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J. Shahar Dillbary

176 J. OF INSTITUTIONAL AND THEORETICAL ECONOMICS 54
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Multiple Causes and Stacked Inferences

J. Shahar Dillbary*

Abstract

When the accident is a mystery—when it is not clear what happened—courts often rely on stacked inferences. Such inferences are subject to much debate and are even prohibited by some jurisdictions. This Article reveals that the doctrine of *res ipsa loquitur* (“the thing speaks for itself”) is a form of stacked inferences and that despite its affiliation, it has been widely accepted. The Article further shows that application of *res ipsa loquitur* in cases involving multiple actors can adversely affect precaution and activity levels. It concludes with a call for a careful application of *res ipsa loquitur* in cases involving multiple actors.

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