

## *Law without Romance: Public Choice and the Legal System*

Edward J. López (editor)<sup>1</sup>

The romance is gone, perhaps never to be regained. The socialist paradise is lost. Politicians and bureaucrats are seen as ordinary persons much like the rest of us, and “politics” is viewed as a set of arrangements, a game if you will, in which many players with quite disparate objectives interact so as to generate a set of outcomes that may not be either internally consistent or efficient by any standards. (James M. Buchanan 1979 [1999], p.57)

This book is a collected volume of original papers that apply public choice analysis to key issues in the law. These chapters present realistic analyses of legal institutions, and the incentives of persons working in the legal system, as they imperfectly exist in practice. By demonstrating areas of failure in the legal system, “without romance,” these contributions identify opportunities to reform aspects of the law that currently exhibit waste, bias and other types of legal failure.

Public choice provides a unique framework for studying the legal system. First, with public choice we focus on the wealth-maximizing incentives of judges, attorneys, scientists and other important actors in the legal system. Second, with public choice we are equipped to distinguish between rules that make political (or legal) sense, but are economically inefficient. Third, public choice allows us to focus on institutions (rather than individuals) as explanation for observed decisions. As a result, public choice provides the necessary framework for arguing; 1) that the legal system produces certain legal failures; and 2) how institutions can be reformed to minimize such failures.

The volume contains chapters that are original contributions. The authors have proven expertise in their areas and a wealth of versatility to write accessibly about them. The style and level of discourse is scholarly yet accessible, sound yet (hopefully) entertaining. Please enjoy.

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## **TABLE OF CONTENTS** **(working)**

Chapter	Author(s)	Working title
Preface	TBA	
1	Edward Lopez	Public Choice, Law & Economics and Legal Institutions
2	Edward Stringham (San Jose State University) Nicholas Currott (George Mason University)	Private vs. Public Interests in the Rise of Government Law Enforcement in England
3	Russell Sobel (West Virginia University) Joshua Hall (Beloit College) Matt Ryan (West Virginia University)	Electoral Pressures and the Legal System: Friends or Foes?
4	Roger Koppl (Fairleigh Dickinson University)	Romancing Forensics: Legal Failure and Forensic Science Administration
5	Adriana Cordis (Clemson University)	Corruption and Judicial Independence
6	Aleksandar Tomic (Macon State University)	Effects of Judicial Selection on Criminal Sentencing
7	Benjamin Barton (University of Tennessee College of Law)	The Lawyer-Judge Hypothesis
8	Ilya Somin (George Mason School of Law)	Economic Development Takings as Government Failure
9	John Brätland (U.S. Department of the Interior)	On The Impossibility of ‘Just Compensation’ When Property Is Taken: An Ethical and Epistemic Inquiry
10	Jeffrey Haymond (Brookings Institution)	Class Action Rent Extraction: Assessing Legal Extortion
11	Charles N. W. Keckler (U.S. Department of Health and Human Services)	<i>Cy Pres</i> and its Predators
12	Adam Summers (Reason Public Policy Foundation)	Licensing Lawyers: Failure in the Provision of Legal Services