

THOMAS S. ULEN

- Steven Shavell. *Economic Analysis of Accident Law*. (Cambridge, MA: Harvard University Press, 1987). xii + 310 pp. References, index. \$30.00.
- William M. Landes and Richard A. Posner. *The Economic Structure of Tort Law*. (Cambridge, MA: Harvard University Press, 1987). ix + 329 pp. Notes, index. \$27.50.
- Henry J. Steiner. *Moral Argument and Social Vision in the Courts: A Study of Tort Accident Law*. (Madison: University of Wisconsin Press, 1987). xi + 230 pp. Notes, index. \$32.50.

Almost twenty years ago Grant Gilmore proclaimed in *The Death of Contract* (1974) that contract law, which had long been the dominant area of the law, was disappearing and becoming a branch of tort law. Time has borne this prediction out: both in the academy and in the courts, tort law has become the most vibrant area of the law. Over the past decade the volume of litigation in the tort area—particularly in products liability, professional malpractice, and dignitary wrongs—has grown at a staggering pace. The legislative experiments of the 1970s with no-fault automobile liability as an alternative to the tort liability system are unprecedented. And I think that it is fair to say that some of the most novel judicial doctrines of the recent past—such as market share liability, intentional and negligent infliction of emotional distress, the call to recognize an action for tortious risk, and the expansion of the scope of vicarious liability—have emerged from tort law (in no small part because that area has been called upon by legal academics and practitioners to deal with some of the most vexing harms of modern life).

This ferment in tort law has quite naturally given rise to a re-examination of its fundamentals by legal scholars. While there is no denying the richness and importance of this reexamination, I confess to finding it surprising. One might have thought that at this late date in the history of tort law, the most fundamental issues would have long since been resolved or that, at least, the opposing two or three ways of looking at tort liability would be well known. But this is not at all the case. To take one example, there is nothing like unanimity among students of the law as to the difference between negligence liability and strict liability. There is a responsible position that perceives strict liability as more consis-

Tort Law And Economics Tort Law And Economics

Werner Z. Hirsch



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Tort Law and Economics Michael Faure, 2009-01-01 The central goal of this book is to provide a state of the art overview of the literature with respect to the economic analysis of tort law It sure meets the challenge offering with great expertise a comprehensive presentation of tort law in both economic and comparative perspectives The clarity of the text unusual in the law and economics literature makes the book accessible to a broad readership of economists with a limited legal background and lawyers with limited economic skills Olivier Moreteau Louisiana State University US Tort Law and Economics ed Michael Faure provides a highly useful economic overview of the most important topics of tort law The authors clearly show the main developments of the discussion examining the results of recent studies and stating their own opinions Detailed bibliographies are included The volume has to be warmly recommended to friends and foes of economic analysis who are provided with a comprehensive update in this field while also indicating areas which critics have to focus on Helmut Koziol European Centre of Tort and Insurance Law Austria This volume provides a state of the art overview of the literature on the economic analysis of tort law In sixteen chapters the specialist authors guide the reader through the often vast literature in each domain providing a balanced and comprehensive summary Particular attention is paid to the evolution of the field further refinements to economic models and relevant conclusions and lessons for the policymaker Tort Law and Economics is part of the Encyclopedia of Law and Economics and enables readers some not familiar with law and economics to obtain an insight in the relevant economic literature concerning tort law and economics This book will be of interest to lawyers and economists practitioners and academics interested in accident law tort law insurance and regulation It will also appeal to students in economic analysis of law and policymakers working on prevention of accidents tort law or compensation of accident victims

The Economic Structure of Tort Law William M. Landes, Richard A. Posner, 1987 Written by a lawyer and an economist this is the first full length economic study of tort law the body of law that governs liability for accidents and for intentional wrongs such as battery and defamation Landes and Posner propose that tort law is best understood as a system for achieving an efficient allocation of resources to safety that on the whole rules and doctrines of tort law encourage the optimal investment in safety by potential injurers and potential victims The book contains both a comprehensive description of the major doctrines of tort law and a series of formal economic models used to explore the economic properties of these doctrines All the formal models are translated into simple commonsense terms so that the math less reader can follow the text without difficulty legal jargon is also avoided for the sake of economists and other readers not trained in the law Although the primary focus is on explaining existing doctrines rather than on exploring their implementation by juries insurance adjusters and other real world actors the book has obvious pertinence to the ongoing controversies over damage awards insurance rates and availability and reform of tort law in fact it is an essential prerequisite to sound reform Among other timely topics the authors discuss punitive damage awards in products liability cases the evolution of products liability

law and the problem of liability for mass disaster torts such as might be produced by a nuclear accident More generally this book is an important contribution to the law and economics movement the most exciting and controversial development in modern legal education and scholarship and will become an obligatory reference for all who are concerned with the study of tort law

Research Handbook on the Economics of Torts Jennifer Arlen, 2013-11-29 Focusing on issues of vital importance to those seeking to understand and reform the tort system this volume takes a multi disciplinary approach including theoretical economic analysis empirical analysis socio economic analysis and behavioral anal

Official Gazette of the United States Patent and Trademark Office ,2000

Law and Economics Werner Z. Hirsch, 1988-05-28 This second edition takes into account the major developments in economics and jurisprudence that have occurred since the publication of the first edition A new chapter has been added on anti discrimination law and such topics as adverse possession rent control medical malpractice product reliability and defense against criminal prosecution have been reexamined in the light of new theoretical developments and case studies Environmental law and a careful comparison of alternative methods to control the environment are included

The Economic Analysis of Tort Law David W. Barnes, Lynn A. Stout, 1992

Encyclopedia of Law and Economics: Tort law and economics ,2009

Economic Analysis of Tort and Products Liability Law Jenny Bourne Wahl, 1998 First published in 1999 Routledge is an imprint of Taylor Francis an informa company

Economic Analysis of Tort Law Malabika Pal, 2019-09-02 This book looks at the negligence concept of tort law and studies the efficiency issue arising from the determination of negligence It does so by scrutinizing actual court decisions from three common law jurisdictions Britain India and the United States of America This volume fills a very significant gap scrutinizing 52 landmark judgments from these three countries by focussing on the negligent affliction of economic loss determined by common law courts and how these findings relate to the existing theoretical literature By doing so it examines the formalization of legal concepts in theory primarily the question of negligence determination and liability and their centrality in theories concerning tort law This book will be very helpful for students professors and practitioners of law jurisprudence and legal theory It will additionally be of use to researchers and academics interested in law and economics procedure and legal history

Tort Law Richard A. Posner, 1982

This book delves into Tort Law And Economics Tort Law And Economics. Tort Law And Economics Tort Law And Economics is an essential topic that needs to be grasped by everyone, from students and scholars to the general public. This book will furnish comprehensive and in-depth insights into Tort Law And Economics Tort Law And Economics, encompassing both the fundamentals and more intricate discussions.

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- The book is crafted in an easy-to-understand language and is complemented by engaging illustrations. It is highly recommended for anyone seeking to gain a comprehensive understanding of Tort Law And Economics Tort Law And Economics.

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