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DRUŠTVA: ZAKON<sup>1</sup>****Walter  
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STATELESS SOCIETY: LAW<sup>1</sup>**

**SAŽETAK:** Koji su argumenti koji govore protiv vlade? Ima ih nekoliko. Prvo, u slučaju neuspjeha, postoji automatski izlaz: tvrtke koje ne ostvare dobit, objavit će bankrot, a njihovi resursi imaju tendenciju otići drugim, učinkovitijim upraviteljima. Drugo, poduzetnici upravljaju svojim vlastitim financijskim sredstvima ili sredstvima koja im je netko dobrovoljno povjerio. Međutim, to ne vrijedi za birokrate i političare. I što je najvažnije, prilikom svake komercijalne interakcije na tržištu, bilo da se radi o prodaji, kupovini, iznajmljivanju, davanju ili uzimanju zajma, prisutna je uzajamna dobit, barem u ex ante smislu predviđanja te također i ex post, po završetku obavljene trgovine. To se rijetko događa u etatizmu, svakako ne kad su u pitanju izvori financiranja i oporezivanja, budući da oni nisu dobrovoljni. Iznimka su relativno nevažni slučajevi kada kupac kupi nešto od vlade, poput recimo karte za prelazak mosta ili proizvođač proda nešto toj organizaciji (vladi), poput zrakoplova. Članak koji je pred vama je pokušaj elaboriranja ovih razmišljanja.

**KLJUČNE RIJEČI:** vlada, anarhizam, libertarijanizam (slobodarstvo), pravda

**ABSTRACT:** What is the argument against government? There are several. For one thing, there is automatic exit for failure: businesses that do not earn a profit go bankrupt, and their resources tend to migrate to other, more effective, managers. For another, entrepreneurs operate with their own funds, or those voluntarily entrusted to them. This does not apply to bureaucrats and politicians, in sharp contrast. Perhaps most important, in the case of each and every commercial interaction in the market, buying, selling, renting, lending, borrowing, there is mutual gain at least in the ex ante sense of anticipations, and usually ex post, after the trade, as well. This rarely occurs under statism, at least not with regard to its source of funds, taxation, since it is not voluntary. An exception would be the relatively unimportant cases in which a consumer purchases something from the government, such as a ticket to cross a bridge, or a producer sells something to this organization, such as an airplane. The present paper is an attempt to elaborate upon this considerations.

**KEY WORDS:** government, anarchism, libertarianism, justice

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## I. UVOD

Jednom davno, u svijetu je vladao kaos. Država je na taj kaos gledala kao na “anarhiju” pa je odlučila to ultimativno popraviti: tako što je uvela zakonodavstvo. Zakonodavstvo je, činilo se, bilo istoznačno zakonu i redu. Pa je vlada rekla: “Neka bude zakona.” Vlada je napisala zakone i bilo je zakona. Tada se državi svidjela vladina kreacija i proglasila ju je dobrom.

Ovo nije precizan prikaz načina kako su nastali zakoni. U većem dijelu ljudske povijesti imali smo policentrične zakone. To znači da smo imali zakone koje su objavljivali suci, što se razlikuje od situacije kada vladajuće tijelo presuđuje o proizvoljnom zakonu, kao dijelu zakonodavstva. Ne samo da postoje povijesni presedani, već i danas ima primjera policentričnih zakona.<sup>2</sup>

U II. poglavlju raspravljat ćemo o prirođenoj neučinkovitosti vlade. Zadaća III. poglavlja je pokazati da je neučinkovita birokracija jedina tehnika koju država koristi za upravljanje gospodarstvom. U IV. poglavlju ćemo to primjeniti na zakone. V. poglavlje donosi zaključak.

## II. PRIROĐENA NEUČINKOVITOST

Prije nego uđemo u povijest prava, potrebno je vidjeti zašto vladin monopol prema zakonima *nije* poželjniji od tržišta prema zakonima. Kako bismo to učinili, krenimo od analogije. Razmotrimo činjenicu da su tržišta uvijek učinkovitija od vlade, bez obzira na vrstu industrije o kojoj je riječ.

Oppenheimer (1923.), je jasno učio ovu bitnu razliku te je tvrdio da postoje samo dva načina na koja se čovjek može obogatiti. Jedan od njih je radom, a drugi krađom. Prvi je način nazvao “ekonomskim sredstvima” a drugi “političkim sredstvima.” Čovjek može proizvesti bogatstvo ili ga može na silu oteti onome koji ga je proizveo.<sup>3</sup> Prvi način potiče gospodarstvo, drugi ga crpi.

## I. INTRODUCTION

Once upon a time, there was chaos in the world. The state saw this as “anarchy” and decided it had the ultimate fix: Legislation. Legislation, it felt, was synonymous with law and order. So the government said, “Let there be laws.” They wrote laws, and then there were laws. The state then liked its creation and said that it was good.

This is saliently not an accurate account of how laws came into existence. For the majority of human history, we had polycentric law. That is, we had judge-discovered law, which is different than a governing body decreeing some arbitrary piece of legislation. Not only are there historical precedents, there are also present-day examples of polycentric law.<sup>2</sup>

In section II we discuss the inherent inefficiency of government. The burden of section III is to demonstrate that ineffective bureaucracy is the state’s only technique for running an economy. In section IV we apply this to law. We conclude in Section V.

## II. INHERENT INEFFICIENCY

Before we get to the history of law, let us first establish why a government monopoly in law is *not* preferable to a market in law. To do this, let us start by arguing from analogy. Consider the fact that regardless of the industry, markets are necessarily more efficient than government.

Oppenheimer (1923), clearly saw this vital distinction, and mentioned that there are only two means by which one can acquire wealth. One may either work for it, or one may accrue wealth through theft. The former Oppenheimer coined the “economic means” and the latter the “political means.” One can either produce wealth, or forcibly take that produced by another.<sup>3</sup> The former grows the economy, and the latter drains it. It cannot be denied that everything

Neporecivo je da sve što vlada posjeduje je, u skladu s njezinom prisilnom prirodom, stečeno pljačkom, ili je kupljeno i / ili izgrađeno novcem koji je prikupljen na prisilan način. “Ekonomska sredstva” podrazumijevaju da čovjek proizvede nešto što ima vrijednost kako bi stekao bogatstvo, dok “politička sredstva” jednostavno ukradu to bogatstvo. Ponekad, u ovom drugospomenutom slučaju, država nudi usluge – i to one koje ćete platiti ukoliko ih želite koristiti, ili nećete. Iz toga možemo zaključiti da vlada gospodarstvu ne dodaje vrijednost.<sup>4</sup> I ne samo to. Uzroci vladine neučinkovitosti su u nedostatku poticaja ili u pogrešnim poticajima, u njezinoj nesposobnosti ekonomske kalkulacije, u nedostatku mehanizma cijena te njezinoj birokratskoj prirodi.

Ljude motiviraju poticaji. Oni će radije dokoličariti nego raditi, i stoga će radije sudjelovati u radnjama u kojima njihova krajnja korist premašuje krajnje troškove. Opstanak svake tvrtke na tržištu počiva na vjerovanju njezinih kupaca da korist koju oni imaju od proizvoda ili usluga koje ta tvrtka nudi nadmašuje trošak tog proizvoda ili usluge. Gubitak te vjere znači bankrot. Stoga, tvrtke imaju motivaciju da, što je moguće više, zadovolje svoje kupce. Kako ne bi ostale bez posla. To nije slučaj s vladama. Ukoliko ta organizacija ne zadovolji svoj puk, neće ju snaći sudbina neučinkovite i nezadovoljavajuće tvrtke; ona će nastaviti raditi. Mogućnost kupovine je ozbiljno ograničena.<sup>5</sup> Štoviše, vlada dobiva novac za svoje “usluge” kroz porez, bez obzira na rezultate. Iznos koji se vladi plaća za ono što ona isporučuje ne određuje ni potrošač, niti to zajednički određuju kupac i prodavatelj, već sama vlada, što znači da vlada određuje koliko će narod platiti poreza. Budući da je otklonjen rizik od bankrota, motivacija za pružanjem kvalitetne robe i usluga ne postoji.<sup>6</sup> I koji je rezultat? Imamo samo 31% cesta za koje se smatra da su u “dobrom” stanju (Birkofer, Block, Chamberlin i Cuneo, 2015.). Imamo općenito nezadovoljavajuću policijsku uslugu, uz incidente primjene pretjerane sile i brutalnosti. Naš obrazovni sustav razočarava našu djecu. A zašto

the government possesses, due to its coercive nature, it acquired through robbery, or was purchased and/or built with money gathered coercively. The “economic means” requires one to produce something of value in order to gain wealth, whereas the “political means” merely steals its wealth. Sometimes, in the latter case, the state offers services – ones which you will pay for whether you want or utilize them, or not. Governments, then, add no value to the economy.<sup>4</sup> Not only that, they are inefficient due to lack of and misguided incentives, the inability to calculate economically, the lack of a price mechanism, and the nature of bureaucracy.

People are driven by incentives. They prefer leisure to work, and for this reason, only partake in an action if their marginal benefit exceeds their marginal cost. The livelihood of every company in a market rests on maintaining the belief in their customers’ minds that the benefits of their product or service outweigh their costs. The loss of this belief means bankruptcy. Businesses, then, have an incentive to satisfy their customers as well as possible, lest they are forced out of business. Such is not the case for governments. Should this organization fail to satisfy its citizenry, it does not face the fate of an inefficient and unsatisfactory business; it stays in operation. The ability to shop around is severely truncated.<sup>5</sup> Moreover, governments receive payment for their “services” regardless of their performance, via taxation. The amount of which governments are compensated for what they supply is not determined by the consumer, or even mutually, by both buyer and seller, but solely by the government, meaning the latter decides how much its citizenry will be taxed. With the threat of bankruptcy removed, the incentive to provide quality goods and services all but vanishes.<sup>6</sup> And what is the result? We are left with only 31% of our roads considered to be in “good” condition (Birkofer, Block, Chamberlin, and Cuneo, 2015). We are left with generally unsatisfactory police services, and even events of excessive force and brutality. We are left with

je tome tako? Ne možeš svoj novac staviti negdje drugdje, moraš ga dati, sviđalo ti se to ili ne. Ako nismo zadovoljni svojim Samsung pametnim telefonom, možemo podržavati Apple, LG, Motorolu, itd. Privatne tvrtke nas ne prisiljavaju da im dajemo svoj novac. One imaju ekonomski poticaj da nas zadovolje, a vlade nemaju. Iz tog razloga smo uvijek zadovoljni svojom privatnom kupovinom, a ozlojađeni javnim dobrima i uslugama.

Nije samo motivacija izopačena. Doslovce je nemoguće izračunati korist od vladinih aktivnosti, čak i ako pretpostavimo da motivacija nije izopačena. Kad se radi o državi, nema cjenovnog sustava, što ekonomsku kalkulaciju čini nemogućom.<sup>7</sup> Sustav cijena zamjenjuje poduzetnikovo poznavanje točnih okolnosti nekog ekonomskog slučaja. On pojedincu pokazuje minimum kojeg on mora znati. Cijene se formiraju na osnovi ponude i potražnje, što znači da su uzeti u obzir<sup>8</sup> svi podaci koji se odnose na dotični proizvod ili uslugu, a pritom pojedinac donosi ispravnu odluku, iako nema sve relevantne informacije. Pojedinac ne zna ili čak ni ne mora znati da je razlog zašto je drvu porasla cijena šumski požar uslijed kojeg je smanjena opskrba ovim resursom. Ali porast cijene privredniku govori da je drvu porasla vrijednost, bez obzira na razlog (u ovom slučaju zbog nestašice drva). Ovaj cjenovni signal će promijeniti potrošnju drva, tako da će ju preusmjeriti tamo gdje je sad najpotrebnije. Sustav cijena sve to čini na fantastičan način. Ekonomist F.A. Hayek kaže (1945.): “Uvjeren sam da, kad bi sustav cijena bio rezultat namjernog ljudskog planiranja, i kad bi ljudi vođeni promjenom cijene shvatili da njihove odluke imaju puno dublju svrhu od one trenutne, tada bi ovaj mehanizam bio pozdravljen kao jedan od najvećih trijumfa ljudskog uma.”

Ovaj čudesni alat je u potpunosti odsutan u sferi vlade. Budući da vlada prisilno zahtjeva kompenzaciju za svoje usluge, čak i uz pretpostavku da je dobronamjerna, nemoguće je utvrditi vrednuje li ih narod. Jedini način da se to vidi jest izračunati

an education system that is failing its children. And why is this? You cannot take your money elsewhere, and you must give your money whether you like it or not. If one is not content with their Samsung smartphone, they are able to patronize Apple, LG, Motorola, etc. We are not coerced into giving any private company money. They have an economic incentive to satisfy, while governments do not. It is for this reason that we are generally content with our private purchases, and disgruntle with public goods and services.

Not only are incentives perverted, it is quite literally impossible to calculate the benefit of government’s actions, even if we assume that incentives are not perverted. With states, the price system is not present, rendering economic calculation impossible.<sup>7</sup> The price system substitutes for entrepreneurs knowing the exact circumstances surrounding an economic event. It indicates to the individual the bare minimum he needs to know. Prices form out of supply and demand, which means that any and all information is taken into account<sup>8</sup> regarding the good or service in question, while allowing individuals to make the right decisions without knowing all the relevant information. One doesn’t necessarily know, or even has to know, that the reason the price of wood has increased is because there was a forest fire that dwindled the supply of this resource. But the rise in price tells the businessman that for whatever reason, wood has increased in value (in this case due to its increased scarcity). This price signal will alter the consumption of trees, in that it will direct them to where they are now most direly needed. The price system miraculously does all of this. In the words of economist F.A. Hayek (1945), “I am convinced that if it were the result of deliberate human design, and if the people guided by the price changes understood that their decisions have significance far beyond their immediate aim, this mechanism would have been acclaimed as one of the greatest triumphs of the human mind.”

This marvelous tool is entirely missing in the realm of government. Since it acquires compensation for

neto prihod. Međutim, vlada iznos novca koji joj mora biti plaćen određuje donošenjem zakona o iznosu koji ona smatra potrebnim za pružanje tih usluga, te na taj način onemogućava određivanje realnog troška posla. Ako je kompenzacija obvezatna, nemoguće je izračunati prihod jer je iznos koji vlada odredi vrlo proizvoljan. S obzirom da su iskrivljeni troškovi i bruto prihod jer je prirode same vlade takva, isto će tako biti izobličeni i neto prihod.

### III. BIROKRACIJA

Da ne postoji mehanizam cijena, vlade bi se morale oslanjati na druge oblike određivanja uspjeha i neuspjeha, kao i upravljanja aktivnostima: na birokraciju. Središnje vlasti koje se bave planiranjem tapkaju u mraku jer se to odnosi na budžetiranje. Oni ne znaju jesu li rasipni ili su, kojim slučajem, učinkoviti jer ne postoji provjera tržišta koja bi provjeravala njihove aktivnosti. Njihov se uspjeh ne može definirati monetarnim pojmovima. Stoga, kako piše Mises (1996.) “kriterij za dobro upravljanje nije dobivanje pristanka kupaca što će rezultirati time da će prihod biti veći od rashoda, nego je kriterij strogo poštivanje niza birokratskih pravila. Vrhovno pravilo upravljanja je pokornost takvim pravilima.” Bez primjene tržišta, dobro i ispravno upravljanje reducirat će se na to da pojedinci čine sve što piše na popisu zadataka, umjesto da omogućće računovodstvenoj metodi da definira napredak kompanije. Bezizlazna situacija u kojoj se našlo gospodarstvo Venezuele dramatično ilustrira ovo načelo. Ali iz istih je principa gospodarstvo zapadne Njemačke opisano kao “čudo,” dok je gospodarstvo istočne Njemačke bilo u mrtvilu. Ovaj je primjer ponovila Južna Koreja za razliku od svog rođaka sjeverno od granice koji ih je razdvojio, što je rezultiralo ratom. Kako je onda gospodarstvo SSSR-a uspjelo trajati tako dugo, od 1917. do 1991.? Odgovor je jednostavan. Oni, naravno nisu mogli sami generirati tržišne cijene. Ali mogli su raditi tako neorganizirano koristeći svjetske cijene. Da nije bilo Chicago mercantile

its services coercively, even with the assumption of benevolence, it is impossible to determine if these services were valued by the populace. For the only way to see this would be to calculate net revenue. But the government determines how much money it will receive by legislating the amount it deems necessary for providing services, making it impossible to determine the true costs of business. With compulsory compensation, income cannot be accurately determined since the number reached is purely arbitrary. With both costs of business and gross revenue distorted due to the nature of government, net revenue will consequently be distorted and misdirected.

### III. BUREAUCRACY

Without a price mechanism, governments must rely on another form of determining success and failure, as well as managing activities: bureaucracy. Central planning authorities are left in the dark as it pertains to budgeting. They cannot know if they are being wasteful, or if, by accident, they are being efficient, because there is no market check on their activities. Their success cannot be determined in monetary terms. Thus, as Mises (1996) wrote “the criterion of good management is not the approval of the customers resulting in an excess of revenue over costs but the strict obedience to a set of bureaucratic rules. The supreme rule of management is subservience to such rules.” Without the application of the market, proper and good management is reduced to working one’s way down a check list, in place of allowing the accountancy method to determine the company’s progress. The dire straits the Venezuelan economy finds itself in furnish a dramatic illustration of this principle. But the same principles apply to why the West German economy was characterized as a “miracle,” while that of East Germany was in the doldrums. This example was repeated by South Korea vis a vis its cousin north of the border separating them as a result of war. Why, then was the economy of the U.S.S.R. able to hold on for

exchange-a, Sears Roebuck kataloga, i ostalih izvora informacija ove vrste, to bi se gospodarstvo davno bilo raspalo. Od 1917. do 1921., Rusi su slijedili “čisti” komunizam, i ignorirali zapadnjačke cijene. To je dovelo do takve katastrofe da su 1922. usvojili “Novi gospodarski plan” koji je uvrstio podatke iz ovih izvora.

Sve se ovakve poteškoće javljaju ako industrijom upravlja (loše upravlja) vlada. Ako industrija nije mnogobrojna, ovakva praksa će svejedno izazvati kaos, iako u manjoj mjeri. To uključuje zakon. Zakonodavci ne mogu precizno definirati zakon zbog gore spomenutih problema, jednako kao što to ne mogu ni druge institucije. Isto vrijedi za sudove. “Bez ikakve mjere tržišne potražnje, suci neće znati jesu li odluke koje su donijeli ispravne ili ne, ako se mjeri zadovoljavanje očekivanja strana i društvenog konsenzusa (Stringham, 2011.)” Poticaji idu u smjeru zadovoljavanja interesnih skupina, a položaji u saveznom pravosuđu se dodjeljuju kao političke usluge.<sup>9</sup> Zbog našeg mentalnog sklopa koji je optimističan po pitanju zakonodavstva, mi ne uspijevamo uvidjeti važnost države u domeni pravde i zakona. Međutim, to nije uvijek bio slučaj. Zapravo, većim dijelom ljudske povijesti, zakoni i Pravda bili su odijeljeni od države.

#### IV. BEZDRŽAVNO PRAVOSUĐE

Većina ljudi je učila da je Država nastala uz pomoć “društvenog ugovora” Thomasa Hobbesa.<sup>10</sup> Sudeći prema Internetskoj Enciklopediji (ND) ovo stajalište kaže da “čovjekove moralne i / ili političke obveze ovise o ugovoru ili sporazumu među ljudima kojim se oni obvezuju da će formirati društvo u kojem žive.” Jer, nedvojbeno, u većini država koje postoje ili su postojale to nije bio slučaj. Ne postoji povijesni dokaz da je bilo ikavog društvenog ugovora, a još manje da je on bio izvor legitimnosti države. Baš naprotiv, znanstvenici su suglasni da države nastaju iz nasilja, a ne iz zajednice koja se udružuje kako bi imala sigurnost. Prema riječima

such a long duration, from 1917 until 1991? It is simple. They could of course not generate any market prices of their own. But they were able to “muddle along” by use of world prices. Without the Chicago mercantile exchange, the Sears Roebuck catalogue, and other sources of information of this sort, that economy would have fallen apart long before. From 1917 to 1921, the Russians followed “pure” Communism, and ignored western prices. This was such a disaster that in 1922 they adopted the “New Economic Plan” which did incorporate information from these sources.

All of these issues arise whenever most industries are (mis)managed by government. When only a few are, that practice still creates havoc, albeit on a smaller scale. This includes law. It is not possible for legislators to properly determine appropriate law due to the issues explained above, any more than any other institution known to man. The same thing applies to their courts. “Without any measurement of market demand, judges will be unable to determine whether their decisions are really right or wrong as measured by whether they actually do reflect parties’ expectations and social consensus (Stringham, 2011).” Incentives are shifted towards pleasing interest groups, and federal judicial seats are given as political favors.<sup>9</sup> Yet, due to our legal-positivistic mindset, we fail to ponder the necessity of the State in the realm of justice and law. Such was not always the case, however. In fact, for the majority of human history, law and justice were separate from the State.

#### IV. STATE-LESS JUSTICE

The majority of people are taught that the State came into existence via Thomas Hobbes’s “social contract.”<sup>10</sup> According to Internet Encyclopedia (ND) this viewpoint maintains “that persons’ moral and/or political obligations are dependent upon a contract or agreement among them to form the society in which they live.” For, arguably, at least the majority of the states that now and/or have

Humea (1826.), "... gotovo sve vlade koje trenutno postoje ili o čijem postojanju postoji dokaz kroz usmenu predaju osnovane su uzurpacijom ili osvajanjem ili kombinacijom ovih obaju načina, bez ikakve želje za poštenim pristankom ili dobrovoljnim pokoravanjem naroda." Sartwell (2008., str. 38) piše da će "svi realistični pogledi na porijeklo država pripisati njihovo osnivanje ili barem njihov razvoj i opstanak uporabi nasilja u velikim dimenzijama. (Sartwell, 2008.)." Ideja o vladi koja je dobronamjerna, a osnovana je da bi nas štitala od nas samih ne može biti dalje od istine. Uz taj dokaz, zaključak možemo izvući iz čiste logike. Razmotrimo na trenutak osnivanje vlade, jedan dan prije njenog osnutka, bez obzira je li demokratska ili ne. Postoji li apsolutna jednoglasna suglasnost za osnivanje ove institucije? Može li toga biti, a da se ne radi o znanstvenoj fantastici? Naravno da ne može. Pet prijatelja koji žele izaći na večeru te zatim u kino ne može se dogovoriti s lakoćom. Zamislite još važniji pakt, osnivanje vlade koja ima monopolističku moć da tisuće njenih istomislilaca prisililjava sve svoje članove. Vrlo je lakovjerno pretpostaviti da je moguće postići jednoglasnost. Ako je nema, uvijek postoji barem jedna osoba, u svakom formiranju vlade, koja je protiv procedure. A opet, ta osoba, i brojne druge slične njoj, bit će podvrgnuta vladavini većine ili diktatora. QED.

Države, dakle, nisu osnivane kako bi se uspostavio red, zakon, mir i prosperitet. U stvari, država kao stvaratelj zakona posve je nov fenomen. Fuller (1964., str. 123) je napisao, "Moguć prigovor gledanju [na zakon] ovdje je da on dozvoljava postojanje više zakonskih sustava koji upravljaju istom populacijom. Odgovor je naravno, da takvi višestruki zakonski sustavi doista postoje te su kroz povijest bili uobičajeniji od unitarnih sustava." Države se nisu razvile na miran način, niti su, povijesno gledano, bile pružatelji reda i zakona. Ali tržišta jesu. Kako? Tako što su se koncentrirala na obnovu, a ne na kaznu.

Prije nego se upleo javni sektor, u zakonu je postojala jasna razlika. Bilo je razlike između delikta i zločina, što je danas rijetkost. Delikt je

ever existed, such has not been the case. There is no historical evidence for any social contract ever having taken place, much less serving as the source of legitimacy for states. Very much to the contrary, scholars are in agreement that the state originated out of violence, not a community coming together out of a desire for security. In the words of Hume (1826), "... almost all the governments which exist at present, or of which there remains any record in story, have been founded originally in usurpation or conquest or both, without any pretense of a fair consent or voluntary subjection of the people." Sartwell (2008, p. 38) wrote that "almost any realistic view of the origin of states will attribute their founding or at any rate their development and preservation, to the large-scale application of violence (Sartwell, 2008)." The idea of a benevolent government being formed to save us from ourselves cannot be further from the truth. In addition to this evidence, we can also deduce this conclusion from pure logic. For, consider the founding of a government, right before day one of its existence; any instance of it will do, democratic or not. Was there absolute unanimous agreement for the formation of this institution? Could there have been any such thing, apart from science fiction? Of course not. Any five friends who want to go out to dinner and then see a movie cannot easily achieve full support on even so simple a matter. Imagine a much more important pact, that of setting up a government with monopoly powers to coerce all of its members, on the part of thousands upon thousands of people. It strains credulity to the utmost to suppose that unanimity could have been reached. But, if not, then there was at least one person, in each and every governmental creation, who objected to the procedure. And, yet, he, and many, many others like him, would have then been subject to the rulings of the majority, or of the dictator. QED.

States, then, were not founded in an attempt to provide law and order, peace and prosperity. In fact, the state as the creator of law is a new phenomenon. Fuller (1964, p. 123) wrote, "A

bio prijestup protiv pojedinca ili njegove imovine, dok je zločin bio prijestup protiv države – ili društva. Ambiciozne vlade, koje su htjele financirati ratove koje su vodile, prepoznale su dobit u ovom području, te su se ubacile u industriju. Počinjenje određenih zločina pretvorilo se u narušavanje “kraljevog mira”. Pod ovom premisom, žrtva je morala platiti kralju da ispravi tu nepravdu! I ne samo to. Bilo je protuzakonito dobiti naknadu u bilo kojem obliku prije nego prijestupnik bude doveden pred kraljevskog suca, te je vladar tako mogao dobiti novac. Štoviše, ako je žrtva pristala na povratak svoje ukradene imovine, bila bi kažnjena za prekršaj (Richman, 2013.). S ovim vladinim preuzimanjem reda i zakona, prekršaji se više nisu provodili protiv pojedinaca, oni su bili kršenje vladinih propisa. Prema tome, cilj je bio skretanje “pravde” s naknade– tj. kompenzacije žrtvi– na kaznu, što je bilo neobično zbog tipične proizvoljnosti vladine uprave. U sustavu privatnih zakona, cilj je bio zbrinuti žrtvu, a u sustavu vladinih zakona, jedini je cilj kazniti prekršitelja, a žrtvi samo ostaviti eventualnu zadovoljštinu da počinitelja vidi iza rešetaka.<sup>11</sup>

Ali kako je funkcionirao sam sustav slobodnog tržišta? Umjesto zakona koji proizlazi iz samo jednog tijela – putem zakonodavnog sustava – zakon je otkrivao čitav niz izvora, tj. suce koji su se međusobno natjecali. Jedan od najboljih primjera toga dogodio se u keltskoj Irskoj. Oko otprilike tisuću godina, od 600. do 1600. g. n.e., Irska se nalazila u stanju anarhije. Prema riječima Pedena (1977.): “Nije bilo ni zakona, ni sudskih izvršitelja, ni policije, ni javnog provođenja pravde... Nije bilo ni traga pravdi koju bi provodila država.” U odsustvu države, prazninu je popunjavala klasa profesionalnih sudaca koji su se zvali *brehoni*. Oni su imali reputaciju da su mudri te da dobro poznaju lokalne običaje, te su bili angažirani da presuđuju kod razmirica. Ljudi su se smjeli obratiti kojem god su *brehonu* htjeli, a ta kompetitivnost je obično vodila pravednim presudama. *Brehoni* su činili isto što čine i tvrtke koje nas nastoje privući nudeći kvalitetnu uslugu.

possible objection to the view [of law] taken here is that it permits the existence of more than one legal system governing the same population. The answer is, of course, that such multiple systems [of law] do exist and have in history been more common than unitary systems.” States did not develop peacefully, nor have they been, historically, the provider of law and order. Markets did so. How? By focusing on restitution, not punishment.

Prior to public sector involvement, there was a key distinction made in law. The difference betwixt a tort and a crime was recognized, something that seldom occurs today. A tort was an offense against an individual or his just property, while a crime was an offense against the state – or society. Ambitious governments that needed to fund their wars saw profit to be made in this field, and infiltrated the industry. Committing certain crimes turned into a violation of the “king’s peace”. Given this premise, then, saliently, the victim needed to pay the king to fix this wrong! Not only this, it became illegal to get any form of restitution before the offender was brought in front of a king’s judge, from which the ruler could get his money. Moreover, should a victim accept the return of his stolen property before the government court entered the picture, the victim would be charged with a misdemeanor (Richman, 2013). With this government takeover of law and order, offenses were no longer against individuals, they were in violation of the precepts of the government. Therefore, the goal of “justice” shifted from restitution – i.e. making the victim whole again – to punishment, which tended to be outlandish because of the typical arbitrariness of government rule. In a system of private law, the objective was to fix the victim, and in a system of government law, the objective is only to punish the offender, leaving the victim only the satisfaction of perhaps seeing the perpetrator behind bars.<sup>11</sup>

But how did the free market system itself work? Instead of law emanating from one body – via legislation – it was discovered by many sources, i.e., competing judges. One of the best examples of this took place in Celtic Ireland. For roughly one



Još je jedan zakon u povijesti primjer policentričnog zakona, a to je Zakon o trgovini, *Lex Mercatoria*. Budući da nije bilo svjetske vlade, nije bilo ni pravila ni zakona koji bi se ticali međunarodne trgovine. Osim toga, vlade nisu nametale privatne komercijalne ugovore koji bi se bazirali na interesu, što je ključni element međunarodne trgovine. Zakon o trgovini se, stoga, oslanjao na privatne presude i provođenje zakona. Ovaj je sustav bio poželjan za državne sudove i pravosuđe zbog čitavog niza razloga. Kao prvo, bio je mnogo brži od sudskih postupaka iz formalnog javnog sektora. Osim toga, proces međunarodne trgovine je pojednostavljen, što je ograničilo broj i vrste eventualnih konflikata. Kao drugo, ti privatni sudovi obnašali su funkciju neutralne treće strane. Budući da je trgovina bila međunarodna, do razmirica bi dolazilo između građana različitih država. Naravno da je Englez htio tužiti Francuza na engleskom sudu, a Francuz Engleza na francuskom sudu. Ti su privatni sudovi uklonili prednost domaćeg terena. Nadalje, ovim su sudovima upravljali sami trgovci, a ne vladini birokrati. Pa tko može bolje razumjeti složene međunarodne komercijalne ugovore, pravedno definirati pogrešku trgovca te potom ponuditi razumno rješenje nego kolega trgovac? I konačno, neformalna pravila zakona *Lex Mercatoria* bila su fleksibilna u odgovorima trgovcima, i okolini podložnoj stalnim promjenama, koji su činili međunarodnu trgovinu.<sup>12</sup>

Pogledajmo sada kako se to odvija u našem modernom svijetu. Da, iako živimo u svijetu s mnoštvom država, još uvijek postoji privatno pravo i privatni sudovi. U SAD-u je 1970. bilo oko 10000 privatnih zajednica. Do 1992. ta se brojka povećala na 150000 ili 28 milijuna ljudi (Casey, 2010.). Te privatne zajednice, kao što su udruge vlasnika stanova, zadruge, trgovački centri, zatvorene zajednice i ladanjski klubovi imaju svoja privatna pravila, izvan državnog aparata i ta pravila nastaju na organski način. Ovi pojedinci biraju živjeti u okolini u kojoj doista mogu donositi odluke i stvarati pravila. Oni su živući primjer učinkovitog policentričnog prava koje funkcionira.

thousand years, from about 600 C.E. to 1600 C.E., Ireland was in a state of anarchy. According to Peden (1977): “There was no legislature, no bailiffs, no police, no public enforcement of justice... There was no trace of State-administered justice.” In the absence of a state, a class of professional judges called *brehons*, filled the void. Through their reputation for wisdom and knowledge of the local customs, brehons were commissioned to adjudicate disputes. People were free to go to any *brehon* they liked, and this competition led to generally just rulings. In the same way that a company tries to persuade you to patronize them by offering quality services, so did *brehons*.

Another historical example of polycentric law is the Law Merchant, of *Lex Mercatoria*. Due to the lack of world government, there were, in effect, no rules or laws as far as international trade was concerned. Not only that, governments did not enforce private commercial contracts that involved interest, which was a key part of international trade. Law Merchant, therefore, relied entirely on private adjudication and enforcement. This system was preferable to state courts and law for a myriad of reasons. First, they were much faster than formal public sector court proceedings. Not only that, the process of international trade was simplified, which limited the number and kinds of conflicts that could arise. Second, these private courts served the function of a neutral third-party. Since the trade was international, disputes would come up between citizens of differing countries. Surely a man from England would love to sue a Frenchman in an English court, and surely a Frenchman would love to sue an Englishman in a French court. These private courts removed any home-field advantage. Moreover, the courts were operated by merchants themselves, instead of government bureaucrats. Who would better understand the complexities of international commercial contracts, correctly determine fault, and then offer a reasonable solution, than the merchants involved could accept than a fellow merchant? Lastly, the informal rules of the *Lex Mercatoria* allowed for flexibility

Međutim, to nije jedini suvremeni primjer policentričnog prava i policentričnih sudova. Ukoliko imate ugovor s mobilnim operaterom ili jednom od tvrtki za kartično poslovanje, i vi ste vrlo vjerojatno dio ovog sustava. Pogledate li ugovor koji ste sklopili s mobilnim operaterom ili tvrtkom za kartično poslovanje, vrlo vjerojatno ćete naći klauzulu o arbitraži. I ne samo u ovim primjerima. Studija iz 1994. pokazala je da oko 90 posto svih ugovora o međunarodnoj trgovini sadrži klauzule o arbitraži (Mises Institute, 2013.). Što su klauzule o privatnoj arbitraži? One nalažu da će, u slučaju sukoba između dviju strana, on biti razriješen od strane privatnog alternativnog posrednika (ADR), a ne vladinog suda. Privatne tvrtke za arbitražu su jeftinije, brže, pravednije i specijalizirane za određeno područje interesa, što vladini sudovi nisu.<sup>13</sup> Privatna arbitražu je rastuća profitabilna industrija u SAD-u. 1995. godine je Američka udruga za arbitražu – American Arbitration Association (AAA) vodila 62423 slučaja. Više od tisuću ADR tvrtki predstavlja konkurenciju Američkoj udruzi za arbitražu, uključujući i Tvrtku za pravosudnu arbitražu i medijaciju (JAMS), koja je 1997. posredovala i presudila u 15000 slučajeva te uprihodila 45 milijuna dolara (Bell, 1998.).

## V. ZAKLJUČAK

Ekonomisti su praktički jednoglasni u vjerovanju da je privatna opskrba nekom robom poželjnija od javne, barem općenito govoreći. Međutim, isti razlozi koji govore u prilog ovom vjerovanju mogu vrijediti za bilo koji proizvod ili uslugu, pa tako i zakon. Ne bi privatna nabava reda i zakona bila poželjna samo iz gospodarskih razloga, tj. radi učinkovitosti i brze reakcije prema narodu, to jednostavno nije samo teorija. Postoje u povijesti i danas primjeri policentričnih zakona koji funkcioniraju. Bez obzira radi li se o Irskoj u 16. stoljeću te međunarodnoj trgovini staroj stotine godina ili se radi o današnjoj međunarodnoj trgovini, koja je alternativa tromim vladinim

in response to the peculiarities of the merchants, and the ever-changing environment that was international trade.<sup>12</sup>

Let us now look into how this has played out in our modern world. Yes, while we live in a world full of states, there is still private law and courts. In 1970, there were about 10,000 private communities in the United States of America. By 1992, that number had risen to 150,000 or roughly 28 million people (Casey, 2010). These private communities, such as home owners associations, condominiums, cooperatives, shopping malls, gated communities and country clubs, have their own private rules, outside of the state apparatus, and these rules arise organically. These individuals have chosen to live in an environment where they truly decide and make the rules. These are living, present-day examples of effective polycentric law at work.

This isn't the only modern example of polycentric law and courts, however. If you have a contract with a cell phone company, or one with a credit company, you are more than likely already a part of this system. If you look in your cell phone or credit card contract, you are more than likely going to find an arbitration clause. Not only in these instances, but a 1994 study showed that, in fact, about 90 percent of all international trade contracts contained arbitration clauses (Mises Institute, 2013). What are these private arbitration clauses? They mandate that should a disagreement arise between the two parties, the conflict will be resolved by a private alternative dispute resolution (ADR) service provider, not a government court. These private arbitration companies are cheaper, quicker, fairer, and specialized in the field of interest, none of which descriptions could, arguably, be used to describe government courts.<sup>13</sup> Private arbitration is a growing and profitable industry in the United States. In 1995, the American Arbitration Association (AAA) administered 62,423 cases. There are more than 1,000 ADR companies competing with the AAA, including the Judicial Arbitration and Mediation Services Company (JAMS), who arbitrated 15,000 cases in 1997, bringing in \$45 million in revenue (Bell, 1998).

sudovima, policentrični zakoni su funkcionirali i još uvijek funkcioniraju. Ako želimo učinkovitiji i pravedniji sustav sudstva i vladavinu zakona, dozvolimo tržištu da preuzme.

## BILJEŠKE

<sup>1</sup> Želimo zahvaliti Gage Counts i Justinu Callaisu na komentarima u prijašnjoj verziji ovog članka. Za sve su pogreške, naravno, odgovorni isključivo autori.

<sup>2</sup> Ovu zakonsku strukturu karakteriziraju konkurentske ili preklapajuće pravne nadležnosti. Ona je u suprotnosti s monopolističkim ili statutornim pravom u kojem postoji samo jedan niz pravila i propisa.

<sup>3</sup> Za daljnju kritičku analizu države vidi Anderson i Hill, 1979.; Benson, 1989., 1990.; Block, 2007., 2011.; Block i Fleisher, 2010.; Casey, D., 2010., 2016.; Casey, G., 2012.; Chodorov, str. 216–239; DiLorenzo, 2010.; England, 2013.; Gregory, 2011.; Guillory & Tinsley, 2009.; Hasnas, 1995.; Heinrich, 2010.; Higgs, 2009., 2012., 2013.; Hoppe, 2008., 2011.; Huebert, 2010.; King, 2010.; Kinsella, 2009.; Long, 2004.; McConkey, 2013.; Molyneux, 2008.; Molyneux i Badnarik, 2009.; Murphy, 2005.; 2010., 2013.A, 2013.B, 2014.; Rockwell, 2014.A, 2014.B; Rothbard, 1965., 1973., 1975., 1977., 1998.; Shaffer, 2012., str. 224–235; Sloterdijk, 2010.; Spooner, 1870.; Stringham, 2007.; Tannehill, 1984.; Tinsley, 1998.–1999.; Wenzel, 2013. Kako to vidi Rothbard (1973., naglasak kojeg je dodao sadašnji autor) “Stoljećima je država (ili izričito, pojedinci u ulozi države kao ‘članovi vlade’) prikrivala svoju zločinačku aktivnost razmetljivom retorikom. Stoljećima je država masovno ubijala, nazivajući to ‘ratom’; pa potom oplemenjujući masovno krvoproliće koje rat podrazumijeva. Stoljećima je država podjarmljivala ljude u naoružane bataljune nazivajući to “novačenjem” u “službi naroda”. Stoljećima je država pljačkala narod nazivajući to ‘oporezivanjem.’ *Zapravo, ako želite saznati kako libertarijanci vide državu i njezine postupke, samo zamislite državu kao zločinačku bandu i svi će libertarijanski stavovi logički sjesti na svoje mjesto.*”

<sup>4</sup> Za slučaj koji kaže da bi za vladino trošenje trebalo oduzimati od proizvodnje u privatnom sektoru kako bi se obračunao BDP, koji za sad nije dodan u kalkulaciju, vidi Casey, 2015.; Rothbard, 1963.; Salerno, 2015.; Strow i Strow, 2013.

<sup>5</sup> Pojedinaac može zahtijevati nisku stopu poreza umjesto visoke u državi ili gradu, ali taj smjer je vrlo skup, a ponekad čak i (imigracijskim) zakonom.

<sup>6</sup> Jedino što na kraju ostaje je dobročinstvo, a ono je često ukratko na strani javnog sektora birokrata.

## V. CONCLUSION

Economists are virtually unanimous in the belief that, at least generally speaking, private provision of goods is preferable to public provision. Yet, the same reasons used to hold this belief can be used for any good or service, law included. Not only would private provision of law and order be preferable for economic reasons, i.e. efficiency and responsiveness to the populace, this is not purely theoretical. There are historical and present-day examples of polycentric law at work, and working well. Whether it is 16th Century Ireland, centuries-old international trade, or present-day international trade and an alternative to bogged-down government courts, polycentric law has and does function. If we wish to have a more efficient and just court system and rule of Law, let the market take over.

## REFERENCES

<sup>1</sup> We wish to thank Gage Counts and Justin Callais for their comments on an earlier draft of this paper. All errors are of course solely the responsibility of the authors.

<sup>2</sup> This legal structure features competing, or overlapping, jurisdictions. This is in contrast to monopolistic or statutory law in which there is only one set of rules and regulations.

<sup>3</sup> For further critical analysis of the State, Anderson and Hill, 1979; Benson, 1989, 1990; Block, 2007, 2011; Block and Fleisher, 2010; Casey, D., 2010, 2016; Casey, G., 2012; Chodorov, pp. 216–239; DiLorenzo, 2010; England, 2013; Gregory, 2011; Guillory & Tinsley, 2009; Hasnas, 1995; Heinrich, 2010; Higgs, 2009, 2012, 2013; Hoppe, 2008, 2011; Huebert, 2010; King, 2010; Kinsella, 2009; Long, 2004; McConkey, 2013; Molyneux, 2008; Molyneux and Badnarik, 2009; Murphy, 2005; 2010, 2013A, 2013B, 2014; Rockwell, 2014A, 2014B; Rothbard, 1965, 1973, 1975, 1977, 1998; Shaffer, 2012, pp. 224–235; Sloterdijk, 2010; Spooner, 1870; Stringham, 2007; Tannehill, 1984; Tinsley, 1998–1999; Wenzel, 2013. In the view of Rothbard (1973, emphasis added by present author) “For centuries, the State (or more strictly, individuals acting in their roles as ‘members of the government’) has cloaked its criminal activity in high-sounding rhetoric. For centuries the State has committed mass murder and called it ‘war’; then ennobled the mass slaughter that ‘war’ involves. For centuries the State has enslaved people

<sup>7</sup> Za daljnje objašnjenje, vidi Boettke, 2001.; DiLorenzo, 2016.; Ebeling, 1993.; Hayek, 1948.; Hoff, 1981.; Hoppe, 1989., 1993.; Mises, 1922., 1977.

<sup>8</sup> Ovo, naravno, vrijedi samo u ekvilibriju, ali sile tržišta kontinuirano tjeraju gospodarstvo u tom smjeru.

<sup>9</sup> Nedavni ispad sutkinje Vrhovnog suda Ruth Bader Ginsburg protiv Donalda Trumpa je presedan. On dokazuje da ona nije nepristrani sudac, nego, kako bi rekao Stringham, politički favorit.

<sup>10</sup> Teorija o društvenom ugovoru jedno je od najrevnijih vjerovanja, tako da je ona zapravo mit. Ona je u rangu s neutemeljenom vjerom u samu državu.

<sup>11</sup> Nema izopačenijeg sustava od "pravosuda". Možda uz korištenje listića čaja, ali što se žrtve tiče i njezine satisfakcije, vidjeti da je počinitelj kažnjen, predstavlja vrlo ograničenu nagradu.

<sup>12</sup> Za daljnju elaboraciju, vidi Benson, 1989., 1990.; Berman i Dasser, 1990.; Marcus, 2009.; Popeo, 1988.; Tannehill, 2001.; Young, 2002.

<sup>13</sup> U Lujzijani, ako potražite na Googleu tvrtku Pretrial Solutions, njihov moto glasi, "Zašto biste išli na sud?"

into its armed battalions and called it 'conscription' in the 'national service.' For centuries the State has robbed people at bayonet point and called it 'taxation.' *In fact, if you wish to know how libertarians regard the State and any of its acts, simply think of the State as a criminal band, and all of the libertarian attitudes will logically fall into place.*"

<sup>4</sup> For the case that government spending should be subtracted from private sector production in order to calculate GDP, not added to it as at present, see Casey, 2015; Rothbard, 1963; Salerno, 2015; Strow and Strow, 2013.

<sup>5</sup> One can seek a low vis a vis a high tax country, state or city, but movement is either very expensive or sometimes prohibited by (immigration) law.

<sup>6</sup> Only benevolence remains, and this is all too often in short supply on the part of public sector bureaucrats.

<sup>7</sup> For a further explication, see Boettke, 2001; DiLorenzo, 2016; Ebeling, 1993; Hayek, 1948; Hoff, 1981; Hoppe, 1989, 1993; Mises, 1922, 1977

<sup>8</sup> This is true of course only in equilibrium, but market forces are continually moving the economy in that direction.

<sup>9</sup> The recent outburst of Supreme Court Ruth Bader Ginsburg on Donald Trump is a case in point. This reveals that she is not really a disinterested jurist but rather, in Stringham's terms, a political favorite.

<sup>10</sup> The social contract theory is one of the most fervently held beliefs that is actually a myth. This ranks with the unwarranted trust in the State itself.

<sup>11</sup> It is difficult to think of a more perverse system of "justice". Perhaps the use of tea leaves, but as for what the victim gets out of the trial, seeing the perpetrator being punished is a very limited type of reward.

<sup>12</sup> For further elaboration, see Benson, 1989, 1990; Berman and Dasser, 1990; Marcus, 2009; Popeo, 1988; Tannehill, 2001; Young, 2002

<sup>13</sup> In Louisiana, Pretrial Solutions' motto is, "Why Go To Court?" when you look them up on Google.

## CITIRANA DJELA / WORKS CITED

- ANDERSON, TERRY AND HILL, P.J. (1979), "An American Experiment in Anarcho-Capitalism: The Not So Wild, Wild West". *Journal of Libertarian Studies*, 3: 9-29; [http://mises.org/journals/jls/3\\_1/3\\_1\\_2.pdf](http://mises.org/journals/jls/3_1/3_1_2.pdf)
- BELL, TOM (1998), "Polycentric Law in a New Century". *Cato Policy Report*, Vol. 20, Issue 6 (Nov/Dec); <http://leadership.net.pl/index.php/JLM/article/view/44>
- BENSON, BRUCE L. (1989), "Enforcement of Private Property Rights in Primitive Societies: Law Without Government". *The Journal of Libertarian Studies*, Vol. IX, No. 1, Winter, pp. 1-26; [http://mises.org/journals/jls/9\\_1/9\\_1\\_1.pdf](http://mises.org/journals/jls/9_1/9_1_1.pdf)
- BENSON, BRUCE L. (1990), "Customary Law with Private Means of Resolving Disputes and Dispensing Justice: A Description of a Modern System of Law and Order without State Coercion". *The Journal of Libertarian Studies*, Vol. IX, No. 2, pp. 25-42; [http://mises.org/journals/jls/9\\_2/9\\_2\\_2.pdf](http://mises.org/journals/jls/9_2/9_2_2.pdf)
- BERMAN, HAROLD J. AND DASSER, FELIX J. (1990), "The 'New' Law Merchant and the 'Old': Sources, Content and Legitimacy". In: Thomas E. Carbonneau, ed., *Lex Mercatoria and Arbitration: A Discussion of the Law Merchant*. Dobbs Ferry, N.Y.: Transnational Juris Publications
- BLOCK, WALTER E. (2011), "Governmental inevitability: reply to Holcombe". *Journal of Libertarian Studies*, Vol. 22; pp. 667-688; [http://mises.org/journals/jls/22\\_1/22\\_1\\_34.pdf](http://mises.org/journals/jls/22_1/22_1_34.pdf)
- BLOCK, WALTER E. AND MICHAEL FLEISCHER (2010), "How Would An Anarchist Society Handle Child Abuse?", October 13; <http://www.lewrockwell.com/block/block167.html>
- BLOCK, WALTER (2007), "Anarchism and Minarchism; No Rapprochement Possible: Reply to Tibor Machan". *Journal of Libertarian Studies*, Vol. 21, No. 1, Spring, pp. 91-99; [http://www.mises.org/journals/jls/21\\_1/21\\_1\\_5.pdf](http://www.mises.org/journals/jls/21_1/21_1_5.pdf)
- BOETTKE, PETER J. (2001), *Calculation and Coordination: Essays on Socialism and Transitional Political Economy*. London: Routledge; <http://www.mises.org/etexts/cc.pdf>
- CASEY, CHRISTOPHER P. (2015), "How GDP Metrics Distort Our View of the Economy", May 15; <http://www.thedailybell.com/editorials/36294/Mises-Institute-How-GDP-Metrics-Distort-Our-View-of-the-Economy/>
- CASEY, DOUG (2010), "Doug Casey on Anarchy". March 31; <http://www.caseyresearch.com/cwc/doug-casey-anarchy>
- CASEY, DOUG (2016), "Why Do We Need Government?" January 19; <https://www.lewrockwell.com/2016/01/doug-casey/ascendancy-sociopaths/>
- CASEY, GERARD (2010), "Reflections on Legal Polycentrism". *Journal of Libertarian Studies*, Vol. 22 (2010)
- CASEY, GERARD (2012), *Libertarian Anarchy: Against the State*. Bloomsbury Academic; [http://www.amazon.com/dp/1441144676/ref=as\\_li\\_tf\\_til?tag=lewrockwell&camp=14573&creative=327641&linkCode=as1&creativeASIN=1441144676&adid=157FYFSMK265EK398X47&ref-refURL=http%3A%2F%2Fwww.lewrockwell.com%2Flewrockwell-show%2Ftag%2FGerard-Casey%2F](http://www.amazon.com/dp/1441144676/ref=as_li_tf_til?tag=lewrockwell&camp=14573&creative=327641&linkCode=as1&creativeASIN=1441144676&adid=157FYFSMK265EK398X47&ref-refURL=http%3A%2F%2Fwww.lewrockwell.com%2Flewrockwell-show%2Ftag%2FGerard-Casey%2F)
- CHODOROV, FRANK (1962), "Taxation Is Robbery". From *Out of Step: The Autobiography of an Individualist*, by Frank Chodorov. New York: The Devin-Adair Company; <http://www.mises.org/etexts/taxrob.asp>
- CUNEO, MICHAEL, ANTÓN CHAMBERLIN, THEODORE BIRKOFER, AND WALTER E. BLOCK (2015), "Private Roads". *Journal of Leadership and Management*, 3.11: 4; <http://leadership.net.pl/index.php/JLM/article/view/44>
- DILORENZO, THOMAS J. (2010), "The Culture of Violence in the American West: Myth versus Reality". *The Independent Review*, v. 15, n. 2, Fall 2010, pp. 227-239; [http://www.independent.org/pdf/tir/tir\\_15\\_02\\_4\\_dilorenzo.pdf](http://www.independent.org/pdf/tir/tir_15_02_4_dilorenzo.pdf)
- DILORENZO, THOMAS (2016), *The Problem with Socialism*. Washington, DC: Regnery Publishing
- EBELING, RICHARD M. (1993), "Economic Calculation Under Socialism: Ludwig von Mises and His Predecessors". In: Jeffrey Herbener, ed., *The Meaning of Ludwig von Mises*, pp. 56-101. Norwell, MA: Kluwer Academic Press
- ENGLAND, RANDY (2013), "The state: what can we replace it with?", March 31; <http://www.lewrockwell.com/blog/lewrw/archives/134782.html>
- FULLER, LON L. (1964), *The Morality of Law*. New Haven: Yale University Press
- GREGORY, ANTHONY (2011), "Abolish the Police", May 26; <http://www.lewrockwell.com/gregory/gregory213.html>
- GUILLORY, GIL & PATRICK TINSLEY (2009), "The Role of Subscription-Based Patrol and Restitution in the Future of Liberty". *Libertarian Papers*, Vol. 1, No. 12, pp. 1-40; <http://libertarianpapers.org/2009/12-the-role-of-subscription-based-patrol-and-restitution-in-the-future-of-liberty/>
- HASNAS, JOHN (1995), "The myth of the rule of law". *Wisconsin Law Review*, pp. 199-235; <http://faculty.msb.edu/hasnaji/GTWebSite/MythWeb.htm>
- HAYEK, F. A. (1945), "The Use of Knowledge in Society". *Knowledge Management and Organizational Design* (1945): 14. Web

- HAYEK, F. A. (1948), "Socialist Calculation I, II, & III". *Individualism and Economic Order*. Chicago: University of Chicago Press
- HAYEK, FRIEDRICH A. (1935a), "Socialist Calculation Debate: The Present State of the Debate". In: Friedrich A. Hayek (ed.), *Collectivist Economic Planning: Critical Studies on the Possibility of Socialism*, pp. 201-43. London: Routledge and Kegan Paul
- HAYEK, FRIEDRICH A. (1935b), "The Nature and History of the Debate". In: Friedrich A. Hayek (ed.), *Collectivist Economic Planning: Critical Studies on the Possibility of Socialism*, pp. 1-40. London: Routledge and Kegan Paul
- HAYEK, FRIEDRICH A. (1940), "Socialist Calculation: The Competitive 'Solution'". *Economica*, Vol. 7 (May): 125-49
- HEINRICH, DAVID J. (2010), "Justice for All Without the State". *The Libertarian Standard*, May 6; <http://www.libertarianstandard.com/articles/david-j-heinrich/justice-for-all-without-the-state/>
- HIGGS, ROBERT (2009), "Why We Couldn't Abolish Slavery Then and Can't Abolish Government Now", August 20; <http://www.lewrockwell.com/higgs/higgs128.html>
- HIGGS, ROBERT (2012), "What is the point of my libertarian anarchism?", January 16; <http://archive.lewrockwell.com/higgs/higgs180.html>
- HIGGS, ROBERT (2013), "The State—Crown Jewel of Human Social Organization". <http://www.lewrockwell.com/blog/lewrw/archives/135000.html>; <http://blog.independent.org/2013/04/03/the-state-crown-jewel-of-human-social-organization/>
- HOFF, TRYGVE J. B. (1981), *Economic Calculation in a Socialist Society*. Indianapolis: Liberty Press
- HOPPE, HANS-HERMANN (1993), *The Economics and Ethics of Private Property: Studies in Political Economy and Philosophy*. Boston: Kluwer Academic Publishers
- HOPPE, HANS-HERMANN (1989), *A Theory of Socialism and Capitalism. Economics, Politics, and Ethics*. Boston: Kluwer Academic Publishers; <http://www.hanshoppe.com/publications/Soc&Cap.pdf>
- HOPPE, HANS-HERMANN (2008), "Reflections on the Origin and the Stability of the State", June 23; <http://www.lewrockwell.com/hoppe/hoppe18.html>
- HOPPE, HANS-HERMANN (2011), "State or Private Law Society", April 10; <http://www.lewrockwell.com/hoppe/hoppe26.1.html>
- HUEBERT, JACOB (2010), *Libertarianism Today*. Santa Barbara, CA: Praeger; <http://www.amazon.com/>
- Libertarianism-Today-Jacob-H-Huebert/dp/0313377545/ref=sr\_1\_fkmr0\_1?s=books&ie=UTF8&qid=1370719921&sr=1-1-fkmr0&keywords=libertarianism+today.+huerbert
- HUME, DAVID (1826 [1748]), "Of the Original Contract". *Essays Moral, Political, and Literary*, p. 515
- INTERNET ENCYCLOPEDIA OF PHILOSOPHY (N.D.), "The Social Contract"; <http://www.iep.utm.edu/soc-cont/#SH2a>
- KING, SETH (2010), "Daily Anarchist Interviews Walter E. Block", September 9; <http://www.lewrockwell.com/block/block165.html>
- KINSELLA, STEPHAN (2009), "The Irrelevance of the Impossibility of Anarcho-Libertarianism", August 20; <http://www.stephankinsella.com/2009/08/20/the-irrelevance-of-the-impossibility-of-anarcho-libertarianism/>
- LONG, RODERICK (2004), "Libertarian Anarchism: Responses to Ten Objections"; <http://www.lewrockwell.com/long/long11.html>
- MARCUS, B. K. (2009), "The Enterprise of Customary Law", June 29; <http://archive.mises.org/6795/the-enterprise-of-customary-law/>
- McCONKEY, MICHAEL (2013), "Anarchy, Sovereignty, and the State of Exception: Schmitt's Challenge". *The Independent Review*, v. 17, n. 3, Winter, pp. 415-428; [http://www.independent.org/pdf/tir/tir\\_17\\_03\\_05\\_mcconkey.pdf](http://www.independent.org/pdf/tir/tir_17_03_05_mcconkey.pdf)
- "Mises Institute". *Private Dispute Resolution*, N. p., 5 Mar. 2013. Web. 19 May 2016
- MISES, LUDWIG VON (1981 [1922]), *Socialism: An Economic and Sociological Analysis*. Translated by J. Kahane. Indianapolis: Liberty Fund; <http://mises.org/books/socialism/contents.aspx>
- MISES, LUDWIG VON (1975[1933]), "Economic Calculation in the Socialist Commonwealth". In: Hayek, F.A., ed., *Collectivist Economic Planning*. Clifton, N.J.: Kelley
- MISES, LUDWIG VON (1977), *A Critique of Interventionism*. New Rochelle, N.Y.: Arlington House; <http://www.mises.org/etexts/mises/interventionism/contents.asp>
- MISES, LUDWIG VON (1996), *Bureaucracy*. Grove City, PA: Libertarian. Print
- MOLYNEUX, STEFAN VERSUS MICHAEL BADNARIK (2009), "How much government is necessary", July 5; <http://www.freedomainradio.com/Videos.aspx>
- MOLYNEUX, STEFAN (2008), "The Stateless Society: An Examination of Alternatives"; <http://www.mail-archive.com/libertarianenterprise@yahoo.com/msg02056.html>

- MURPHY, ROBERT P. (2005), "But Wouldn't Warlords Take Over?", July 7; <http://mises.org/story/1855>; <http://mises.org/library/wouldnt-warlords-take-over>
- MURPHY, ROBERT P. (2010), "Overrating Government Service", March 15; [http://mises.org/daily/4131?utm\\_source=Ludwig+von+Mises+Institute+of+Canada+Daily+List&utm\\_campaign=e4794b19d8-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email&utm\\_term=0\\_6c2fea3584-e4794b19d8-274221537](http://mises.org/daily/4131?utm_source=Ludwig+von+Mises+Institute+of+Canada+Daily+List&utm_campaign=e4794b19d8-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_6c2fea3584-e4794b19d8-274221537)
- MURPHY, ROBERT P. (2013a), "Where Are the Rothbardian Defense Agencies?", December 14; <http://141.164.71.80/exchange/>
- MURPHY, ROBERT P. (2013b), "Drug Gangs and Private Law". December 17; <http://mises.ca/posts/blog/drug-gangs-and-private-law/>
- MURPHY, ROBERT P. (2014), "Randians versus Rothbardians", December 22; <http://mises.ca/posts/blog/randians-versus-rothbardians/>
- OPPENHEIMER, FRANZ, AND JOHN MILTON GITTERMAN (1923), *The State ... Translation by J. M. Gitterman*. London: G. Allen & Unwin. Print
- PEDEN, JOSEPH (1977), "Property Rights in Celtic Irish Law". *Journal of Libertarian Studies*
- POPEO, DANIEL (1988), "Privatizing the Judiciary", August 1; [http://www.fee.org/the\\_freeman/detail/privatizing-the-judiciary/](http://www.fee.org/the_freeman/detail/privatizing-the-judiciary/)
- RICHMAN, SHELDON (2013), "Crime and Punishment in a Free Society", December 8; <http://reason.com/archives/2013/12/08/crime-and-punishment-in-a-free-society>
- ROCKWELL, JR., LLEWELLYN H. (2014a), *Against the State: An Anarcho-Capitalist Manifesto*. Auburn, AL: Rockwell Communications LLC
- ROCKWELL, JR., LLEWELLYN H. (2014b), "What Libertarianism Is, and Isn't". March 31; <http://www.lewrockwell.com/2014/03/lew-rockwell/what-libertarianism-is-and-isnt/>
- ROTHBARD, MURRAY N. (1963), *America's Great Depression*. Kansas City: Sheed and Ward
- ROTHBARD, MURRAY N. (1965), "The Anatomy of the State". *Rampart Journal*, Summer, pp. 1-24. Reprinted in: Tibor R. Machan (ed.), *The Libertarian Alternative*. Chicago: Nelson Hall Co., 1974, pp. 69-93; <http://mises.org/easaran/chap3.asp>
- ROTHBARD, MURRAY N. (1973), *For a New Liberty*. Macmillan, New York; <http://www.mises.org/rothbard/newliberty.asp>
- ROTHBARD, MURRAY N. (1975), "Society Without a State". *The Libertarian Forum*, volume 7.1, January; <http://www.lewrockwell.com/rothbard/rothbard133.html>
- ROTHBARD, MURRAY N. (1977), "Do you hate the state?". *The Libertarian Forum*, Vol. 10, No. 7, July; <http://www.lewrockwell.com/rothbard/rothbard75.html>; <http://www.lewrockwell.com/2014/04/murray-n-rothbard/do-you-pass-the-rothbard-test/>
- ROTHBARD, MURRAY N. (1998 [1982]), *The Ethics of Liberty*. New York: New York University Press; <http://www.mises.org/rothbard/ethics/ethics.asp>
- SALERNO, JOSEPH T. (2015), "How Reducing GDP Increases Economic Growth". *Mises Daily*, January 2; <https://mises.org/library/how-reducing-gdp-increases-economic-growth>; accessed 8-17-15
- SARTWELL, CRISPIN (2008), *Against the State*. Albany, NY: State University of New York Press
- SHAFFER, BUTLER (2012), *The Wizards of Ozymandias: Reflections on the Decline and Fall*. Auburn, AL: The Mises Institute; [http://library.mises.org/books/Butler%20Shaffer/The%20Wizards%20of%20Ozymandias\\_Vol\\_2.pdf](http://library.mises.org/books/Butler%20Shaffer/The%20Wizards%20of%20Ozymandias_Vol_2.pdf)
- SLOTERDIJK, PETER (2010), "The Grasping Hand: The modern democratic state pillages its productive citizens", Winter; [http://www.city-journal.org/2010/20\\_1\\_snd-democratic-state.html](http://www.city-journal.org/2010/20_1_snd-democratic-state.html)
- SPOONER, LYSANDER (1966 [1870]), *No Treason: The Constitution of No Authority and A Letter to Thomas F. Bayard*. Larkspur, Colorado: Rampart College; <http://jim.com/treason.htm>
- STRINGHAM, EDWARD PETER AND TODD J. ZYWICKI (2011), "Hayekian Anarchism". *SSRN Electronic Journal SSRN Journal* (2011): n. pag. Web. [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1744364](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1744364)
- STRINGHAM, EDWARD, ED. (2007), *Anarchy and the Law: The Political Economy of Choice*. Somerset, NJ: Transaction Publishers; <http://www.amazon.com/Anarchy-Law-Political-Economy-Choice/dp/1412805791>
- STROW, BRIAN KENT AND CLAUDIA WOOD STROW (2013), "Gross Actual Product: Why GDP Fosters Increased Government Spending and Should Be Replaced". *The Journal of Private Enterprise*, 29(1), pp. 53-71
- TANNEHILL MORRIS AND LINDA (2001), "Arbitration of Disputes", July 1; <http://mises.org/daily/5404>
- TANNEHILL, MORRIS AND LINDA TANNEHILL (1984 [1970]), *The Market for Liberty*. New York: Laissez Faire Books; <http://www.lewrockwell.com/orig11/tannehill1.html>

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THIERER, ADAM (1992), “Judgement Day: The Case for Alternative Dispute Resolution”. Adam Smith Institute; <http://www.adamsmith.org/sites/default/files/images/uploads/publications/judgement-day.pdf>

TINSLEY, PATRICK (1998-1999), “With Liberty and Justice for All: A Case for Private Police”. *Journal of Libertarian Studies*, Vol. 14, No. 1, Winter, pp. 95-100; [http://www.mises.org/journals/jls/14\\_1/14\\_1\\_5.pdf](http://www.mises.org/journals/jls/14_1/14_1_5.pdf)

WENZEL, ROBERT (2013), “Robert Ringer’s Strawman Anarchist”, February 2; <http://archive.lewrockwell.com/wenzel/wenzel211.html>

YOUNG, ADAM (2002), “Arbitration on Trial”, July 17; <https://mises.org/daily/1002/Arbitration-on-Trial>