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Hayek and the Common Law (Cato Unbound Book 122009) - Kindle edition by John Hasnas, Daniel Klein, Bruce Caldwell, Timothy Sandefur, Jason Kuznicki.

December 2009: Hayek and the Common Law | Cato Unbound

Among non-economists, Nobel laureate Friedrich A. Hayek is perhaps best known for two things: his seminal book *The Road to Serfdom*, and his defense of the theory of spontaneous order. Briefly stated, the theory of spontaneous order holds that many of the most useful social institutions are the product of human action, but not of human design.

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And this is just the tip of the iceberg. Hayek also anachronistically reads the twentieth century common law process back into the past, inaccurately depicting the common law as a product of judges assimilating new standards into an existing body of rules.

Hayek and the Common Law

Cato Unbound. December 2009. December 2009. In his lead essay, lawyer and legal theorist Timothy Sandefur proposes that Friedrich Hayek's understanding of law and justice is flawed: Spontaneous order may be a descriptively accurate concept, but it has little or no effective normative content.

Cato Unbound: Hayek and the Common Law – Knowledge Problem

Lynne Kiesling This month's issue of Cato Unbound has a topic that sits at the core of the issues of interest here: Hayek's concept of spontaneous order, its universality, and its applicability to orders beyond market processes, including the common law. Examples abound. No one individual or committee sets market prices; those who have tried...

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His book *Freedom and the Law* extolled the virtue of English common law compared to Roman *jus civile*. The two systems have very different ways of developing rules. The two systems have very ...

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This month's issue of Cato Unbound features a pretty good discussion of Hayek's conception of spontaneous order. Timothy Sandefur's first critique in the lead essay is provocative, but has some flaws. On Hayek's description of how law is constructed, Sandefur writes: "No system of law," Hayek admits, "has ever been designed as a whole, and..."

Hayek | Incessant Dissent

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