Avinash S. Ganu

Advocate B.Sc. LL.M. (Pune), LL.M. In International Economic Law (Warwick, U.K.)

Sayali Ganu-Dabake

Advocate LL.M. (Business Laws), M.B.L., PGDIPRL, LL.M. (Health & Media Laws)

© Avinash Ganu, 2020 No reproduction without permisssion

Articles by Ronald Coase

The Federal Communications Commission (1959)
 The Problem of Social Cost (1960)
 Externality problem
 Actions of business firms with harmful effects on others

© Avinash Ganu, 2020 No reproduction without permisssion

Pigouvian Approach

Traditional Approach – treatment by Pigou (The Economics of Welfare, 1932)

Pigouvian approach

Taxes (Environmental taxes = pollution damages)

Damages (to Victim)

Subsidies

3

Regulation (to shift Injurer to other zone)

Coase Response to Pigouvian Approach

Approach inappropriate, with undesirable results Reciprocal nature of the Problem To avoid harm on B, is to inflict harm on A Problem is to avoid more serious harm

Named so by George Stigler (1966)

Coase did not state it in the form of theorem

Various versions

Stigler

5

under perfect competition, private and social costs will be equal

Calabresi (1968)

if one assumes rationality, no transaction costs & legal impediment to bargaining, all misallocations of resources would be fully cured in the market by bargaining

Polinsky (1974)

6

If transaction costs are zero, the structure of law does not matter because efficiency will result in any case Cooter & Ulen (1988) When parties can bargain together and settle their disagreements by co-operation, their behaviour will be efficient, regardless of underlying rule of law

Efficiency Hypothesis

7

Regardless of how rights are initially assigned, the resulting allocation of resources will be efficient.

Invariance Hypothesis

The final allocation of resources will be invariant under alternative assignments of rights

Strong version

8

encompasses both the efficiency and invariance hypothesis

Weak version

encompasses only efficiency hypothesis

© Avinash Ganu, 2020| No reproduction without permisssion

- Various cases considered by Coase
 i) Confectioner & Doctor (Sturges v/s Bridgmen, 1879)
 ii) Rancher and Farmer straying cattle
 iii) Contamination of stream killing fish in the pond
 iv) Smoke pollution
- v) Railway engine sparks and neighbouring farmers
- vi) Shadow on swimming pool (Florida, 1959)

© Avinash Ganu, 2020 No reproduction without permisssion

Assumptions Raised

Zero transaction costs

Initial allocation and rights specified

Free market and bargain

© Avinash Ganu, 2020 No reproduction without permisssion

Coase Lesson

- Law and legal rights certain
- Institutions of Property rights and Contracts
- Initial allocation efficient

11

- Bargain impediments to be reduced
- Law to reduce transaction costs
- Law should be efficient
- Court approach to promote efficiency

© Avinash Ganu, 2020 No reproduction without permisssion