SUMMARY OF THE DIPLOMA THESIS

The Economic Analysis of Law in Case-Law

Pavlína Hubková

According Richard Posner, “economics is a powerful tool for analyzing a vast range of legal questions but most lawyers have difficulty connecting economic principles to concrete legal problems.”

This diploma thesis focuses on the clash between law and economics and on those difficulties lawyers may have when applying economic analysis of law. It tries to identify borders between two fields of study and problems or obstacles which are faced by judges. In concrete, the thesis deals with the economic analysis of law in the domain of competition law.

The thesis is divided into a theoretical part and an empirical part. The theoretical part includes four chapters. The first chapter characterizes the economic analysis of law in general, it provides with a short history of this approach to law, opinions of its proponents as well as critics and a summary of utility of economics in law. The second chapter then refers specifically to the role of economic analysis in judicial decision-making. Competition law as an “explicitly economic field” is presented in the third chapter. The core of the thesis is to be found in the next chapter which focuses on the problems and obstacles which judges have to face and potentially overcome when dealing with competition law cases.

The empirical part explores concrete competition law decisions and tries to find out where, when and how judges use the economic analysis in competition judgments. It deals primarily with decisions of the European Union courts, and then for comparison, it analyzes also several judgments from the USA, in order to see possible differences between the EU and the USA in the application of economic knowledge in judicial decision making.