



**Distinguished Visiting Scholars Program
Graduate Seminar on Justice without the State
Fall 2019**

**Bruce Benson, Ph.D.
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Florida State University**

Session 1 – October 10, 2019 – Tribal Justice

Primary Readings

- Benson, B. L. (1988). Legal Evolution in Primitive Societies. *Journal of Institutional and Theoretical Economics*, 144 (5): 772-788.
- Benson, B. L. and Siddiqui, Z. R. (2014). *Pashtunwali* - Law of the Lawless and Defense of the Stateless. *International Review of Law and Economics*, 37: 108-120.

Suggestions for Further Reading

- Goldschmidt, W. (1951). Ethics and the Structure of Society: An Ethnological Contribution to the Sociology of Knowledge. *American Anthropologist*, 53: 506-524.
- Pospisil, L. (1971). *Anthropology of Law: A Comparative Theory*. New York, Harper and Row.
- Scott, J. C. (2009). *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*. New Haven: Yale University Press.



Session 2 – October 17, 2019 – Commerce in Medieval Europe

Primary Readings

- Benson, B. L. (2011). The Law Merchant's Story: How Romantic is it? In G. Callies and P. Zumbansen, Eds., *Law, Economics and Evolutionary Theory*. London: Edward Elgar.
- Benson, B. L. (2017). Customary Commercial Law, Credibility, Contracting, and Credit in the High Middle Ages. In P. Boettke and T. Zywicki, Eds., *Austrian Law and Economics*. London: Edward Elgar.

Suggestions for Further Reading

- Trakman, L. E. (1983). *The Law Merchant: The Evolution of Commercial Law*. Littleton, CO: Fred B. Rothman and Co.
- Greif, A. (2006). *Institutions and the Path to the Modern Economy: Lessons from Medieval Trade*. New York: Cambridge University Press.
- Kadens, E. (2012). The Myth of the Customary Law Merchant. *Texas Law Review*, 90: 1153-1206.

Note: this is one of the recent publications criticizing the law merchant literature; I am in the process of writing a book that will address such criticisms.



Session 3 – October 24, 2019 – Private Order and Justice in American History

Primary Readings

- Benson, B. L. (1995). An Exploration of the Impact of Modern Arbitration Statutes on the Development of Arbitration in the United States. *Journal of Law, Economics, & Organization*, 11: 479-501.
- Benson, B. L. (1991). Reciprocal Exchange as the Basis for Recognition of Law: Examples from American History. *Journal of Libertarian Studies*, 10(1): 53-82.

Suggestions for Further Reading

- Anderson, T. L. and Hill, P. J. (2004). *The Not so Wild, Wild West: Property Rights on the Frontier*. Palo Alto, CA: Stanford University Press.
- Umbeck, J. (1981). *A Theory of Property Rights with Applications to the California Gold Rush*. Ames, IA: Iowa State University Press.
- Auerbach, J. S. (1983). *Justice Without Law*. New York: Oxford University Press.



Session 4 – October 31, 2019 – Private Justice in the Modern U.S.

Primary Readings

- Benson, B. L. (1999). To Arbitrate or to Litigate: That is the Question. *European Journal of Law and Economics*, 8: 91-151.
- Benson, B. L. (2014). Let's Focus on Victim Justice, Not Criminal Justice. *Independent Review: A Journal of Political Economy*, 19: 209-238.

Suggestions for Further Reading

- Bernstein, L. (1992). Opting Out of the Legal System: Extralegal Contractual Relations in the Diamond Industry. *Journal of Legal Studies*, 21: 115-158.
- Ellickson, R. C. (1991). *Order Without Law: How Neighbors Settle Disputes*. Cambridge, MA: Harvard University Press.
- Stringham, E. (2015). *Private Governance, Creating Order in Economic and Social Life*. Oxford, NY: Oxford University Press.