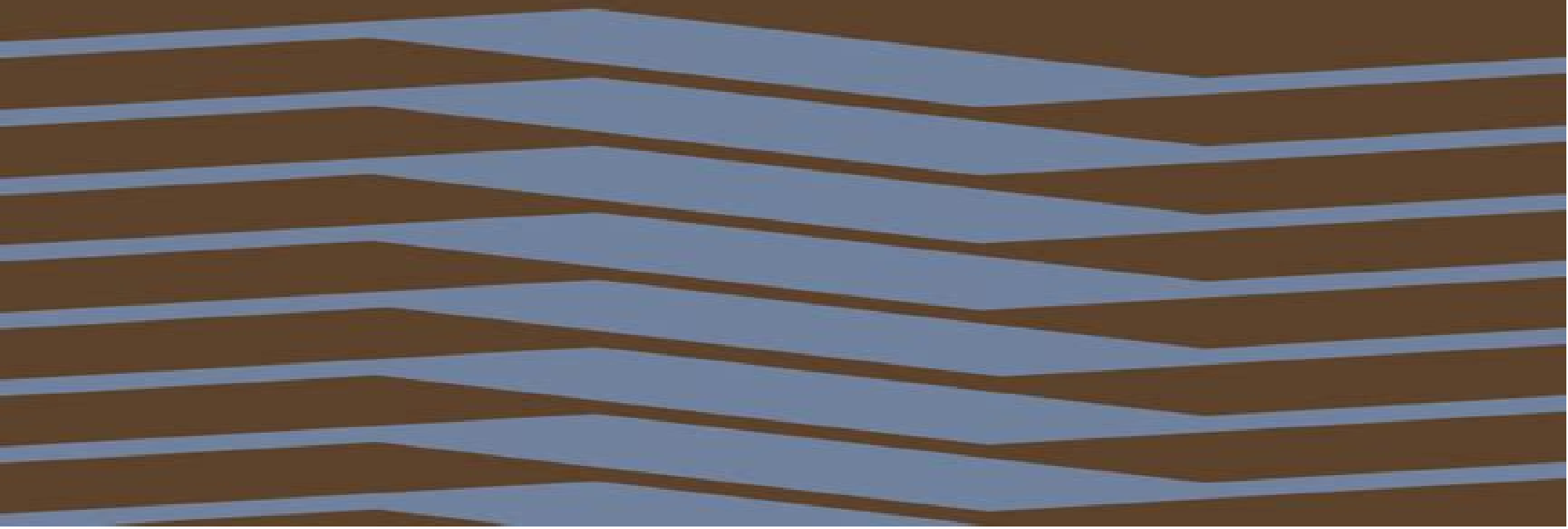


Readings in the economics of contract law

Edited by VICTOR P. GOLDBERG



Readings In The Economics Of Contract Law

Victor P. Goldberg



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Accounting for Profit for Breach of Contract Katy Barnett, 2012-05-31 This book defends the view that an award of an account of profits or disgorgement damages for breach of contract will sometimes be justifiable and fits within the orthodox principles and cases in contract law However there is some confusion as to when such an award should be made The moral bases for disgorgement damages are deterrence and punishment which shape the remedy in important ways Courts are also

concerned with vindication of the claimant's performance interest and it is pivotal in these cases that the claimant cannot procure a substitute performance via an award of damages or specific relief. The book argues that disgorgement damages should be available in two categories of case: second sale cases where the defendant breaches his contract with the claimant to make a more profitable contract with a third party and agency problem cases where the defendant promises the claimant he will not do a certain thing and the claimant finds it difficult to supervise the performance. Moreover, disgorgement may be full or partial and reasonable fee damages for breach of contract are best understood as partial disgorgement rather than restitutionary damages. Equitable bars to relief should also be adopted in relation to disgorgement damages as should allowances for skill and effort. This book will be of interest to contract and commercial lawyers and will be especially valuable to anyone with an interest in contract remedies and restitution. It draws on case law in a number of common law jurisdictions primarily England and Wales and Australia.

An Introduction to the Legal System of the United States Edward Allan Farnsworth, 2010. An excellent introduction or refresher in the United States legal system for all especially students and foreign audiences.

Economic Analysis of Property Rights Yoram Barzel, Douglas W. Allen, 2023-08-31. The standard neoclassical model of economics is incapable of explaining why one form of organization arises over another. It is a model where transaction costs are implicitly assumed to not exist; however, transaction costs are here defined as the costs of strengthening a given distribution of economic property rights and they always exist. *Economic Analysis of Property Rights* is a study of how individuals organise resources to maximise the value of their economic rights over these resources. It offers a unified theoretical structure to deal with exchange rights formation and organisation that traditional economic theory often ignores. It explains how transaction costs can be reduced through reorganization and in the end how the distribution of property rights that exists is the one that maximizes wealth net of these transaction costs. This necessary hypothesis explains much of the puzzling organizations and institutions that exist now and have existed in the past.

Contract and Organisation Terence Daintith, Gunther Teubner, 2011-08-30. No detailed description available for *Contract and Organisation*.

Economic Analysis of the DCFR Filomena Chirico, Pierre Larouche, 2010-03-12. The Economic Impact Group (EIG) was created to support the work on the DCFR with insights from law and economics. It brings together a number of leading European law and economics scholars. The Group looked at the main elements of the DCFR with two questions in mind: from an economic perspective, is it sensible to harmonize private law across Europe for this specific element, and is the solution chosen in the DCFR optimal? This book presents the outcome of the work of the EIG. It deals with key issues such as the function of contract law, contract formation, good faith, non-discrimination, specific performance versus damages, standard contractual terms, and consumer protection in contract law. The EIG complements the work of the drafters of the DCFR with insightful and critical assessments based on the well-established law and economics literature.

Forever Contemporary: The Economics of Ronald Coase Cento Veljanovski, 2015-10-26. Ronald Coase is one of the most important economists of the

twentieth century Amongst other great achievements Coase taught us why firms exist and how we can better understand how to solve environmental problems He also made a profound contribution to our understanding of the provision of so called public goods and helped join the often distinct intellectual fields of law and economics Coase coined the phrase blackboard economics to describe an approach to economics that involved ignoring what happens in practice and instead led the profession to obsess with theory He once said If economists wished to study the horse they wouldn't go and look at horses They'd sit in their studies and say to themselves what would I do if I were a horse There is much that students teachers policymakers and regulators can learn from the economics of Ronald Coase and he will no doubt provide a rich seam of material for decades to come The authors of this short book have taken up the challenge They apply Coase's ideas to a number of different areas of economics and in doing so provide a practical and very readable introduction to a number of topics that have direct relevance for regulation and for public policy *Implicit Dimensions of Contract* David

Campbell, Hugh Collins, John Wightman, 2003-07-16 This collection of essays derived from an international workshop explores the significance of implicit understandings and tacit expectations of the parties to different kinds of contractual agreements ranging from simple discrete transactions to long term associational agreements such as those formed in companies An interdisciplinary and comparative approach is used to investigate how the law comprehends and gives effect to these implicit dimensions of contracts The significance of this enquiry is found not only in relation to the interpretation of contracts in many different contexts but more fundamentally in how social practices involved in making contracts should be analysed and comprehended **International Perspectives on Consumers' Access to Justice** Charles E. F. Rickett, Thomas G. W.

Telfer, 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 *Rules and Choice in Economics* Viktor J Vanberg, 1994-12-08 Using an analysis which draws on economics law moral philosophy sociology and political science Vanberg demonstrates how the rules and institutions which are the basis of cooperation in society can be systematically explained *Research in Law and Economics* Richard O. Zerbe, 1991 **Readings in Applied Microeconomics** Craig Newmark, 2009-06-16 This reader

encourages students to appreciate the power of the market including specific examples and addressing questions on whether

markets actually work well and offering evidence that market failures are not as serious or as common as claimed

Megaregulation Contested Benedict Kingsbury, David M. Malone, Paul Mertenskötter, Richard B. Stewart, Atsushi Sunami, Thomas Streinz, 2019 The Japan led Trans Pacific Partnership CPTPPA of 2018 is the most far reaching megaregional economic agreement in force with several major countries beyond its eleven negotiating countries also interested Still bearing the stamp of the original US involvement before the Trump era reversal TPP is the first instance of megaregulation a demanding combination of inter state economic ordering and national regulatory governance on a highly ambitious substantive and trans regional scale Its text and ambition have influenced other negotiations ranging from the Japan EU Agreement JEEPA and the US Mexico Canada Agreement USMCA to the projected Pan Asian Regional Comprehensive Economic Partnership RCEP This book provides an extensive analysis of TPP as a megaregulatory project for channelling and managing new pressures of globalization and of core critical arguments made against economic megaregulation from standpoints of development inequality labour rights environmental interests corporate capture and elite governance Specialized chapters cover supply chains digital economy trade facilitation intellectual property currency levels competition and state owned enterprises government procurement investment prescriptions for national regulation and the TPP institutions Country studies include detailed analyses of TPP related politics and approaches in Japan Mexico Brazil China India Indonesia and Thailand Contributors include leading practitioners and scholars in law economics and political science At a time when the WTO and other global scale institutions are struggling with economic nationalism and geopolitics and bilateral and regional agreements are pressed by public disagreement and incompatibility with digital and capital and value chain flows the megaregional ambition of TPP is increasingly important as a precedent requiring the close scrutiny this book presents

Corporate Bankruptcy Jagdeep S. Bhandari, Lawrence A. Weiss, 1996-03-29 This collection is the first comprehensive selection of readings focusing on corporate bankruptcy Its main purpose is to explore the nature and efficiency of corporate reorganization using interdisciplinary approaches drawn from law economics business and finance Substantive areas covered include the role of credit creditors implicit bargains nonbargaining features of bankruptcy workouts of agreements alternatives to bankruptcy and proceedings in countries including the United States United Kingdom Europe and Japan The Honorable Richard A Posner Chief Judge of the U S Court of Appeals for the Seventh Circuit offers a foreword to the collection

The Canadian Distinctiveness into the XXIst Century - La distinction canadienne au tournant du XXIe siècle Chad Gaffield, Karen Gould, 2003-06-10 In this collection of essays some of Canada s foremost writers and thinkers including John Ralston Saul and Margaret Atwood call for equilibrium among economics culture and technological change While promoting the dynamism and change possible in Canadian society they also call for a re examination of Canada s past in order to chart its future Bilingual Edition

Tort Law and Economics Michael Faure, 2009-01-01 The central goal of this book is to provide a state of the art overview of the literature with respect to the economic analysis of tort law It sure

meets the challenge offering with great expertise a comprehensive presentation of tort law in both economic and comparative perspectives The clarity of the text unusual in the law and economics literature makes the book accessible to a broad readership of economists with a limited legal background and lawyers with limited economic skills Olivier Moreteau Louisiana State University US Tort Law and Economics ed Michael Faure provides a highly useful economic overview of the most important topics of tort law The authors clearly show the main developments of the discussion examining the results of recent studies and stating their own opinions Detailed bibliographies are included The volume has to be warmly recommended to friends and foes of economic analysis who are provided with a comprehensive update in this field while also indicating areas which critics have to focus on Helmut Koziol European Centre of Tort and Insurance Law Austria This volume provides a state of the art overview of the literature on the economic analysis of tort law In sixteen chapters the specialist authors guide the reader through the often vast literature in each domain providing a balanced and comprehensive summary Particular attention is paid to the evolution of the field further refinements to economic models and relevant conclusions and lessons for the policymaker Tort Law and Economics is part of the Encyclopedia of Law and Economics and enables readers some not familiar with law and economics to obtain an insight in the relevant economic literature concerning tort law and economics This book will be of interest to lawyers and economists practitioners and academics interested in accident law tort law insurance and regulation It will also appeal to students in economic analysis of law and policymakers working on prevention of accidents tort law or compensation of accident victims

Regulation Anthony I Ogus, 2004-10-15

This is a reprint of Anthony Ogus classic study of regulation first published in the 1990s It examines how since the last decades of the twentieth century there have been fundamental changes in the relationship between the state and industry With the aid of economic theory Anthony Ogus critically examines the ways in which public law has been adapted to the task of regulating industrial activity and provides a systematic overview of the theory and forms of social and economic regulation In particular he explores the reasons why governments regulate for which broadly speaking two theoretical frameworks exist First public interest theories determine that regulation should aim to improve social and economic welfare Second economic theories suggest that regulation should aim to satisfy the demands of private interests The book also looks at the evolution of the forms of regulation in Britain extending to the policies of privatization and deregulation which were so characteristic of the period The author skilfully evaluates the advantages and disadvantages of the different forms of regulation particularly in the light of the two theoretical frameworks but also by involving an analysis of how firms respond to the various kinds of incentives and controls offered by government A significant feature of the book is its analysis of the choices made by governments between the different forms of regulation and the influence exerted by interest groups including bureaucrats and EC law

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