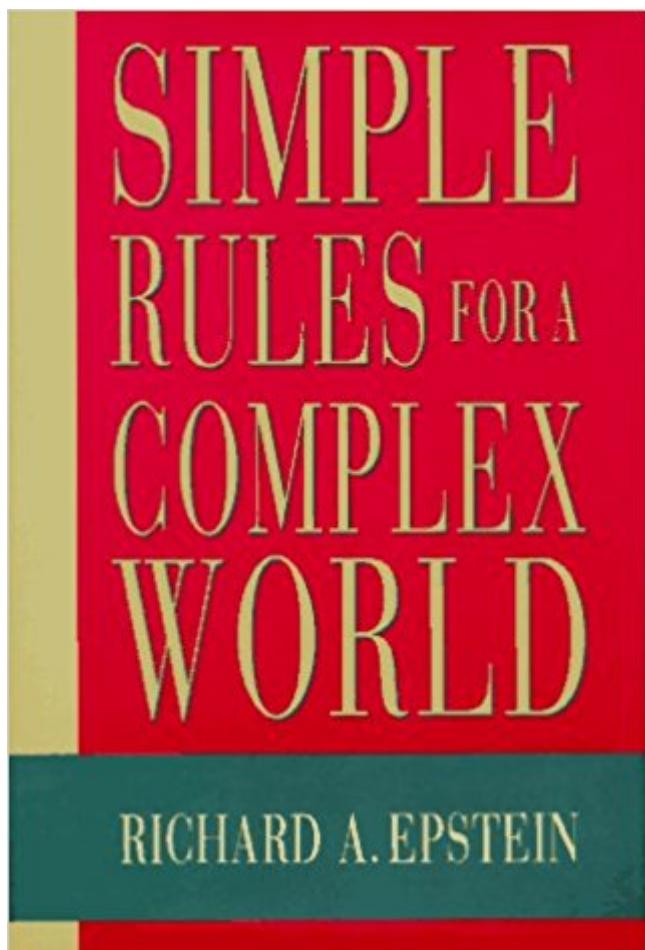


The book was found

Simple Rules For A Complex World



Synopsis

Too many laws, too many lawyers--that's the necessary consequence of a complex society, or so conventional wisdom has it. Countless pundits insist that any call for legal simplification smacks of nostalgia, sentimentality, or naivetÃ©. But the conventional view, the noted legal scholar Richard Epstein tells us, has it exactly backward. The richer texture of modern society allows for more individual freedom and choice. And it allows us to organize a comprehensive legal order capable of meeting the technological and social challenges of today on the basis of just six core principles. In this book, Epstein demonstrates how. The first four rules, which regulate human interactions in ordinary social life, concern the autonomy of the individual, property, contract, and tort. Taken together these rules establish and protect consistent entitlements over all resources, both human and natural. These rules are backstopped by two more rules that permit forced exchanges on payment of just compensation when private or public necessity so dictates. Epstein then uses these six building blocks to clarify many intractable problems in the modern legal landscape. His discussion of employment contracts explains the hidden virtues of contracts at will and exposes the crippling weaknesses of laws regarding collective bargaining, unjust dismissal, employer discrimination, and comparable worth. And his analysis shows how laws governing liability for products and professional services, corporate transactions, and environmental protection have generated unnecessary social strife and economic dislocation by violating these basic principles. Simple Rules for a Complex World offers a sophisticated agenda for comprehensive social reform that undoes much of the mischief of the modern regulatory state. At a time when most Americans have come to distrust and fear government at all levels, Epstein shows how a consistent application of economic and political theory allows us to steer a middle path between too much and too little.

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Customer Reviews

A book called 'The Death of Common Sense: How Law is Suffocating America' by attorney Philip Howard has captured the attention of Washington's policy community with its maddening accounts of overzealous regulation and complex litigation. But Mr. Howard's appeal for enforcing rules with a dose of common sense never sets forth a framework for bringing about legal simplification. That's why Richard Epstein's new book...is such a suitable companion to Mr. Howard's battle cry. Mr. Epstein...believes that the traditional common law is actually more attuned to the modern world...He argues that the more complex the world, the less bureaucrats and lawmakers can know about how everything interacts, and the more perverse and inefficient the law will become...Mr. Epstein's relentlessly logical arguments tell us why we should return to the tried-and-true rules of the common law. Like manners, the common law has proven useful and long lasting precisely because it is so well-suited to a world of strangers. (John H. Fund Wall Street Journal)Richard A. Epstein, a professor of law at the University of Chicago, has a record of proposing radical and extreme alterations in key areas of law--alterations that perhaps initially could be dismissed as so far from the center of legal thinking as to be of only theoretical interest but then turn out to have much more political life in them than one could have thought possible...Mr. Epstein has to be taken seriously, and not only because of the power of his reasoning and his authoritative command of the common law and political philosophy...The reasoning is strong, the knowledge of specific areas of policies is deep, and behind them stands his basic commitment to a more productive and efficient society...It is bracing to undergo a cold bath in the pure doctrine of the simple rules, and in many areas they will give us some practical guidance. (Nathan Glazer New York Times Book Review)Simple Rules for a Complex World is a clear, consistent, libertarian economic approach to the law that should keep you interested from start to finish. (Charles W. Chesbro Trial)This book is a tour de force of legal history and analysis. It would have been timeless in any event, but the current Congress' agenda makes it timely as well. Property rights, product and professional liability, a flat tax and environmental protection are now front and center; labor law reform and comparable worth may soon crowd their way onto the agenda as well. Long-range vision and wisdom are too seldom combined with topical analysis, but Simple Rules for a Complex World has this invaluable quality...What Mr. Epstein has accomplished, then, is not the fabrication of a framework but the distillation of one. He has articulated and rationalized basic principles of law in a creative way that shows these principles to

have both historical and theoretical primacy. At a time when much legal scholarship is devoted to the deconstruction of the root of our legal order, Mr. Epstein has written a book of reconstruction. (Roger Clegg Washington Times)A persuasive argument for the American legal system's return to the common-sense rules of common law, by a distinguished professor at the University of Chicago. (Chicago Tribune)

Richard A. Epstein is the James Parker Hall Distinguished Service Professor of Law at the University of Chicago and an Adjunct Scholar of the Cato Institute.

Addresses the legal system with an eye toward "necessary and sufficient" rules. Valuable in helping me get a handle on how to approach fixing the stifling complexity of our current system.

Prof. Richard Epstein has written a brilliant book here. His thesis, at heart, is that the world operates more efficiently and productively when legal rules are "simple" than when they are complex. In order to elaborate this thesis, he spells out just what he means by "simple," proposes a handful of simple rules himself in various areas of law (property, contracts, torts), and shows how they play out in action (in, e.g., labor contracting, employment discrimination, and products liability). In each case he argues, with much success, that it just wouldn't be efficient to try to improve on the results provided by the "simple" rules. I especially recommend this book, and Epstein's work generally, to law students. Epstein's knowledge of the law is thorough and deep; One-Ls will find it useful to keep it handy for the whole year. So why only four stars? Partly because I think cost-benefit analysis is neither an adequate defense of liberty against the regulatory State nor an adequate foundation for law; and partly because Epstein's reliance on such analysis leads him toward (though he stops short of actually arriving at) positions I regard as non- or anti-libertarian. This review isn't the place to critique consequentialism; for a more or less standard and (I think) decisive critique, the reader is referred to W.D. Ross's *Foundations of Ethics*, which, after sixty-odd years, is still one of the most judicious works on ethics ever written. Suffice it to say that I think we can increase efficiency by pursuing justice, but not vice versa; consequentialism and its subspecies utilitarianism seem to me to be not so much ways of answering moral questions as of never raising them. The "maximization" of happiness is one ground of moral obligation, but not the only one. (And in general, I simply fail to understand recent libertarian interest in an ethical school founded by a man who regarded natural rights as "nonsense" and imprescriptible natural rights as "nonsense upon stilts.") More serious, from a libertarian point of view, is that Epstein comes within inches of allowing a positive role for antitrust

law. Now, mind you, he doesn't quite do so. Indeed he calls for the repeal of the Sherman Act and related legislation, and he opposes the use of government power to distinguish between "corporate combinations that increase market competition" (p. 125) from those that do otherwise. (Note that his understanding of "competition" is thoroughly Chicago-school, a point for which Austrian theorists have quite properly taken him to task.) Yet his only ground for this latter opposition is merely that government agencies can't tell which are which. Some corporate mergers, he says, may actually increase efficiency. Well, what about those that don't? Is he opposed in principle to such "inefficient" mergers? Would it be okay if the government stepped in to kill a merger that was clearly "inefficient" by Epstein's standards? Or does he think there would be something morally wrong with outlawing certain uses of people's justly acquired property merely because somebody can think of a more "efficient" use? Unfortunately Epstein's consequentialist approach prevents him from giving the standard libertarian answer. It seems that, for him, the rights of property and trade are dependent not merely on their promotion of "happiness" but, more specifically, on their service to the aggregate good -- where, most significantly, this "good" is apparently defined quite independently of justice. So I have to knock off one star for inadequate moral foundations. But don't let that stop you from reading the book: Epstein's cost-benefit approach is solid as far as it goes. It just doesn't go far enough.

Professor Richard Epstein does a very convincing job in this book of articulating a legal system which is far more practical and comprehensible than the regime we currently enjoy. In the tradition of the law and economics approach, Epstein's major theme is that the administrative costs associated with so much contemporary and complex law far exceed any incremental benefit in the social incentive structures they create. Whether he is discussing contracts, torts, products liability, or anti-discrimination laws, Epstein makes an intellectual, yet common-sense case as to how they should be reformed, or, in the case of anti-discrimination laws, why they should be abandoned. Epstein makes no bones that the complexity of law, while driven in part by a legal system which benefits from such complexity, is also the product of sincere efforts by well-intentioned individuals to create a legal system that can produce an individually fair result in almost any set of circumstances. This is, perhaps, the biggest obstacle to the adoption of the legal principles outlined by Epstein in "Simple Rules" - a narcissism shared by so many judges and lawmakers which has always seemed to prevent them from fully coming to grips with their own limitations.

SUMMARY: Epstein, a law professor of libertarian inclination, suggests reforms of U.S. civil law,

which wastes too much time and money producing and administering complicated laws in pursuit of unrealistically high standards of justice. This legal system's meddling in the economy is as counterproductive as that of communist regimes'. Epstein contends that civil justice requires only six simple legal principles, concerning property, property rights, contracts, prohibition of force, limited privileges, and eminent domain. The first half of the book discusses these principles in the abstract; the second half applies them to current controversies: labor (affirmative action and discrimination laws), liability of corporate officers, product liability, trading in stocks, limited liability, and environmental regulation. CRITICISMS: 1) The writing is dull. 2) Although Epstein aims to be an "intellectual middleman" between the law and laymen, he too often fails to define legal terms. 3) Epstein doesn't explain how our complicated legal system arose or how reforming it would eliminate the motives that created it. 4) Is the idea that only six simple rules suffice to produce civil justice as utopian as the current pursuit of "perfect" justice? RECOMMENDATION: For those who are frustrated by America's morass of civil justice, here is a framework for reform.

This book is a brilliant analysis and synthesis of legal doctrine. Well worth the price and the time.

I found his ideas for changing the system to be boring.

Epstein is a brilliant guy with a great idea - simple rules are better for society than complex rules. At least, that's what I think he says. This book is NOT for the masses. Here's a sample from page 30: "Although I have from time to time been of different minds on this proposition, I have now made peace with myself and believe that these consequentialist theories--that is, those which look to human happiness--offer the best justificatory apparatus for demarcating the scope of state power from the area of individual choice." Huh? Mr. Epstein, would you consider a comic book version for the rest of us?

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