labor and possessions and prohibitions against force or fraud Nonetheless he not only recognizes but insists that state coercion is crucial to safeguarding these principles of private ordering and supplying the social infrastructure on which they depend Within this framework Epstein then shows why limited government is much to be preferred over the modern interventionist welfare state Many of the modern attacks on the classical liberal system seek to undermine the moral

conceptual cognitive and psychological foundations on which it rests Epstein rises to this challenge by carefully rebutting each of these objections in turn For instance Epstein demonstrates how our inability to judge the preferences of others means we should respect their liberty of choice regarding their own lives And he points out the flaws in behavioral economic arguments which overlooking strong evolutionary pressures claim that individual preferences are unstable and that people are unable to adopt rational means to achieve their own ends Freedom Epstein ultimately shows depends upon a skepticism that rightly shuns making judgments about what is best for individuals but that also avoids the relativistic trap that all judgments about our political institutions have equal worth A brilliant defense of classical liberalism Skepticism and Freedom will rightly be seen as an intellectual landmark *The Expressive Powers of Law* Richard H. McAdams, 2015-02-09 Why do people obey the law Law deters crime by specifying sanctions and because people internalize its authority But Richard McAdams says law also generates compliance through its expressive power to coordinate behavior traffic laws and inform beliefs smoking bans that is simply by what it says rather than what it sanctions *Judicially Crafted Property Rights in Valuable Intangibles* Apostolos G. Chronopoulos, 2024-08-06 Apostolos G Chronopoulos addresses the doctrinal contentions surrounding the doctrine of misappropriation while offering a comprehensive and critical review of the relevant case law that takes into consideration the rich academic commentary on the topic

Obtaining the best from Regulation and Competition Michael A. Crew, Menahem Spiegel, 2006-02-20 Deregulation has introduced competition into traditionally monopolistic markets particularly telecommunications and electric utilities This book brings together ten essays that were presented at the Center for Research in Regulated Industries at Rutgers University and funded by several regulated companies The authors who include young scholars as well as established and highly regarded consultants and researchers address some of the major issues now facing network industries and regulators deregulation competition stranded assets diversification pricing and mergers and acquisitions

Organs for Sale Ryan Gillespie, 2020-12-07 *Organs for Sale* is a study of the bioethical question of how to increase human organ supply But it is also an inquiry into public moral deliberation and the relationship between economic worth and the value systems of a society Looking closely at human organ procurement debates the author offers a critique of neoliberalism in bioethics and asks what kind of society we truly want While society has shown concern over debates surrounding organ procurement a better understanding of the rhetoric of advocates and philosophical underpinnings of the debate might indeed improve our public moral deliberation in general and organ policy more specifically Examining public arguments this book uses a range of source material from medical journals to congressional hearings to newspaper op eds to provide the most up to date and thorough analysis of the topic *Organs for Sale* posits that deciding together on the limits of markets and on what is and ought to be for sale sheds light on the moral fibre of our society and what it needs to thrive

Philosophical Foundations of Property Law James Penner, Henry Smith, 2013-11-28 Property has long played a central role in political and moral philosophy Philosophers dealing with

property have tended to follow the consensus that property has no special content but is a protean construct a mere placeholder for theories aimed at questions of distributive justice and efficiency Until recently there has been a relative absence of serious philosophical attention paid to the various doctrines that shape the actual law of property If the philosophy of property is to be more attentive to concepts lying between broad considerations of political philosophy and distributive justice on the one hand and individual rules on the other what in this broad space needs explaining and how might we justify what we find The papers in this volume are a first step towards filling this gap in the philosophical analysis of private law This is achieved here by revisiting the contributions of philosophers such as Hume Locke Kant and Grotius and revealing how particular doctrines illuminate the way in which property law respects the equality and autonomy of its subjects Secondly by exploring the central notions of possession ownership and title and finally by considering the very foundations of conceptualism in property

Theories of Distributive Justice Jeppe Platz, 2020-02-14 How should we design our economic systems Should we tax the rich at a higher rate than the poor Should we have a minimum wage Should the state provide healthcare for all These and many related questions are the subject of distributive justice and different theories of distributive justice provide different ways to think about and answer such questions This book provides a thorough introduction to the main theories of distributive justice and reveals the underlying sources of our disagreements about economic policy It argues that the universe of theories of distributive justice is surprisingly simple yet complicated It is simple in that the main theories of distributive justice are just four in number and in that these theories each offer a distinct well defined theoretical approach to distributive justice yet it is complicated in that the main theories disagree at several distinct fundamental levels and in that it is possible to spin innumerable new theories from the elements of the four main theories

Key Features Covers the four major theories of distributive justice and their leading philosophers elucidating the attractions and drawbacks of each Friedrich A von Hayek and right liberalism John Rawls and left liberalism Robert Nozick and libertarianism Gerald A Cohen and socialism Explains why these four theories have come to dominate most philosophical discussions on distributive justice highlighting the essential answer provided in each that is lacking in other theories Written for any reader interested in the topic with an annotated reading list at the end of each chapter and helpful glossary at the back of the book

Cities in Time Ali Madanipour, 2017-02-23 From street markets and pop up shops to art installations and Olympic parks the temporary use of urban space is a growing international trend in architecture and urban design Partly a response to economic and ecological crisis it also claims to offer a critique of the status quo and an innovative way forward for the urban future Cities in Time aims to explore and understand the phenomenon offering a first critical and theoretical evaluation of temporary urbanism and its implications for the present and future of our cities The book argues that temporary urbanism needs to be understood within the broader context of how different concepts of time are embedded in the city In any urban place multiple discordant and diverse timeframes are at play and the chapters here explore these

different conceptions of temporality their causes and their effects Themes explored include how institutionalised time regulates everyday urban life how technological and economic changes have accelerated the city s rhythms our existential and personal senses of time concepts of memory and identity virtual spaces ephemerality and permanence Property Rights Terry L. Anderson, Fred S. McChesney, 2018-06-26 The institution of property is as old as mankind and property rights are today deemed vital to a prosperous economic system Much has been written in the last decade on the economics of the legal institutions protecting such rights This unprecedented book provides a magnificent introduction to the subject Terry Anderson and Fred McChesney have gathered twelve leading thinkers to explore how property rights arise and how they bolster economic development As the subtitle indicates the book examines as well how controversies over valuable property rights are resolved by agreement by violence or by law The essays begin by surveying the approaches to property taken by early political economists and move to colorful applications of property rights theory concerning the Wild West the Amazon endangered species and the broadcast spectrum These examples illustrate the process of defining and defending property rights and demonstrate what difference property rights make The book then considers a number of topics raised by private property rights analytically complex topics concerning pollution externalities government taking of property and land use management policies such as zoning Overall the book is intended as an introduction to the economics and law of property rights It is divided into six parts with each featuring an introduction by the editors that integrates prior chapters and material in coming chapters In the end the book provides a fresh comprehensive overview of an intriguing subject accessible to anyone with a minimal background in economics With chapters written by noted experts on the subject Property Rights offers the first primer on the subject ever produced In addition to the editors the contributors are Louise De Alessi Yoram Barzel Harold Demsetz Thinn Eggertsson Richard A Epstein William A Fischel David D Haddock Peter J Hill Gary D Libecap Dean Lueck Edwin G West and Bruce Yandle

Degrees of Freedom Edwin Van de Haar, 2018-02-06 Liberalism has been the leading political theory of the past three hundred years and by far the most dominant ideology Many think tanks are associated with liberal ideas and most Western countries are considered liberal democracies But does liberalism really cover the wide range of political ideas found in Western civilization Degrees of Freedom examines liberalism s universal claims and explains how liberal thinkers formulated insights that apply to all aspects of politics It also contrasts liberalism and conservatism Edwin van de Haar divides liberalism into three main variants classical liberalism social liberalism and libertarianism Without claiming that this is the only possible categorization of liberalism he argues that this subdivision is the most comprehensible way out of liberal confusion He explores how these forms of liberalism found in popular parlance relate to liberal political theory and ideology Domestic politics and international relations are presented as a whole in the firm belief that one cannot meaningfully present an overview of any tradition in political theory by stopping at national borders

Theorizing Legal Punishment Richard L. Lippke, 2024-02-06 This book systematically defends an account of the

institution of legal punishment that draws on both retributive and crime prevention thinking The work argues that legal punishment censures convicted offenders and thus morally communicates with them any victims and the broader community while also serving to reduce future crime The expressive or retributive element is assigned the lead role in this mixed account because it better captures the notion that members of society are to be held morally accountable for their failures to abide by defensible criminal prohibitions of various kinds Despite this it is conceded that the reduction of crime plays a vital role in justifying the institution of legal punishment and the book contains extended discussion of how and why this is so Beyond its explication of the aims of legal punishment and their respective roles within a mixed theory the study devotes separate chapters to sentencing criminal procedure and the imposition of fees and collateral legal consequences on individuals who have been convicted of crimes and fully served their sentences In these ways the work moves beyond discussion of the abstract aims of legal punishment to details of the institution s internal structure and operations The many historical deficiencies and failures of the institution are duly noted and the challenges they pose for punishment theorizing are examined The book closes with discussion of the limited success of punishment institutions in apprehending convicting and punishing those who violate the law including many who do so in serious ways Alternatives to reliance on legal punishment institutions are briefly examined In the end retention of such institutions is urged although it is suggested that we ought to have modest expectations about their ultimate success The work will be of interest to those working in the areas of Legal Philosophy and Criminology

The Voluntary City David T. Beito, Peter Gordon, Alexander Tabarrok, 2009-10-01

Assembling a rich history and analysis of large scale private and voluntary community based provision of social services urban infrastructure and community governance this book provides suggestions on how to restore the vitality of city life Historically the city was considered a center of commerce knowledge and culture a haven for safety and a place of opportunity Today however cities are widely viewed as centers for crime homelessness poverty unemployment traffic pollution and other social ills In many cities government increasingly dominates life consuming vast resources to cater to special interest groups Decision making has become intensely politicized bureaucratic and largely unaccountable to the populace The Voluntary City provides a rich history and analysis of private locally based provision of social services urban infrastructure and community governance Such systems have offered superior education transportation housing crime control recreation health care and employment by being more effective innovative and responsive than those provided through special interest politics and bureaucracy The Voluntary City reveals how the process of providing local public goods through the dynamism of freely competitive market based entrepreneurship is unmatched in renewing communities and strengthening the bonds of civil society A refreshing challenge to the orthodoxy that government alone can improve community life The Voluntary City will be an essential reference for anyone interested in the future of cities including scholars and students policy makers civic and business leaders and urban citizens

Infrastructure Brett M.

Frischmann, 2013-01-17 This book devotes much needed attention to understanding how society benefits from infrastructure resources and how management decisions affect a wide variety of interests. The book links infrastructure to a particular set of resources with commons, a resource management principle by which a resource is shared within a community. It has broad implications for scholarship and public policy across many fields ranging from traditional infrastructure like roads to environmental economics to intellectual property to Internet policy.

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