
Contents

<i>List of figures</i>	ix
<i>List of tables</i>	x
<i>List of contributors</i>	xi
Introduction	1
<i>Jürgen G. Backhaus</i>	
PART I BASICS OF THE LAW AND ECONOMICS APPROACH	
1 Coase theorem and transaction cost economics in the law	7
<i>Francesco Parisi</i>	
2 Property rights and their partitioning	40
<i>Christian Müller and Manfred Tietzel</i>	
3 Legal change in economic analysis	53
<i>John N. Drobak and Douglass C. North</i>	
4 Positive, normative and functional schools in law and economics	58
<i>Francesco Parisi</i>	
5 Commons and anticommons	74
<i>Francesco Parisi and Ben Depoorter</i>	
PART II PRIVATE LAW AND ECONOMICS	
6 The economics of tort law	87
<i>Giuseppe Dari Mattiacci and Francesco Parisi</i>	
7 Family	103
<i>Margaret Brinig</i>	
8 Inheritance	119
<i>Richard E. Wagner</i>	
9 Intellectual property and the markets of ideas	127
<i>Giovanni B. Ramello</i>	
10 Incomplete contracts and institutions	145
<i>Antonio Nicita and Ugo Pagano</i>	
PART III PUBLIC LAW AND ECONOMICS	
11 Central bank	165
<i>Željko Šević</i>	

vi *The Elgar companion to law and economics*

12	Constitutional economics I <i>Francesco Farina</i>	184
13	Constitutional economics II <i>Ludwig Van den Hauwe</i>	223
14	Administrative law and economics <i>Jean-Michel Josselin and Alain Marciano</i>	239
15	Property <i>Thomas J. Miceli</i>	246
16	The European Union's institutional design <i>Elisabetta Croci Angelini</i>	261
17	Subsidiarity <i>Jürgen G. Backhaus</i>	280

PART IV LABOUR LAW AND ECONOMICS

18	Labour contracts <i>Don Bellante</i>	289
19	Company board representation <i>Jürgen G. Backhaus</i>	297
20	Employment security through dismissal protection: market versus policy failures <i>Christoph F. Buechtemann and Ulrich Walwei</i>	311

PART V REGULATION, TAXATION AND PUBLIC ENTERPRISE

21	Structures of public enterprise <i>Jürgen G. Backhaus</i>	329
22	Environmental law and economics <i>A. Allan Schmid</i>	345
23	Environmental policies choice as an issue of informational efficiency <i>Donatella Porrini</i>	350
24	Tradable emission rights <i>Edwin Woerdman</i>	364
25	Regulatory taxation <i>Jürgen G. Backhaus</i>	381

PART VI DISPUTE RESOLUTION

26	Dispute resolution <i>Thomas J. Miceli</i>	393
----	---	-----

PART VII DIFFERENT SOURCES OF THE LAW

27	Judicial independence <i>Sophie Harnay</i>	407
28	General norms and customs <i>Jean-Michel Josselin and Alain Marciano</i>	424
29	Science as a source of law <i>Peter R. Senn</i>	433
30	Social science as a source of the law <i>Peter R. Senn</i>	442
31	Cognitive science <i>John N. Drobak</i>	453
32	Connections with law and society research <i>Jürgen G. Backhaus</i>	459

PART VIII TOWARDS AN IDEAL ECONOMIC ANALYSIS OF A
LEGAL PROBLEM

33	Towards an ideal economic analysis of a legal problem <i>Jürgen G. Backhaus</i>	465
----	--	-----

PART IX CLASSICAL AUTHORS IN LAW AND ECONOMICS

34	Cesare Beccaria (1738–94) <i>Francesco Parisi and Giampaolo Frezza</i>	475
35	Franz Böhm (1895–1977) <i>Heinz Grosseckttler</i>	489
36	John R. Commons (1862–1945) <i>Warren J. Samuels</i>	499
37	Walter Eucken (1891–1950) <i>Leland B. Yeager</i>	508
38	Otto von Gierke (1841–1921) <i>Jürgen G. Backhaus</i>	519
39	Augusto Graziani (1865–1938) <i>Giampaolo Frezza and Francesco Parisi</i>	522
40	Robert Lee Hale (1884–1969) – legal economist <i>Nicholas Mercurio, Steven G. Medema and Warren J. Samuels</i>	531
41	Friedrich August von Hayek (1899–1992) <i>Ludwig Van den Hauwe</i>	545
42	Theodor Herzl (1860–1904) <i>Peter R. Senn</i>	559

43	Rudolf von Jhering (1818–92) and the economics of justice <i>J.L.M. Elders</i>	568
44	Franz Klein (1854–1926) <i>Peter Lewisch</i>	576
45	Etienne Laspeyres (1834–1913) <i>Wolfgang Drechsler</i>	585
46	Friedrich List (1789–1846) <i>Arno Mong Daastöl</i>	590
47	Achille Loria (1857–1943) <i>Giampaolo Frezza and Francesco Parisi</i>	607
48	Karl Marx (1818–83) and Friedrich Engels (1820–95) <i>Heath Pearson</i>	618
49	Carl Menger (1840–1921) <i>Richard E. Wagner</i>	627
50	Plato (c. 427–349 BC) <i>Wolfgang Drechsler</i>	635
51	Wilhelm Roscher (1817–94) <i>Erich Streissler</i>	642
52	Emil Sax (1845–1927) <i>Manfred Prisching</i>	652
53	Gustav von Schmoller (1838–1917) <i>Helge Peukert</i>	662
54	Adam Smith (1723–90) <i>Helge Peukert</i>	672
55	Werner Sombart (1863–1941) <i>Günther Chaloupek</i>	683
56	Lorenz von Stein (1815–90) <i>Heinz Grosseckttler</i>	689
57	George Joseph Stigler (1911–92) <i>Peter R. Senn</i>	700
58	Pietro Trimarchi (1934–) <i>Giampaolo Frezza and Francesco Parisi</i>	709
59	Thorstein Veblen (1857–1929) <i>Heath Pearson</i>	727
60	Max Weber (1864–1920) <i>Helge Peukert</i>	733
61	Christian Wolff (1679–1754) <i>Wolfgang Drechsler</i>	745
	<i>Index</i>	751