

# **ECONOMIC ANALYSIS OF TORT AND PRODUCTS LIABILITY LAW**

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Edited by  
**Jonny B. Wahl**

**LAW AND ECONOMICS**



# Economic Analysis Of Tort And Products Liability Law A Collection Of Essays And Cases

**Rachel S Tattersall**



## **Economic Analysis Of Tort And Products Liability Law A Collection Of Essays And Cases:**

**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 *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 Oxford Handbook of Law and Economics](#) Francesco Parisi, 2017-04-27 Covering over one hundred topics on issues ranging from Law and Neuroeconomics to European Union Law and Economics to Feminist Theory and Law and Economics The Oxford Handbook of Law and Economics is the definitive work in the field of law and economics The book gathers together scholars and experts in law and economics to create the most inclusive and current work on law and economics Edited by Francisco Parisi the Handbook looks at the origins of the field of law and economics tracks its progression and increased importance to both law and economics and looks to the future of the field and its continued development by examining a cornucopia of fields touched by work in law and economics The uniqueness of its breadth depth and convenience make the volume essential to scholars students and contributors in the field of law and economics **Overview and Economic Analysis of Property and Criminal Law** Jenny Bourne Wahl, 1998 First published in 1999 Routledge is an imprint of Taylor Francis an informa company **Research Handbook on the Economics of Insurance Law** Daniel Schwarcz, Peter Siegelman, 2015-08-28

The fields of insurance law and insurance economics have long and distinguished scholarly histories but participants in the two disciplines have not always communicated well across academic silos This Handbook encourages more policy relevant insurance e

Philosophy and the Law of Torts Gerald J. Postema, 2001-11-19 When accidents occur and people suffer injuries who ought to bear the loss Tort law offers a complex set of rules to answer this question but up to now philosophers have offered little by way of analysis of these rules In eight essays commissioned for this volume leading legal theorists examine the philosophical foundations of tort law Amongst the questions they address are the following how are the notions at the core of tort practice such as responsibility fault negligence due care and duty to repair to be understood Is an explanation based on a conception of justice feasible How are concerns of distributive and corrective justice related What amounts to an adequate explanation of tort law This collection will be of interest to professionals and advanced students working in philosophy of law social theory political theory and law as well as anyone seeking a better understanding of tort law

Tort Law and Alternatives Marc A. Franklin, Robert L. Rabin, 2001

Law and Economics Jenny B. Wahl, 2013-09-13 This title aims to explain and criticize the economic approach to law by covering economic analysis in property and criminal law To save the time of the reader not wanting to relearn multivariate calculus with each section this title provides comprehensive bibliographies and highlights major contributions in the introductions to each volume A key overview for students of economy and law to gain a broad understanding of how to approach these themes in practice

Liability for Wrongful Interferences with Chattels Simon Douglas, 2011-11-02 The book examines the protection of property rights in chattels through the law of torts focusing on the four actions of conversion detinue trespass and negligence Traditionally these actions have been governed by arcane divisions which have led to unnecessary complexity and arbitrariness The principal argument made in the book is that significant developments in the modern law point towards abolition of these arcane divisions and permit the chattel torts to be understood by reference to a coherent and justifiable structure It is argued that the only division which should be drawn in the modern chattel torts is between intentional interferences with chattels where liability is strict and unintentional interferences with chattels where liability is fault based In order to demonstrate this structure it is first argued that the actions of conversion detinue and trespass amount in substance to a single cause of action which imposes strict liability for the intentional interference with another's chattel It is then argued that the tort of negligence recognises a fault based cause of action for the unintentional interference with another's chattel It is further argued that this basic structure unlike the arcane divisions which have traditionally governed this area of law can be justified

Christianity and Private Law Robert Cochran, Jr, Michael Moreland, 2020-11-22 This volume examines the relationship between Christian legal theory and the fields of private law Recent years have seen a resurgence of interest in private law theory and this book contributes to that discussion by drawing on the historical theological and philosophical resources of the Christian tradition The book begins with an introduction from the editors that lays out the understanding of private law and

what distinguishes private law topics from other fields of law This section includes two survey chapters on natural law and biblical sources The remaining sections of the book move sequentially through the fields of property contracts and torts Several chapters focus on historical sources and show the ways in which the evolution of legal doctrine in areas of private law has been heavily influenced by Christian thinkers Other chapters draw out more contemporary and public policy related implications for private law While this book is focused on the relationship of Christianity to private law it will be of broad interest to those who might not share that faith perspective In particular legal historians and philosophers of law will find much of interest in the original scholarship in this volume The book will be attractive to teachers of law political science and theology It will be of special interest to the many law faculty in property contracts and torts as it provides a set of often overlooked historical and theoretical perspectives on these fields

Elgar Encyclopedia of Comparative Law J. M. Smits, 2006 This is a very important and immense book Single handedly Smits has reviewed and checked this immense work to bring it to its final high standard in quality and accuracy and selection of laws The Criminal Lawyer This is a very important and immense book The Elgar Encyclopedia of Comparative Law is a treasure trove of honed knowledge of the laws of many countries It is a reference book for dipping into time and time again It is worth every penny and there is not another as comprehensive in its coverage as Elgar's I highly recommend the Elgar Encyclopedia of Comparative Law to all English chambers This is a very important book that should be sitting in every university law school library Sally Ramage The Criminal Lawyer The entries are written in a lucid and accessible style with appropriate references being given for further research All in all a substantial work which will delight enthusiasts of comparative law The Commonwealth Lawyer The breadth of topics plus the bibliographies allows a reader to use the Elgar Encyclopedia as an initial entry into a field of law a specific topic or a legal system Any law library business library large public library or academic library supporting the study of international law or international business will want to have it in its collection This work is highly recommended Ladyjane Hickey American Reference Books Annual Comparative law is the comparison of law and legal systems from around the world At one time it was a field of limited interest and academic participation However increasing globalization whether of commerce or culture makes it imperative that citizens learn more about the law of other countries That is the premise of this comprehensive new research tool designed for general readers Some 70 articles address topics as diverse as accident compensation legal culture the European Civil Code and the law and legal systems of a selected set of nations This single volume work provides an excellent comprehensive overview of the current state of affairs in comparative law Highly recommended Lower level undergraduates and above general readers J E Stephens Choice The timely publication of this encyclopedia reflects what is happening in international law and in a field where works even student textbooks are often expensive it comes at an attractive price Stuart Hannabuss Reference Reviews The Elgar Encyclopedia of Comparative Law looks set to become an indispensable source for the ever increasing body of lawyers needing accurate information on the

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**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 *Private Law, Nudging and Behavioural Economic Analysis* Antonios Karampatzos, 2020-01-14 Offering a fresh perspective on nudging this book uses legal paternalism to explore how legal systems may promote good policies without ignoring personal autonomy It suggests that the dilemma between inefficient opt in rules and autonomy restricting opt out schemes fails to realistically capture the span of options available to the policy maker There is a third path namely the mandated choice model The book is mainly dedicated to presenting this model and exploring its great potential Contract law consumer protection products safety and regulatory problems such as organ donation or excessive borrowing are the setting for the discussion Familiarising the reader with a hot debate on paternalism behavioural economics and private law this book takes a further step and links this behavioural law and economics discussion with philosophical considerations to shed a light on modern challenges such as organ donation or consumers protection by adopting an openly interdisciplinary approach The book will be of interest to students and scholars of contract law legal systems behavioural law and economics and consumer law The Open Access version of this book available at <http://www.taylorfrancis.com> has been made available under a Creative Commons Attribution NonCommercial NoDerivatives CC BY NC ND 4 0 license

**Product Defects Causing Commercial Loss** William K. Jones, 1989 The Hidden Holmes David Rosenberg (Professor of law), 1995 This bold book challenges a contemporary consensus on the titanic figure of Oliver Wendell Holmes Holmes is the acknowledged source of twentieth century tort law but David Rosenberg takes sharp issue with the current portrayal of Holmes as a legal formalist in torts who opposed the notion of strict liability and dogmatically advocated a universal rule of negligence primarily to subsidize industrial

development Marshaling the evidence found in Holmes classic *The Common Law* and other writings the author reveals that the opposite was the case and in the process raises troubling questions about the present state of legal scholarship It was Holmes who founded the modern conception and justification of strict liability He envisioned an expansive role for strict liability to augment the negligence rule in preventing and redressing injury from industrial activity This recovery of Holmes theory of torts provides new insights into the nature of the jurisprudence that launched the American legal realist movement and also overturns standard interpretations of the history of tort law Rejecting the prevailing view that either strict liability or negligence reigned exclusively Holmes and his contemporaries reconciled the existence of both rules and advocated reforms of tort law to protect society from the unprecedented hazards of industrial life The parallel drawn by the book between their response and ours in grappling with the novel problem of mass torts confirms Holmes belief in the adaptive genius of the common law

**Making Legal History** Daniel J. Hulsebosch, R. B. Bernstein, 2013-09-20 These essays epitomize the deep and broad impact that William Nelson has had on the writing of American legal history David Thomas Konig Washington University in St Louis Bill Nelson's influence is displayed in this wonderful collection Larry Kramer President William Flora Hewlett Foundation A fundamental contribution to our understanding of this country's legal history Fine essays A fitting tribute Stanley N Katz Princeton University A wonderful offering Hendrik Hartog Princeton University

Comparative Law in the Courtroom and Classroom Basil S Markesinis, 2003-03-20 This book presents an original deliberately controversial and at times disturbing appraisal of the state of comparative law at the beginning of the 21st century its weaknesses its strengths and its protagonists most of whom were personally known to the author during the preceding thirty five years It is also a reminder of the unique opportunities the subject has in our shrinking world The author brings to bear his experience of thirty five years as a teacher of the subject to criticise the impact the long association with Roman law has had on the orientation and well being of his subject With equal force he also warns against some modern trends linking it with variations of the critical legal studies movement and urges the study of foreign law in a way that can make it more attractive to practitioners and more usable by judges At the end of the day this monograph represents a passionate call for greater intellectual co operation and offers one way of achieving it A co operation between practitioners and academics on the one hand and between Common and modern Civilian lawyers on the other in an attempt to save the subject from the marginalisation it suffered in the 1980s and from which the globalisation movement of the 21st century may be about to deliver it

*Emerging Issues in Tort Law* Jason W Neyers, Erika Chamberlain, Stephen G.A. Pitel, 2007-05-29 In this book articles by leading tort scholars from Australia Canada Hong Kong Israel New Zealand the United Kingdom and the United States deal with important theoretical and practical issues that are emerging in the law of torts The articles analyse recent leading developments in areas such as economic negligence causation vicarious liability non delegable duty breach of statutory duty intentional torts damages and tort law in the family They provide a foretaste of the issues that will face tort

law in the near future and offer critical viewpoints that should not go unheeded With its rich breadth of contributors and topics *Emerging Issues in Tort Law* will be highly useful to lawyers judges and academics across the common law world Contributors Elizabeth Adjin Tettey Kumaralingam Amirthalingam Peter Benson Vaughan Black Peter Cane Erika Chamberlain Israel Gilead Paula Giliker Rick Glofcheski Lewis N Klar QC Michael A Jones Richard Lewis John Murphy Jason W Neyers Ken Oliphant David F Partlett Stephen GA Pitel Denise Reaume Robert H Stevens Andrew Tettenborn Stephen Todd Shauna van Praagh Stephen Waddams David R Wingfield Richard W Wright     [Q&A Torts](#) Birju Kotecha,2014-12-05 Routledge Q As give you the tools to practice and refine your exam technique showing you how to apply your knowledge to maximum effect in an exam situation Each book contains up to fifty essay and problem based questions on the most commonly examined topics complete with expert guidance and fully worked model answers These books provide you with the skills you need for your exams by Helping you to be prepared each title in the series has an introduction presenting carefully tailored advice on how to approach assessment for your subject Showing you what examiners are looking for each question is annotated with both a short overview on how to approach your answer as well as footnoted commentary that demonstrate how model answers meet marking criteria Offering pointers on how to gain marks as well as what common errors could lose them Aim Higher and Common Pitfalls offer crucial guidance throughout Helping you to understand and remember the law diagrams for each answer work to illuminate difficult legal principles and provide overviews of how model answers are structured Books in the series are also supported by a Companion Website that offers online essay writing tutorials podcasts bonus Q As and multiple choice questions to help you focus your revision more effectively     [Policy and Pragmatism in the Conflict of Laws](#) Michael J. Whincop,Mary Keyes,Richard Posner,2018-02-06 This title was first published in 2001 After languishing for decades in the domains of rigid doctrinalism and confusing theory the conflict of laws is increasingly being recognized as an important area of law to a global community To demonstrate its importance Michael Whincop and Mary Keyes transcend the divide between the English pragmatic tradition and the circularity of American policy based theory They argue that the law governing multistage conflicts can minimize the social costs of litigation increase the extent of coordination facilitate private ordering and limit regulatory monopolies and cross border spillovers Pragmatic in outlook and economic in methodology they pursue these themes across a broad range of doctrinal issues and offer valuable links to parallel analyses in domestic contexts



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