

**UNIVERSITY OF
LUCERNE**

FACULTY OF LAW

**INTERNATIONAL NETWORK FOR LAW
AND ECONOMICS – LUCERNAFORUM**

**10TH LAW AND ECONOMICS
CONFERENCE IN LUCERNE**

LAW AND ECONOMICS OF JUSTICE: EFFICIENCY, RECIPROCITY, MERITOCRACY

**17-18 MARCH 2023
UNIVERSITY OF LUCERNE
FROHBURGSTRASSE 3**



PARTNER



THE LAW SCHOOL



Law and Economics of Justice: Efficiency, Reciprocity, Meritocracy

The anniversary conference is dedicated to the fundamental topic “Law and Economics of Justice: Efficiency, Reciprocity, Meritocracy”.

Efficiency: Traditionally, the economic analysis of law was guided by the goal of efficiency. However, efficiency as a normative goal is heavily contested. Many authors see an antagonism between efficiency and distributive justice. Other authors view efficiency rather as an instrument to achieve social goals. In any case, the economic analysis of law has to differ between the positive analysis and the evaluation of the results by normative criteria.

Reciprocity: Economists have traditionally based their models on the self-interest hypothesis of the homo oeconomicus. Behavioural economics calls into question the theorem of self-interest. Many people do, in fact, stray away from exclusively self-interested behaviour. There are also signs that the consideration of fairness and mutual benefits are important to bilateral negotiations and the functioning of markets.

Meritocracy: The concept of meritocracy refers to a system, organization or society in which people are chosen and moved into positions of success, power and influence on the basis of their abilities and merits. Therefore, meritocracy directs the most talented people into the most functionally important positions and thereby enhances a society's efficiency. However, critics see meritocracy as the cause of racial, economic, and social inequality.

Programme

FRIDAY, 17 MARCH 2023

09.00 – 09.15	Registration	
09.15 – 09.30	Prof. Dr. Klaus Mathis, University of Lucerne <i>Welcome and Opening Address</i>	
PANEL 1	CHAIR: PROF. SADIE BLANCHARD	ROOM 4.B55
09.30 – 10.30	Prof. Dr. Christoph Engel, Max Planck Institute Bonn <i>Law and Economics of Justice: An Embarrassment of Riches?</i>	
10.30 – 11.30	Prof. Dr. Avishalom Tor, University of Notre Dame Law School <i>The Malleability of Inequality Tradeoffs</i>	
11.30 – 12.00	Coffee Break	
12.00 – 13.00	Prof. Dr. Hans-Bernd Schäfer, Bucerius Law School <i>Should Security Against Crimes be Based on Efficiency or on Equal Fundamental Rights of Victims?</i>	
13.00 – 14.00	Lunch	

PANEL 2A	CHAIR: PROF. DR. RÉGIS LANNEAU	ROOM 4.B55
14.00 – 14.25	Dr. Ido Baum, Haim Striks Faculty of Law, Colman Dr. Jarosław Bełdowski, Warsaw School of Economics <i>Efficiency v. Accessibility: Economies of Scale in the Judiciary</i>	
14.25 – 14.50	Dr. Behrang Kianzad, University of Copenhagen <i>Beyond Justice versus Efficiency Reconciling Law and Economics Approaches to Fairness</i>	
14.50 – 15.15	Dr. Dario Picecchi, University of Lucerne <i>How the Swiss Health Insurance Act Strikes a Balance Between Efficiency and Justice</i>	
15.15 – 15.40	Dr. Miklos Könczöl, Pázmány Péter Catholic University Budapest <i>Law and Economics of Equity – (Fairness)-Based Arguments in Tort Law</i>	
15.40 – 16.10	Coffee Break	
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PANEL 3A	CHAIR: DR. BEHRANG KIANZAD	ROOM 4.B55
16.10 – 16.35	Prof. em. Dr. Rolf H. Weber, University of Zurich <i>Overcoming the Antagonism Between Efficiency and Distributive Justice</i>	
16.35 – 17.00	Prof. Dr. Régis Lanneau, University Paris Nanterre <i>The Relevance of Law and Economics for Practical Reasoning</i>	
17.00 – 17.25	Prof. Dr. Ben Johnson, Pennsylvania State University Law School <i>Don't Hate the Player; Hate the Game: Omnicare at 20</i>	
18.30	Lake Cruise with Dinner	

PANEL 2B	CHAIR: ASST.-PROF. DR. KALPANA TYAGI	ROOM 4.A05
14.00 – 14.25	Asst.-Prof. Dr. Fabrizio Esposito, NOVA University Lisbon <i>Consumer Welfare and Reciprocity</i>	
14.25 – 14.50	Prof. Dr. Piotr Tereszkievicz, Jagiellonian University Cracow <i>Law and Economics of Contractual Relations: Efficiency and Reciprocity in the Relational Theory of Contract</i>	
14.50 – 15.15	Zsófia Hajnal, Corvinus University of Budapest <i>Shared Joy is Double Joy</i>	
15.15 – 15.40	Prof. Dr. Salil K. Mehra, Temple University Philadelphia <i>Justice Without Markets</i>	
15.40 – 16.10	Coffee Break	
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PANEL 3B	CHAIR: PROF. DR. SALIL K. MEHRA	ROOM 4.A05
16.10 – 16.35	Dr. des. Marius Baumann, Ludwig Maximilian University of Munich <i>Hierarchy, Efficiency, and Merit</i>	
16.35 – 17.00	Dr. Eran Fish, Max Planck Institute Freiburg im Breisgau <i>Equal Opportunity in an Unequal Society</i>	
17.00 – 17.25	Asst.-Prof. Dr. Kalpana Tyagi, Maastricht University <i>Redefining a Normative Framework for Meritocracy in the Era of Industry 4.0: An Inter-Disciplinary Perspective</i>	
18.30	Lake Cruise with Dinner	

SATURDAY, 18 MARCH 2023

09.00 – 09.15 Prof. Dr. Klaus Mathis, University of Lucerne
Welcome Address

**PUBLIC
PANEL**

CHAIR: PROF. DR. KARL HOFSTETTER

ROOM 1

09.15 – 09.50 Prof. Dr. James Hankins, Harvard University
Meritocracy and Law in the Western Tradition

09.50 – 10.25 Prof. Dr. David Miller, Oxford University
Meritocracy Defended

10.25 – 11.00 Dr. Melanie Häner, Institute for Swiss Economic Policy (IWP) at the
University of Lucerne
(Un-)Equality of Opportunity in Switzerland? Let's Ask the Data!

11.00 – 11.30 **Coffee Break**

11.30 – 12.25 Panel Discussion with the three speakers and the audience

12.25 – 12.30 Prof. Dr. Klaus Mathis, University of Lucerne
Concluding Remarks

12.30 – 13.30 **Apéro Riche**

**NOTRE DAME CHAIR: PROF. DR. AVISHALOM TOR
PANEL**

ROOM 4.B55

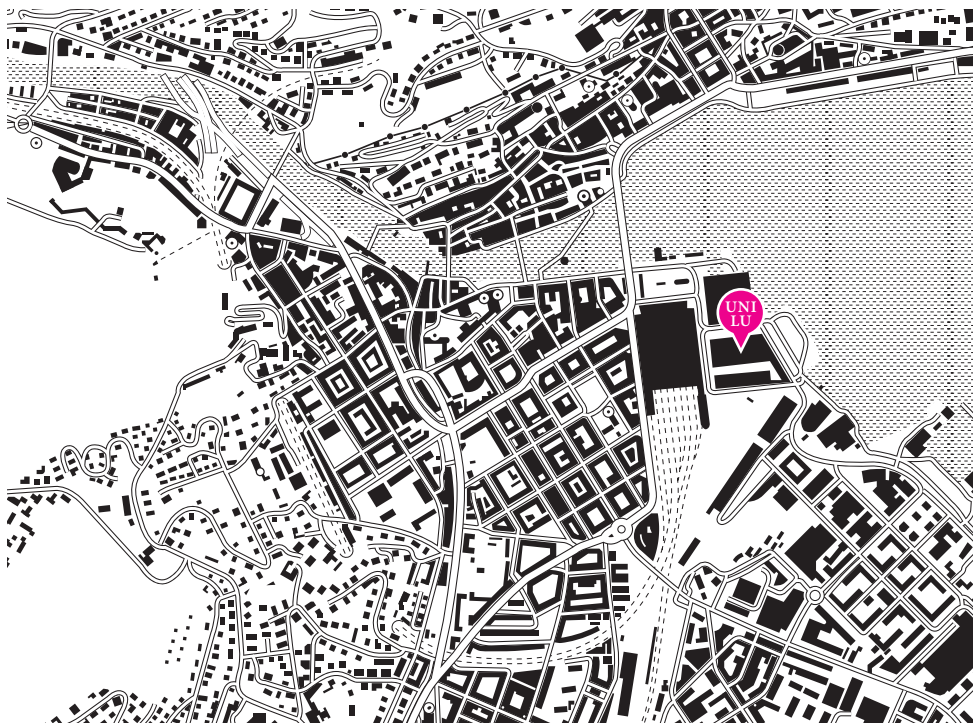
13.30 – 14.00 Prof. Sadie Blanchard, University of Notre Dame Law School
Contracting Under Threat of Incarceration

14.00 – 14.30 Prof. Patrick M. Corrigan, University of Notre Dame
Public Benefit Corporations and The Stockholder Sellout Problem

14.30 – 15.00 Prof. Michael K. Addo, University of Notre Dame Law School
*Economic Efficiency and Human Rights: Is Business and Human Rights a
Reconciliation Model?*

15.00 – 15.05 Prof. Dr. Avishalom Tor, University of Notre Dame Law School
Concluding Remarks

15.05 – 15.30 **Coffee Break**



REGISTRATION

Participation is free (coffee breaks and apéro riche included). Please register no later than 15 March 2023



or via email to elias.aliverti@unilu.ch

VENUE

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