CONTENTS

The author 8
Foreword by Geoffrey E. Wood 10
Summary 14
List of tables, figures and boxes 17

1 Introduction 21
‘A harmful disciplinary divide’ 22
The economic approach to law 24
Outline of the book 25

2 A short history 27
Disciplinary divides 28
The development of the economic approach 30

3 Law as an incentive system 44
Ex post versus ex ante 44
Rent control and all that 47
Assumption of economic rationality 49
Economists do it with models 53
Positive versus normative economics 56
Empirical analysis 57
Law without ethics 58
Summing up 61
4 The economic approach
A biblical parable
Economics – choice and scarcity
Costs and benefits
Coasian economics
Implications of opportunity cost analysis

5 Some legal applications
The roles of the economist
Personal injury damages
The economics of crime
Defining legal terms

6 Competition law
The rise of the economic approach
Why do we need competition law?
Defining legal terms
Efficiency: goal, defence or offence?
Antitrust and the new economy
The danger of ‘nip and tuck’ economics
Assessment

7 Regulation
Models of regulation
Regulation as a barrier to competition
Adaptive responses to regulation
Economics of legal rules
Use of cost–benefit analysis 164
Market-based alternatives 169

8 Concluding remarks 173

Questions for discussion 175
Further reading 176

About the IEA 178