



Lucerne, 4 August 2022

Call for Papers

10th Law and Economics Conference, University of Lucerne, 17-18 March 2023

Law and Economics of Justice: Efficiency, Reciprocity, Meritocracy

We are delighted to announce the 10th Law and Economics Conference in Lucerne. The first Law and Economics Conference in Lucerne took place in 2012. Since the 3rd conference, it has been run in collaboration with the University of Notre Dame Law School. The proceedings of the conferences are published in the Academic Springer Series "Economics Analysis of Law in European Legal Scholarship". In addition, University of Lucerne students are invited to participate in the conference and to write a comment on a specific contribution.

The research in Law and Economics at the chair of Prof. Dr. Klaus Mathis started with his dissertation "Efficiency Instead of Justice? Searching for the Philosophical Foundations of the Economic Analysis of Law". Every year, the conference focuses on a specific topic, e.g. Behavioural Law and Economics, Environmental Law and Economics, Competition Law and Economics or Consumer Law and Economics. The anniversary conference in 2023 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*. Economists usually define efficiency as *Pareto efficiency* or *Kaldor-Hicks efficiency*. Any change that puts one member of society in a better position without making somebody else worse off is a Pareto improvement. A change is a Kaldor-Hicks improvement if the gainers value their gains more than the losers their losses, whereby only hypothetical compensation is required. Efficiency as a normative goal is heavily contested. In particular, many authors see an antagonism between efficiency and distributive justice, which they qualify as the greatest socioeconomic goal conflict. Other authors view efficiency not as a goal itself but rather as an instrument to achieve social goals. In any case, the economic analysis of law has to differ between two steps: 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. In this model, an individual maximizes his own utility without showing altruistic or jealous behaviour. *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. For example, in the *ultimatum game*, two players have to agree on the division of a fixed sum of money, with one player proposing the division and the other accepting or rejecting the division and with that the money for both players. Empirical evidence shows that offers with only a small share of the available sum are considered unfair and therefore rejected.

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. This means that through hard work, an individual is able to climb the social ladder. Moreover, meritocracy directs the most talented people into the most functionally important positions and thereby enhances a society's efficiency. However, the equalizing function of meritocracy has been criticized. Rather than reducing inequality, meritocracy is seen as the cause of racial, economic, and social inequality.

This conference aims to examine the methodological and philosophical foundations of law and economics in general and in particular efficiency, reciprocity, and meritocracy and their relation to law and justice from an interdisciplinary perspective.

Schedule

30 September 2022	Submission of the proposals
15 October 2022	Selection of the proposals
28 February 2023	Submission of the draft papers
17-18 March 2023	Conference
31 March 2023	Submission of the final papers
Fall 2023	Publication of the volume

Submission of Proposals

If you would like to submit a paper for this conference, you are kindly requested to send a brief description of your topic (1-2 pages) and a short CV no later than 30 September 2022 to Prof. Dr. iur. Klaus Mathis (klaus.mathis@unilu.ch).

Speakers' Expenses

The speakers' expenses for accommodation will be covered by the organizers. You are kindly requested to apply to your home institution for your travel expenses.

Organization

The conference is organized by **Prof. Dr. Klaus Mathis**, University of Lucerne, in collaboration with **Prof. Dr. Avishalom Tor**, Notre Dame Law School.