

Contents

Dahlem Workshops	vii
List of Participants	xi
Preface	xv
1 Law and Heuristics: An Interdisciplinary Venture <i>Christoph Engel and Gerd Gigerenzer</i>	1
2 Heuristics <i>Gerd Gigerenzer</i>	17
3 The Problems with Heuristics for Law <i>Russell Korobkin</i>	45
4 Social Dilemmas Revisited from a Heuristics Perspective <i>Christoph Engel</i>	61
5 Heuristics inside the Firm: Perspectives from Behavioral Law and Economics <i>Donald C. Langevoort</i>	87
6 Group Report: Are Heuristics a Problem or a Solution? <i>Douglas A. Kysar, Rapporteur</i> <i>Peter Ayton, Robert H. Frank, Bruno S. Frey, Gerd Gigerenzer, Paul W. Glimcher, Russell Korobkin, Donald C. Langevoort, and Stefan Magen</i>	103
7 The Optimal Complexity of Legal Rules <i>Richard A. Epstein</i>	141
8 Bottom-up versus Top-down Lawmaking <i>Jeffrey J. Rachlinski</i>	159
9 Evolutionary Psychology, Moral Heuristics, and the Law <i>Leda Cosmides and John Tooby</i>	175
10 The Evolutionary and Cultural Origins of Heuristics That Influence Lawmaking <i>Wolfgang Fikentscher</i>	207
11 Group Report: What Is the Role of Heuristics in Making Law? <i>Jonathan Haidt, Rapporteur</i> <i>Susanne Baer, Leda Cosmides, Richard A. Epstein, Wolfgang Fikentscher, Eric J. Johnson, Jeffrey J. Rachlinski, Clara Sattler de Sousa e Brito, and Indra Spiecker genannt Döhmann</i>	239

12	Heuristics for Applying Laws to Facts	259
	<i>Reid Hastie and Bernd Wittenbrink</i>	
13	Heuristics in Procedural Law	281
	<i>Gerhard Wagner</i>	
14	Train Our Jurors	303
	<i>Jonathan J. Koehler</i>	
15	Rules of Evidence as Heuristics—Heuristics as Rules of Evidence	327
	<i>Joachim Schulz</i>	
16	Group Report: What Is the Role of Heuristics in Litigation?	343
	<i>Callia Piperides, Rapporteur</i>	
	<i>Ronald J. Allen, Mandeep K. Dhami, Axel Flessner, Reid Hastie, Jonathan J. Koehler, Richard Lempert, Joachim Schulz, and Gerhard Wagner</i>	
17	Adapt or Optimize? The Psychology and Economics of Rules of Evidence	379
	<i>Robert Cooter</i>	
18	Do Legal Rules Rule Behavior?	391
	<i>Ralph Hertwig</i>	
19	Should We Use Decision Aids or Gut Feelings?	411
	<i>Hal R. Arkes and Victoria A. Shaffer</i>	
20	Law, Information, and Choice: Capitalizing on Heuristic Habits of Thought	425
	<i>Chris Guthrie</i>	
21	Group Report: How Do Heuristics Mediate the Impact of Law on Behavior?	439
	<i>Daniel G. Goldstein, Rapporteur</i>	
	<i>Hal R. Arkes, Martin Beckenkamp, Robert Cooter, Robert C. Ellickson, Christoph Engel, Chris Guthrie, Ralph Hertwig, Stephanie Kurzenhäuser, and Elke U. Weber</i>	
	Author Index	467
	Name Index	469
	Subject Index	477