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The Jurist, 1841

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present feature of life in a complex world and it is important for societies to manage it in a just and efficient manner One way to reduce risk is to assign responsibility for the associated harm In this book economist Thomas J Miceli examines harm and responsibility from an economic perspective The book focuses on how responsibility affects people s incentives to refrain from causing unnecessary harm to achieve what economists call optimal deterrence Secondly it is concerned with the quest for justice Defining this is part of the journey Does it mean compensating victims for unavoidable losses Does it involve punishing wrongdoers in proportion to the harm they have caused Is there a clear answer The book addresses these questions and more explaining how in some cases these objectives will align with deterrence and in others they will not The book discusses the ways that the law tempered by religious and social norms strikes a balance between these goals The principal areas of law that assign legal responsibility are tort law for accidental harms and criminal law for intentional harms

There exist vibrant economic theories of both and this volume draws on this literature One theme that emerges is the role of causation in determining responsibility Attributing responsibility for a given harm to the party that caused it seems both morally just because it embodies personal responsibility and economically desirable because it achieves deterrence in the most direct manner And yet the law departs from this prescription in any number of ways both by limiting the responsibility of some who caused harm and by expanding responsibility to some who did not The book offers readers coherent economic explanations for these departures from a purely causal basis for legal responsibility Author Thomas J Miceli clarifies causation as reciprocal in nature and therefore not a uniquely defined concept This means that when an action by A causes harm to B the question is not how to restrain A but rather whether A has the legal right to take the action in question or whether B has the right to prevent it There will be a harm either way the relevant question is which party should bear it This insight ultimately leads to the fundamental problem of defining harm In most conflicts this can be straightforward as when A punches B but in others it is more challenging For example when does free speech become hate speech Where is the line drawn The book concludes by drawing out the implications of this fundamental ambiguity over the meaning of harm what that means for the law and what economic theory has to say about it

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A Treatise on the Law of Evidence as Administered in England and Ireland; with Illustrations from the American and Other Foreign Laws John Pitt TAYLOR,1864 **Is Administrative Law Unlawful?**

Philip Hamburger,2022-12-22 Hamburger argues persuasively that America has overlaid its constitutional system with a form of governance that is both alien and dangerous Law and Politics Book Review While the federal government traditionally could constrain liberty only through acts of Congress and the courts the executive branch has increasingly come to control Americans through its own administrative rules and adjudication thus raising disturbing questions about the effect of this

sort of state power on American government and society With Is Administrative Law Unlawful Philip Hamburger answers this question in the affirmative offering a revisionist account of administrative law Rather than accepting it as a novel power necessitated by modern society he locates its origins in the medieval and early modern English tradition of royal prerogative Then he traces resistance to administrative law from the Middle Ages to the present Medieval parliaments periodically tried to confine the Crown to governing through regular law but the most effective response was the seventeenth century development of English constitutional law which concluded that the government could rule only through the law of the land and the courts not through administrative edicts Although the US Constitution pursued this conclusion even more vigorously administrative power reemerged in the Progressive and New Deal Eras Since then Hamburger argues administrative law has returned American government and society to precisely the sort of consolidated or absolute power that the US Constitution and constitutions in general were designed to prevent With a clear yet many layered argument that draws on history law and legal thought Is Administrative Law Unlawful reveals administrative law to be not a benign natural outgrowth of contemporary government but a pernicious and profoundly unlawful return to dangerous pre constitutional absolutism

The Law Reports ,1892 [The Correspondence of Jeremy Bentham, Volume 13](#) Chris Riley,Philip Schofield,Tim Causer,2024-04-11 The Correspondence of Jeremy Bentham Volume 13 contains authoritative and fully annotated texts of all known and publishable letters sent both to and from Bentham between 1 July 1828 and his death on 6 June 1832 In addition to 474 letters the volume contains three memorandums concerning Bentham s health shortly before this death his Last Will and Testament and extracts from both the Autobiography and the manuscript diaries of Bentham s nephew George Of the letters that have already been published most are drawn from the edition of The Works of Jeremy Bentham prepared under the superintendence of Bentham s literary executor John Bowring A small number of letters have been reproduced from newspapers and periodicals This volume publishes for the first time all the extant correspondence between Bentham and Daniel O Connell the Irish Liberator Other new acquaintances included Charles Sinclair Cullen barrister and law reformer and John Tyrrell the Real Property Commissioner Throughout the period Bentham maintained regular contact with old friends and connections but he also entered into sporadic correspondence with such leading figures in government as the Duke of Wellington Robert Peel and Henry Brougham Further afield Bentham corresponded amongst others with the Marquis de La Fayette in France Edward Livingston in the United States of America and Jos Del Valle in Guatemala *Harvard Law Review* ,1892

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