

# ECONOMIC ANALYSIS OF LAW

Social Science 2330.9

Preliminary Syllabus

2005-2006

## COURSE DESCRIPTION

In this course we will consider economics as a form of moral argument applied to law. As such, we will examine scholarly debates in favour of and opposed to an economic analysis of law. We will pay close attention to the broader social and philosophical implications of interpreting law as a social enterprise that maximizes—or should maximize—economic efficiency. Part of this analysis will entail an examination of existing legal forms such as tort law, property law, and the criminal law. The questions that will form the background of our analysis are as follows. Does economic analysis have a place in legal reasoning, and if so, how prominent a place does/should it have? What are the implications of viewing law as a vehicle for promoting efficiency? Similarly, what are the benefits and costs of viewing law through the eyes of neo-classical economic analysis?

**Note: This is a nine credit course, that is, a full course and a half course combined. The workload is commensurate. In addition to the four hours of class time, expect to do at least an additional eight hours of reading and writing outside of class each week.**

Additionally, you should also keep in mind that, because of the complex nature of the topic—the application of neo-classical economics to legal reasoning—the *level of reading difficulty is fairly high*. But, keep in mind that there are no exams or tests, and that the expected degree of comprehension for the assignments is at a second year level.

## PURPOSE OF THE COURSE

The purpose of this course is to provide you with the opportunity to engage with, understand, and critique (a strain of) the legal theory known as the economic analysis of law. The emphasis in this course is on critical understanding and not on memorization. As such, the evaluative forms will require you to **understand, synthesize, and critique** the reading materials (as opposed to memorize and reproduce them).

Given the direct relationship between clear thinking and good writing (as well as the fact that this is a foundations course), we will devote substantial time to the writing process itself. Reading material on intellectual development (logic, critical thinking) and on the writing process (research, essay structure, etc.) will make up a substantial part of the course readings. Most of this material will appear toward the beginning of the course so that you will be able to integrate it into your major research project, and you will cover it in your tutorials.

## **INTEGRATED COURSE DESIGN**

This course is designed in an integrated way. That is, the lectures, reading materials and assignments all relate to each other. For example, the lectures will attend to the reading materials, and the in-class assignments and discussions will help you to work with the ideas in the materials in a way that prepares you for your out of class assignments, such as your major paper.

## **STUDENT REPRESENTATIVES**

Since this is a large lecture course and the university experience can be alienating and bureaucratic for students, and because I will not have direct student contact as a tutorial leader, this course will have an elected student body to facilitate communication between students and myself. Each tutorial will elect or appoint a representative, and these representatives will meet with me from time to time to communicate praise (or concerns) about the course. This mode of communication should in no way substitute for your relationship with your tutorial leaders, as they are your primary contacts for this course and as such are responsible for evaluation, extensions, and general questions about the course materials and assignments. The representatives are merely to facilitate a connection between myself and students so that I have a sense of how you are experiencing the course and lectures.

## **COURSE DIRECTOR:**

Mark Davidson, LL.B, D.Phil. (Law)

Email: [mdavidson@osgoode.yorku.ca](mailto:mdavidson@osgoode.yorku.ca)

Phone: 736-2100 ext.20430

Office: Ross 703North

Office Hours: Tuesdays, 10:45-11:45 (by appointment if possible)

## **LECTURES:**

Tuesdays, 12:30-2:30, in Curtis Lecture Hall F

## **TUTORIAL LEADERS:**

- |    |         |          |
|----|---------|----------|
| 1. | F 12:30 | TEL 0009 |
| 2. | T 8:30  | MC 111   |
| 3. | F 2:30  | FC 034C  |
| 4. | M 18:30 | FC 105   |
| 5. | R 14:30 | MC 111   |
| 6. | F 8:30  | SC 221   |
| 7. | F 10:30 | SC 218   |
| 8. | F 14:30 | BC 323   |

Messages can be left for tutorial leaders at (416) 736-5054.

## **REQUIRED TEXTS:**

There are no required books for this course.

**COURSE READING KITS:**

Two reading kits -- one for the fall term and one for the winter term -- are available for purchase at the York University Bookstore. These course kits are also 'on reserve' in the Scott Library.

**VIDEOS:**

Over the year, we will view a number of videos which are an important part of the course material and may be referenced in your papers. If you miss the videos in class, you should watch them in The Sound and Moving Images Library (in Scott Library).

**IMPORTANT DATES:**

Fall Classes End:	6 December
Winter Classes Start:	4 January
Last date to enroll in course without permission of CD:	22 September
Last date to enroll in course with permission of CD:	7 October
Last date to drop course without receiving a grade:	3 February
Last date to submit fall/winter work:	8 Dec. / 6 Apr.

**EMAIL:**

For this course, you will need an email address and access to the internet. If you do not currently have internet access at home but have a computer and modem, you can activate a Dial-In Modem Account and access the internet through York's dial-in server. You can also activate an email address through York, which is accessible at home through a website. You may already have a Hotmail address but Hotmail is unreliable and so cannot be used for York. For class work, you must sign up for a yorku address.

**COURSE WEBCT:**

When appropriate, I will post lectures on WebCT prior to the corresponding lecture, otherwise I will post lecture notes after the lecture.

**GRADING SCALE :**

A+ 90-100; A 80-89; B+ 75-79; B 70-74; C+ 65-69; C 60-64;  
D+ 55-59; D 50-54; E 40-49; F 0-40.

The university does not use minus grades for undergraduates.

**EVALUATION:****Submission Due Dates and Grade Allocation:**

Ongoing:	Tutorial Participation	20%
Sep 20:	On-Line Library Tutorial	5%
Oct 11:	Minor Assignment	15%
Nov 15:	Major Project 'Outline' and Annotated Bibliography	15%
Feb 7:	First Draft of Major Project (15)/Peer Review (5)	20%

Mar 21: Final Draft of Major Project (20)/Peer Review (5) 25%

## **EXPLANATIONS OF ASSIGNMENTS:**

### **ON LINE LIBRARY TUTORIALS (5%)**

To support the Foundations goals of this course, you are required to complete two on-line tutorials: one on library research skills and on on 'academic integrity' (plagiarism). The tutorials will give you a basic grounding in skills which will help you in your assignments not only for this course but for all your courses. These tutorials can be found at:

**<<http://www.yorku.ca/fcap/onlinetutorials.html>>.**

The tutorials will give you a basic grounding in skills which will help with assignments for all your courses. It is recommended that you keep re-doing the tutorial until you have reached 100%.

You need to complete these on-line tutorials by 20 September for 5% of your final grade. At the end of each on-line tutorial, you will be asked to enter your library card number and your tutorial number. This will register your completion of the on-line tutorial.

Handouts for students about the on-line tutorials are available on the Foundations website at <http://www.arts.yorku.ca/sosc/Foundations>.

### **Library Research Roadmap and Quiz.**

Library Research Roadmap is a self-paced tutorial designed to lead you through the basic steps of the research process in preparation for writing essays. Learning how to ferret out the most useful information, and to think critically about it, are essential skills which will serve you well during your time at university. The tutorial is interactive and takes about 20 minutes to complete. A 10 minute quiz at the end will check to see if you assimilated the information.

### **Academic Integrity Tutorial and Quiz.**

The Academic Integrity Tutorial is designed to help you learn about issues of academic integrity. It explores plagiarism and related matters with case examples and positive strategies you can use to improve your academic efforts and avoid committing an academic offense as outlined in the Senate Policy on Academic Honesty. York's Policy and procedures on academic honesty are featured, and the tutorial includes a self-test allowing you to gauge how well you understand issues covered. The tutorial and quiz can be completed in approximately 30-40 minutes.

### **MINOR ASSIGNMENT (15%)**

You will be required to complete a minor research project at the beginning of the first term. This assignment is designed to help you develop the research skills needed for the major research project as well as to encourage you to begin engaging with the course materials.

Briefly, this assignment will require you to research Ontario government debates on government regulation or privatization (rental housing, pollution, labour, etc.) or to

research court decisions, to identify some of the proposals for effective control, and to make connections between your findings and the course materials covered up to the due date for the assignment. This short report should total between 3-5 pages, and you may work in groups provided that the length of the project expands in proportion to the number of people in the group (ie., 3-5 pages per person).

#### MAJOR ASSIGNMENT (15 + 15 + 20% = 50%)

You have two options for a major research tool: you may write a research paper of 9-12 pages, or you may design your own creative project that demonstrates an ability to understand, synthesize, and critique the course materials as well as your own research.

Your paper's grade will reflect your ability to **understand**, **synthesize**, and **critique** the course materials as well as your own research, and it will consider the quality of your writing. See the grading criteria to get a sense of the marking scheme for the course and upon which academic virtues this course emphasizes.

If you choose to do a creative project (write a play, construct a photo exhibit, etc.), you must propose the idea to your tutorial leader and get her/his permission to do it. The project must demonstrate your ability to **understand**, **synthesize**, and **critique** the course materials as well as your own research. If the project is not text-based, you must accompany it with a journal documenting the evolution of your thinking throughout the development of the project. The journal should total between 8-10 pages and it should refer to the course materials as well as your own research. Both assignments must be accompanied by research notes which include your questions and thoughts as you progress through the assignment as well as reading notes.

#### PEER REVIEWS (5+ 5% = 10%)

In addition to submitting two essay drafts (first and final), you will submit evaluations of a peer's first and final drafts. You will use the same grading criteria that your tutorial leader uses to mark your papers to critique your peer's drafts (available with Major Assignment Handout), and your critique will be graded as part of your assignment. The purpose of this exercise is for you to experience applying evaluative criteria to a text similar to your own in an objective way. This will help you understand the evaluative process and may help you develop a keener sense of self-evaluation.

#### GROUP PRESENTATIONS (5%)

As a tutorial group, you will be responsible for creating and presenting a creative lecture on one of the topics in the course. The presentation should be about 30 minutes long, and its preparation and presentation should involve everyone in some capacity. Your tutorial leader will grade each of you individually based on your contribution to the presentation, which could include writing, researching, organizing, presenting, and so on. So if you are uncomfortable getting up in front of the whole class, you can contribute to the presentation in another way. The presentation must engage the class in an active exercise, game, play, or any other creative means to present material.

## **PENALTIES FOR LATE ASSIGNMENTS:**

It is very important that you submit your work on time and that you work consistently throughout the year and not at the last minute. Because there are no exams or tests in this course, tutorial leaders will expect well structured and tightly argued prose that demonstrate serious engagement with the materials. It is very unlikely that you will be able to achieve this level of engagement if you rush to complete your work.

Because this is an economics course, instead of losing marks for late submission, you will be required to pay a fine in the form of a donation to the York Student Bursary Fund. The fines will be applied in an even-handed and objective way, making no allowances for individual differences or distinctions. The fine schedule will be as follows:

One Day:	\$20	
Two Days:	\$25	
Three Days:		\$30
Four Days:	\$35	
Five Days:	\$40	
Six Days:	\$50	
Seven Days:	\$100	
For every day after one week add \$25.		

If I choose to substitute the fine system with a system that deducts marks for late submission, the penalty structure will be as follows:

Up to one week late:	10 percentage points
Up to two weeks late:	20 percentage points

This means that if an assignment is late from one to seven days, it will lose 10%. So if you received a 65% on the assignment (6.5/10), you would lose 5% and receive 60% or 6/10.

If an assignment is going to be more than two weeks late, you must make special arrangements with your tutorial leader to hand it in. Otherwise it may not be accepted. Do not slip assignments under office doors: they will get stepped on. Hand your assignments directly to your tutorial leader unless you have made other arrangements with her.

## **GRADING SCALE :**

FOR INDIVIDUAL ASSIGNMENTS: A+ 90-100; A 80-89; B+ 75-79; B 70-74; C+ 65-69; C 60-64; D+ 55-59; D 50-54; E 40-49; F 0-39. The university does not use minus grades for undergraduates.

For more information, see "Grades Definitions" from the Faculty of Arts.

<http://www.arts.yorku.ca/advising/handbook98/grading.htm>.

[Since this is a nine credit course, it may be useful for you to view your final grade out of 150 marks instead of 100 because that is how much it is worth on your transcript. The grading scale is effectively as follows: A+ 135-150; A 120-134; B+ 112-119; B 105-111; C+ 97-104; C 90-96; D+ 83-89; D 75-82; E 60-74; F 0-59. To determine your effective mark out of 150, simply multiply your grade(s) by 1.5.]

Final grades are not raised except those that come out to .9 or .8 or .7 (for example, a 73.9). We grade carefully throughout the year. If you do the calculations, for your grade to be .1 or .2 higher, you would need a slightly higher grade on every assignment, or a much higher grade on one. So to raise .7, .8 and .9 grades is already generous. Please keep a record of your grade on each assignment. You can insert your grade for each assignment directly on the course outline section on evaluation.

Sometimes students need a certain grade point average to remain in a program or maintain a scholarship. If you have a grade goal in mind, for example, to complete the course with a B+, then it is critical that you maintain a B+ average on all your assignments. Students sometimes incorrectly assume that if they improve over the year, their earlier grades will not matter. This is not the case. Each individual grade needs to be considered in light of the grade goal.

## **COURSE POLICIES**

### **1. WORKING INDEPENDENTLY**

A key difference between high school and university is the greater expectation that you will be able to work independently, that is, with less teacher support and direction than you might be used to. Learning in the university is largely student-directed. Many students find this a difficult transition. As part of the Foundations program, this course offers you a number of supports.

#### **a) Tutorials**

You will meet in groups of 25 with your tutorial leader once a week. In your tutorials you can ask questions about the lectures, discuss the course readings, seek clarification about the assignments, receive feedback on your assignments, and develop the critical skills necessary to succeed in the university. To do well in this course, you need to learn to take full advantage of your tutorials which means coming to class well-prepared. **It is your responsibility to do the readings ahead of time and bring questions; read over your lecture notes and identify issues you would like to clarify and explore; and to identify questions about the assignments.**

#### **b) Time Management**

To work independently depends upon managing your time. Take advantage of the various handouts, workshops and exercises on time management. This course outline indicates the due dates for all assignments which allows you to plan your time well ahead and supports the development of effective time management. Make an overall plan for each semester. The academic year is very short (only 12 weeks in each semester) and you need to develop effective time management skills to keep on top of the workload. For this course, you should allocate 8-10 hours a week in addition to lecture and tutorial time.

For more guidance, see "Time Management at University: Tips to help you make the grade!" and "Time

Management for University Students" at <http://www.yorku.ca/cdc/lsp/tmonline/time.htm>.

### **c) Written Instructions and Guidelines for your Assignments**

Your assignments offer detailed directions for all your assignments. Be sure to read these instructions carefully and take advantage of those tutorial times when you are encouraged to bring your questions about the assignments and directions.

### **d) Study Groups**

Your TA will help set up study groups which should meet once a week. These groups support self-directed and collaborative learning strategies. They are also an invaluable vehicle for going over your assignments, preparing for exams, sharing lecture notes if absent, etc.

[For more information about setting up study groups, see "Information Sheet For Faculty" and Handout for students at <http://www.arts.yorku.ca/sosc/Foundations>>.]

## **2. TUTORIAL ATTENDANCE**

Tutorial attendance is mandatory. The portion of the grade assigned for attendance will be calculated using a scale. If you miss 1 class = A+(5); 2 = A(4.5); 3 = A(4); 4 = B+(3.8); 5 = B(3.5); 6 = C+(3.3); 7 = C (3); 8 = D+(2.8); 9 = D(2.5); 10= E(2); 11= F(1); 12=F (0).

Since TA time is extremely limited, there can be no 're-teaching' of material. It is the responsibility of students who miss classes to seek help from fellow students. We have set up the study groups and the listservs to facilitate this process.

Students who miss tutorials will be marked absent. Many, if not most, absences are for legitimate reasons; however, it is the policy of this course not to negotiate about absences. If you are away, you have missed the work and are marked absent. Although your TA will appreciate knowing that you will be absent, please do not ask for special treatment about such absences.

Tutorial attendance is important for your individual learning. Continuity in attendance is also a responsibility to the tutorial group. Students who miss tutorials frequently are not only out of the conversation loop but also have a negative impact on the learning of others. Make a commitment to attending tutorials not only for yourself but also for the whole group.

## **3. LECTURES**

### **Note Taking**

The large lecture format is not ideal for learning; nonetheless you can expect to take many university courses which include large lectures. Note taking skills are critical. Equally important is reading over your notes soon after the lecture. You will be surprised how much you can fill in and clarify. If you wait until you need to study from the notes, you will likely find them difficult to use. For some guidance, see "Making Lecture Notes at University: Tips to help you make the grade!" and "Note Taking at University" at <http://www.yorku.ca/cdc/lsp/notesonline/note1.htm>.

### **Attendance**

Although we do not take attendance in the large lecture, the lectures are critical to your success in this



course. If you have to miss a lecture, be sure to arrange with your study group to share their lecture notes. You may not reference lectures in your work.

#### **Gossip, Chatter, Snoring, Eating Loud Crunchy Things, etc.**

If you are caught gossiping or chattering during a lecture, you will be asked to share the contents of your conversation with the class. If you fall asleep and start snoring, I will stop the lecture and ask the whole class to look at you...then I'll wake you up (let's just hope you don't drool in your sleep). Finally, if you eat loud crunchy things in class I will ask you to share it with me. If there is enough food, you will be asked to share it with the class. Moral of the story: be considerate and buy bulk.

#### **4. READING**

You may find it difficult to keep up with the amount of reading in this course. All university courses require a lot of reading, and this too is difficult for students used to high school expectations. The fact that this is a 9 rather than a 6 credit course means the reading load is even heavier (although the reading requirements for this course are about average for a 9 credit course). For your information, **you will be expected to incorporate reading materials into all your writing assignments**. It is best to keep up with your readings, and take advantage of your tutorial time to ask questions and discuss the readings in detail. For help on how to read effectively, see <http://www.yorku.ca/cdc/lsp/readingonline/read1.htm>. Effective reading also depends on good time management skills.

#### **5. FEEDBACK ON DRAFTS**

Unfortunately TAs do not have the time to read over drafts. However, there are some options available to you: i) Visit your TA in her office hour with your draft. She will be able to spend some time looking it over with you.; ii) Sign up for a tutor in the Centre for Academic Writing [CAW]. If you plan ahead, you will be able to take your draft to your tutor. For more information on the CAW, see the course outline; iii) Plan ahead and use the e-tutor service. Send your draft to [etutor@yorku.ca](mailto:etutor@yorku.ca) and you will receive comments within one week; iv) Exchange papers in your study groups. Given the shared knowledge of the material, such feedback will likely be very helpful; and v) Use the Checklists included in the assignment instructions as a basis to assess your paper (and those of other students if you are working in your study groups).

The fact that your TA or a tutor has gone over your assignment with you does not guarantee that you will receive an A grade.

#### **6. HANDING IN ASSIGNMENTS**

**Assignments will not be accepted by email.** Also do not slip assignments under the office door of the professor or tutorial leader. Hand your assignments directly to your tutorial leader in the tutorial unless you have made other arrangements with her. Assignments will not be accepted in lectures. It is always your responsibility to ensure that the TA received your assignment.

#### **ALWAYS KEEP A COPY OF YOUR ASSIGNMENT**

All of your assignments include this instruction: "Hand in the original and keep a copy for yourself. This is for your protection." Should your assignment go astray, you will always have a back up copy.

#### **7. PENALTIES FOR LATE ASSIGNMENTS:**

You will lose 10% for assignments up to one-week late, and 20% for assignments up to two-weeks late.

Do not ask for special extensions for late assignments. Over the years we have established that the fairest approach is to maintain a consistent rule for all situations. This ensures that all students in all tutorials are treated in the same way.

Effective time management is a critical skill for university students. Adhering to the schedule for assignments supports the development of this skill. Note that late penalties on many assignments can have a very negative impact on your final grade. It is recommended that you have each assignment done one week before it is due. This will help you deal with any unexpected emergencies

### **8. FEEDBACK ON YOUR ASSIGNMENTS**

One way to improve your written work is through feedback on your assignments. Although your TA will write some comments on your assignments, the most important way you will get feedback is in your tutorial when the assignments are returned. Your TA will detail the kinds of problems with the assignments and what you need to do to improve. Listen carefully to these comments and then re-read your own assignment. Can you identify the main revisions you would need to make in order to improve the paper and your grade? In a study group meeting, read each other's assignments. This will also help you to see the strengths and weaknesses of your own.

### **9. MEETING WITH YOUR TA ABOUT A GRADE**

If you still have questions about why you were assigned a particular grade, make an appointment to see your TA. Prior to that meeting (which should occur at least one week after you received back the assignment), you need to read over the instructions, your assignment, and the comments from your TA. Write one paragraph identifying the weaknesses in your paper based on your careful re-reading, TA comments on your paper, and TA comments to the whole class. Try to explain what prevented you from getting a better grade. Also write one paragraph on what you see to be the strengths of your assignment. Doing this self-assessment is a very important step in learning how to edit and revise. Take this material to your meeting with the TA.

### **10. REWRITE POLICY**

Students do not have the option of re-writing assignments to improve their grades. Focus your attention on improving in the rest of your assignments.

### **11. ACADEMIC HONESTY:**

Read carefully the attached handout on Academic Honesty. Plagiarism and cheating which includes lifting material from the internet, using text from books without giving credit, purchasing or borrowing essays are very serious offenses at the university, or using reading materials or lecture notes from other courses you have taken. If you are caught, which is very likely, the penalties are very severe.

To help you understand issues of academic honesty, you will complete an on-line tutorial on "Academic Integrity". For more information, go to <<http://www.arts.yorku.ca/honesty/students.html>>. For the full university policy, see the Senate Policy on Academic Honesty at: <<http://www.yorku.ca/secretariat/legislation/senate/acadhone.htm>>.

### **12. TUTORIAL LISTSERVS AND EMAIL (Not certain)**

The primary purpose of the tutorial listservs is to provide a vehicle for conversation among students as a complement to the tutorials and the study groups. Your tutorial leader has only very limited time to read the email on the tutorial listserv, and may not read all postings. Do not expect a reply from your tutorial

leader to questions posted to her over email. You should talk to your TA in person during the tutorial, during her office hours, and at the lectures.

### **13. ACCESSING YOUR GRADES**

To receive your grades on assignments, you will need to attend your tutorial or see your tutorial leader in her office hours. No grades will be available on email or posted on office doors.

Students can access final grades on line by going to the registrar's site <<http://www.registrar.yorku.ca>> and clicking on "Report of Final Grades". You will need a password to login, available from "Manage My Services" at <<http://apps.yorku.ca>>.

### **COURSE OUTLINE: FALL SEMESTER**

This Outline provides a week-by-week description of topics. Because each lecture will include in-class exercises and extensive discussions based on the course materials you must do the readings beforehand. Note: All readings except Hirsch are in the course reading kit.

For your tutorial, bring questions on the reading material and the lectures. Your tutorial leader will also give you additional instructions.

### **WEEK-BY-WEEK OUTLINE**

**[Note: Do Not Read Text or Paragraphs in Kit in Square Brackets]**

#### **Introduction**

**Lecture 1** (Sep 13): Defining Law and Legal Sociology  
Cotterrell 39-43, 309-313 (kit).

#### **Part One. Glimpsing the Theoretical Spectrum of Law in Society**

**Lecture 2** (Sep 20): Law as Social Change, Solidarity, System and Structure  
Cotterrell 44-56, 76-86 (Scott Reserve) **(On-Line Tutorials Due)**  
Crosswhite (Foundations), Argument as Dialogue

**Lecture 3** (Sep 27): Law as Power and Ideology  
Cotterrell 99-120, 130-136 (Scott Reserve)  
Groarke (Foundations), Looking for an Argument  
Hunter College Writing Centre (Foundations), Argumentation

(4 October, no class)

#### **Part Two. Law and Economics: Core Concepts and a Short History**

**Lecture 4** (Oct 11) The Language of Economic Analysis **(Minor Assignment Due)**  
Jevons, *The Theory of Political Economy* (1871)  
Winter, *Trade Offs* (2005)  
Govier (Foundations), *Fallacies*

**Lecture 5** (Oct 18) Efficiency and The Big Problem  
Fellows, *Scarcity, The Ultimate Problem*  
Zerbe, *Economic Efficiency in Law and Economics*  
Kiersky (Foundations), *A Technique for Thinking Critically*

**Lecture 6** (Oct 25) The Movement  
Posner, *The Law and Economics Movement*  
Hirsch Preface to 1<sup>st</sup> Edition and Ch. 1 (Scott Reserve)  
Hunter College Writing Centre (Foundations), *The Documented Research Paper*

### **Part Three. The Foundational Texts of Law and Economics**

**Lecture 7** (Nov 1) Transaction Costs in the Market  
Coase, *The Nature of the Firm*  
Hunter College Writing Centre (Foundations), *Organizing an Essay*

**Lecture 8** (Nov 8) Transaction Costs in the State  
Coase, *The Problem of Social Cost*  
Hunter College Writing Centre (Foundations), *Five Qualities of Good Writing*

**Lecture 9** (Nov 15) The Moral Reasons Behind Efficiency **(Outline/Bibliography Due)**  
Posner, *The Ethical and Political Basis of the Efficiency Norm*

### **Part Four. Critical Perspectives of Law and Economics**

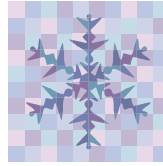
**Lecture 10** (Nov 22) Scarcity and Morality  
MacPherson, *The Myth of Maximization*  
Malloy v Posner, *Is Law and Economics Moral? (A Debate)*

**Lecture 11** (Nov 29) Utilitarianism and Illusions  
Grant, *Posner's Wealth Maximization Principle...Utilitarianism?*  
Rizzo, *The Mirage of Efficiency*

(December 6, no class)



Winter Break



#### **Part Four. Critical Perspectives of Law and Economics (Continued)**

**Lecture 12** (Jan 10) The Nagging Problem of Moral Justification

Dworkin, Why Efficiency?

Dworkin, Law's Empire

**Lecture 13** (Jan 17) Economic Language as Science and Religion

Cassirel, The Myth of the State

Bigelow, Let There Be Markets

**Lecture 15** (Jan 24) Economic Imperialism and Myopic Theory

Campbell, On What is Valuable in Law and Economics

Coase, The New Institutional Economics

#### **Part Five: Economic Analysis of Law in Action**

**Lecture 16** (Jan 31) Economic Analysis of Health Care and Pay Equity

Blank, Setting Limits on Health Care

Hyman & Strick, Bursting at the Seams: Rising Cost of Medicare

Rhoads, Health Care

Broome, Fairness in Rationing Health Care

Grand and Robinson, Positive Externalities in Health Care

Rhoads, Pay Equity Meets the Market

Western Economic Assoc., Pay Equity

**Lecture 17** (Feb 7) Economic Analysis of Corporate Monopoly

Stiglitz, Monopoly v. Competition

Posner, Economic Analysis of Law

C.M. Fellows, Monopoly and Competition

C.M. Fellows, Protection from Cheap Foreign Goods

Stiglitz, Shattering Illusions (Convenience and Choice)

**(First Draft Due)**

(February 14, no lecture)

**Lecture 18** (Feb 21) Economic Analysis of War and International Issues

Klein, Baghdad Year Zero  
Betcherman, Globalization and Labour Markets  
Tanzi, Is There a Need for a World Tax Organization  
Kaul, Defining Global Public Goods

**Lecture 19** (Feb 28) Economic Analysis of Income Inequality

Rhoads, Income Inequality  
Stiglitz, Income Inequality and Taxes  
Frank, Talent and the Winner Take-All Society  
Sinn, Intro. to Social Insurance, Incentives, and Risk Taking  
Sinn, Excerpts from Social Insurance, Incentives, and Risk Taking

**Lecture 20** (Mar 7) Economic Analysis of Rent Control and Consumer Protection

Mackaay, Rent Controls and Accommodation  
Elinor Mahoney, The Tenant Protection Act-A Trust Betrayed

**Lecture 21** (Mar 14) Economic Analysis of Nature and Resources

Zuckerman & Beckerman, The Case for Pollution Charges  
Macaulay & Yandle, Examples  
Pearse, Coase Applied to the Environment  
Reynolds, Markets and Energy  
Glasner, Two Kinds of Error in the Use of Natural Resources

**Lecture 22** (Mar 21) Economic Analysis of University Education

Giroux, The Corporate Take-over...

**(Final Draft Due)**

**Lecture 23** (Mar 28) (Non)Economic Analysis of Economic Analysis

No readings.

(April 4, no class...unless you really really want one)

## **CAMPUS SERVICES:**

**Foundations Computer Assistance Program (FCAP)** Bootstrap Computer Lab in Calumet College (Room 108), [fcap@yorku.ca](mailto:fcap@yorku.ca)

FCAP, a computer assistance program, is available to all those taking a Foundations course (a nine-credit course in Social Science or Humanities). FCAP offers access to computers and multi-media stations, printing and scanning facilities, individual computer tutoring, and workshops to improve computer literacy and computer-based critical skills. The lab is open 24/7 and staff are available to answer your questions from 10-2 Monday to Friday. You can also write to **[fcap@yorku.ca](mailto:fcap@yorku.ca)** with any computer-related issues. FCAP also maintains a website with information about pre-writing strategies, grammar questions, style guides and dictionaries, and links for ESL students and to useful on-line materials for critical skills development. Visit the FCAP website at <http://www.yorku.ca/fcap/writinglinks.html> for more information and current schedules.

To use FCAP, students will need to activate their Foundations account through Manage My Services on York's Computing and Network Services website <http://apps.yorku.ca>. Click on "Manage My Services".

You will be required to log in through Passport York which is your 'passport' to various computing services and websites at York. If you don't know or have forgotten your user name and password, there is a link on the login screen: "Forgot your password or username?" Click to reset your password online. To activate an account (also called a service), click on the ACTIVATE NEW SERVICE link and then click on the appropriate service to activate. NOTE: Accounts or services that you have already activated will appear on the left hand column of the page with a green check mark beside them. The steps have to be done in the order above. It can take 15 minutes to 24 hours to become fully activated. If you have questions about how to set up your accounts, visit the FCAP lab.

In addition to FCAP, York has several computer labs around campus or in the Scott Library which can be used with an Acadians-PC/MAC Labs account. To activate this account, go to Manage My Services and follow instructions as above.

**Centre for Academic Writing** [CAW], S329 Ross (416 736-5134).

CAW offers one-on-one tutoring. To be assigned a tutor, you must sign up well in advance. CAW also offers mini-workshops on topics such as "How to Develop a Thesis" and "Effective last Minute Revisions". These workshops happen regularly over the year and fill up quickly. Stop by the CAW to sign up. Link available on the course website: click on "Learning Skills" or check out their website at <http://www.arts.yorku.ca/caw>

**E-TUTOR** ([etutor@yorku.ca](mailto:etutor@yorku.ca))

E-tutor will comment on essay drafts. E-tutor tries to respond within one week but in periods of high demand it may take longer. Plan ahead so that you can take advantage of this excellent service. For complete directions on how to use etutor, go to [www.arts.yorku.ca/caw/etutor.html](http://www.arts.yorku.ca/caw/etutor.html).

**English as a Second Language Open Learning Centre (ESL-LOC)**

Vanier College 037 (416-736-2100 x 22940)

The Centre is open twelve months a year to all York students, registered in degree programs, and is free of charge. Students may request help in any aspect of English: listening, reading, writing, and speaking.

ESL-LOC offers individual tutoring by appointment and weekly workshops on topics related to the language needs of ESL students: Conversing in English, Understanding Lectures and Note Taking, the Internet for Language Learning, Reading Academic Texts, Correcting Common Grammar Errors, Presenting in Front of a Group, Research Skills for Essays, and Organizing and Writing Essays.

Register at ESL\_OLC or on the website <<http://www.yorku.ca/elsolc>> (click the First Time Sign Up link on the left). Once registered, you can use the online form or visit the Centre to book space in tutorials and workshops.

**Counselling and Development Centre [CDC], 145 BSB (416-736-5297)**

CDC offers a range of services to students including personal counselling, skill development workshops (on time management, stress management and test preparation) and support for those with psychiatric disabilities and learning disabilities (112 BSB x33409). Link available on the course website: click on "Learning Skills" or check out their website at <<http://www.yorku.ca/cdc/>>. Or check out their advertisements in Excalibur.

**Office for Persons with Disabilities** (Ross N108, 416-736-5140).