

2010/1/4

九十八學年度第二學期《法律經濟分析專題研究一、二、三、四》課程大綱

授課教師：簡資修

這學期的上課主題是環境法。主要教材將取自 Richard R.W. Brooks, Nathaniel O. Keohane and Douglas A. Kysar 等三人所編的 *Economics of Environmental Law I、II* (2009) (目錄如附件)。學期前幾週，本人將講授編者為該論文集所寫的導論，後十週，修課同學將針對十篇論文，分別為書面及口頭報告。學期成績的計算是書面報告佔百分之八十，平時成績佔百分之二十。

### Synopsis of “Economic Analysis of Law”

Teacher: Tze-Shiou Chien

The focus of this semester will be Economics of Environmental Law. The materials will be selected from “Economics of Environmental Law I, II” (2009) (See the following attached contents) edited by Richard R.W. Brooks, Nathaniel O. Keohane and Douglas A. Kysar. For the beginning few weeks, the teacher will lecture on the introduction written by the editors. For the remaining ten weeks, students will write short comments on the papers selected from the anthology. The grade will be based on the quality of these comments (80%) and class participation (20%).

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2. Harold Demsetz (1967), 'Toward a Theory of Property Rights', <i>American Economic Review</i> , <b>57</b> (2), May, 347–59	47
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5. Robert C. Ellickson (1986), 'Of Coase and Cattle: Dispute Resolution Among Neighbors in Shasta County', <i>Stanford Law Review</i> , <b>38</b> , February, 623–87	106
6. Carol M. Rose (1991), 'Rethinking Environmental Controls: Management Strategies for Common Resources', <i>Duke Law Journal</i> , <b>1991</b> (1), February, 1–38	171

## **PART II    INSTRUMENT CHOICE**

7. William J. Baumol and Wallace E. Oates (1971), 'The Use of Standards and Prices for Protection of the Environment', <i>Swedish Journal of Economics</i> , <b>73</b> (1), March, 42–54	211
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10. A. Mitchell Polinsky (1980), 'Resolving Nuisance Disputes: The Simple Economics of Injunctive and Damage Remedies', <i>Stanford Law Review</i> , <b>32</b> , July, 1075–112	263
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**PART III IS THE ENVIRONMENT SPECIAL?**

13. Kenneth E. Boulding (1966), 'The Economics of the Coming Spaceship Earth', in Henry Jarrett (ed.), *Environmental Quality in a Growing Economy*, Baltimore, MD: Johns Hopkins Press, 3–14 433
14. John V. Krutilla (1967), 'Conservation Reconsidered', *American Economic Review*, **57** (4), September, 777–86 445
15. Kenneth J. Arrow and Anthony C. Fisher (1974), 'Environmental Preservation, Uncertainty, and Irreversibility', *Quarterly Journal of Economics*, **88**, 312–19 455
16. Laurence H. Tribe (1974), 'Ways Not to Think About Plastic Trees: New Foundations for Environmental Law', *Yale Law Journal*, **83** (7), June, 1315–48 463
17. John M. Hartwick (1977), 'Intergenerational Equity and the Investing of Rents from Exhaustible Resources', *American Economic Review*, **67** (5), December, 972–4 497
18. Richard C. Bishop (1978), 'Endangered Species and Uncertainty: The Economics of a Safe Minimum Standard', *American Journal of Agricultural Economics*, **60** (1), February, 10–18 500
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20. Richard L. Revesz (1999), 'Environmental Regulation, Cost-Benefit Analysis, and the Discounting of Human Lives', *Columbia Law Review*, **99**, 941–1017 520

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## PART I POLICY DESIGN

1. Daniel H. Cole and Peter Z. Grossman (1999), 'When is Command-and-Control Efficient? Institutions, Technology, and the Comparative Efficiency of Alternative Regulatory Regimes for Environmental Protection', *Wisconsin Law Review*, **1999**, 887–938 3
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## PART II PERFORMANCE OF ENVIRONMENTAL REGULATIONS

6. Robert N. Stavins and Adam B. Jaffe (1990), 'Unintended Impacts of Public Investments on Private Decisions: The Depletion of Forested Wetlands', *American Economic Review*, **80** (3), June, 337–52 163
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15. Meghan R. Busse and Nathaniel O. Keohane (2007), 'Market Effects of Environmental Regulation: Coal, Railroads, and the 1990 Clean Air Act', *RAND Journal of Economics*, **38** (4), Winter, 1159–79

**PART IV VALUATION AND COMPARISON OF COSTS AND BENEFITS**

16. W. Kip Viscusi (2000), 'The Value of Life in Legal Contexts: Survey and Critique', *American Law and Economics Review*, **2** (1), Spring, 195–222
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