

CONTENTS

Acknowledgments	xi
-----------------	----

PART 1: INTRODUCTION

The Rule of Law in America	3
F.H. Buckley	

PART 2: RELATIVE DECLINE

An Exceptional Nation?	43
F.H. Buckley	

PART 3: EMPIRICAL EVIDENCE

Are Americans More Litigious? Some Quantitative Evidence	69
J. Mark Ramseyer and Eric B. Rasmusen	
Lawyers as Spam: Congressional Capture Explains Why U.S. Lawyers Exceed the Optimum	100
Stephen P. Magee	
Regulation and Litigation: Complements or Substitutes?	118
Eric Helland and Jonathan Klick	
Does Product Liability Law Make Us Safer?	137
W. Kip Viscusi	

PART 4: CIVIL PROCEDURE

The American Illness and Comparative Civil Procedure Daniel Jutras	159
The Proportionality Principle and the Amount in Controversy Peter B. Rutledge	175
The Allocation of Discovery Costs and the Foundations of Modern Procedure Martin H. Redish	201
Does Increased Litigation Increase Justice in a Second-Best World? Jeremy Kidd and Todd J. Zywicki	211

PART 5: TORT LAW

A Tamer Tort Law: The Canada-U.S. Divide Michael Trebilcock and Paul-Erik Veel	229
The Expansion of Modern U.S. Tort Law and Its Excesses George L. Priest	249
Regulation, Taxation, and Litigation W. Kip Viscusi	270

PART 6: CONTRACT LAW

An English Lawyer Looks at American Contract Law Michael Bridge	291
Text versus Context: The Failure of the Unitary Law of Contract Interpretation Robert E. Scott	312
Exit and the American Illness Erin O'Hara O'Connor and Larry E. Ribstein	336
The Dramatic Rise of Consumer Protection Law Joshua D. Wright and Eric Helland	361

PART 7: CORPORATE AND SECURITIES LAW

How American Corporate and Securities Law Drives Business Offshore	381
Stephen M. Bainbridge	

PART 8: CRIMINAL LAW

Corporate Crime, Overcriminalization, and the Failure of American Public Morality	407
Jeffrey S. Parker	

PART 9: HOW NATIONS GROW (OR DON'T)

The Legacy of Progressive Thought: Decline, Not Death, by a Thousand Cuts	435
Richard A. Epstein	
Overtaking	472
Robert Cooter and Aaron Edlin	
The Rule of Law and China	487
Francis Fukuyama	

PART 10: CHANGING COURSE

Reversing	505
F.H. Buckley	
Contributors	527
Index	531