

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

**Satish Kumar Jain**



## **Tort Law And Economics Tort Law And Economics:**

**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 surely 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 mathless 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

**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

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

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

**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

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

*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 infliction 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

*Economics of the Law* Thomas J. Miceli, 1997 The field of law and economics has matured to a point where scholars employ economic methods to understand the nature of legal rules and guide legal reform This text is a broad survey of that scholarship as it has been applied to problems in tort contracts property and litigation

**An Economic Analysis of Tort Law** Steven Shavell, 1986

Law and Economics in a Nutshell Jeffrey L. Harrison, McCabe G. Harrison, 2003 Expert coverage of the classic issues including basic price theory definitions of efficiency the Coase Theorem and the economics of contract law tort law regulation and antitrust Text also discusses less conventional topics such as public choice what it means to be a rational maximizer of self interest the assumptions underlying economic analysis to law limitations on the application of economic theory to law the

theory of second best and the prisoner's dilemma      *Tort Law and Economic Interests* Peter Cane, 1996 This book is about the way in which the law of torts protects financial assets such as money property and contracts It focuses on the interests protected and does not follow the usual textbook arrangement of the law according to the various torts such as trespass negligence and defamation The discussion goes well beyond the debate about recovery for economic loss in negligence as it places that debate in a much wider context The introduction explains the notion of economic interests and why this has been chosen as the focus of attention The second part gives an account of the relevant rules of tort law while the third part examines the relationship between tort law and other techniques for protecting economic interests such as regulation and insurance The final part discusses the aims and functions of tort law Many of the issues discussed receive very little attention in most tort texts      **Economics of Tort Law** A. O. Sykes, 2007      **Economics of the Law** Thomas J. Miceli, 1997-01-01 The field of law and economics has matured to a point where scholars employ economic methods to understand the nature of legal rules and guide legal reform This text is a broad survey of that scholarship as it has been applied to problems in tort contracts property and litigation      Law and Economics Jeffrey L. Harrison, 2007 This textbook presents a broad examination of law and economics including the questions of economic justice raised by the application of economics to law It explores both conventional analysis and examines how that analysis may be affected by behavioral findings A primary focus is on how economic analysis holds up in markets that are often defined by rights perceived duties and obligations Chapters include the tools of analysis behavioral economics the Coase Theorem contract law tort law criminal law government regulation antitrust and intellectual property      *The Limits of Formal Economics in Tort Law* Shawn Bayern, 2013 This Article challenges the leading formal economic analysis of negligence rules in tort law That analysis which is meant both 1 to justify negligence rules over no liability and strict liability rules on theoretical grounds and 2 to provide a framework for understanding whether victims or injurers should bear the costs of an accident when both parties are innocent and have behaved carefully is widely accepted by leading law and economics scholars but its applicability is limited in several important respects Indeed despite the common wisdom that tort law represents a triumph for the deductive economic analysis of law tort law has resisted explanation through simple economic models This does not mean economic reasoning is irrelevant to tort law but it means that commentators should be cautious in accepting formal deductions about tort law The purpose of this Article is to illuminate the limits of economic reasoning as a principled basis for tort law      Economic Analysis of Liability Rules Satish Kumar Jain, 2014-12-01 This book focuses on the analysis of liability rules of tort law from an efficiency perspective presenting a comprehensive analysis of these rules in a self contained and rigorous yet accessible manner It establishes general results on the efficiency of liability rules including complete characterizations of efficient liability rules and efficient incremental liability rules The book also establishes that the untaken precaution approach and decoupled liability are incompatible with efficiency The economic analysis of tort law has established that for efficiency it is

necessary that each party to the interaction must be made to internalize the harm resulting from the interaction. The characterization and impossibility theorems presented in this book establish that in addition to internalization of the harm by each party there are two additional requirements for efficiency. Firstly, rules must be immune from strategic manipulation. Secondly, rules must entail closure with respect to the parties involved in the interaction, giving rise to the negative externality, i.e., the liability must not be decoupled.

Theoretical Foundations of Law and Economics Mark D. White, 2009. A book-length examination of the methodology and philosophy of law and economics.

Economics for Lawyers Richard A. Ippolito, 2012-01-12. Whether dealing with contracts, tort actions, or government regulations, lawyers are more likely to be successful if they are conversant in economics. *Economics for Lawyers* provides the essential tools to understand the economic basis of law. Through rigorous analysis illustrated with simple graphs and a wide range of legal examples, Richard Ippolito focuses on a few key concepts and shows how they play out in numerous applications. There are everyday problems: What is the social cost of legislation enforcing below market prices, minimum wages, milk regulation, and noncompetitive pricing? Why are matinee movies cheaper than nighttime showings? And then there are broader questions: What is the patent system's role in the market for intellectual property rights? How does one think about externalities like airport noise? Is the free market a regulated solution, or tort law the best way to deliver the efficient amount of harm in the workplace? What is the best approach to the question of economic compensation due to a person falsely imprisoned? Along the way, readers learn what economists mean when they talk about sorting, signaling, reputational assets, lemons markets, moral hazard, and adverse selection. They will learn a new vocabulary and a whole new way of thinking about the world they live in and will be more productive in their professions.

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