

# 國立臺灣大學國家發展研究所 101 學年度第 1 學期課程綱要

| 課程資訊         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |    |  |         |     |
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| 課程名稱         | 法律的經濟分析專題                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |    |  |         |     |
| 課程編號         | 341 U7660                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 班次 |  | 學分數     | 2   |
| 全/半年         | 半年                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |    |  | 必/選修    | 選修  |
| 授課教師         | 周治邦                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |    |  | 修課人數    | 無限制 |
| 上課時間         | 星期 5 13：20 – 15：10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |    |  | 課程加選方式  | 2   |
| 上課地點         | 國發 208                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |    |  | 博士班核心能力 |     |
| 課程網頁         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |    |  | 碩士班核心能力 | F;H |
| 課程大綱         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |    |  |         |     |
| 課程目標         | 修習完此課程後，希望學生具備使用賽局理論來分析各種法律契約及訴訟爭議的能力。                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |    |  |         |     |
| 課程概述         | <p>This course has two goals. First, to introduce the formal tools of modern game theory by using a number of classic legal problems ranging from tort and contract law to labor law, environmental regulations, and antitrust. Second, to show how modern game theory allows us to sharpen our intuitions and provides us with new ways of looking at familiar problems. The main textbooks for this course are “Game Theory and the Law” by Baird, Gertner and Picker (B&amp;G&amp;P for abbreviation) and “Games of Strategy” by Dixit and Skeath (D&amp;S for abbreviation).</p> <p>This course requires mathematics only at the senior high school level such as linear algebra. Accordingly, this course welcomes students majoring in any field.</p>                                                                                                                                                                                                                                                                                                                                                                                 |    |  |         |     |
| 關鍵字          | 法律、經濟分析、賽局理論                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |    |  |         |     |
| 課程要求         | 每週繳交習題，並用期中及期末考各一次                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |    |  |         |     |
| Office Hours | 星期二 下午 3：30 – 4：30                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |    |  |         |     |
| 參考書目         | <ol style="list-style-type: none"><li>1 Douglas Baird, Robert Gertner, and Randal Picker, 1994, <i>Game Theory and the Law</i>, Harvard University Press.</li><li>2 Robert Cooter and Thomas Ulen, 2004, <i>Law and Economics</i>, 4<sup>th</sup> ed., Addison-Wesley(雙葉書局總經銷，中文翻譯係第二版，書名為法律經濟學，民國 92 年由華泰書局出版).</li><li>3 Avinash Dixit and Barry Nalebuff, 1991, <i>Thinking Strategically</i>, New York: Norton &amp; Company (中文翻譯書名為大謀略，時報文化出版) .</li><li>4 Avinash Dixit and Susan Skeath, 2009, <i>Games of Strategy</i>, New York: Norton &amp; Company (華泰書局總經銷，中文翻譯係第一版，書名為策略的賽局，民國 91 年由弘智文化出版) .</li><li>5 David Friedman, 2000, <i>Law's Order</i>, Princeton University Press (中文翻譯書名為經濟學與法律的對話，民國 91 年由先覺出版) .</li><li>6 Robert Gibbons, 1992, <i>Game Theory for Applied Economists</i>, Princeton University Press.</li><li>7 Louis Kaplow and Steven Shavell, “Economic Analysis of Law,” in Alan Auerbach and Martin Feldstein (ed.), 2002, <i>Handbook of Public Economics</i>, Vol. 3, 1661-1784. North Holland.</li><li>8 Steven D. Levitt and Stephen J. Dubner, 2005, <i>Freaknomics</i>, William Morrow.</li></ol> |    |  |         |     |

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|          | 9 James Miller, 2003, <i>Game Theory At Work</i> , The MacGraw-Hill Companies, Inc(中文翻譯書名為洞悉商場賽局，民國 92 年由其台灣分公司出版).<br>10 Barry J. Nalebuff and Adam A. Brandenburger, 1996, <i>Co-opetition</i> , Doubleday, New York (中文翻譯書名為競合策略，民國 93 年由台灣培生教育出版).<br>11 Richard Posner, 2003, <i>Economic Analysis of Law</i> , Aspen Publishers.                                                |     |        |      |
| 評量方式     | No.                                                                                                                                                                                                                                                                                                                                                                                   | 項目  | 百分比(%) | 說明   |
|          | 1                                                                                                                                                                                                                                                                                                                                                                                     | 習題  | 10     | 每週皆有 |
|          | 2                                                                                                                                                                                                                                                                                                                                                                                     | 期中考 | 40     |      |
|          | 3                                                                                                                                                                                                                                                                                                                                                                                     | 期末考 | 50     |      |
|          | 4                                                                                                                                                                                                                                                                                                                                                                                     |     |        |      |
| 週次       | 單元主題                                                                                                                                                                                                                                                                                                                                                                                  |     |        |      |
| 第 1 週    | 主題：課程介紹<br>教材：<br>“Economic Analysis of Law” by Kaplow and Shavell in Auerbach and Feldstein ed. (2002).<br>● This is a comprehensive survey paper.                                                                                                                                                                                                                                   |     |        |      |
| 第 2-5 週  | 主題：Simultaneous Decisionmaking and the Normal Form Game<br>教材：<br>B&G&P Chapter 1<br>D&S Chapters 1, 2, 4, and 5<br>● Provide an example, i.e., the tort rules governing an accident involving a motorist and a pedestrian.<br>● Introduce games such as the stag hunt, the prisoner’s dilemma, and matching pennies, and show that how these games can be applied to legal problems. |     |        |      |
|          |                                                                                                                                                                                                                                                                                                                                                                                       |     |        |      |
| 第 6、7 週  | 主題：Dynamic Interaction and the Extensive Form Game<br>教材：<br>B&G&P Chapter 2<br>D&S Chapters 3 and 6.<br>● Introduce incomplete information and subgame perfection.                                                                                                                                                                                                                   |     |        |      |
| 第 8-10 週 | 主題：Reputation and Repeated Games<br>教材：<br>B&G&P Chapter 5<br>D&S Chapter 8.<br>● Examine how legal rules may affect parties who interact with each other over time.<br>● Investigate issues regarding Statute of Frauds, tacit collusion, and predatory pricing.                                                                                                                     |     |        |      |
| 第 9 週    | 期中考                                                                                                                                                                                                                                                                                                                                                                                   |     |        |      |

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| 第 11、12 週 | <p>主題：Collective Action, Embedded Games, and the Limits of Simple Models</p> <p>教材：</p> <p>B&amp;G&amp;P Chapter 6</p> <p>D&amp;S Chapter 11.</p> <ul style="list-style-type: none"> <li>● Explore issues regarding the mechanism design, network externalities, and herd behavior.</li> </ul>    |
| 第 13、14 週 | <p>主題：Information Revelation, Disclosure Laws, and Renegotiation</p> <p>教材：</p> <p>B&amp;G&amp;P Chapter 3</p> <p>D&amp;S Chapter 12</p> <ul style="list-style-type: none"> <li>● Examine issues regarding unraveling, signaling and screening, and renegotiation of contracts.</li> </ul>        |
| 第 15 週    | <p>主題：Signaling, Screening, and Nonverifiable Information</p> <p>教材：</p> <p>B&amp;G&amp;P Chapter 4</p> <p>Gibbons Chapter 4</p> <ul style="list-style-type: none"> <li>● Introduce the beer-quiche game (i.e., intuitive criteria), plant closing laws, and Disabilities Act.</li> </ul>         |
| 第 16 週    | <p>主題：Noncooperative Bargaining</p> <p>教材：</p> <p>B&amp;G&amp;P Chapter 7</p> <p>D&amp;S Chapter 16</p> <ul style="list-style-type: none"> <li>● Introduce the Nash bargaining solution.</li> <li>● Explore how the breach problem (in contract law) can be seen as a bargaining game.</li> </ul> |
| 第 17 週    | <p>主題：Bargaining and Information</p> <p>教材：</p> <p>B&amp;G&amp;P Chapter 8</p> <p>D&amp;S Chapter 17</p> <ul style="list-style-type: none"> <li>● Introduce two-sided private information into a model of bifurcated trials.</li> </ul>                                                           |
| 第 18 週    | <p>期末考</p>                                                                                                                                                                                                                                                                                        |