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A Casebook on Labour Law - Ewan McGaughey 2018-11-29

A Casebook on Labour Law supports every university labour or employment law course in the UK, set within European Union and international law. It covers history and theory, contract and rights, participation, equality, and job security. It also has chapters on essential topics for modern labour policy: the right to vote for company boards, in work councils and pension funds, and laws to achieve full employment by ending underpaid underemployment. Each chapter summarises further reading from noteworthy books and journals, and follows a unified conceptual structure. This aims to transcend historic divisions between common law or statute, private or public, and national or international law. The book invites the reader to engage in the economic and social evidence about labour law's empirical consequences and political

principles.

Defences in Contract - Andrew Dyson 2017-02-09

This book is the third in a series of essay collections on defences in private law. It addresses defences to liability arising in contract. The essays range from those adopting a predominantly black-letter approach to others that examine the law from a more theoretical or historical perspective. Some essays focus on individual defences, while others are concerned with the links between defences, or with how defences relate to the structure of contract law generally. One goal of the book is to determine what light can be shed on contract law doctrines by analysing them through the lens of defences. The contributors – judges and academics – are all leading jurists. The essays are addressed to all of the major common law jurisdictions.

**Internet Jurisdiction Law and Practice** -

Julia Hörnle 2021-01-07

Jurisdiction is a fundamental concept in law, as it provides the link between a government, its territory, and its people. Data travels through the internet without concern for any borders. This book argues how and why the concept of jurisdiction needs to be adapted across public and private areas - from criminal to commercial law.

*Varieties of European Economic Law and Regulation* - Kai Purnhagen 2014-07-16

This is the first book to comprehensively analyze the work of Hans Micklitz, one of the leading scholars in the field of EU economic law. It brings together analysts, academic friends and critics of Hans Micklitz and results in a unique collection of essays that evaluate his work on European Economic Law and Regulation. The contributions discuss a wide range of Micklitz' work: from his theoretical work on private law beyond

party autonomy, with a special focus on its regulatory function, to the illustration of how his work has built the basis for current solutions such as used in solving the financial crisis. The book is divided into sections covering foundations of private law, regulatory law, competition and intellectual property law, product safety law, consumer contract law and the enforcement of law. This book clearly shows the enormous impact of Hans Micklitz' work on the EU legal system in both scholarship and practice.

**Law and Economics for Civil Law Systems** - Ejan Mackaay 2013-01-01

Ejan Mackaay offers a comprehensive look at the essential points of economic reasoning, the Coase Theorem, and legal institutions such as intellectual property, extra-contractual civil liability and contracts. The books structure mirrors the way law is taught in civil law countries, with structured

presentations, references to civil code articles paired with non-technical explanations, and limited reliance on graphs. This English-language version builds on the success of the authors 2008 French-language textbook on law and economics from a civil law perspective.

*Behavioral Law and Economics* - Eyal Zamir  
2018

Economic analysis of law: an overview -- Behavioral studies -- An overview of behavioral law and economics -- Normative implications -- Behavioral insights and basic features of the law -- Property law -- Contract law -- Consumer contracts -- Tort law -- Commercial law -- Administrative, constitutional, and international law -- Criminal law and enforcement -- Tax law and redistribution -- Litigants' behavior -- Judicial decision-making -- Evidence law

**Law and Economics** - Werner Z. Hirsch  
2015-05-11

This second edition takes into account the major developments in economics and jurisprudence that have occurred since the publication of the first edition. A new chapter has been added on anti-discrimination law and such topics as adverse possession, rent control, medical malpractice, product reliability, and defense against criminal prosecution have been reexamined in the light of new theoretical developments and case studies.

Environmental law and a careful comparison of alternative methods to control the environment are included.

**Bibliography of Law and Economics** - B. Bouckaert  
2013-04-18

Law and economics can be considered as the most exciting development in legal scholarship in recent decades. This volume is the first all-encompassing bibliography in this area. It lists approximately 7000 publications, covering the whole area of law

and economics, including `old' law and economics (topics such as antitrust law, labor law, tax law, social security, economic regulation, etc.) as well as `new' law and economics with such topics as tort law, contract law, family law, procedure, criminal law, etc.). The volume also includes the literature on the philosophical foundations and the fundamental concepts of the approach. Part Two gives a special survey of law and economics publications in Europe, written in other languages than English. The Bibliography of Law and Economics is an invaluable reference work for students, scholars, lawyers, economists and other people interested in this field.

**Chinese Contract Law - Theory & Practice, Second Edition** - Mo Zhang  
2019-12-16

Chinese Contract Law (2nd Ed) contains the latest developments of contract legislation, adjudication and practices in China and

provides all information necessary to comprehend contemporary Chinese contract law.

Handbook of Law and Economics - A. Mitchell Polinsky 2007-11-21

Law can be viewed as a body of rules and legal sanctions that channel behavior in socially desirable directions - for example, by encouraging individuals to take proper precautions to prevent accidents or by discouraging competitors from colluding to raise prices. The incentives created by the legal system are thus a natural subject of study by economists. Moreover, given the importance of law to the welfare of societies, the economic analysis of law merits prominent treatment as a subdiscipline of economics. Our hope is that this two volume Handbook will foster the study of the legal system by economists. \*The two volumes form a comprehensive and accessible survey of the current state of

the field. \*Chapters prepared by leading specialists of the area. \*Summarizes received results as well as new developments.

**Law and Economics** - Dana Gold  
2009-05-08

Explores the relationship between law and economics principles and the promotion of social justice. This title includes chapters that invoke the lens of corporate law theory or the corporate context as part of their analysis of the intersection of economics and social justice.

**Revisiting the Contracts Scholarship of Stewart Macaulay** - Jean Braucher  
2013-01-14

This book contains the papers prepared for a conference held at the Wisconsin Law School in 2011 to honour the work of Stewart Macaulay, one of the most famous contracts scholars of his generation. Macaulay has been writing about contracts

and contract law for over 50 years; the 1960s were particularly productive years for him, when he introduced many novel ideas into the scholarly world. Macaulay's foundational work for what is now called relational contract theory was published during this period. Macaulay is also known for his use of empirical research and interdisciplinary theories to illuminate our knowledge of contracting practices. The papers in this volume reflect, in diverse ways, on the subsequent influence and the contemporary relevance of Macaulay's work. All the contributors are important contracts scholars in their own right: David Campbell and John Wightman from the UK, Brian Bix, Jay Feinman, Robert Gordon, Claire Hill, Charles Knapp, Ethan Leib, Deborah Post, Edward Rubin, Carol Sanger, Robert Scott, Gordon Smith, Josh Whitford (with Li-Wen Lin) and William Woodward from the USA. The volume also reproduces Macaulay's

most cited paper, 'Non-Contractual Relations in Business', and excerpts from two other important papers of his, 'Private Legislation and the Duty to Read-Business Run by IBM Machine, the Law of Contracts and Credit Cards', and 'The Real and The Paper Deal: Empirical Pictures of Relationships, Complexity and the Urge for Transparent Simple Rules'.

*Contracts of Adhesion Between Law and Economics* - Elena D'Agostino 2014-11-21

This book examines the most controversial issues concerning the use of pre-drafted clauses in fine print, which are usually included in consumer contracts and presented to consumers on a take-it-or-leave-it basis. By applying a multi-disciplinary approach that combines consumer's psychology and seller's drafting power in the logic of efficiency and good faith, the book provides a fresh and unconventional analysis of the existing

literature, both theoretical and empirical. Moving from the unconscionability doctrine, it criticizes (and in some cases refutes) its main conclusions based on criteria which are usually invoked to sustain the need for public intervention to protect consumers, and specifically related to Law (contract complexity), Psychology (consumer lack of sophistication criterion) and Economics (market structure criterion). It also analyzes the effects of different regulations, such as banning vexatious clauses or mandating disclosure clauses, showing that none of them protect consumers, but in fact prove to be harmful when consumers are more vulnerable, that is whenever sellers can exploit some degree of market power. In closing, the book combines these disparate aspects, arguing that the solution (if any) to the problem of consumer exploitation and market inefficiency associated with the use of contracts of adhesion in these contexts

cannot be found in removing or prohibiting hidden clauses, but instead has to take into account the effects of these clauses on the contract as a whole.

**The Economy as a System of Power** -

Warren Samuels 2017-09-29

First published in 1979. Routledge is an imprint of Taylor & Francis.

**Behavioral Law and Economics** - Eyal

Zamir 2018-06-05

In the past few decades, economic analysis of law has been challenged by a growing body of experimental and empirical studies that attest to prevalent and systematic deviations from the assumptions of economic rationality. While the findings on bounded rationality and heuristics and biases were initially perceived as antithetical to standard economic and legal-economic analysis, over time they have been largely integrated into mainstream economic analysis, including economic

analysis of law. Moreover, the impact of behavioral insights has long since transcended purely economic analysis of law: in recent years, the behavioral movement has become one of the most influential developments in legal scholarship in general. Behavioral Law and Economics offers a state-of-the-art overview of the field. Eyal Zamir and Doron Teichman survey the entire body of psychological research that lies at the basis of behavioral analysis of law, and critically evaluate the core methodological questions of this area of research. Following this, the book discusses the fundamental normative questions stemming from the psychological findings on bounded rationality, and explores their implications for setting the law's goals and designing the means to attain them. The book then provides a systematic and critical examination of the contributions of behavioral studies to all



major fields of law including: property, contracts, consumer protection, torts, corporate, securities regulation, antitrust, administrative, constitutional, international, criminal, and evidence law, as well as to the behavior of key players in the legal arena: litigants and judicial decision-makers.

**Economics, Capitalism, and Corporations** - Wm. Dennis Huber  
2020-12-11

This book is a continuation of *Corporate Law and the Theory of the Firm: Reconstructing Corporations, Shareholders, Directors, Owners, and Investors*. The author extends his analysis of contract law, property law, agency law, trust law, and corporate statutory law and applies that analysis to defy conventional concepts and theories in economics, finance, investment, and accounting and expose the artificial boundaries established by decades of research founded on indefensible

assumptions and fallacious conclusions. Using the Humpty Dumpty principle, where words mean what the authors want them to mean, economists have created "strange new worlds" where contract law, property law, agency law, and corporate statutory law no longer apply. The author dismantles the theory of the firm by proving the theory of the firm wilfully and intentionally ignores fundamental contract law, property law, agency law, and corporate statutory law. Contrary to the theory of the firm, shareholders do not own corporations, directors are not agents of shareholders, and shareholders are not investors in corporations. The author proves that by property law and corporate law, capital is not privately owned by capitalists but by corporations. Entire economic and social systems have been constructed that have no basis in law. With the advent of publicly traded corporations, the capital is there, but

both capitalists and capitalism have been rendered extinct. This book will appeal to researchers and graduate and upper-level undergraduate students in economics, finance, accounting, law, and sociology, as well as legal scholars, attorneys and accountants.

Business, Consumer and the Government - Murali Prasad Panta 2001

*Law and Economics for Civil Law Systems* - Mackaay, Ejan 2021-11-18

This second edition of *Law and Economics for Civil Law Systems* substantially updates a unique work that presents the core ideas of law and economics for audiences primarily familiar with civil law systems.

**A Nation Within** - Ezra Rosser 2021-08-31  
In *A Nation Within*, Ezra Rosser explores the connection between land-use patterns and development in the Navajo Nation. Roughly the size of Ireland or West Virginia, the

Navajo reservation has seen successive waves of natural resource-based development over the last century: grazing and over-grazing, oil and gas, uranium, and coal; yet Navajos continue to suffer from high levels of unemployment and poverty. Rosser shows the connection between the exploitation of these resources and the growth of the tribal government before turning to contemporary land use and development challenges. He argues that, in addition to the political challenges associated with any significant change, external pressures and internal corruption have made it difficult for the tribe to implement land reforms that could help provide space for economic development that would benefit the Navajo Nation and Navajo tribal members.

Commercial and Economic Law in India - K.B. Agrawal 2018-11-07

Derived from the renowned multi-volume

International Encyclopaedia of Laws, this practical analysis of the law covering merchants' status and obligations – including the laws governing state intervention in economic activities – in India provides quick and easy guidance on such commercial and economic matters as business assets, negotiable instruments, commercial securities, and regulation of the conditions of commercial transactions. Lawyers who handle transnational business will appreciate the explanation of local variations in terminology and the distinctive concepts that determine practice and procedure. Starting with a general description of the specifically applicable concepts and sources of commercial law, the book goes on to discuss such factors as obligations of economic operators and institutions, goodwill, broker/client relations, commercial property rights, and bankruptcy. Discussion of economic law covers the laws

governing establishment, supervision of economic activities, competition law, and government taxation incentives. These details are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance. Thorough yet practical, this convenient volume is a valuable tool for business executives and their legal counsel with international interests. Lawyers representing parties with interests in India will welcome this very useful guide, and academics and researchers will appreciate its value in the study of comparative commercial and economic law.

**Contract - Freedom and Restraint -**

Richard A. Epstein 2013-10-15

First Published in 2000. Routledge is an imprint of Taylor & Francis, an informa company.

*Policyholder's Reasonable Expectations -*

Yong Qiang Han 2016-11-03

Over the past two decades, protecting contractual parties' reasonable expectations has incrementally gained judicial recognition in English contract law. In contrast, however, the similar 'doctrine' of 'policyholder's reasonable expectations' has been largely rejected in English insurance law. This is injurious, firstly, to both the consumer and business policyholder's reasonable expectations of coverage of particular risks, and, secondly, to consumer policyholder's reasonable expectations of bonuses in with-profits life insurance. To remedy these problems, this book argues for an incremental but definite acceptance of the conception of policyholder's reasonable expectations in English insurance law. It firstly discusses the homogeneity between insurance law and contract law, as well as the role of (reasonable) expectations and their

relevance to the emerging duty of good faith in contract law. Secondly, following a review and re-characterisation of the American insurance law 'doctrine' of reasonable expectations, the book addresses the conventional English objections to the reasonable expectations approach in insurance law. In passing, it also rethinks the approach to the protection of policyholder's reasonable expectations of bonuses in with-profits life insurance through a revisit to the (in)famous case *Equitable Life Assurance Society v Hyman* [2000] UKHL 39, particularly to its relevant business and regulatory background.

*Economic Analysis of Contract Law, Antitrust Law, and Safety Regulations* - Jenny Bourne Wahl 1998

First published in 1999. Routledge is an imprint of Taylor & Francis, an informa company.

**Economic Thought and Political Theory**

- David Reisman 2012-12-06

People live by ideas which help them to make sense of their experiences. Yet different people live by different ideas. Without an attempt to communicate and comprehend, they would at best be unable to share, at worst be obliged to fight. This book is concerned with communicating and comprehending. It takes the view that ideas matter and that a dialogue with alternative worldviews is a civilised exercise in tolerance. Economic Thought and Political Theory, concentrates on the ideas of Plato, Stuart, Mill, Schumpeter, Hayek, Buchanan, the Catholic social economists and the property-rights tradition. The focus is dual: the market and the State. As interdisciplinary as the modern mixed economy, as contemporary as the search for middle way, Economic Thought and Political Theory will be of interest to all thinkers determined to find a good balance between

individuals' autonomy and governmental leadership.

The Limits of Freedom of Contract - Michael J. Trebilcock 1997-03-25

Our legal system is committed to the idea that private markets and the law of contracts that supports them are the primary institutions for allocating goods and services in a modern economy. Yet the market paradigm, this book argues, leaves substantial room for challenge.

**Comparative Law** - Rudolf B. Schlesinger 1980

**International Perspectives on Consumers' Access to Justice** - Charles E. F. Rickett 2003-03-20

Consumer protection law in the age of globalisation poses new challenges for policy-makers. This book highlights the difficulties of framing regulatory responses to the problem of consumers' access to

justice in the new international economy. The growth of international consumer transactions in the wake of technological change and the globalisation of markets suggests that governments can no longer develop consumer protection law in isolation from the international legal arena. Leading scholars consider the broader theme of access to justice from socio-legal, law and economics perspectives. Topics include standard form contracts, the legal challenges posed by mass infections (such as mad-cow disease and CJD), ombudsman schemes, class actions, alternative dispute resolution, consumer bankruptcy, conflict of laws, and cross-border transactions. This book demonstrates that advancing and achieving access to justice for consumers proves to be a challenging, and sometimes elusive, task.

**Reforming Corporate Retail Investor Protection** - Diane Bugeja 2019-12-12

The spate of mis-selling episodes that have plagued the financial services industries in recent years has caused widespread detriment to investors. Notwithstanding numerous regulatory interventions, curtailing the incidence of poor investment advice remains a challenge for regulators, particularly because these measures are taken in a 'fire-fighting' fashion without adequate consideration being given to the root causes of mis-selling. Against this backdrop, this book focuses on the sale of complex investment products to corporate retail investors by drawing upon the widespread mis-selling of interest rate hedging products (IRHP) in the UK and beyond. It brings to the fore the relatively understudied field concerning the different degrees of investor protection mechanisms applicable to individual retail investors – as opposed to corporate retail investors – by taking stock of past regulatory reforms and

forthcoming regulatory initiatives as well as, more importantly, the conclusions reached by the judiciary in IRHP mis-selling claims. The conclusions are particularly interesting: corporate retail investors are in a vulnerable position when compared to individual retail investors. The former are exposed to a heightened risk of mis-selling, meaning that regulatory intervention should be targeted accordingly. The recommendations made as a result of these findings are further supported by insights emerging from behavioural law and economic theories. This book is aimed at researchers, lawyers and students with an interest in the financial regulation field who are keen to explore potential regulatory reforms to the investment services regime that address the root causes of mis-selling, and restore a level playing field amongst all retail investors.

**Adhesion Contracts and Unfair Terms -**

Andrew Burgess 1987

State, Society, and Corporate Power - Marc R. Tool 1989-01-01

This volume of selections from the Journal of Economic Issues carries the institutional economics analysis of the acquisition and use of economic power into new and critically significant subject areas: law and economics, the public control of economic power, and international implications of public and private use of power to influence the flow of real income on a global scale. Its particular interest is the possession and use of corporate power, especially in relation to the state as a representative of society.

**Introduction to Business Law in Russia** - Vladimir Orlov 2016-05-06

This volume provides a comprehensive overview of business law in Russia. It presents an introduction to the Russian legal system in general before going on to

provide a thorough analysis of the key aspects such as regulation, taxation, competition, contracts, intellectual property law, among many others. Where appropriate, cases and international comparisons are included to help illustrate the practical workings of this complex system. The book will be an invaluable guide for students, researchers and practitioners who want a clear understanding of legislation relating to business in contemporary Russia.

**Contract Law and Economics** - Gerrit de Geest 2010-10

This unique and timely book offers an up-to-date, clear and comprehensive review of the economic literature on contract law. The topical chapters written by leading international scholars include: precontractual liability, misrepresentation, duress, gratuitous promises, gifts, standard form contracts, interpretation, contract

remedies, penalty clauses, impracticability and foreseeability. Option contracts, warranties, long-term contracts, marriage contracts, franchise contracts, quasi-contracts, behavioral approaches, and civil contract law are also discussed. This excellent resource on contract law and economics will be particularly suited to contract law scholars, law teachers, policy makers, and judges. For experts in and practitioners of contract law this will be a key book to buy.

Consumer Law and Policy - Iain Ramsay 2012-10-25

This new edition continues to provide a critical introduction to the legal regulation of consumer markets, situating it within the context of broader debates about rationales for regulation, the role of the state and the growth of neo-liberalism. It draws on interdisciplinary sources, assessing, for example, the increased influence of



behavioural economics on consumer law. It analyses the Europeanisation of consumer law and the tensions between neo-liberalism and the social market, consumer protection and consumer choice, in the establishment of the single market ground rules. The book also assesses national, regional and international responses to the world financial crisis as reflected in the regulation of consumer credit markets. This edition incorporates recent legislative and judicial developments of the law, blending substantial extracts from primary UK, EU and international legal materials.

The New Palgrave Dictionary of Economics and the Law - Peter Newman 1998-05-19

A great deal of economics is about law - the functioning of markets, property rights and their enforcement, financial obligations, and so forth - yet these legal aspects are almost never addressed in the academic study of economics. Conversely, the study and

practice of law entails a significant understanding of economics, yet the drafting and administration of laws often ignore economic principle. The New Palgrave Dictionary of Economics and the Law is uniquely placed by the quality, breadth and depth of its coverage to address this need for building bridges. Drawn from the ranks of academics, professional lawyers, and economists in eight countries, the 340 contributors include world experts in their fields. Among them are Nobel Laureates in economics and eminent legal scholars. The New Palgrave Dictionary of Economics and the Law will become a benchmark for reference of the highest quality.

**Enforcing the Contract at All (Social) Costs** - Deborah Zalesne 2007

Over the years, the enforcement of commercial contracts has taken on increased importance. Today, contract law is

a viable and innovative tool to protect commercial rights, eagerly inventing novel approaches to issues with an economic or commercial component. For example, contracts of adhesion are often enforced, despite the lack of true assent, in recognition of the realities of modern commerce, in which most buyers and sellers never meet and most signatories do not read the agreements they sign. But its use for the protection of third parties and the public is not always equally pursued, resulting in less attention to non-economic issues and losses. Through a variety of examples, this Article explores the limitations on the ability of contract law to deal with the protection of third parties and the public. This limitation is manifested in two distinct ways: (1) Commercial contracts are typically enforced without regard to the negative impact they may have on the public; and (2) although some courts appear

willing to stretch the bounds of the law to ensure contracts are enforced in commercial contexts, there has been substantially less motivation to enforce contracts for the public good. Accordingly, the Article discusses the innovative and flexible nature of the common law of contracts as it applies to protecting commercial interests and players and the inadequacy of contract law as a means of protecting public and non-economic interests.

**Reprint Series** - University of California, Davis. Institute of Governmental Affairs 1974

International Arbitration and Conflict of Laws

- Mahmoud Refaat 2019-12-09

Private international law is the most prevalent and continuous area of legal scholarship and practice. It includes international arbitration, investment and commercial. The dependence of arbitration

on private international law is evident throughout the arbitration process. International arbitration presents both courts and arbitral tribunals with constant challenges. While courts may be equipped with long-standing assumptions in international law, international arbitrators will need to navigate the complex world of private international law. Courts and arbitrators draw guidance from multiple sources when conducting private international law inquiries. These include party agreements, institutional rules and treaties, national laws of competing jurisdictions, and a variety of "soft" law, some of which could even be considered an international standard. Private international law resourcefulness is essential in a world like this. Sir Robert Jennings correctly observed that international commercial disputes don't fit into traditional dispute procedures. They lie at the border of foreign

and domestic laws and raise questions that are not easily covered by the category of private international. Inter-national arbitration, and especially international commercial arbitration, will be closely associated to private law as well as any other division of the law. Arbitration may be considered the most important private international law endeavor due to its international nature and core mission of resolving disputes among private parties. This course aims to identify the international arbitration's. The two fields can be viewed as mutually useful prisms. Private International Law is used to view international arbitration. Cheshire states that "private international law can only function when this [foreign] element exists." There are many functions of private international law within the context of private dispute settlement. It determines whether a claim or person with important ties to a particular

jurisdiction can still be brought before a court in another jurisdiction ("international jurisdiction"), and vice versa. It decides whether or not courts or parties appearing in court can expect assistance from foreign courts in form of interim or proviso relief to aid their litigation. And conversely, it determines how open they are to the idea that other courts might offer reciprocal assistance ("transnational provisional relieve"). In cases involving multiple jurisdictions, it determines which jurisdiction's substantive and procedural laws will apply to the different issues in dispute ("choice law", also known as "conflict between laws"), and determines whether judgments made by courts in one country will be recognized by other courts when similar or related issues arise.

Research in the History of Economic Thought and Methodology - Marianne Johnson 2012-08-03

Includes archival documents and essays exploring the inter-relationship between the government and the economy. This title examines the one-sided controversy generated by Rose Wilder Lane and V Orval Watts against a new generation of Keynes-influenced textbooks which focused on governmental policy and the scope of government activity.

Economics and the Interpretation and Application of U.S. and E.U. Antitrust Law - Richard S. Markovits 2014-05-22

This volume (1) defines the specific-anticompetitive-intent, lessening-competition, distorting-competition, and exploitative-abuse tests of illegality promulgated by U.S. and/or E.U. antitrust law, (2) compares the efficiency defenses promulgated by U.S. and E.U. antitrust law, (3) compares the conduct-coverage of the various U.S. and E.U. antitrust laws, (4) defines price competition and quality-or-

variety-increasing-investment (QV-investment) competition and explains why they should be analyzed separately, (5) defines the components of individualized-pricing and across-the-board-pricing sellers' price minus marginal cost gaps and analyses each's determinants, (6) defines the determinants of the intensity of QV-investment competition and explains how they determine that intensity, (7) demonstrates that definitions of both classical and antitrust markets are inevitably arbitrary, not just at their periphery but comprehensively, (8) criticizes the various protocols for market definition recommended/used by scholars, the U.S. antitrust agencies, the European Commission, and U.S. and E.U. courts, (9) explains that a firm's economic (market) power or dominance depends on its power over both price and QV investment and demonstrates that, even if markets could be

defined non-arbitrarily, a firm's economic power could not be predicted from its market share, (10) articulates a definition of "oligopolistic conduct" that some economists have implicitly used—conduct whose perpetrator-perceived ex ante profitability depended critically on the perpetrator's belief that its rivals' responses would be affected by their belief that it could react to their responses, distinguishes two types of such conduct—contrived and natural—by whether it entails anticompetitive threats and/or offers, explains why this distinction is critical under U.S. but not E.U. antitrust law, analyzes the profitability of each kind of oligopolistic conduct, examines these analyses' implications for each's antitrust legality, and criticizes related U.S. and E.U. case-law and doctrine and scholarly positions (e.g., on the evidence that establishes the illegal oligopolistic character of pricing), and (11) executes parallel

analyses of predatory conduct--e.g., criticizes various arguments for the inevitable unprofitability of predatory pricing, the various tests that economists/U.S. courts advocate using/use to determine whether pricing is predatory, and two analyses by economists of the conditions under which QV investment and systems rivalry are predatory and examines the conditions under which production-

process research, plant-modernization, and long-term full-requirements contracts are predatory.

**Comparative Contract Law** - Larry A. DiMatteo 2016

"This book comprises the collected and revised papers from a conference on comparative British and American contract law, held at the University of Edinburgh Law School in September 2013"--Preface.