

## GAME THEORY APPLIED TO LAW

© Copyright 1999 Boudewijn Bouckaert and Gerrit De Geest

### Bibliography Collected by the Editors

- Aivazian, Varouj A. and Callen, Jeffrey L. (1981), 'The Coase Theorem and the Empty Core', **24** *Journal of Law and Economics*, 175-181.
- Aivazian, Varouj A., Callen, Jeffrey L. and Lipnowski, Irwin F. (1988), 'The Coase Theorem and Coalitional Stability', **54** *Economica*, 517-520.
- Baird, Douglas G., Gertner, Rober and Picker, Randal C. (1995), *Game Theory and the Law*, Cambridge, MA, Harvard University Press.
- Ben-Shahar, Omri (1992), *Strategic Behavior in Judicial Panels*, Discussion Paper, Program in Law and Economics, Harvard Law School, No. 107.
- Bonus, Holger (1979), 'Öffentliche Güter, Verführung und Gefangenendilemma (Public Goods, Temptation and the Prisoners' Dilemma)', **10(2)** *List Forum*, 69-102. Reprinted in *Grundtexte zur Sozialen Marktwirtschaft*, Stuttgart/New York, Gustav Fischer Verlag, 1979/80, pp. 283-305
- Bonus, Holger (1980), 'Öffentliche Güter und Gefangenendilemma (Public Goods and the Prisoners' Dilemma)', in Dettling, W. (ed.), *Die Zählung des Leviathan. Neue Wege der Ordnungspolitik*, Baden-Baden, Nomos Verlagsgesellschaft, 129-160.
- Chang, Howard F. (1997), 'Carrots, Sticks and International Externalities', **17** *International Review of Law and Economics*, 309-324.
- Cooter, Robert D., Marks, Stephen V. and Mnookin, Robert H. (1982), 'Bargaining in the Shadow of the Law: A Testable Model of Strategic Behavior', **11** *Journal of Legal Studies*, 225-251. Reprinted in Coleman, Jules and Lange, Jeffrey (eds), *Law and Economics*, Volume 2, New York, University Press, 1992.
- Curran, Christopher (1994), 'The Burden of Proof and the Liability Rule for Suppliers of Services in the EEC', **70** *Geneva Papers on Risk and Insurance*, 85-98.
- Dana, James D., Jr and Spier, Kathryn E. (1993), 'Expertise and Contingent Fees: The Role of Asymmetric Information in Attorney Compensation', **9** *Journal of Law, Economics, and Organization*, 349-367.
- Dana, James D., Jr and Spier, Kathryn E. (1994), 'Designing a Private Industry: Government Auctions with Endogenous Market Structure', **53** *Journal of Public Economics*, 127-147.
- Daughety, Andrew F. and Reinganum, Jennifer F. (1993), 'Endogenous Sequencing in Models of Settlement and Litigation', **9** *Journal of Law, Economics, and Organization*, 314-348.
- Daughety, Andrew F. and Reinganum, Jennifer F. (1994), 'Settlement Negotiations with Two Sided Asymmetric Information: Model Duality, Information Distribution, and Efficiency', **14** *International Review of Law and Economics*, 283-298.
- Daughety, Andrew F. and Reinganum, Jennifer F. (1995a), 'Keeping Society in the Dark: On the Admissibility of Pretrial Negotiations as Evidence in Court', **26** *Rand Journal of Economics*, 203-221.
- Daughety, Andrew F. and Reinganum, Jennifer F. (1995b), 'Product Safety: Liability, R&D, and Signaling', **85** *American Economic Review*, 1187-1206.

- Davis, Lee N. (1991), *Patenter og Innovationer: Mod et Strategisk Perspektiv (Patenter og Innovationer: Mod et Strategisk Perspektiv)*. (Patents and innovations: Aiming for a Strategic Perspective), København, Blytman's forlag.
- Dawid, H. and Feichtinger, G. (1995), *On the Persistence of Corruption/Forschungsbericht*, Research Memorandum, Vienna, Institute for Econometrics, Operation Research and Systems Theory, University of Technology, No. 186.
- De Geest, Gerrit (1995), 'Comment: Game Theory versus Law and Economics?', in Bouckaert, Boudewijn and De Geest, Gerrit (eds), *Essays in Law and Economics II: Contract Law, Regulation, and Reflections on Law and Economics*, Antwerpen, Maklu, 287-293.
- Eger, Thomas (1996), 'Möglichkeiten und Grenzen des Reputationsmechanismus (Possibilities and Constraints of Reputation Mechanism)', *Wirtschaftspraxis, Verwaltungspraxis, Wirtschaftswissenschaften*, 1-10.
- Eidenmüller, Horst (1996), 'Die Banken im Gefangenendilemma, Kooperationspflichten und Akkordstörungsverbot im Sanierungsrecht (The Banks in a Prisoners' Dilemma, Duties to Cooperate in Bankruptcy Workouts)', **160** *Zeitschrift für das Gesamte Handels- und Wirtschaftsrecht*, 343-373.
- Eidenmüller, Horst (1997), 'Ökonomische und spieltheoretische Grundlagen von Verhandlung/Mediation (Economic and Game Theoretic Foundations of Negotiation and Mediation)', in Breidenbach, S. and Henssler, M. (ed.), *Mediation für Juristen, Konfliktbehandlung ohne gerichtliche Entscheidung*, Köln, Otto Schmidt.
- Garcimartin Alférez and Francisco Javier (1996), 'El coste de la ley Helms-Burton para las Empresas Españolas (The Costs of Helms-Burton Rule for Spanish Companies)', *Revista Derecho de los Negocios*, 1 ff.
- Hansen, Robert G. and Thomas, Randall S. (1992), 'An Auction - Theoretic Analysis of Corporate Auctioneer's Liability Regimes', **4** *Wisconsin Law Review*.
- Hansen, Robert G. and Thomas, Randall S. (1993), 'Auctioning Class Action and Derivative Lawsuits: A Critical Analysis', *Northwestern Law Review*.
- Hatzis, Aristides N. (1993), 'Comments on Bertrand Lemmenicier's paper 'Social Justice and its Controversies'', **4** *Journal des Economistes et des Etudes Humaines*, 263-268.
- Hay, Bruce L. and Spier, Kathryn E. (1997), 'Burdens of Production in Civil Litigation: An Economic Perspective', **25** *Journal of Legal Studies*.
- Huang, Peter H. (1995), 'Strategic Behavior and the Law: A Guide for Legal Scholars to Game Theory and the Law and Other Game Theory Texts', **36** *Jurimetrics Journal of Law, Science and Technology*, 99-114.
- Huang, Peter H. and Wu, Ho-Mou (1992), 'Emotional Responses in Litigation', **12** *International Review of Law and Economics*, 31-44.
- Huang, Peter H. and Wu, Ho-Mou (1994), 'More Order without More Law: A Theory of Social Norms and Organizational Cultures', **10** *Journal of Law, Economics, and Organization*, 390-406.
- Jost, Peter J. (1997), 'Koordinationsverhalten bei Umweltdelikten. Eine spieltheoretische Argumentation (Coordination and Environment Damages)', in Weber, Jürgen (ed.), *Umweltmanagement. Aspekte einer umweltbezogenen Unternehmensführung*, Stuttgart, Schäffer-Poeschel.
- Kahan, Marcel (1992), 'Games, Lies and Securities Laws', **67** *New York University Law Review*, 750 ff. Reprinted in **26** *Securities Law Review* 127, 1994.

- Kahan, Marcel and Tuckman, Bruce (1993), 'Do Bondholders Lose From Junk Bond Covenant Changes', **66** *Journal of Business*, 499 ff.
- Katz, Avery (1988), 'Judicial Decisionmaking and Litigation Expenditure', **8** *International Review of Law and Economics*, 127-143.
- Katz, Avery (1990a), 'The Strategic Structure of Offer and Acceptance: Game Theory and the Law of Contract Formation', **89** *Michigan Law Review*, 215-295.
- Katz, Avery (1990b), 'Your Terms or Mine: The Duty to Read the Fine Print in Contracts', **21** *Rand Journal of Economics*, 518-537.
- Katz, Avery (1996), 'The Economics of Promissory Estoppel in Preliminary Negotiations', **105** *Yale Law Journal*, 1249-1309.
- Kerkmeester, Heico (1989), *Recht en Speltheorie: een Economisch Model voor het Ontstaan van Staten en Recht* (Law and Game Theory: an Economic Model for the Emergence of State Organization and Law), Rotterdam, Erasmus University, 212 p.
- Kerkmeester, Heico (1995), 'Game Theory as a Method in Law and Economics', in Bouckaert, Boudewijn and De Geest, Gerrit (eds), *Essays in Law and Economics II: Contract Law, Regulation, and Reflections on Law and Economics*, Antwerpen, Maklu, 267-285.
- Kerkmeester, Heico (1996), 'Boekbespreking: Baird, D.C., Gertner, R.H. and Picker, R.C., Game Theory and the Law', **25** *Tijdschrift voor Rechtsfilosofie en Rechtstheorie*, 72-75.
- Kobayashi, Bruce H. (1992), 'Deterrence with Multiple Defendants: an Explanation for 'Unfair' Plea Bargaining', **23** *Rand Journal of Economics*, 507-515.
- Koboldt, Christian (1993), 'Zeitinkonsistenz, Separabilität und Teilspielperfektheit, vom möglichen Segen der 'beschränkten' Rationalität (Time Inconsistency, Separability, and Subgame Perfectness, On the Possible Blessing of the 'Bounded' Rationality)', **10** *Homo Oeconomicus*.
- Kort, P.M., Feichtinger G., Hartl, R.F. and Haunschmied, J.L. (1995), *Optimal Enforcement Policies (Crackdowns) On a Drug Market*, Working Paper, Maastricht, Tilburg University, Department of Econometrics and CentER.
- Krauss, Michael I. (1994), 'La réglementation contre le marché dans le développement de normes (Regulation against the Market in Norms Formation)', **5** *Journal des Economistes et des Etudes Humaines*, 573-599.
- Mackaay, Ejan (1988), 'L'ordre spontané comme fondement du droit - un survol des modèles de l'émergence des règles dans la société civile (Spontaneous Order as the Foundation of Law - A Survey of Models of the Emergence of Rules in Civil Society)', **22** *Revue Juridique Themis*, 347-383. Reprinted in **3** *Revue Internationale de Droit Economique*, 247-287.
- Mackaay, Ejan (1991), 'Le Droit Saisi par le Jeu (Game-Theory Applied to Law)', *Droit et Société*, 57-81. Reprinted in Ost, François and Van De Kerkhove, Michel (eds), *Le Jeu: un Paradigme pour le Droit*, Paris, Librairie Générale de Droit et de Jurisprudence, 81-110.
- Mackaay, Ejan (1992), 'Règle et Décision en Droit (Rule and Decision in Law)', in Bourcier, Danièle and Mackay, Pierre (eds), *Lire le droit - Langue, texte, cognition*, Paris, Librairie Générale de Droit et de Jurisprudence, 41-69.
- Parisi, Francesco (1997a), *The Genesis of Liability in Ancient Law*, George Mason University Law and Economics Working Paper Series, No. 97-07.

- Parisi, Francesco (1997b), *Rent-Seeking Through Litigation: Adversarial and Inquisitorial Systems Compared*, George Mason University Law and Economics Working Paper Series, No. 97-09.
- Png, Ivan Paak-Liang (1983), 'Strategic Behavior in Suit, Settlement and Trial', **14** *Bell Journal of Economics*, 539-550. Reprinted in Levine, D.K. and Lippman, S.A. (eds), *The Economics of Information*, Cheltenham, UK, Edward Elgar.
- Png, Ivan Paak-Liang (1987), 'Litigation, Liability, and Incentives for Care', **34** *Journal of Public Economics*, 61-85.
- Posner, Eric A. (1998), 'Symbols, Signals, and Social Norms in Politics and the Law', **27** *Journal of Legal Studies*.
- Rasmusen, Eric and Ramseyer, Mark J. (1994), 'Cheap Bribes and the Corruption Ban: A Coordination Game Among Rational Legislators', **78** *Public Choice*, 305 ff.
- Rasmusen, Eric B., Ramseyer, Mark J. and Wiley, John Shepard, Jr (1991), 'Naked Exclusion', **81** *American Economic Review*, 1137 ff.
- Reinganum, Jennifer F. (1988), 'Plea Bargaining and Prosecutorial Discretion', **78** *American Economic Review*, 713-728.
- Reinganum, Jennifer F. (1993), 'The Law Enforcement Process and Criminal Choice', **13** *International Review of Law and Economics*, 115-134.
- Reinganum, Jennifer F. and Wilde, Louis L. (1986), 'Settlement, Litigation, and the Allocation of Litigation Costs', **17** *Rand Journal of Economics*, 557-566.
- Roin, Julie, A. (1995), 'Rethinking Tax Treaties in a Strategic World with Disparate Tax Systems', **81** *Virginia Law Review*, 1753 ff.
- Ryssdal, Stray A.C. (1995), *An Economic Analysis of Civil Suits and Appeals*, Oslo, Juridisk Forlag.
- Sanchirico, Chris William (1997a), 'Evidence Production, Adversarial Process and the Private Instigation of Suits', mimeo, Columbia University Economics Department.
- Sanchirico, Chris William (1997b), *Enforcement by Hearing: An Integrated Model of Evidence Production*, mimeo, Columbia University Economics Department.
- Sanchirico, Chris William (1997c), 'The Burden of Proof in Civil Litigation: A Simple Model of Mechanism Design', **17** *International Review of Law and Economics*, 431-447.
- Schap, David (1986), 'Executive Veto and Informational Strategy: A Structure-Induced Equilibrium Analysis', **30** *American Journal of Political Science*, 755-770.
- Schap, David (1988), 'In Search of Efficacious Executive Veto Authority', **58** *Public Choice*, 247-257.
- Schap, David (1990), 'Executing Veto and Spending Limitation: Positive Political Economy with Implications for Institutional Choice', **65** *Public Choice*, 239-256.
- Schap, David and Carter, John R. (1987), 'Executive Veto, Legislative Override and Structure-Induced Equilibrium', **52** *Public Choice*, 227-244. Reprinted in Rowley, Charles (ed.), *Public Choice Theory*, Edward Elgar, 1993, vol. 3, pp. 47-64.
- Schap, David and Carter, John R. (1990), 'Line-Item Veto: Where is Thy Sting?', **4** *Journal of Economic Perspectives*, 103-118.
- Schap, David and Daerden, James A. (1994), 'The First Word and the Last Word in the Budgetary Process: A Comparative Institutional Analysis of Proposal and Veto Authorities', **80** *Public Choice*, 35-53.
- Schavell, Steven and Spier, Kathryn E. (1996), 'Threats Without Binding Commitment', **5461** National Bureau of Economic Research Working Paper.

- Schmidchen, Dieter and Kirstein, Roland (1997), 'Abkoppelung der Prozeßkosten vom Streitwert? Eine ökonomische Analyse von Reformvorschlägen (Separation of Litigation Costs and the Value of the Case? An Economic Analysis of Reform Proposals)', in Prütting, H. and Rüssmann, H. (eds), *Verfahrensrecht am Ausgang des 20. Jahrhunderts. Festschrift für Gerhard Lüke zum 70. Geburtstag, München 1997*, München, 741-766.
- Spier, Kathryn E. (1992a), 'Incomplete Contracts and Signalling', **23** *Rand Journal of Economics*, 432-443.
- Spier, Kathryn E. (1992b), 'The Dynamics of Pretrial Negotiation', **59** *Review of Economic Studies*, 93-108.
- Spier, Kathryn E. (1994a), 'Settlement Bargaining and the Design of Damage Awards', **10** *Journal of Law, Economics, and Organization*, 84-95.
- Spier, Kathryn E. (1994b), 'Pretrial Bargaining and the Design of Fee-Shifting Rules', **25** *Rand Journal of Economics*, 197-214.
- Spier, Kathryn E. and Dana, James D., Jr (1993), 'Expertise and Contingent Fees: The Role of Asymmetric Information in Attorney Compensation', **9** *Journal of Law, Economics, and Organization*, 349-367.
- Spier, Kathryn E. and Dana, James D., Jr (1994), 'Designing a Private Industry: Government Auctions with Endogenous Market Structure', **53** *Journal of Public Economics*, 127-147.
- Spier, Kathryn E. and Spulber, Daniel (1993), 'Pretrial Bargaining and Asymmetric Information: The Mechanism-Design Approach', *mimeo, July 1993*.
- Spier, Kathryn E. and Hay, Bruce L. (1996), 'Burdens of Production in Civil Litigation: An Economic Perspective', *Journal of Legal Studies*.
- Spier, Kathryn E. and Whinston, Michael (1995), 'On the Efficiency of Privately Stipulated Damages for Breach of Contract: Entry Barriers, Reliance, and Renegotiation', **26** *Rand Journal of Economics*, 180-202.
- Spier, Kathryn E. and Shavell, Steven (1996), 'Threats Without Binding Commitment', National Bureau of Economic Research Working Paper.
- Spier, Kathryn E. and Sykes, Alan O. (1996), *Capital Structure, Priority Rules, and the Settlement of Civil Claims*, Mimeo, August 1996.
- Spier, Kathryn E. and Weinstein, David E. (1995), 'Retaliatory Mechanisms for Eliminating Trade Barriers: Aggressive Unilateralism vs GATT Cooperation', in Chang, Winston W. and Katayama, Seiichi (eds), *Imperfect Competition in International Trade*, Dordrecht, Kluwer Academic Publishers.
- Spier, Kathryn E. and Whinston, Michael D. (1995), 'On the Efficiency of Privately Stipulated Damages for Breach of Contract: Entry Barriers, Reliance and Renegotiation', **26** *Rand Journal of Economics*, 180-202.
- Stout, Lynn A. (1996), 'Insurance or Gambling? Derivatives Trading in a World of Risk and Uncertainty', **39** *Brookings Review*.
- Vracar, K. Stevan (1994), *Preispitivanja pravne metodologije: Nagovestaji dravno-pravnog integralizma* (Reexamination of the Legal Methodology: Indications of State-Legal Integralism), Belgrade, Naučna knjiga.
- Williams, Stephen F. (1973), 'Optimizing Water Use: The Return Flow Issue', **44** *University of Colorado Law Review*, 301-321.