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Over the past two decades, several courts have allowed construction industry plaintiffs to assert tort claims to recover for purely economic losses (i.e. other than injury to person or property) from other participants in the construction process. Parties assert tort claims, instead of or in addition to contract claims, to take advantage of the more liberal tort damage rules and, probably more importantly, to escape unfavorable contract provisions. This article briefly discusses the different origins and goals of tort and contract law. It then reviews some of the decisions allowing recovery of purely economic losses in tort as well as several recent decisions, in both the product liability and construction fields, reflecting what the authors believe is an emerging trend away from allowing such actions. The authors' thesis is that the emerging "economic loss" rule reflects the fundamentally different goals of tort and contract law and serves to enforce the legitimate expectations of participants in the construction industry and other fields of commerce.

Virginia's recently enacted antitakeover statute, the "Affiliated Transactions" provision of the Virginia Stock Corporation Act, raises serious constitutional and economic questions. Although the form of the statute appears to regulate the internal affairs of Virginia corporations, the substance and practical impact of the statute render it violative of both the commerce and supremacy clauses. Constitutional analysis of state antitakeover legislation necessitates consideration of the economic desirability of an unrestricted market for corporate control. The United States Supreme Court's most recent statement on the subject, in *CTS Corp. v. Dynamics Corp. of America*, decided on April 21, 1987, reflects a noteworthy retreat from the Court's position in *Edgar v. MITE*. The debate concerning the role of economic analysis in the constitutional scrutiny of state antitakeover legislation, as well as the question whether such legislation is truly consistent with shareholder interests, appears to be far from settled.