ECONOMIC ANALYSIS AND THE LAW

Some Ground Rules

1. Formal office hours are Mondays, 2:10 to 5:00 p.m., although my door is generally open when I'm in. A call or email before you walk over is a good idea.

2. The readings on this list have been chosen with some care to raise interesting and provocative questions about the nature and evolution of legal institutions. You are expected to read all of the items on the list, and to be prepared for class every day. Questions, opinions, and the free exchange of ideas are always welcome.

3. In addition to regular attendance at class, course requirements include three graded essay assignments dealing with issues raised by the readings. There is no final examination.

4. Incompletes are strongly disfavored and will be granted only under conditions of bona fide personal exigency.

Texts

The following text is available for purchase at Broad Street Books:


Locke's *Second Treatise* is one of the very greatest works of political philosophy and a worthy addition to your library, no matter what your field of interest; Laslett's introduction is excellent as well. Because Locke's text is not copyrighted, and thanks to the labors of many volunteer typists, you may also view and download the *Second Treatise* without charge by visiting the Constitution Society at http://www.constitution.org and entering its wonderful Library of Constitutional Classics.

Except for *King v. Mister Maestro*, all the opinions on the syllabus are those of the United States Supreme Court, and are available for viewing and downloading at many sites; my favorite is http://supreme.justia.com/us/. All other readings for the course, including *King*, are on electronic reserve at http://eres.olin.wesleyan.edu. The password is econ225.

Reading Assignments

I. Markets, Market Failure and the Evolution of Law

   A. Exchange and Institutions


**B. Markets**


**C. Market Failure**


**D. Governance**


**E. Written Assignment #1: Punishments and Prices**


II. Property

A. Property and the State


B. Externality and Property


C. Property and Technology


D. Property and Utility


E. Written Assignment #2: Public Use


III. Markets for Crimes

A. Economic Approaches to the Criminal Process

1. Review materials for Written Assignment #1.


B. Plea Bargaining


4. Miller, Dawson, Dix and Parnas, Prosecution and Adjudication (1982), pp. 866-894, 909-913:


C. Written Assignment #3: Comparative Criminal Procedure


