

LA9F7-20 Economic Analysis of Law

23/24

Department

School of Law

Level

Taught Postgraduate Level

Module leader

Bill O'Brian Jr

Credit value

20

Assessment

100% coursework

Study location

University of Warwick main campus, Coventry

Description

Introductory description

The aim of the module is to provide students with an introduction to the theoretical ideas and applications of law and economics (supplemented by suitable applications of these ideas in a variety of legal contexts), and to ways in which economic reasoning has been applied to legal problems.

[Module web page](#)

Module aims

The aim of the module is to provide an introduction to (a) the theoretical ideas and applications of law and economics (supplemented by suitable applications of these ideas in a variety of legal contexts) and (b) an introduction to ways in which economic methodology and reasoning has been applied to legal problems.

Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

The topics that will be covered in this course are:

1. Foundations of economic theory and method
2. Property Law: An economic analysis
3. Contract Law: An economic analysis
4. Torts: An economic analysis
5. Criminal Law: Economic analysis
6. Economic analysis of civil procedure
7. Behavioural law and economics
8. Law and institutional economics

Learning outcomes

By the end of the module, students should be able to:

- Have a good knowledge and understanding of knowledge of the theoretical ideas and applications of law and economics
- Have a good knowledge and understanding of legal and economic constraints and considerations when applying legal measures
- Understand the relationship between economics and the law in devising policy responses
- Demonstrate transferable and interdisciplinary skills, including the ability to communicate with their peers to exchange ideas and information
- Work successfully in collaboration with others
- Use research tools and resources, including economic and legal resources, and reference material correctly
- Effectively articulate arguments orally and in writing
- Identify issues, formulate questions and engage in problem-solving
- Be able to apply these ideas and methods in a variety of different legal contexts
- Critically evaluate the use of economic evidence and advice in the adoption of policy
- Critically evaluate legally-binding measures

Indicative reading list

The principal texts for the module will be Cooter & Ulen, *Law & Economics* (Pearson 6th ed. 2013 or most recent), and Devlin, *Fundamental Principles of Law & Economics* (Routledge 2014). Other texts that will be consulted include:

Posner, *Economic Analysis of Law* (Aspen 9th ed. 2014)

Miceli, *The Economic Approach to Law* (Stanford 2d ed. 2008)

Friedman, *Law's Order* (Princeton UP 2000)

Butler, Drahozol & Shepherd, *Economic Analysis for Lawyers* (Carolina Academic Press 3d ed. 2014)

Shavell, *Foundations of Economic Analysis of Law* (Belknap Press 2004)

North, *Institutions, Institutional Change and Economic Performance* (Cambridge UP 1990)

Cooter & Schaefer, *Solomon's Knot: How Law Can End the Poverty of Nations* (Princeton UP

2012)

Williamson, *The Economic Institutions of Capitalism* (Free Press 1985)

Mueller, *Public Choice III* (Cambridge UP 2003)

Journal Articles:

Coase (1960) 'The problem of Social Cost' 3 *Journal of Law and Economics* 1

Calabresi (1967) 'Some thoughts on Risk Distribution and the Law of Torts' 70 *Yale L J* 499

Calabresi & Melamed, (1972) 'Property Rules, Liability Rules and Inalienability: One View of the Cathedral,' 85 *Harvard L Rev* 1089

Leff (1974) 'Economic Analysis of Law: Some Realism about Nominalism,' 60 *Virginia L Rev* 451

Posner, 'An Economic Theory of the Criminal Law,' (1985) 85 *Columbia L Rev* 1193

Cooter & Rubinfeld, (1989) 'Economic Analysis of Legal Disputes and Their Resolution,' 27 *Journal*

of Economic Literature 1067

Sunstein, Jolls & Thaler, (1998) 'A Behavioural Approach to Law and Economics,'

50 *Stanford L Rev* 1471

Williamson, (2000) 'The New Institutional Economics: Taking Stock, Looking Forward,' 38 *Journal of Economic Literature* 595

Wright & Ginsburg, 'Behavioral Law and Economics: Its Origins, Fatal Flaws and Implications for Liberty,' (2012) 106 *Northwestern L Rev* 1033

[View reading list on Talis Aspire](#)

Subject specific skills

SUBJECT KNOWLEDGE AND UNDERSTANDING

1. Have a good knowledge and understanding of: knowledge of the theoretical ideas and applications of law and economics
2. Have a good knowledge and understanding of legal and economic constraints and considerations when applying legal measures to economic problems.
3. Understand the relationship between economics and the law in devising policy responses to economic problems.

COGNITIVE SKILLS

4. Identify issues, formulate questions and engage in problem-solving
5. be able to apply these ideas and methods in a variety of different legal contexts

SUBJECT-SPECIFIC/PROFESSIONAL SKILLS

6. Critically evaluate the use of economic evidence and advice in the adoption of policy.
7. Critically evaluate legally-binding measures

Transferable skills

KEY SKILLS

1. Demonstrate transferable and interdisciplinary skills, including the ability to communicate with their peers to exchange ideas and information.
2. Work successfully in collaboration with others from the same discipline.
3. Use research tools and resources, including economic and legal resources, and reference material correctly

4. Effectively articulate arguments orally and in writing

Study

Study time

Type	Required
Seminars	27 sessions of 1 hour (100%)
Total	27 hours

Private study description

No private study requirements defined for this module.

Costs

No further costs have been identified for this module.

Assessment

You must pass all assessment components to pass the module.

Assessment group A1

	Weighting	Study time
4000 word Essay	100%	
A 4,000 word essay from a menu of assigned topics.		

Feedback on assessment

Feedback via Tabula

Availability

Courses

This module is Optional for:

- Year 1 of TIMA-L981 Postgraduate Social Science Research

- Year 1 of TLAA-M3PJ Postgraduate Taught Advanced Legal Studies
- TLAS-M3P7 Postgraduate Taught International Economic Law
 - Year 1 of M3P7 International Economic Law
 - Year 1 of M3P7 International Economic Law
- Year 1 of TLAS-M221 Postgraduate Taught LLM in International Corporate Governance and Financial Regulation

This module is Core option list A for:

- Year 1 of TLAA-M3PJ Postgraduate Taught Advanced Legal Studies
- Year 1 of TLAA-M223 Postgraduate Taught International Commercial Law
- Year 1 of TLAS-M3P7 Postgraduate Taught International Economic Law
- Year 1 of TLAS-M221 Postgraduate Taught LLM in International Corporate Governance and Financial Regulation

This module is Core option list B for:

- Year 1 of TLAA-M3PJ Postgraduate Taught Advanced Legal Studies
- Year 1 of TLAA-M223 Postgraduate Taught International Commercial Law
- Year 1 of TLAS-M3P7 Postgraduate Taught International Economic Law
- Year 1 of TLAS-M221 Postgraduate Taught LLM in International Corporate Governance and Financial Regulation