



Imperfect Alternatives: Choosing Institutions in Law, Economics, and Public Policy

Neil K. Komesar

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Major approaches to law and public policy, ranging from law and economics to the fundamental rights approach to constitutional law, are based on the belief that the identification of the correct social goals or values is the key to describing or prescribing law and public policy outcomes. In this book, Neil Komesar argues that this emphasis on goal choice ignores an essential element—institutional choice. Indeed, as important as determining our social goals is deciding which institution is best equipped to implement them—the market, the political process, or the adjudicative process.

Pointing out that all three institutions are massive, complex, and imperfect, Komesar develops a strategy for comparative institutional analysis that assesses variations in institutional ability. He then powerfully demonstrates the value of this analytical framework by using it to examine important contemporary issues ranging from tort reform to constitution-making.



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