



# The Economic Structure Of The Law

**Thomas Clarke, Douglas Branson**



## **The Economic Structure Of The Law:**

The Economic Structure of Corporate Law Frank H. Easterbrook, Daniel R. Fischel, 1996-02-01 The authors argue that corporate law's rules and practices mimic contractual provisions that parties would reach if they bargained about every contingency at zero cost and flawlessly enforced their agreements But bargaining and enforcement are costly and corporate law provides necessary rules and an invaluable enforcement mechanism

**The Economic Structure of International Law** Joel P. TRACHTMAN, Joel P Trachtman, 2009-06-30 This book presents policymakers and scholars with an over arching analytical model of international law one that demonstrates the potential of international law but also explains how policymakers should choose among different international legal structures

*The Economic Structure of Intellectual Property Law* William M. LANDES, Richard A. Posner, 2009-06-30 This book takes a fresh look at the most dynamic area of American law today comprising the fields of copyright patent trademark trade secrecy publicity rights and misappropriation Topics range from copyright in private letters to defensive patenting of business methods from moral rights in the visual arts to the banking of trademarks from the impact of the court of patent appeals to the management of Mickey Mouse The history and political science of intellectual property law the challenge of digitization the many statutes and judge made doctrines and the interplay with antitrust principles are all examined The treatment is both positive oriented toward understanding the law as it is and normative oriented to the reform of the law Previous analyses have tended to overlook the paradox that expanding intellectual property rights can effectively reduce the amount of new intellectual property by raising the creators input costs Those analyses have also failed to integrate the fields of intellectual property law They have failed as well to integrate intellectual property law with the law of physical property overlooking the many economic and legal doctrinal parallels This book demonstrates the fundamental economic rationality of intellectual property law but is sympathetic to critics who believe that in recent decades Congress and the courts have gone too far in the creation and protection of intellectual property rights

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Reviews of this book Chicago law professor William Landes and his polymath colleague Richard Posner have produced a fascinating new book The Economic Structure of Intellectual Property Law is a broad ranging analysis of how intellectual property should and does work Shakespeare's copying from Plutarch Microsoft's incentives to hide the source code for Windows and Andy Warhol's right to copyright a Brillo pad box as art are all analyzed as is the question of the status of the all bran cereal called All Bran Nicholas

Thompson New York Sun Reviews of this book Landes and Posner each widely respected in the intersection of law and economics investigate the right mix of protection and use of intellectual property IP This volume provides a broad and coherent approach to the economics and law of IP The economics is important understandable and valuable R A Miller Choice Intellectual property is the most important public policy issue that most policymakers don't yet get It is America's most important export and affects an increasingly wide range of social and economic life In this extraordinary work two of America's leading scholars in the law and economics movement test the pretensions of intellectual property law against the rationality of economics Their conclusions will surprise advocates from both sides of this increasingly contentious debate Their analysis will help move the debate beyond the simplistic ideas that now tend to dominate Lawrence Lessig Stanford Law School author of *The Future of Ideas: The Fate of the Commons in a Connected World* An image from modern mythology depicts the day that Einstein pondering a blackboard covered with sophisticated calculations came to the life-defining discovery Time Landes and Posner in the role of that mythological Einstein reveal at every turn how perceptions of economic efficiency pervade legal doctrine This is a fascinating and resourceful book Every page reveals fresh provocative and surprising insights into the forces that shape law Pierre N Leval Judge U S Court of Appeals Second Circuit The most important book ever written on intellectual property William Patry former copyright counsel to the U S House of Representatives Judiciary Committee Given the immense and growing importance of intellectual property to modern economies this book should be welcomed even devoured by readers who want to understand how the legal system affects the development protection use and profitability of this peculiar form of property The book is the first to view the whole landscape of the law of intellectual property from a functionalist economic perspective Its examination of the principles and doctrines of patent law copyright law trade secret law and trademark law is unique in scope highly accessible and altogether greatly rewarding Steven Shavell Harvard Law School author of *Foundations of Economic Analysis of Law* [The Economic Structure of Corporate Law](#) Frank H. Easterbrook, Daniel R. Fischel, 1996-02 This text argues that the rules and practices of corporate law mimic contractual provisions that parties involved in corporate enterprise would reach if they always bargained at zero cost and flawlessly enforced their agreements It states that corporate law [The Encyclopedia of Public Choice](#) Charles Rowley, Friedrich Schneider, 2008-01-25 The Encyclopedia provides a detailed and comprehensive account of the subject known as public choice However the title would not convey sufficiently the breadth of the Encyclopedia's contents which can be summarized better as the fruitful interchange of economics political science and moral philosophy on the basis of an image of man as a purposive and responsible actor who pursues his own objectives as efficiently as possible This fruitful interchange between the fields outlined above existed during the late eighteenth century during the brief period of the Scottish Enlightenment when such great scholars as David Hume Adam Ferguson and Adam Smith contributed to all these fields and more However as intellectual specialization gradually replaced broad-based scholarship from the nineteenth

century onwards it became increasingly rare to find a scholar making major contributions to more than one. Once Alfred Marshall defined economics in neoclassical terms as a narrow positive discipline, the link between economics, political science and moral philosophy was all but severed and economists redefined their role into that of the humble dentist providing technical economic information as inputs to improve the performance of impartial, benevolent and omniscient governments in their attempts to promote the public interest. This indeed was the dominant view within an economics profession that had become besotted by the economics of John Maynard Keynes and Paul Samuelson immediately following the end of the Second World War. *The Economic Structure of the Law* Richard A. Posner, 2000

**The New Horizon of China's Economic Law Theory** Shouwen Zhang, 2020-10-26 This book presents the development and reformation of economic law in China and explores the three relationships between the government and market, between reform and rule of law and between the constitution and economic law. On this basis it subsequently focuses on development theory, distribution theory, risk theory and crisis theory. Further it addresses effective development, fair distribution and prevention and resolution of related risks and crises which are important functions of economic law. In order to achieve the above functions and objectives the book argues we must vigorously promote the integration of rule of law in economic law and constantly refine the theory of economic rule of law employed in China. The book demonstrates that no matter how the three major relationships are adjusted or the relevant systems are reformed, i.e. regarding the implementation of the concept of coordinated development or the optimization of economic structures, the solution of distribution problems or the improvement of distribution systems, the prevention of risks or the response to crises, any such changes depend on economic rule of law. The above mentioned theoretical discussion presents a new horizon of contemporary Chinese economic law theory which will be of great value to the future development of economic law theory.

**Business Law and Economics for Civil Law Systems** Rousseau, Stéphane, Mackaay, Ejan, Larouche, Pierre, Parent, Alain, 2021-11-19 Business Law and Economics for Civil Law Systems highlights the relevance of economic analysis of business law from a civilian perspective. It integrates a comparative approach, common law and civil law to economic analysis using tools and illustrations to assist in conducting critical economic analysis of rules in the field of business law. This book is a valuable contribution to the reflection on the place and meaning of value creation and accountability as goals for business law. It will be of great value to academics interested in business law, competition law, comparative law and legal theory, students studying law, business and economics and to policy makers and regulators.

**The Economics of the European Patent System** Dominique Guellec, Bruno van Pottelsberghe de la Potterie, 2007-02-01 Why does society allow or even encourage private appropriation of inventions? When do patents encourage competition, when do they hamper it? How should society design the compromise between the interest of the inventor and the interest of the users of patented inventions? How should the patent system adapt to new technological areas? These questions and many more are addressed by the authors in this groundbreaking analysis of the economics behind the

European patent system Beginning with the history and principles of the patent system the book then examines the economic effects of patenting on innovation and the diffusion of technology and growth Throughout the book the theory and the reality are discussed alongside real world examples and comparison between the European USA and Japanese patent systems

*The Oxford Handbook of Law and Economics* Francesco Parisi, 2017-04-27 Covering over one hundred topics on issues ranging from Law and Neuroeconomics to European Union Law and Economics to Feminist Theory and Law and Economics The Oxford Handbook of Law and Economics is the definitive work in the field of law and economics The book gathers together scholars and experts in law and economics to create the most inclusive and current work on law and economics Edited by Francisco Parisi the Handbook looks at the origins of the field of law and economics tracks its progression and increased importance to both law and economics and looks to the future of the field and its continued development by examining a cornucopia of fields touched by work in law and economics The uniqueness of its breadth depth and convenience make the volume essential to scholars students and contributors in the field of law and economics

**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

*The structure and process of international law* Ronald St John MacDonald, Douglas Millar Johnston, 1983-10-17

**The Handbook of Organizational Economics** Robert Gibbons, John Roberts, 2013 E book available via MyiLibrary In even the most market oriented economies most economic transactions occur not in markets but inside managed organizations particularly business firms Organizational economics seeks to understand the nature and workings of such organizations and their impact on economic performance The Handbook of Organizational Economics surveys the major theories evidence and methods used in the field It displays the breadth of topics in organizational economics including the roles of individuals and groups in organizations organizational structures and processes the boundaries of the firm contracts between and within firms and more

**The Oxford Handbook of the Theory of International Law** Anne Orford, Florian Hoffmann, Martin Clark, 2016-05-26 The Oxford Handbook of International Legal Theory provides an accessible and authoritative guide to the major thinkers concepts approaches and debates that have shaped contemporary international legal theory The Handbook features 48 original essays by leading international scholars from a wide range of traditions nationalities and perspectives reflecting the richness and diversity of this dynamic field The collection explores key questions and debates in international legal theory offers new intellectual histories for the discipline and provides fresh interpretations of significant historical figures texts and theoretical approaches It provides a much needed map of the field of international legal theory and a guide to the main themes and debates that have driven theoretical work in international law The Handbook will be an indispensable reference work for students scholars and practitioners seeking to gain an overview of current theoretical debates about the nature function foundations and future role of international law

Economic Analysis of Liability Rules Satish Kumar Jain, 2014-12-01 This book focuses

on the analysis of liability rules of tort law from an efficiency perspective presenting a comprehensive analysis of these rules in a self contained and rigorous yet accessible manner It establishes general results on the efficiency of liability rules including complete characterizations of efficient liability rules and efficient incremental liability rules The book also establishes that the untaken precaution approach and decoupled liability are incompatible with efficiency The economic analysis of tort law has established that for efficiency it is necessary that each party to the interaction must be made to internalize the harm resulting from the interaction The characterization and impossibility theorems presented in this book establish that in addition to internalization of the harm by each party there are two additional requirements for efficiency Firstly rules must be immune from strategic manipulation Secondly rules must entail closure with respect to the parties involved in the interaction giving rise to the negative externality i e the liability must not be decoupled

Teaching the Essentials of Law and Economics Antony W. Dnes, 2020-04-24 Teaching Essentials of Law and Economics provides an up to date and succinct account of the application of economic analysis to legal doctrines institutions and legal reform

*Law, Informal Rules and Economic Performance* Svetozar Pejovich, Enrico Colombatto, 2010-01-01 Almost everyone will gain something of value from reading this book For those who work in the new institutional economics Pejovich provides a thoughtful treatment of how common law and civil law systems affect personal freedoms and rule of law The book s larger market however will comprise educated lay readers who will gain a deeper appreciation of the foundations of capitalism in the developed world and of the dynamics of interrelated institutional and economic change

Lee J Alston The Independent Review a well written easily read book which casts light on many aspects of law and on questions which are or should be debated in our law schools well laid out and presented Its subject matter makes it essential reading for all those studying comparative law and of course law and economics and even for those studying legislation It would be more than useful for those engaged in property law the law of contract and administrative and public law In other words it would be useful and challenging reading for just about all law teachers and students as well as practitioners who wish to think about the basics of what they are doing Its easy combination of history comparative technique legal fundamentals and economics with no maths would even make it an excellent reader for LAWS 101

Bernard Robertson New Zealand Law Journal Professor Pejovich has written an impressive lot on comparative economic systems institutions policies and broader social aspects of economic development His long work in the field quite predictably made him able to present his views and findings in an ever clearer more orderly and more profoundly argued way This is one of the rare books in which the author is well aware of what he is talking about and makes sure that the same goes for his readers

Ljubomir Madzar Professor Pejovich has ranged expertly across such seemingly disparate areas as legal systems culture economics and public choice theory to give us a thoroughly convincing roadmap for a nation s economic success The rule of law enforcement of private contracts private property rights and an independent judiciary are the basic building blocks But the common law system as compared to the civil law system

emanating from the European continent also gets a lot of the credit This is an erudite yet happily readable work that takes a lot of the mystery out of differential economic performance among nations Henry G Manne George Mason University School of Law US Written by one of the pioneers of modern property rights economics this book provides a most insightful well readable and engaged discussion of the institutional foundations of the Western free enterprise system and the reason for its success with a special emphasis on the differences between common law and civil law institutions Readers will especially appreciate the many instructive examples and court cases that serve to illustrate the general argument Viktor J Vanberg Universitaet Freiburg Germany This is a must read for anyone who wants to understand why Western capitalism has outperformed all other economic systems Professor Pejovich explains how the institutions of capitalism especially those based on common law make for excellence even in comparison with Western civil law countries He presents a compelling theory of how systems evolve through the interactions of formal and informal institutions an analysis that has deep significance for economic reform proposals throughout the world John H Moore Grove City College US There are many books on the virtues of capitalism and capitalism as a moral system Steve Pejovich avoids that mistake Capitalism for him is a system based on human behavior It survives because it meets the needs that individuals face and provides opportunities that individuals are able to accept Unlike the utopian visions that have competed against capitalism it does not impose the vision of a

*Economic Analysis of Tort Law* Malabika Pal, 2019-09-02 This book looks at the negligence concept of tort law and studies the efficiency issue arising from the determination of negligence It does so by scrutinizing actual court decisions from three common law jurisdictions Britain India and the United States of America This volume fills a very significant gap scrutinizing 52 landmark judgments from these three countries by focussing on the negligent infliction of economic loss determined by common law courts and how these findings relate to the existing theoretical literature By doing so it examines the formalization of legal concepts in theory primarily the question of negligence determination and liability and their centrality in theories concerning tort law This book will be very helpful for students professors and practitioners of law jurisprudence and legal theory It will additionally be of use to researchers and academics interested in law and economics procedure and legal history

*The SAGE Handbook of Corporate Governance* Thomas Clarke, Douglas Branson, 2012-04-20 The urgent and sustained interest in corporate governance is unprecedented with the connections between corporate governance and economic performance being emphasized by the World Bank the IMF and others in the global economic community In this timely and definitive intellectual analysis of a key discipline The SAGE Handbook of Corporate Governance offers a critical overview of the key themes theoretical controversies current research and emerging concepts that frame the field Consisting of original substantive chapters by leading international scholars and examining corporate governance from an inter disciplinary basis the text highlights how governance issues are critical to the formation growth financing structural development and strategic direction of companies and how corporate governance institutions in turn influence the innovation

and development of industrial and economic systems globally Comprehensive authoritative and presented in a highly accessible framework this Handbook is a significant resource to those with an interest in understanding this important emerging field

**Handbook of Law and Economics** A. Mitchell Polinsky, Steven Shavell, 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

## **The Economic Structure Of The Law** Book Review: Unveiling the Power of Words

In a world driven by information and connectivity, the power of words has become more evident than ever. They have the ability to inspire, provoke, and ignite change. Such is the essence of the book **The Economic Structure Of The Law**, a literary masterpiece that delves deep into the significance of words and their impact on our lives. Published by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we shall explore the book's key themes, examine its writing style, and analyze its overall impact on readers.

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