The Law of Political Economy-Poul F. Kjaer 2020-04-23 "Political economy themes have directly and indirectly been a central concern of law and legal scholarship ever since political economy emerged as a concept in the early seventeenth century, a development which was re-infused by the emergence of political economy as an independent area of scholarly enquiry in the eighteenth century, as developed by the French physiocrats. This is not surprising in so far as the core institutions of the economy and economic exchanges, such as property and contract, are legal institutions. In spite of this intrinsic link, political economy discourses and legal discourses dealing with political economy themes unfold in a largely separate manner. Indeed, this book is also a reflection of this, in so far as its core concern is how the law and legal scholarship conceive of and approach political economy issues"--

On Law in Economy and Society-Max Weber 1969

Max Weber on law in economy and society: ed-Max Weber

Max Weber on Law in Economy and Society-Max Weber 1954 This book contains an English translation of the parts of Economy and Society in which Weber investigates the relationship between the social phenomenon "law" and the other spheres of social life, especially the economic and the political. It includes an extensive introduction and explanatory and bibliographical notes by Max Rheinstein.

Max Weber on Law in Economy and Society-Max Rheinstein 1986

Law and Policy for a New Economy-Melissa K. Scanlan 2017-05-26 This book makes the case for a New Environmentalism, and using a systems change approach, takes the reader through ideas for reorienting the economy. It addresses the laws and policies needed to support the emergence of a new economy across a variety of major areas - from energy to food, across common pool resources, and shifting investments to capitalize locally-connected and mission-driven businesses. The authors take the approach that the challenges are much broader than setting parameters around pollution, and go to the heart of the dominant global political economy. It explores the values needed to transform our current economic system into a new economy supportive of ecological integrity, social justice, and vibrant democracy.

Max Weber on Law in Economy and Society-Max Weber (sociologist) 1954

Law and the Economy in Colonial India-Tirthankar Roy 2016-09-20 By accessibly recounting and analyzing the unique experience of institutions in colonial India which were influenced heavily by both British Common Law and indigenous Indian practices and traditions, Law and the Economy in Colonial India sheds new light on what exactly fostered the types of institutions that have been key to economic development throughout world history more generally. The culmination and years of research, the book goes through a range of examples, including textiles, opium, tea, indigo, tenancy, credit, and land mortgage, to show how economic laws in colonial India were shaped neither by imported European ideas about how colonies should be ruled nor indigenous institutions, but by the practice of producing and trading. The book is an essential addition to Indian history and to debates of the most fundamental questions in economic history.

The Political Economy of International Law-Alberta Fabbricotti 2016-06-24 Set in the context of growing interdisciplinarity in legal research, The Political Economy of International Law: A European Perspective provides a much-needed systematic and coherent review of the interactions between Political Economy and International Law. The book reflects the need felt by international lawyers to open their traditional frontiers to insights from other disciplines - and political economy in particular. The methodological approach of the book is to take the traditional list of topics for a general treatise of international law, and to systematically incorporate insights from political economy to each.

Max Weber on Law in Economy and Society-Max Weber (sociologist) 1954

Economic Analysis and Law-Christopher E.S. Warburton 2020-05-20 A comprehensive presentation of the use of economics in judicial decisions, the book is structured to provide all the foundational concepts that are important for the application of economics to the development and interpretation of statutes that emanate from economic conditions. The development of the economic field defines the scope of the book and its relevance to the study of law and rule adjudication. Beyond the positive dimensions of law and economics, the book evaluates the normative aspects of law and economics when laws are imprecise, and markets are inefficient. The ethical scope of transactions and rule adjudication are further considered in the context of professional ethics and the rationale for ethical considerations in the practice of law and economics. It presents a unique analysis of law, finance, and economics, by taking a look at the intricate quantitative requirements that are essential for scientific knowledge in the courtroom and the international dimensions of the practice of law and economics beyond municipal frontiers. It alerts entrepreneurs to risk exposures in the global economy and provides foundational information for readers who are also interested in international law and economics, and the essence and interpretations of international conventions appertaining to money, expropriation, the environment, and investments in international financial markets. This book is a useful reference for both undergraduate and graduate students who are interested in law and economics, forensic economics, corporate white-collar crime, and legal studies. It is also valuable for certificate programs for paralegals who wish to have a basic understanding of economic and financial concepts.

Anarchy and the Law-Edward P. Stringham 2011-12-31 Private-property anarchism, also known as anarchist libertarianism, individualist anarchism, and anarcho-capitalism, is a political philosophy and set of economic and legal arguments that maintains that, just as the markets and private institutions of civil society provide food, shelter, and other human needs, markets and contracts should provide law and that the rule of law itself can only be understood as a private institution. To the libertarian, the state and its police powers are not benign societal forces, but a system of conquest, authoritarianism, and occupation. But whereas limited government libertarians argue in favor of political constraints, anarchist libertarians argue that, to check government against abuse, the state itself must be replaced by a social order of self-government based on contracts. Indeed, contemporary history has shown that limited government is untenable, as it is inherently unstable and prone to corruption, being dependent on the interest-group politics of the state's current leadership. Anarchy and the Law presents the most important essays explaining, debating, and examining historical examples of stateless orders. Section I, "Theory of Private Property Anarchism," presents articles that criticize arguments for government law enforcement and discuss how the private sector can provide law. In Section II, "Debate," limited government libertarians argue with anarchist libertarians about the morality and viability of private-sector law enforcement. Section III, "History of Anarchist Thought," contains a sampling of both classic anarchist works and modern studies of the history of anarchist thought and societies. Section IV, "Historical Case Studies of Non-Government Law Enforcement," shows that the idea that markets can function without state coercion is an entirely viable concept. Anarchy and the Law is a comprehensive reader on anarchist libertarian thought that will be welcomed by students of government, political science, history, philosophy, law, economics, and the broader study of liberty.

Practicing Law in the Sharing Economy-Janelle Orsi 2012 Transactional lawyers are needed, en masse, to aid in an epic reinvention of our economic system. This reinvention is referred to by many names the "sharing economy," "collaborative consumption," the "grassroots economy" and involves different ways of meeting people's needs, participating in production, and transacting with each other. This book illustrates the nine primary areas of work that a sharing lawyer must know, including drafting agreements, structuring entities, employment regulations, intellectual property, and much more. The work of a sharing lawyer will often be

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challenging, but will always be interesting and demand creativity. Perhaps best of all, the work of sharing lawyer will contribute importantly to the creation of a world in which innumerable people have now decided they want to live.

The New Law and Economic Development-David M. Trubek 2006-08-21 This book is a collection of essays that identify and analyze a new phase in thinking about the role of law in economic development and in the practices of development agencies that support law reform. The authors trace the history of theory and doctrine in this field, relating it to changing ideas about development and its institutional practices. The essays describe a new phase in thinking about the relation between law and economic development and analyze how this rising consensus differs from previous efforts to use law as an instrument to achieve social and economic progress. In analyzing the current phase, these essays also identify tensions and contradictions in current practice. This work is a comprehensive treatment of this emerging paradigm, situating it within the intellectual and historical framework of the most influential development models since World War II.

Law and the "Sharing Economy"-Derek McKee 2018-11-27 Controversy shrouds sharing economy platforms. It stems partially from the platforms' economic impact, which is felt most acutely in certain sectors: Uber drivers compete with taxi drivers; Airbnb hosts compete with hotels. Other consequences lie elsewhere: Uber is associated with a trend toward low-paying, precarious work, whereas Airbnb is accused of exacerbating real estate speculation and raising the cost of long-term rental housing. While governments in some jurisdictions have attempted to rein in the platforms, technology has enabled such companies to bypass conventional regulatory categories, generating accusations of "unfair competition" as well as debates about the merits of existing regulatory regimes. Indeed, the platforms blur a number of familiar distinctions, including personal versus commercial activity; infrastructure versus content; contractual autonomy versus hierarchical control. These ambiguities can stymie legal regimes that rely on these distinctions as organizing principles, including those relating to labour, competition, tax, insurance, information, the prohibition of discrimination, as well as specialized sectoral regulation. This book is organized around five themes: technologies of regulation, the sites of regulation (local to global); regulating markets; and regulating labour. Together, the chapters offer a rich variety of insights on the regulation of the sharing economy, both in terms of the traditional areas of law they bring to bear, and the theoretical perspectives that inform their analysis. This book is published in English.

Law and Economy-Kelvin Jones 1982

Law and Morality-Leon Petrazycki 2017-07-05 In analyzing the socio-psyche nature and operations of intuitive legal rules, Petrazycki formulates a theory of law around five conceptual themes: anti-formalism, imperative-attributive legal relationships, law's functional control, law's subjective reality and morality. Petrazycki presents the two ways by which law coordinates and regulates social conduct as through its distributive and organizing functions. Law and Morality has a basic objective: to analyze interrelations between positive and intuitive law. Petrazycki's socio-psyche orientation toward law is behavioral as well as thoughtful. He finds the most suitable methods for obtaining knowledge about legal experiences to be internal and external observation. His technique of introspection is similar to Max Weber's conceptual method. Petrazycki distinguishes between two kinds of interpretive understanding. External observation involves deriving the meaning of an act or symbolic expression from immediate observation without reference to any broader context, and internal observation involves placing the particular act in a broader context of meaning involving facts that cannot be derived from a particular act or expression. Petrazycki's socio-legal ideas remain relevant in today's society. His arguments concerning the global expansion of human love have an attraction for those working towards a better world. In the context of positive psychology and the growing happiness industry, Petrazycki's ideas will compel legal scholars to consider his arguments. Petrazycki's work stands out for the scientific ambitions and systematic nature of his thought as well as the influence of his work on later scholars in the sociology of law.

The Political Economy of Legal Information-Samuel E Trosow 2021-02-25 From the informative information contained in The Political Economy of Legal Information: The New Landscape, you will discover how you, as a librarian or other information professional, can comprehend, cope with, and even improve your information landscape. You will find what makes the current legal information climate different and challenging, but will always be interesting and demand creativity. Perhaps best of all, the work of sharing lawyer will contribute importantly to the creation of a world in which innumerable people have now decided they want to live.

Max Weber on Law in Economy and Society. Edited with introduction and annotations by Max Rheinstein ... Translation [of selected passages] from ... Wirtschaft und Gesellschaft, second edition ... by Edward Shils ... and Max Rheinstein- 1954

Antitrust Law in the New Economy-Mark R. Patterson 2017 Competition and consumer protection -- The economics of information -- Information and market power -- Agreements on information -- Exclusion by information -- "Confusopoly" and information asymmetries -- Privacy as an information product -- Information and intellectual property -- Restraint of trade and freedom of speech

Political Economy of Law-Paddy McNutt 2010-01-01 In this insightful book, Patrick McNutt explores the meaning of Law within a political environment, and advances many new ideas and concepts first addressed in his earlier book Law, Economics and Antitrust The joint use of both economic and legal reasoning is well supported by the carefully selected examples and case studies, which clarify the issues under review. This, together with the application of simple game theory language to explain the complex legal and economic concepts and to assemble the arguments throughout each of the chapters, provides an innovative exposition of the
political economy of law. The book discusses a range of issues from legal, economic and ethical platforms, with a reference to intuitive argument, the debate between ethics and law, and case precedent. Topics explored include a discussion on the role of law and ethics, tort liability, property rights and neo-Walrasian antitrust. The author also covers lawlessness and criminal intent, internet markets and intellectual property rights, and competition, co-operation, and governance. This innovative work will be an invaluable resource to legal scholars, practitioners, judiciary and postgraduate students in law and in economics. Philosophy scholars, economists, legal and government policymakers interested in public policy initiatives will also find this a useful and informative book.

Law’s Order—David D. Friedrichs 2009 Publisher Fact Sheet Examines the relationship between economics & the law

Economic Foundations of Law and Organization-Donald Wittman 2006-06-26 This book serves as a compact introduction to the economic analysis of law and organization. At the same time it covers a broad spectrum of issues. It is aimed at undergraduate economics students who are interested in law and organization, law students who want to know the economic basis for the law, and students in business and public policy schools who want to understand the economic approach to law and organization. The book covers such diverse topics as bankruptcy rules, corporate law, sports rules, the organization of Congress, federalism, intellectual property, crime, accident law, and insurance. Unlike other texts on the economic analysis of law, this text is not organized by legal categories but by economic theory. The purpose of the book is to develop economic intuition and theory to a sufficient degree so that one can apply the ideas to a variety of areas in law and organization.

Law and the Political Economy of Hunger-Anna Chadwick 2019-01-31 This book is an inquiry into the role of law in the contemporary political economy of hunger. In the work of many international organizations, governments, and NGOs, law is represented as a solution to the persistence of hunger. This presentation is evident in the efforts to realize the human right to adequate food, as well as in the positioning of law, in the form of regulation, as a tool to protect society from ‘uncharted’ markets. In this monograph, Anna Chadwick draws on theoretical work from a range of disciplines to challenge accounts that portray law’s role in the context of hunger for law’s essential “fixity.” The book examines the capacity of the law to address hunger in the context of the current food crisis and the potential for law’s role in addressing the hunger crisis.

Part Two of the book presents new and important observations on Smith’s views on community, ethics, the court system, criminal law, and delictual or tort law liability. In this part of the book Smith’s work is also examined from the perspective of his use as persuasive authority in the works of modern inter-disciplinary scholars. In Part Two, Smith is explained as a major field of law and economics. The debate and its analysis create a unique and contemporary opportunity to study Smith as a foundational source in the midst of a current social and political dispute. The understanding of Adam Smith that emerges from this book is new and complex. It will challenge the one-dimensional portrayals of Smith as a promoter of self-interest and it will correct many of the misinterpretations of Smith that are currently fashionable in the worlds of law and economics and the philosophy of law.

Research Handbook on Political Economy and Law-Ugo Mattei 2015-11-27 Events such as the global financial crisis have helped reveal that the drivers and contours of governance on a national and international level remain a mystery in many respects. This is so despite the ever-increasing complexity and sophistication in the management and understanding of economic, legal and political spheres of global society. Set in this context, this timely Research Handbook is the first to explicitly address the constitutive relationship between law and political economy. With scholarly contributions from diverse disciplinary and geographic backgrounds, this authoritative book provides an expansive overview of the legal architecture of the global political economy. It covers, in three parts, topics surrounding money and markets, the relations of organization, and commodities, land and resources. Scholars and policymakers as well as undergraduate and postgraduate law students interested in the intersection of socio-political, economic, and legal dynamics of governance will find this book a thought-provoking and insightful resource.

Law and Macroeconomics-Yair Listokin 2019-03-11 After 2008, private-sector spending took a decade to recover. Yair Listokin thinks we can respond more quickly to the next meltdown by reviving and refashioning a policy approach, used in the New Deal, to harness law’s ability to function as a macroeconomic tool, stimulating or relieving demand as required under certain crisis conditions.

Economic Analysis of Law in China-Thomas Eger 2007-01-01 This book is an exemplary multi-disciplinary and multi-institutional study of contemporary Chinese law. A collective effort by a group of European and Chinese scholars, it skillfully tests the relationships between law and economics in the Chinese context. The China Journal This is an extremely valuable collection of essays on modern Chinese law viewed through the lens of the law and economics movement. China is developing very rapidly and law is now understood to provide the essential framework for economic development provided the law itself is economically rational. The essays in this volume are excellent examples of how economies can be used to clarify and guide the law applicable to the essential dimensions of the economy. I recommend it wholeheartedly and without reservations.

Richard A. Posner, United States Court of Appeals for the Seventh Circuit and University of Chicago Law School, US This book brings together important applications of law and economics to China and covers a wide range of issues, including such basic concerns as property rights, intellectual property, and taxation, as well as competition law and corporate and securities law. Because of its breadth of coverage, its focus on the particulars of Chinese law, and the expertise of its scholars both Western and Chinese it should serve as a valuable reference work for years to come. Steven Shavell, Harvard Law School, US This book is an important step toward a Chinese scholarship in law and economics, written by leading law and economics researchers from China and Europe. Hans-Bernd Schaefer, Universität Hamburg, Germany In China everything is different, you cannot apply ordinary economics and the legal framework is idiosyncratic. In the course of time, such statements turned out to be prejudices, and the Eger/ Fuere/ Zhang volume makes perfectly clear that, for instance, a law and economics approach can shed new light on the intricacies and complexities of Chinese institutional arrangements. Indeed, China creates new puzzles for economic and legal analysis. On the other hand, however, the Chinese need not invent the wheel anew and they do not try it. The book shows instances where a sophisticated law and economics approach can help to develop the legal framework which is appropriate for the transition from a planned into a market economy. The Chinese economic system is not (yet) a normal capitalist market economy, neither is the legal system adapted to a normal private property economy. Nevertheless the chapters of the book apply fruitfully law and economics theories and thus prove their general applicability. One of the outstanding achievements of the volume can be seen in the fact that it recruited more than half of its contributors with a Chinese background. They learn eagerly western approaches and they learn fast. And, of course, they have no problems with understanding Chinese culture and society. So the book combines most profitably the look from the outside and the look from within with a common theoretical framework. Hans-Jürgen Wagener, Europa Universität Viadrina, Germany This book comprises contributions on recent developments in China from a law and economics perspective. For the first time Chinese and European scholars jointly discuss some important attributes of China’s legal and economic
system, and some recent problems, from this particular viewpoint. The authors apply an economic analysis of law not only to general characteristics of China’s social order, such as the specific type of federal competition, the efficiency of taxation and regulation, and the importance of informal institutions (Guansui), but also to distinct areas of Chinese law such as competition policy, professional regulation, corporate governance and capital markets, oil pollution, intellectual property rights and internet games. The contributors discuss to what extent the law and economic models that have so far been employed within the context of Chinese law, Taiwan, Thailand, Turkey, and Venezuela. Praise for the first edition ‘...worthy of considerable praise...contains a vast collection of well-chosen material taking in a wide span of both antitrust and merger law issues. It is a truly global phenomenon. Modern antitrust law is also different because it now reflects an increasingly economic approach to analysing antitrust and competition policy. This innovative work is the only truly comparative and economically sophisticated textbook on the market. Addressed to students from all jurisdictions having competition laws, this casebook provides an in-depth analysis of the two major global antitrust regimes in the world, as well as a summary of selected national antitrust laws. As such it will also serve as a useful reference for practitioners, competition officials and policy-makers interested in competition law. After the Financial Crisis-Pablo Iglesias-Rodriguez 2016-10-14 This international collection studies how the financial crisis of 2007 and the ensuing economic and political crises in Europe and North America have triggered a process of change in the field of economics, law and politics. Contributors to this book argue that both elites and citizens have had to rethink the nature of the market, the role of the state as a market regulator and as a provider of welfare, the role of political parties in representing society’s main political and social cleavages, the role of civil society in voicing the concerns of citizens, and the role of the citizen as the ultimate source of power in democracy, and also as a fundamentally powerless subject in a global economy. The book studies the actors, the areas and the processes that have carried forward the change and proposes the notion of ‘incomplete paradigm shift’ to analyse this change. Its authors explore the multiple dimensions of paradigm shifts and their differentiated evolution, arguing that today we witness an incomplete paradigm shift of financial regulations, economic models and welfare systems, but a still illiberal of a new political and economic paradigm. The Cambridge Handbook of the Law of the Sharing Economy-John J. Infranca 2018-10-31 This Handbook grapples conceptually and practically with what the sharing economy - which includes entities ranging from large for-profit firms like Airbnb, Uber, Lyft, Taskrabbit, and Upwork to smaller, non-profit collaborative initiatives - means for law, and how law, in turn, is shaping critical aspects of the sharing economy. Featuring a diverse set of contributors from many academic disciplines and countries, the book compiles the most important, up-to-date research on the regulation of the sharing economy. The first part surveys the nature of the sharing economy, explores the central challenge of balancing innovation and regulatory concerns, and examines the institutions confronting these regulatory challenges, and the second part turns to a series of specific regulatory domains, including labor and employment law, consumer protection, tax, and civil rights. This groundbreaking work should be read by anyone interested in the dynamic relationship between law and the sharing economy. Legal Tech and the New Sharing Economy-Marcelo Corrales Compagnucci 2019-12-13 The exponential growth of disruptive technologies is changing our world. The development of cloud computing, big data, the internet of things, artificial intelligence, machine learning, deep learning, and other related autonomous systems, such as self-driving vehicles, have triggered the emergence of new products and services. These significant technological breakthroughs have opened the door to new economic models such as the sharing and platform-based economy. As a result, companies are becoming increasingly data- and algorithm-driven, coming to be more like "decentralized platforms". New transaction or payment methods such as Bitcoin and Ethereum, based on trust-building systems using Blockchain, smart contracts, and other distributed ledger technology, also constitute an essential part of this new economic model. The sharing economy and digital platforms also include the everyday exchange of goods allowing individuals to commodify their surplus resources. Information and innovation technologies are used in order to then match these resources with existing demand in the market. Online platforms such as Airbnb, Uber, and Amazon reduce information asymmetry, increase the value of unused resources, and create new opportunities for collaboration and innovation. Moreover, the sharing economy is playing a major role in the transition from exclusive ownership of personal assets toward access-based exploitation of resources. The success of online matching platforms depends not only on the reduction of search costs but also on the trustworthiness of platform operators. From a legal perspective, the uncertainties triggered by the emergence of a new digital reality are particularly urgent. How should these tendencies be reflected in legal systems in each jurisdiction? This book collects a series of contributions by leading experts in the emerging fields of sharing economy law on the social, economic, and political meaning of these cutting-edge technologies. The chapters presented in this edition attempt to answer some of these lingering questions from the perspective of diverse legal backgrounds. Max Weber on Law in Economy and Society. Edited with Introduction and Annotations by Max Rheinstein...Translation [of Selected Passages] from...Wirtschaft und Gesellschaft, Second Edition...by Edward Shils...and Max Rheinstein-Max Weber 1954 The Cambridge Handbook of the Law of the Sharing Economy-John J. Infranca 2018-10-31 This Handbook grapples conceptually and practically with what the sharing economy - which includes entities ranging from large for-profit firms like Airbnb, Uber, Lyft, Taskrabbit, and Upwork to smaller, non-profit collaborative initiatives - means for law, and how law, in turn, is shaping critical aspects of the sharing economy. Featuring a diverse set of contributors from many academic disciplines and countries, the book compiles the most important, up-to-date research on the regulation of the sharing economy. The first part surveys the nature of the sharing economy, explores the central challenge of balancing innovation and regulatory concerns, and examines the institutions confronting these regulatory challenges, and the second part turns to a series of specific regulatory domains, including labor and employment law, consumer protection, tax, and civil rights. 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The book studies the actors, the areas and the processes that have carried forward the change and proposes the notion of ‘incomplete paradigm shift’ to analyse this change. Its authors explore the multiple dimensions of paradigm shifts and their differentiated evolution, arguing that today we witness an incomplete paradigm shift of financial regulations, economic models and welfare systems, but a still illiberal of a new political and economic paradigm. Global Competition Law and Economics-Einer Elsahue 2011-08-03 This is the second edition of the acclaimed text on global antitrust law. With markets becoming increasingly global, mergers requiring approval in several different jurisdictions, cartels in one nation affecting supply in others, and countries increasingly entering into treaties with each other about the content or enforcement of competition laws, antitrust law is now a truly global phenomenon. Modern antitrust law is also different because it now reflects an increasingly economic approach to analysing antitrust and competition policy. This innovative work is the only truly comparative and economically sophisticated textbook on the market. Addressed to students from all jurisdictions having competition laws, this casebook provides an in-depth analysis of the two major global antitrust regimes in the world, as well as a summary of selected national antitrust laws. As such it will also serve as a useful reference for practitioners, competition officials and policy-makers interested in competition law. In the four years since the first edition, the increased globalization of antitrust law has continued apace. China, the world’s third largest economy after the EU and US, has adopted an antitrust law and other nations have modified and modernized their antitrust regimes. The EU has adopted a new EU Treaty, new EU guidelines on abuse of dominance, new EU guidelines on non-horizontal mergers, and new EU regulations and guidelines on vertical agreements. In the US there have been important new Supreme Court cases (the 2009 Linkline and 2010 American Needle decisions) and the appearance of a new economic approach in the revised 2010 U.S. Merger Guidelines. This new edition expands and updates the pioneering approach of the first edition, addressing new developments not only in the US and EU, but also in Australia, Brazil, Canada, Israel, Japan, South Africa, and South Korea, with expanded coverage of China’s new antitrust law, and the antitrust laws of Argentina, Chile, Colombia, Egypt, India, Indonesia, New Zealand, Peru, Russia, Saudi Arabia, Singapore, Taiwan, Thailand, Turkey, and Venezuela. Praise for the first edition ‘...worthy of considerable praise...contains a vast collection of well-chosen material taking in a wide span of both antitrust and merger law issues. It is well written and clear throughout, particularly on the economic concepts, and provides incisive commentary and questions which inspire further study.’ Peter Whelan, Cambridge Law Journal ‘Enlightened law on_law_in_economy_and_society
regard to liability issues. Moreover, it delves into a sector-specific examination of the relevant EU rules, especially on data protection, competition, consumer protection and labour law, and comments on the uncertainties and lacunae produced therein. It concludes with the acute question of whether fresh EU regulation would be necessary to avoid fragmentation or, on the contrary, if such regulation would create unnecessary burdens and stifle innovation. Taking a broad perspective and pragmatic view, the book provides a comprehensive overview of the collaborative economy in the context of the EU legal landscape. The Economic Structure of Intellectual Property Law-William M. LANDES 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 economy 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. Table of Contents: Introduction 1. The Economic Theory of Property 2. How to Think about Copyright 3. A Formal Model of Copyright 4. Basic Copyright Doctrines 5. Copyright in Unpublished Works 6. Fair Use, Parody, and Burlesque 7. The Economics of Trademark Law 8. The Optimal Duration of Copyrights and Trademarks 9. The Legal Protection of Modern Art 10. Moral Rights and the Visual Artists Rights Act 11. The Economics of Patent Law 12. The Patent Court: A Statistical Evaluation 13. The Economics of Trade Secrecy Law 14. Antitrust and Intellectual Property 15. The Political Economy of Intellectual Property Law Conclusion Acknowledgments Index 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 mythical 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. Levai, 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 intellectual property landscape, this book is essential reading for anyone interested in the economic realities of intellectual property. – Steven Shavell, Harvard Law School, author of Foundations of Economic Analysis of Law.
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