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Autore	Mathis Klaus
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Nota di contenuto	Intro -- Preface -- Contents -- Contributors -- Part I Markets, Market Failure and Distributive Justice -- 1 The Malleability of Inequality Trade-Offs -- 1.1 Introduction -- 1.2 Equality and Competing Considerations in Distributive Decision-Making -- 1.3 Equality and Social Comparison -- 1.4 Situational Factors and Inequality Concerns -- 1.5 Conclusion -- Bibliography -- 2 Overcoming the Antagonism Between Efficiency and Distributive Justice -- 2.1 Introduction and Notions -- 2.2 Relations Between Efficiency and Distributive Justice -- 2.3 Distributive Justice and Its Potential Failures -- 2.3.1 Role of Law -- 2.3.2 Function of Legitimacy -- 2.3.3 Justice Failures -- 2.4 Remedies for Distributive Justice Failures -- 2.4.1 Right Measures for Efficiency Evaluation -- 2.4.2 Standardisation of Principles Through International Guidelines -- 2.4.3 Regulatory

Innovations -- 2.5 Outlook -- Bibliography -- 3 Just Prices, Market (In) Efficiency and Wealth (In) Equality -- 3.1 Introduction -- 3.2 The Efficiency Conception of the Just Price -- 3.3 The Feasibility of a Just Price System -- 3.3.1 The Epistemic Objection -- 3.3.2 The Incentives Objection -- Bibliography -- 4 The Institutional Turn in Corporate Governance Towards Addressing Corporate Externalities and Public Goods -- 4.1 Introduction -- 4.2 Concerns About Externalities and Mispricing Explain Certain Corporate Social Responsibility and ESG Activities -- 4.3 Institutional Challenges Raised by Externality and Public Good Considerations -- 4.4 Evidence of the Turn to Institutionalising Externality and Public Goods and Its Implications -- 4.5 Implications of the Externality Perspective for Corporate Governance -- Bibliography -- 5 Justice Without Markets? -- 5.1 Introduction -- 5.2 Justice, Markets and Aggregation Versus Individuation -- 5.3 Justice After the "Marketplace of Ideas" Closes. 5.4 Justice, and Politics as Markets? -- 5.4.1 Political Gerrymandering of Benefits with Postal Codes? -- 5.4.2 Public Benefit Targeting and the Risk of Algorithmic Competition -- 5.5 Conclusion -- References -- Part II Efficiency -- 6 Beyond Justice Versus Efficiency: Reconciling Law and Economics Approaches to Fairness -- 6.1 Introduction-Neoclassical Economics and Positivist Law Against Kantian Ethics -- 6.1.1 Legal-Philosophical approaches to Justice and Fairness -- 6.1.2 Economic Approaches to Justice and Fairness -- 6.1.3 Kantian Legal Philosophy and Fairness in Law and Economics -- 6.2 Posner and Wealth Maximisation as an Argument Against Kantian Ethics -- 6.3 Fairness Versus Welfare Argument Against Kantian Ethics -- 6.4 The Kantian Requiem-Against Wealth Maximisation and Efficiency in Law and Economics -- 6.5 Conclusions -- Bibliography -- 7 The Relevance of Law and Economics for Practical Reasoning -- 7.1 Introduction -- 7.2 What is Practical Reasoning? -- 7.2.1 Practical Reasoning and Scientific Reasoning -- 7.2.2 Practical Reasoning as a Dialogical Process -- 7.3 Why Law and Economics Could be Relevant for Practical Reasoning? -- 7.3.1 The Dialectical/Dialogical Relevance of Law and Economics -- 7.3.2 The Ethical Relevance of Law and Economics -- 7.4 Conclusion: From Law and Economics to Practical Decision Making -- Bibliography -- 8 Efficiency and International Human Rights Law: Some Preliminary Thoughts -- 8.1 Introduction -- 8.2 Why International Human Rights Law? -- 8.3 Economic Theory and Human Rights Law -- 8.4 Preferences and Constraints -- 8.5 Looking Backwards or Forwards -- 8.6 Efficiency -- 8.7 Reconciliation - Business and Human Rights -- 8.8 Dialogue and Negotiations -- 8.9 Prevention-Human Rights Due Diligence -- 8.10 Flexibility -- 8.11 Conclusions -- Bibliography -- 9 Efficiency as a Regulatory Goal in Healthcare Law. 9.1 Introduction -- 9.2 The Potential Conflict Between Efficiency and Fair Access to Healthcare -- 9.2.1 The Principle of Efficiency in the Swiss Health Insurance Act -- 9.2.2 Fair Access to Healthcare -- 9.2.3 Efficiency vs. Distributive Justice -- 9.3 Balancing Efficiency and Access to Healthcare -- 9.3.1 Adequate and Affordable Healthcare for Everyone as a Primary Goal -- 9.3.2 A Relative and Individual-Oriented Understanding of Efficiency -- 9.3.3 Uniform Application of Efficiency to Ensure Distributive Justice -- 9.3.4 Efficiency as a Means of Improving Access to Healthcare -- 9.4 Conclusion -- Bibliography -- 10 Accessibility Versus Efficiency in the Judiciary: Evidence from the Polish Court Reforms -- 10.1 Introduction -- 10.2 Relevant Literature -- 10.3 Polish Civil Judiciary and the 2015 Reform -- 10.4 Dataset and Empirical Strategy -- 10.4.1 Dataset -- 10.4.2 Methodology -- 10.5 Estimation Results -- 10.5.1 Data Envelopment

Analysis and Efficiency Scores -- 10.5.2 Tobit Regressions -- 10.6 Conclusions -- References -- Part III Reciprocity -- 11 "Shared Joy is Double Joy" -- 11.1 Introduction -- 11.2 Theoretical Background to Sharing as a Value Multiplication Process -- 11.2.1 A Focused Review of the Literature -- 11.2.2 Formulae for Sharing as Value Multiplication-The Saint Martin Equations -- 11.3 Testing and Questioning Parallel Patterns on Country Levels -- 11.3.1 Gini and Generosity -- 11.3.2 Gini and GDP Per Capita -- 11.3.3 Gini and the HDI -- 11.3.4 An Interpretation of the Patterns Through the Reciprocal Lens -- 11.4 Behavioural Foundations of Sharing as Value Multiplication -- 11.5 Conclusion -- References -- 12 The Consumer Welfare Standard, Consumer Sovereignty, and Reciprocity -- 12.1 Overview of the Analysis -- 12.2 The Consumer Welfare Hypothesis in a Nutshell -- 12.2.1 The Argument in a Nutshell. 12.2.2 Reasons to Take the Consumer Welfare Hypothesis Seriously -- 12.3 Reciprocity as an Evolutionary Mechanism Supported by Norms -- 12.3.1 Reciprocity: Direct or Indirect, Generalised or Not, Positive or Negative -- 12.3.2 Reciprocity: A Formidable Cooperation Mechanism -- 12.3.3 Norms: A Formidable Complement to Spontaneous Reciprocity -- 12.4 Consumer Sovereignty as a Norm of Indirect and Generalised Reciprocity -- 12.5 Conclusions -- Bibliography -- Part IV Meritocracy -- 13 Hierarchy, Efficiency, and Merit -- 13.1 Introduction -- 13.2 The Background: Hierarchies, Skepticism about Merit, and Efficiency to the Rescue -- 13.2.1 The Problem of Hierarchies in Liberal Societies -- 13.2.2 Skepticism about Merit -- 13.2.3 Efficiency to the Rescue -- 13.3 Merit within Hierarchies -- 13.3.1 Why Are You on Top and not Me? -- 13.3.2 What do we Owe Each Other in a Hierarchy? -- 13.4 A Two-Level Account -- 13.4.1 Against the Fundamentally Merit-Based Justification -- 13.4.2 Two Levels -- Bibliography -- 14 The Ethics of Meritocratic Competition -- 14.1 Introduction -- 14.2 The Preference-Shaping Power of the Social Environment -- 14.3 Education: A Case Study in Meritocratic Socialisation -- 14.4 A Deliberative Examination of Meritocracy -- 14.4.1 Public Deliberation -- 14.4.2 An Endorsement of Pluralism -- 14.5 Conclusion -- Bibliography -- 15 Equal Opportunity in an Unequal Society -- 15.1 Introduction -- 15.2 Opportunity and Mobility -- 15.3 Fairness and Justifiability -- 15.4 Equality ex ante -- 15.5 Desert -- 15.6 Conclusion -- References -- 16 Redefining a Normative Framework for Meritocracy in the Era of Generative AI: An Inter-Disciplinary Perspective -- 16.1 Introduction -- 16.2 Meritocracy and its Contribution to Innovation -- 16.2.1 Meritocracy and the Hyper-Competition Loop. 16.3 Meritocratic Order in the Silicon Valley, Singapore, the Swiss Life Sciences Sector -- 16.4 How Generative AI may Further Add to the Societal Discontent with Meritocracy? -- 16.5 Conclusion and Policy Recommendations -- Bibliography -- Index.

Sommario/riassunto

While previous volumes have examined specific issues and developments such as the coronavirus crisis or digital transformation from a law and economics perspective, the anniversary edition returns to the methodological and philosophical fundament of the discipline of law and economics. The present book aims to examine these foundations in general and, in particular, efficiency, reciprocity and meritocracy, and their relation to law and justice from an interdisciplinary perspective. Efficiency: Traditionally, the economic analysis of law has been guided by the goal of efficiency. Economists usually define efficiency as Pareto or Kaldor–Hicks efficiency. Any change that makes one member of society better off without anyone else being worse off is a Pareto improvement. A change is a Kaldor–

Hicks improvement if the gainers value their gains more than the losers value their losses, with only hypothetical compensation required.

Reciprocity: Economists have traditionally based their models on the self-interest hypothesis of homo oeconomicus. In this model, an individual maximises his own utility without being altruistic or jealous. Behavioural economics challenges the self-interest hypothesis. In fact, many people deviate from purely self-interested behaviour. There are also signs that considerations of fairness and mutual benefit are important in bilateral negotiations and in the functioning of markets.

Meritocracy: The concept of meritocracy refers to a system, organisation, or society in which people are selected and promoted to positions of success, power, and influence on the basis of their abilities and merits. This means that an individual is able to climb the social ladder through hard work. Moreover, meritocracy directs the most talented people into the most functionally important positions, thereby increasing a society's efficiency. However, the equalising function of meritocracy has been criticised. Rather than reducing inequality, meritocracy is seen as the cause of racial, economic and social inequality.
