Contents

	Foreword Christopher C. DeMuth	vii
	ABOUT THE AUTHOR	х
1	Introduction Basic Arguments 3 Plan of the Work 6	1
2	Contractual Remedies to Tort Problems Contractual Specification of Damage Payments 8 Benefits from the Proposal 9 Alternatives 11 Why Only Damage Payments? 14 Contracts of Adhesion? 16	8
3	Economic Literature on Contracts and Tort Inconsistencies 21 Some Products Reduce Risk 22 Limited Role of Contracts 23 Theoretical Difficulties 25 Summary 27	19
4	Damage Payments as Compensation Some Definitions 30 Purpose of Insurance 34 Synthesis 36 Implications 39 Adverse Selection and Moral Hazard 40 A Note on Punitive Damages 46 Damage Payments as Lotteries? 46 Summary 47	29

5	DAMAGE PAYMENTS AS DETERRENCE Direct Safety Regulation 50 Workplace Safety 51				
				Product Safety 53	
				Punitive Damages 55	
	Summary 56				
6	Effects of Large Damage Payments	58			
O	Price and Resource Allocation 60				
	Some Examples 64				
	Price and Risk Signaling 68				
	Summary 70				
7	Is a Contractual Solution Feasible?	72			
	Satisfying Many Legal Concerns 74				
	Areas for Adoption 75				
	Summary 80				
8	Summary	82			
	BIBLIOGRAPHY	85			
	Figures				
	4-1 Decreasing Marginal Utility of Wealth 32				
	4–2 Pecuniary Loss 33				
	4–3 Nonpecuniary Loss with No Change in Marginal Utility	34			
	4 4 37	<i>э</i> 4 35			
	1011-pocularly 1000 with rectaction in marginal Offilly	UU			