#### **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)

1

### 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

# Pigouvian Approach

- Traditional Approach treatment by Pigou (The Economics of Welfare, 1932)
- Pigouvian approach
  - Taxes (Environmental taxes = pollution damages)
  - Damages (to Victim)
  - Subsidies
  - 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 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)

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

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
encompasses both the efficiency and invariance
hypothesis

Weak version encompasses only efficiency hypothesis

- 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)

- Assumptions Raised
  - Zero transaction costs
  - Initial allocation and rights specified
  - Free market and bargain

# Coase Lesson

- Law and legal rights certain
- Institutions of Property rights and Contracts
- Initial allocation efficient
- Bargain impediments to be reduced.
- Law to reduce transaction costs
- Law should be efficient
- Court approach to promote efficiency