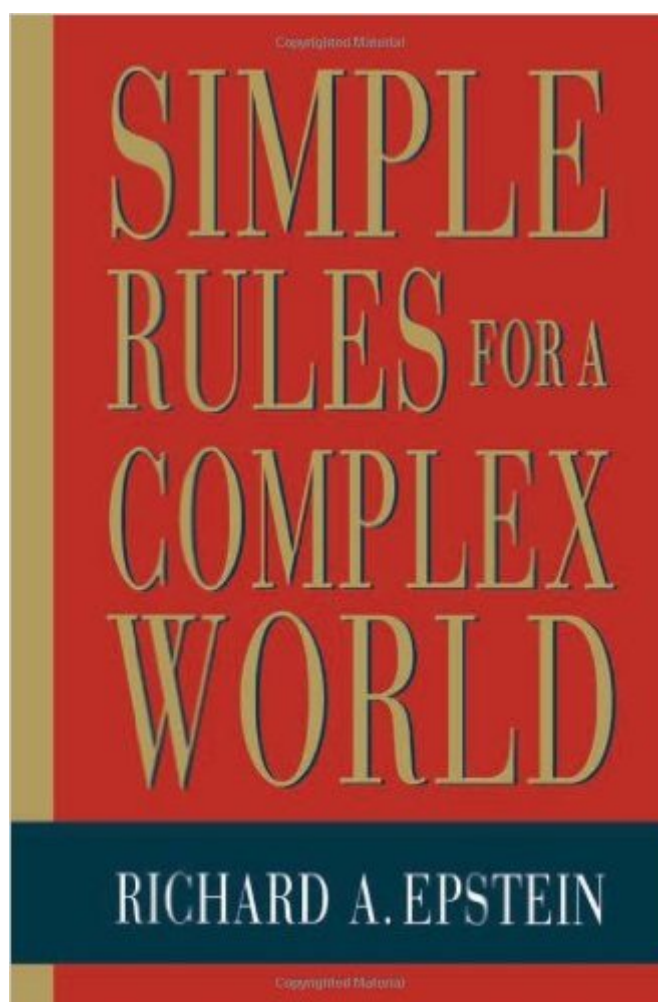


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Simple Rules For A Complex World



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 naiveté. 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

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.

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