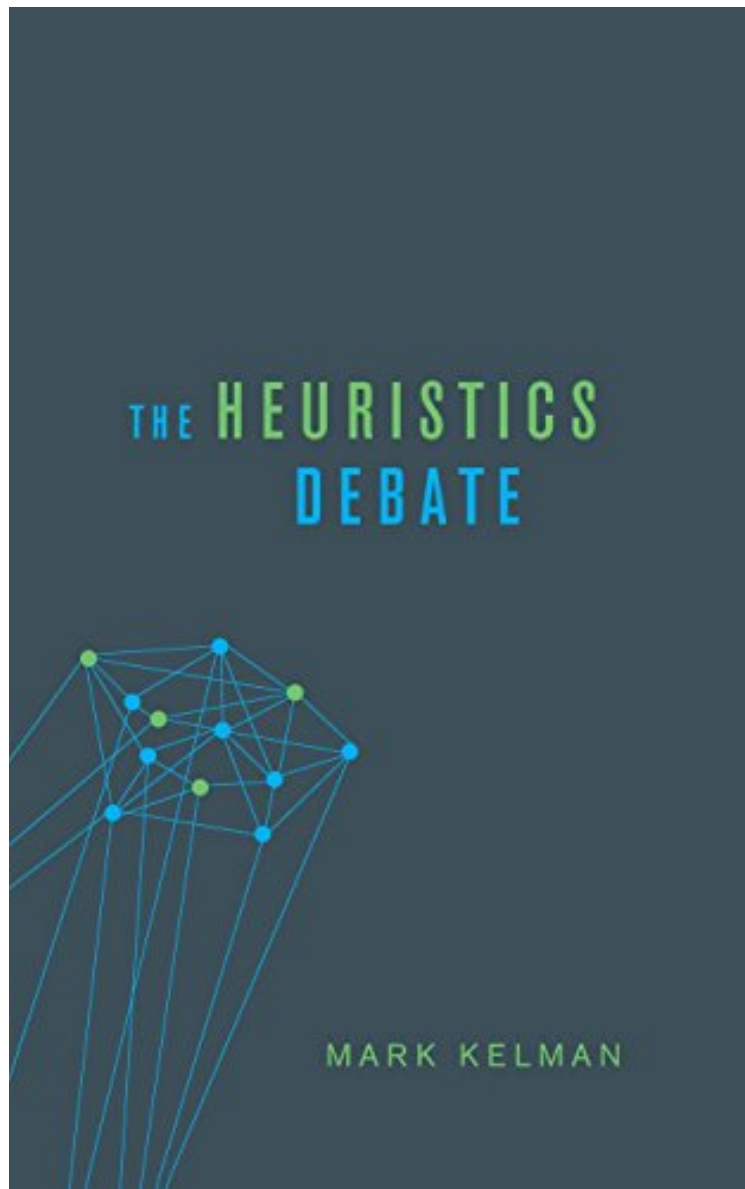


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The Heuristics Debate

Mark Kelman

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Mark Kelman : The Heuristics Debate before purchasing it in order to gage whether or not it would be worth my time, and all praised The Heuristics Debate:

All of us use heuristics--that is, we reach conclusions using shorthand cues without using or analyzing all of the

available information. Heuristics pervade all aspects of life, from the most mundane practices to more important ones, like economic decision making and politics. People may decide how fast to drive merely by mimicking others around them or decide in which safety project to invest public resources based on the past disasters most readily called to mind. Not surprisingly, opinions vary about our tendency to use heuristics. The 'heuristics and biases' school argues that the practice often leads to outcomes that are not ideal: people act on too little information, make incorrect assumptions, and don't understand the consequences of their actions. The 'fast and frugal' school contends that while mistakes will inevitably occur, the benefits generally outweigh the costs--not only because using heuristics enables us to reach judgments given realistic constraints of time and attention, but because heuristics users often outperform those using more conventionally rational methods. In *The Heuristics Debate*, Mark Kelman takes a step back from the chaos of competing academic debates to consider what we have learned--and still need to learn--about the way people actually make decisions. In doing so, Kelman uncovers a powerful tool for understanding the relationship between human reasoning and public policy. Can we figure out more optimal modes of disclosure to consumers or better rules of evidence and jury instructions if we understand more accurately how people process information? Can we figure out how best to increase compliance with law if we understand how people make decisions about whether or not to comply? Alongside a penetrating analysis of the various schools of thought on heuristics, Kelman offers a comprehensive account of how distinct conceptions of the role and nature of heuristic reasoning shape--and misshape--law and policy in America. *The Heuristics Debate* is a groundbreaking work that will change how we think about the relationship between human psychology, the law, and public policy.

"With characteristic brilliance, Mark Kelman canvasses the psychological literature on heuristic decision making and explores its implications for law and policy. This book won't end the 'heuristics debate,' but it will situate that debate in a fresh and more revealing light."--Douglas A. Kysar, Professor of Law, Yale Law School, and author of *Regulating from Nowhere: Environmental Law and the Search for Objectivity*"Social science evidence of the way heuristic judgments affect individual decision making has been the basis of the most important developments in legal thought in the 21st Century. In this remarkable book, Mark Kelman, one of the legal academy's deepest and sharpest thinkers, incisively reviews, synthesizes, and critiques the major scholarly trends and tells us what they mean for the way we should think about criminal law, the regulation of markets, and jurisprudence. It is a "must read" for anyone who cares about public policy, legal theory, or intellectual history."--Russell Korobkin, Professor of Law, University of California-Los Angeles School of Law"In *The Heuristics Debate*, a lively scholarly dispute becomes a window into some of the most compelling intellectual developments in philosophy, cognitive science, economics, and law. Mark Kelman is the ideal author for this project--both for his notable contributions to heuristics research and his valuable perspective as a major legal scholar."--Rob MacCoun, Professor of Law and Public Policy and Affiliated Professor of Psychology, University of California-Berkeley

About the Author Mark Kelman is Vice Dean at the Stanford Law School and a longtime professor of both criminal and property law. He is the author of several books, including *A Guide to Critical Legal Studies*, and his work focuses on the application of social science approaches to diverse legal fields and principles.