

GEORGE MASON UNIVERSITY ANTONIN SCALIA LAW SCHOOL

**LAW &  
ECONOMICS  
CENTER**

**JUDICIAL EDUCATION PROGRAM**

# Judicial Seminar on the Political Economy of Economic Freedom

Sunday, August 8 - Friday, August 13, 2021

White Sulphur Springs, West Virginia



## SUNDAY, AUGUST 8

**4:30 - 6:30 pm**

**Registration, Tea Garden**

**6:30 pm**

**Welcome Reception and Dinner, Chesapeake Bay Terrace**  
*(Guests Welcome)*

**Donald J. Kochan**, Professor of Law  
Deputy Executive Director, Law & Economics Center  
George Mason University Antonin Scalia Law School

## MONDAY, AUGUST 9

*All classes held in the Hayes Room*

**7:00 - 7:50 am**

**Breakfast, The Chesapeake Room**  
*(Guests Welcome)*

**8:00 - 9:15 am**

**Session 1: Property & Freedom I**

**Reading Assignment:**

Schmidtz, David. "The Institution of Property." In *Social Philosophy and Policy* 11, no. 2 (1994): 42-62.

**9:30 - 10:45 am**

**Session 2: Property & Freedom II**

**Reading Assignment:**

McCloskey, Deirdre. "The Bourgeois Deal: Leave Me Alone, and I'll Make You Rich." In *Demographics and Entrepreneurship: Mitigating the Effects of an Aging Population*, 429 - 466. Fraser Institute, 2018.

**11:00 am - 12:15 pm**

**Session 3: Property & Freedom III**

**Reading Assignment:**

De Soto, Hernando. "The Missing Lessons of U.S. History." *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*, 105 - 151. New Yorks: Basic Books, 2003.

**12:15 pm**

**Program Adjourns for Day**

**TUESDAY, AUGUST 10**

*All classes held in the Hayes Room*

**7:00 - 7:50 am**

**Breakfast,** *The Chesapeake Room*  
(Guests Welcome)

**8:00 - 9:15 am**

**Session 4: The Western Legal Tradition I**

**Reading Assignment:**

Pipes, Richard. "England and the Birth of Parliamentary Democracy." In *Property and Freedom*, 121 - 158. New York: Alfred A. Knopf, 1999.

**9:30 - 10:45 am**

**Session 5: The Western Legal Tradition II**

**Reading Assignment:**

Pipes, Richard. "Patrimonial Russia." In *Property and Freedom*, 159 - 208. New York: Alfred A. Knopf, 1999.

**11:00 am - 12:15 pm**

**Session 6: The Western Legal Tradition III**

**Reading Assignment:**

Berman, Harold J. "Conclusion" In *Law and Revolution: The Formation of the Western Legal Tradition*, 520 - 558. Cambridge: Harvard University Press, 1983.

**12:15 pm**

**Program Adjourns for Day**

**WEDNESDAY, AUGUST 11**

*All classes held in the Hayes Room*

**7:00 - 7:50 am**

**Breakfast,** *The Chesapeake Room*  
(Guests Welcome)

**8:00 - 9:15 am**

**Session 7: The Nature of Law I**

**Reading Assignment:**

Carter, James Coolidge. "The Provinces of the Written and the Unwritten Law: An Address Delivered at the Annual Meeting of the Virginia State Bar Association at White Sulphur Spring." New York: Banks & Bros. 1889.

**9:30 - 10:45 am**

**Session 8: The Nature of Law II**

**Reading Assignment:**

Leoni, Bruno. "The Law and Politics." In *Freedom and the Law* (3rd ed.), 189 - 218. Carmel: Liberty Fund, Inc., 1991.

Leoni, Bruno. "'Consumer Sovereignty' and the Law." In *New Individualist Review*, 16 - 19. Indianapolis: Liberty Fund, Inc., 1961.

**11:00 am - 12:15 pm**

**Session 9: The Nature of Law III**

**Reading Assignment:**

Hasnas, John. "Hayek, the Common Law, and Fluid Drive." *NYU Journal of Law and Liberty* 1, no. 0 (2004): 79-110.

**12:15 pm**

**Program Adjourns for Day**

## THURSDAY, AUGUST 12

*All classes held in the Hayes Room*

**7:00 - 7:50 am**

**Breakfast, The Chesapeake Room**  
*(Guests Welcome)*

**8:00 - 9:15 am**

**Session 10: Applying the Western Legal Tradition**

**Reading Assignment:**

Epstein, Richard A. "The Modern Uses of Ancient Law," *South Carolina Law Review* 48, no. 2 (1997): 243-265.

Scruton, Roger. "The Roots of British Freedom." In *Where We Are: The State of Britain Now*, 113-140. London: Bloomsbury Publishing, 2017.

**9:30 - 10:45 am**

**Session 11: Law and Political Realities**

**Reading Assignment:**

Buchanan, James M, and Richard A. Musgrave. "Constraints on Political Action" In *Public Finance and Public Choice: Two Contrasting Visions of the State*, 107-137. Cambridge: MIT Press, 1999.

**11:00 am - 12:15 pm**

**Session 12: Constitutionalism and the Rule of Law**

**Reading Assignment:**

Buchanan, James M. "Constitutional Restrictions on the Power of Government," In *Choice, Contract, and Constitutions (The Collected Works of James M. Buchanan)* Volume 16, 42-54. Carmel: Liberty Fund, Inc., 1991.

Bogdanor, Vernon. "Introduction" and "A Peculiar Constitution" In *The New British Constitution*. Oxford: Hart Publishing, 2009.

**12:15 - 6:30 pm**

**Afternoon Study Break**

**6:30 pm**

**Reception and Dinner**, *Crystal Room & Cameo Ballroom*  
(Guests Welcome)

## **FRIDAY, JUNE 25**

*All classes held in the Hayes Room*

**7:00 - 7:50 am**

**Breakfast**, *The Chesapeake Room*  
(Guests Welcome)

**8:00 - 9:15 am**

**Session 13: Constitutionalism: The American Contribution**

**Reading Assignment:**

Hayek, Friedrich A. "The American Contribution: Constitutionalism." In *The Constitution of Liberty: The Definitive Edition*. Edited by Ronald Hamowy. Chicago: The University of Chicago Press, 2011.

**9:15 - 9:30 am**

**Break**

*(Check out of Hotel and Check Bags)*

**9:30 - 10:45 am**

**Session 14: A Conflict of Visions**

**Reading Assignment:**

Sowell, Thomas. "The Role of Visions," "Constrained and Unconstrained Visions," "Visions of Justice," *A Conflict of Visions*. New York: Basic Books, 2007.

**10:45 am**

**Program Adjourns**

*Participants depart at their leisure*