



New Frontiers in Law and Economics

Ringvorlesung im Sommertrimester 2021 - Prof. Dr. Hans-Bernd Schäfer

immer um 17.30 Uhr über Zoom

Datum	Referent / Referentin	Thema
Di. 27.04.	Prof. Rok Spruk , Professor of Economics, University of Ljubljana	Does Electronic Public Procurement Improve the Institutional Quality and the Rule of Law? Evidence from Catalonia Some scholars argue that e-procurement reduces wilful discretion and leads to better procurement outcomes. Others argue the opposite, saying that the digitisation of public procurement can have opposite effects. In a recent article with my co-authors, we try to disentangle these effects empirically.
Di. 04.05.	Prof. Eyal Zamir , Professor of Law, Hebrew University of Jerusalem	Mathematics, Psychology, and Law: The Legal Ramifications of the Exponential Growth Bias Psychologists have long demonstrated that people strongly and systematically underestimate exponential growth. This phenomenon—which has largely escaped the attention of behavioral economists and jurists—may adversely affect decision-making by both the law’s addressees and lawmakers. Key examples include borrower’s insufficient regard to compound interest; savers’ underestimation of the impact of the fees they pay on the accumulation of wealth for retirement; pyramid schemes; and failed governmental handling of pandemics and global warming.
Di. 11.05.	Prof. Alain Marciano , Professor of Economics, University of Montpellier	Self governance, non Reciprocal Altruism and Social Dilemmas The lecture is on the consequences of non-reciprocal or unilateral altruism, that is, of altruism between individuals who have different levels of concern for others. By contrast to what the literature usually shows – that unilateral altruists lead egoists to cooperate and that non-reciprocal altruism destroys altruism or that it generates non-desirable exploitation – we show that unilateral altruism does neither lead egoists to cooperate nor does it destroy altruism. It is shown that unilateral altruism causes a Samaritan’s Dilemma, in which the Samaritan can, under certain conditions, be exploited.
Di. 18.05.	Prof. Alon Harel , Professor of Law, Hebrew University of Jerusalem	Democratic Judicial Interventionism Judicial interventionism denotes the disposition of judges to make decisions that are not dictated by clear determinate rules. Judicial intervention can be unauthorized when judges decide cases in a way inconsistent with the literal meaning of the applicable legislative rule or contrary to the established legislative intention. It can, however, also be authorized when the legislature passes open-ended legal provisions (standards), which leave judges with significant discretion as to how to specify them while deciding on a concrete case.
Di. 25.05.	Prof. Katarzyna Metelska-Szaniawska , Professor of Economics, Warsaw School of Economics	An Economic Perspective on Compliance with Constitutions – What Do We Know? While most research in constitutional economics has concentrated on economic effects of constitutional rules and explaining constitutional change, this lecture presents an economic perspective on factors determining whether a constitution is complied with. The first part sketches an overview of the theoretical background for an economic approach to constitutional compliance. The second focuses on recent empirical research aimed at identifying factors affecting constitutional compliance. A novel dataset is introduced and tentative results are discussed relating, inter alia, to the role of country leader characteristics, cultural factors and political polarization.
Di. 01.06.	Prof. Yun-Chien Chang , Research Professor of Law at Institutum Iurisprudentiae, Academia Sinica, Taipei, Taiwan	Comparative Property Law and Economics Boundary encroachment is a common property problem around the world. In the common-law country, boundary encroachment is dealt with by the adverse possession doctrine. In some other countries, boundary encroachment is handled by the accessio doctrine. In 50 countries, including Germany, there is a separate boundary encroachment doctrine. This talk gives an overview of the boundary encroachment doctrine around the world and uses economic analysis to assess the cost and benefit of the design of the boundary encroachment doctrine.
Di. 08.06.	Prof. Anne van Aaken , Professorin für Internationales Recht und ökonomische Analyse des Rechts, Universität Hamburg	Rewarding in International Law Why states comply with international law has long been at the forefront of international law and international relations scholarship. The compliance discussion has largely focused on negative incentives. We argue that there is another, undertheorized mechanism: rewarding. We provide a typology and illustrations of how rewards can be applied. Furthermore, we explore the rationale, potential, and limitations of rewarding, drawing on rationalist and psychological approaches. Both approaches provide ample justifications for making greater use of rewarding in international law.
Di. 15.06.	Prof. Ilya Somin , Professor of Law, George Mason University, Arlington	Immigration and Feet Voting: Ballot box voting is often considered the essence of political freedom. But it has two major shortcomings: individual voters have little chance of making a difference, and they also face strong incentives to remain ignorant about the issues at stake. "Voting with your feet," however, avoids both of these pitfalls and offers a wider range of choices. In Free to Move, Ilya Somin explains how broadening opportunities for foot voting can greatly enhance political liberty for millions of people around the world.
Di. 22.06.	Prof. Emanuela Carbonara , Professor of Law and Economics, University of Bologna	Constitutional Protection of Economic Rights, Entrepreneurship and Labor Productivity Constitutions delineate the pillars of the legal systems that govern organizations and entities. They can be assumed to represent the institutional framework that governs and addresses the main features of social and economic life in a country. We analyze the impact of the protection of property rights (both physical and intellectual) and of economic freedom on a country’s endowment of entrepreneurship capital and on the productivity of labor. We find a strong correlation between constitutional protection and both the rate of creation of new businesses and the productivity of labor. The direction of causality goes from constitutional protection to enhanced entrepreneurial capital and labor productivity. Moreover, the interaction between constitutional norms and lower legislation is negative, suggesting that the two are substitutes.
Di. 29.06.	Prof. Franziska Weber , Professorin für Zivilrecht an der Universität Rotterdam	Lost profit? Lost Incentives to Sue! – ‘Law & Economics’ Challenges Regarding Cartel Damage Claims With the Antitrust Damages Directive 2014/104/EU the European legislator seeks to ensure the goal of full compensation for any victim of a competition law infringement. The Directive’s implementation leads to a number of incentive incompatibilities that effectively undermine the incentives to sue for cartel damage. This is true in general, but in particular when it comes to the volume effect, a form of lost profit that as economics tells us regularly occurs once cartel purchasers pass-on the cartel overcharge.