

**Seminar: An Introduction to Law and Economics**  
Dr. Philip Hanke, Institute of Public Law, University of Bern  
Spring Term 2016

**Description**

The seminar gives an introduction to the methods used in the economic analysis of law and its fields of application. This school of thought analyzes human behavior in the presence of legal rules (but also other rules such as social norms and traditions) and discusses the efficiency of these rules. What are the preconditions for effective rules? When do laws and markets fail to provide an optimal outcome? What are the possible shortcomings and limitations of an economic analysis of law, and how can it coexist with other approaches to law and policy?

Interdisciplinary legal and economic research aims at improving the understanding of the reasons and effects of regulatory intervention, governance choices by private parties and enforcement problems. Typical questions of law and economics are, for instance: How should victims of accidents be compensated? Which contracts should be enforced? What is the optimal duration of a patent? To what extent should crime be deterred? When should firm mergers be prohibited? How should lawyers be remunerated? Should there be national company laws or one law for the entire EU?

The following fields will be covered (depending on the number and interests of participants): foundations of economic analysis of law, topics in contract law, tort law, company law, regulatory competition and federalism, public law, and European law. Other subjects can be addressed in the seminar papers.

**Learning outcomes**

Students will learn to critically assess the efficiency of legal rules and to apply the methods of law and economics to specific topics and legal cases. They will also be able to weigh the pros and cons of this approach. Law students will further their awareness of the economic effects created by current legal rules and the expected outcome under a different legal regime. Participating students of economics will develop a better understanding of the legal and institutional environment in which economic activities are conducted. Participants will also improve their skills required for academic work.

**Target audience**

Advanced students of law or economics (BA, MA, Major and Minor, LLM, Erasmus, etc.).

**Dates**

Thursday, 25.2.2016, 10:00-13:00: Introduction to law and economics

Until Monday, 14.3.2016: Participants send the topic of their presentation (by email).

Thursday, 21.4.2016: Student presentations I (whole day)

Friday, 22.4.2016: Student presentations II (whole day)

Attendance is mandatory for all three meetings. Location: Room D131, UniS

**Assessment**

Participants are asked to give a presentation (and circulate a handout of at most two pages beforehand), to actively participate in the discussions, and to write a seminar paper on a topic of their choice. The course language is English.

To register (or for any inquiries), please send an email to [philip.hanke@oefre.unibe.ch](mailto:philip.hanke@oefre.unibe.ch) before January 17, 2016. Participation is limited to 20 students.