

Order without Law

How Neighbors Settle Disputes

Robert C. Ellickson

Order Without Law How Neighbors Settle Disputes 91 Edition

John Page



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Order Without Law Robert C. Ellickson, 1991 In *Order without Law* Robert C. Ellickson, *A Liberal Theory of Property* Hanoch Dagan, 2021-04-15 Property enhances autonomy for most people but not for all Because it both empowers and disables property requires constant vigilance *A Liberal Theory of Property* addresses key questions how can property be justified What core values should property law advance and how do those values interrelate How is a liberal state obligated to act when shaping property law In a liberal polity the primary commitment to individual autonomy dominates the justification of property founding it on three pillars carefully delineated private authority structural but not value pluralism and relational justice A genuinely liberal property law meets the legitimacy challenge confronting property by expanding people's opportunities for individual and collective self determination while carefully restricting their options of interpersonal domination The book shows how the three pillars of liberal property account for core features of existing property systems provide a normative vocabulary for evaluating central doctrines and offer directions for urgent reforms Government Failure Wilfred Dolfsma, 2013-01-01 Starting from the idea that market and state are intertwined domains and explaining the economy as a system of communication evolving through innovation this excellent book makes a valuable contribution to understanding government rule setting in knowledge based economies It provides a taxonomy of ways in which government rules function more or less successfully and addresses the important problem of institutional vulnerability Intellectual property rights laws and reform of health care systems are perceptively discussed This book is strongly recommended for public policy experts and researchers investigating the public-private economy John Davis Marquette University US and University of Amsterdam The Netherlands Since the 1970s the conventional wisdom has been that governments should retreat from the economic sphere and enhance the role of markets The financial crash of 2008 has brought that into question This stimulating set of essays considers the role of government in modern complex economies Addressing the potential for both government failure and market failure and drawing on empirical evidence these studies are important contributions to a revived debate Geoffrey M Hodgson University of Hertfordshire UK The idea that governments as well as markets can fail has been central to the public choice literature for the last half century Typically government failure is described and measured as excessive expenditures or unbalanced budgets This original book points out that government failures often take the form of inappropriate or inconsistent rules governing the private sector The argument is nicely illustrated using real world examples in the areas of healthcare innovation and intellectual property The book is a timely and important contribution to the literature Dennis C Mueller University of Vienna Austria This highly unique book takes a fundamental look at when and how a government can fail at its core responsibility of formulating rules Government representing society relates to the economy by formulating the rules within which market players should operate Although market and business failure are much discussed in the economics literature government failure is often overlooked This book addresses this gap

exploring in detail what constitutes government failure Wilfred Dolfsma illustrates that it is not adequate to discuss government failure simply with reference to its level of expenditure as is usually the case Defining government failure and analysing it in the domains of health care innovation and technology he explores topics such as how market and society relate consequences of conflicts between government policies how government should not intervene the vulnerability of institutions and rules set out by government and suggests a welfare perspective for evaluative purposes This stimulating and thought provoking book will prove a fascinating read for academics researchers and advanced students in economics particularly public choice and institutional economics public administration policy studies and law and economics **Law and**

Economics of Possession Yun-chien Chang,2015-05-21 Possession is a key concept in both the common and civil law but it has hitherto received little scrutiny Law and Economics of Possession uses insights from economics psychology and history to analyse possession in law compare and contrast possession with ownership break down the elements of possession as a fact and as a right challenge the adage that possession is 9 10 of the law examine possession as notice explain the heuristics of possession debunk the behavioural studies which confuse possession with ownership explore the LightSquared dispute from the perspective of possession of spectrum frequency and provide new insights to old questions such as first possession adverse possession and property jurisdiction The authors include leading property scholars who examine possession laws in among others the USA UK China Taiwan Japan Germany France Israel the Netherlands Spain Portugal Italy and Austria

The Evolution of Reputation-Based Cooperation Rafael Wittek,Francesca Giardini,2023-12-21 Gossiping and its reputation effects are viewed as the most powerful mechanism to sustain cooperation without the intervention of formal authorities Being virtually costless gossiping is highly effective in monitoring and sanctioning norm violators Rational individuals cooperate in order to avoid negative reputations But this narrative is incomplete and often leads to wrong predictions Goal Framing Theory a cognitive behavioral approach anchored in evolutionary research provides a better explanatory framework Three overarching goal frames hedonic gain and normative constantly compete for being in our cognitive foreground This Element argues that for gossip to have reputation effects a salient normative goal frame is required But since the hedonic mindset usually trumps gain and normative concerns most gossip will be driven by hedonic motives and therefore not have strong reputation effects Propositions on cultural structural dispositional situational and technological gossip antecedents and consequences are developed and illustrated with evidence from the empirical record

The New Institutionalism in Strategic Management P. Ingram,B. Silverman,2002-08-23 In this exciting volume a diverse and accomplished group of scholars work to integrate theories of institutions with strategic management The research they present examines a wide range of industrial contexts ranging from American retailing at the end of the nineteenth century to German tax law at the beginning of the twenty first *Advanced Introduction to Law and Development* Mariana M. Prado,Michael J. Trebilcock,2021-05-28 In this thoroughly revised and updated second edition

Mariana Mota Prado and Michael J Trebilcock offer a succinct and readable introduction to the main concepts and debates in the field of law and development They examine the role of legal systems and institutions investigate perceptions around what laws and legal arrangements encourage and facilitate development and probe the issues arising in both private law and public law as well as in international economic relations Written with the insight of two top experts in the field this Advanced Introduction covers the most recent trends in law and development research and highlights areas that remain underexplored

Property Diversity and its Implications John Page,2016-08-05 Property is more diverse than is usually assumed Developing the concept of property diversity this book explores the varied role of property in placed human landscapes In acknowledging the propertied diversity about us the book highlights the paucity of our settled contemporary assumptions of property as defined by private ownership Challenging this universalizing model the book analyses how this self limiting view produces critical blind spots in modern property discourse In response it offers a re conceptualization of property that matches the grounded reality of our rich and diverse relationships with land Integrating the plurality of real property types private public and common with inclusive understandings of both interest and ownership it thus identifies and substantiates an overarching theory of property diversity Drawing on studies from numerous jurisdictions including the USA New Zealand Australia and the UK its analysis of property as something more and indeed other than a place less abstraction provides an invaluable contribution to the contemporary law and theory of property *The Legacy of Ruth Bader Ginsburg* Scott Dodson,2015-01-26 As a lawyer professor appellate judge and associate justice of the U S Supreme Court Ginsburg has influenced the law and society in real and permanent ways This collection of essays chronicles and evaluates the remarkable achievements she has made over the past half century Readers will discover diverse perspectives on an array of doctrinal areas and on different time periods in Ginsburg s career creating an impressive legacy of one of the most important figures in modern law

Popular Culture and Law RichardK. Sherwin,2017-07-05 What are the consequences when law s stories and images migrate from the courtroom to the court of public opinion and from movie television and computer screens back to electronic monitors inside the courtroom itself What happens when lawyers and public relations experts market notorious legal cases and controversial policy issues as if they were just another commodity What is the appropriate relationship between law and digital culture in virtual worlds on the Internet In addressing these cutting edge issues the essays in this volume shed new light on the current status and future fate of law truth and justice in our time Explaining Norms

Geoffrey Brennan,Lina Eriksson,Robert E. Goodin,Nicholas Southwood,2013-09-05 This book presents the concept of norms by four different philosophers They discuss how norms emerge persist change and how they serve to explain what we do

The Oxford Handbook of Behavioral Economics and the Law Eyal Zamir,Doron Teichman,2014-09-16 The past twenty years have witnessed a surge in behavioral studies of law and law related issues These studies have challenged the application of the rational choice model to legal analysis and introduced a more accurate and empirically grounded model of

human behavior This integration of economics psychology and law is breaking exciting new ground in legal theory and the social sciences shedding a new light on age old legal questions as well as cutting edge policy issues The Oxford Handbook of Behavioral Economics and Law brings together leading scholars of law psychology and economics to provide an up to date and comprehensive analysis of this field of research including its strengths and limitations as well as a forecast of its future development Its 29 chapters organized in four parts The first part provides a general overview of behavioral economics The second part comprises four chapters introducing and criticizing the contribution of behavioral economics to legal theory The third part discusses specific behavioral phenomena their ramifications for legal policymaking and their reflection in extant law Finally the fourth part analyzes the contribution of behavioral economics to fifteen legal spheres ranging from core doctrinal areas such as contracts torts and property to areas such as taxation and antitrust policy **Transnational**

Sustainability Laws Phillip Paiement,2017-11-23 This book examines how voluntary sustainability standards can be used to both regulate and coordinate producers in industries *The Golden Yoke* Rebecca Redwood French,2019-06-07 The Golden Yoke is a remarkable achievement It is the first elaboration of the legal cultural and ideological dimensions of precommunist Tibetan jurisprudence a unique legal system that maintains its secularism within a thoroughly Buddhist setting Layer by layer Rebecca Redwood French reconstructs the daily operation of law in Tibet before the Chinese invasion in 1959 In the Tibetans own words French identifies their courts symbols and personnel and traces the procedures for petitioning and filing documents There are stories here from judges legal conciliators and lay people about murder property disputes and divorce French shows that Tibetan law is deeply embedded in its Buddhist culture and that the system evolved not from the rules and judgments but from what people actually do and say In what amounts to a fully developed cosmology she describes the cultural foundation that informs the system myths notions of time and conflux inner morality language patterns rituals use of space symbols and concepts Based on extensive readings of Tibetan legal documents and codes interviews with Tibetan scholars and the reminiscences of Tibetans at home and in exile this generously illustrated elegantly written work is a model of outstanding research French combines the talents of a legal anthropologist with those of a former law practitioner to develop a new field of study that has implications for other judicial systems including our own Lawyer Nation Ray Brescia,2024-02-06 Explores the critical role that American lawyers have played since the nation s founding and what the future holds for the profession The American legal profession faces significant challenges the changing nature of work in the wake of the COVID 19 pandemic calls for greater racial and gender justice threats to democracy the inaccessibility of legal services for the majority of Americans the risk of obsolescence owing to the emergence of new technologies and the disaffection many lawyers feel toward their work Ambitious in its scope yet straightforward in its approach Lawyer Nation seeks to address these crises by offering a path forward for the legal profession Ray Brescia provides concrete ideas for transforming law into a field whose services are accessible egalitarian and viable in the long term Further he addresses how

the profession can improve so that the health of its practitioners is not compromised in the process If the legal profession does not respond to its crises in an effective way he argues the dysfunction and unfairness plaguing the legal world will deepen This is an unprecedented opportunity for the world of law to reimagine its future in way that honors its highest ideals preserving the rule of law protecting individual liberty and addressing social inequality in all of its forms **The**

Constitutionalization of the Global Corporate Sphere? Grahame F. Thompson, 2012-10-25 With the advent of globalization where corporate organizations and the commercial relations that accompany them are argued to be becoming increasingly transnational the locus of powers authorities and responsibilities has shifted to the global level The nation state arena is losing its capacity to regulate and control commercial processes and practices as a transformational logic kicks in associated with new forms of global rule making and governance It is this new arena of global rule making that can be considered as a surrogate form of global constitutionalization or quasi constitutionalization But as might be expected this surrogate process of constitutionalization is not a coherent system or set of rounded outcomes but full of contradictory half finished currents and projects an assemblage of many disparate advances and often directionless moves almost an accidental coming together of elements It is this assemblage that is to be investigated and unbundled by the analysis of the book The book discusses governance law and constitutional matters in the context of international corporate constitutional governance It examines how and why the business world commercial relations and company activities have increasingly become subject to legal and constitutional forms of regulation and governance at the international level It analyses how we should characterize the process that has seen the international corporate arena increasingly subject to juridical and constitutional like regulatory initiatives and interventions and whether this amounts to a new attempt to subject international commercial relations to the rule of law and indeed to rule the world through these very means **Impact** Lawrence M.

Friedman, 2016-09-19 Under what conditions are laws and rules effective Lawrence M Friedman gathers findings from many disciplines into one overarching analysis and lays the groundwork for a cohesive body of work in impact studies He examines the importance of communication on the part of lawgivers and the nuances of motive among those subject to the law

Utilitarianism, Institutions, and Justice James Wood Bailey, 1997 Far from recommending cruel acts utilitarianism understood this way actually runs congruent to our basic moral intuitions The Federal Appointments Process Michael J. Gerhardt, 2003-08-22 The history of how judges and others get appointed to federal positions and the political jockeying that has always accompanied the process Collateral Knowledge Annelise Riles, 2011-04-15 Who are the agents of financial regulation Is good or bad financial governance merely the work of legislators and regulators Here Annelise Riles argues that financial governance is made not just through top down laws and policies but also through the daily use of mundane legal techniques such as collateral by a variety of secondary agents from legal technicians and retail investors to financiers and academics and even computerized trading programs Drawing upon her ten years of ethnographic fieldwork in the Japanese

derivatives market Riles explores the uses of collateral in the financial markets as a regulatory device for stabilizing market transactions How collateral operates Riles suggests is paradigmatic of a class of low profile mundane but indispensable activities and practices that are all too often ignored as we think about how markets should work and be governed Riles seeks to democratize our understanding of legal techniques and demonstrate how these day to day private actions can be reformed to produce more effective forms of market regulation

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