

Comments on the Paper :

The Scope of Punishment: An Economic Theory

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A paper

- Clear question :
« We propose an economic theory of the choice between harm-based and act-based sanctions in public enforcement ”
- A list of interesting results

Results of the paper : *choice between harm-based and act-based sanctions in public enforcement / criteria*

Criteria	Harm Based ex post	Act based ex ante
Judgment-Proof	---	+++
Avoidance activities	+++	---
Information acquisition investment	+++	---
Deterrence	+++	---
Punishment is costly	---	+++
Level of fines	Defined by agent / gvt expectations / optimal	Definition by gvt expectations
Stable Framework	+++	---

SOME REMARKS & QUESTIONS

Remarks and questions

Remarks

- Need to better explain what is brand new in the paper / literature

Questions

Remark 1 :

Need to better explain what is brand new in the paper / literature

=> ***what is new or different in the paper according to « standard beliefs » in the field?***

Criteria	Harm Based	Act based
Judgment-Proof	---	+++
Avoidance activities	+++	---
Information acquisition investment	+++	---
Deterrence	+++	---
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Remarks and questions

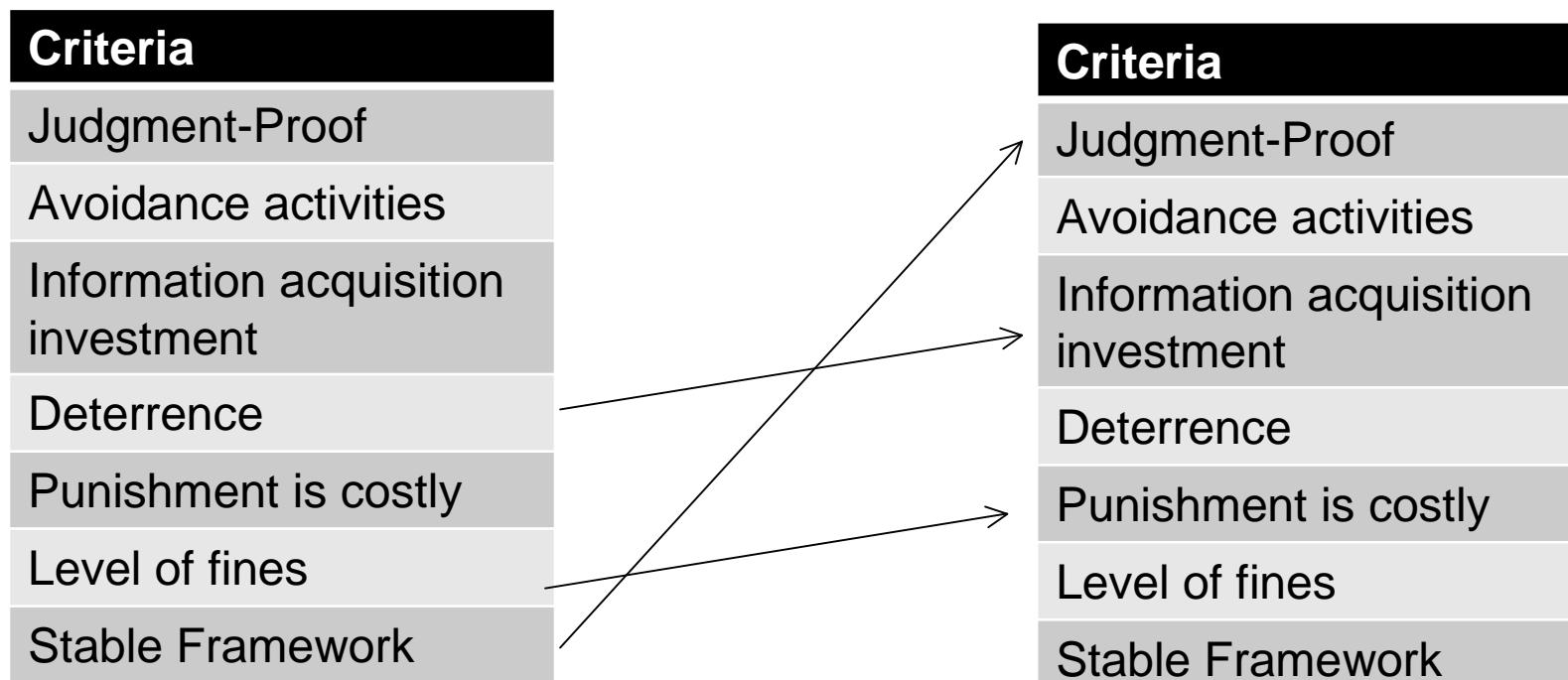
Remarks

- Need to better explain what is brand new in the paper / literature
- Do all the criteria are independent?

Questions

Remark 2 :

It seems that criteria are treated in the base independence... but may be all the links are to be assessed...



Remarks and questions

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- Do all the criteria are independent?
- What are the rationale to give a positive value to stability if law is incomplete or imperfect?

Questions

Remark 3 : TCT's argument

- If the contract or Law is incomplete *ex ante*, then fix contract or fix Law leads to maladaption
- ... so changing the law is not seen *per se* as a problem in all cases.

Questions

Remarks

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Questions

- What about risk lover case?

What are the results of the paper and risk lover attitude?

Criteria	Harm Based	Act based
Judgment-Proof	???	???
Avoidance activities	???	???
Information acquisition investment	???	???
Deterrence	???	???
Punishment is costly	???	???
Level of fines	???	???
Stable Framework	???	???

Questions

Remarks

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Questions

- What about risk lover case?
- From perfect to Imperfect competitive frame
 - What is the impact of oligopolistic structures?
- => competition law...

Possible extension to competition Law

- I have the feeling that your paper can help to tackle a big issue in Comp Law
 - Companies are risk (adverse / neutral/ lover) ?
 - Companies are in oligopolistic games
 - Governments & regulators are badly informed / sanction is costly...
 - Regulations & laws are incomplete
 - Position on mergers & acquisition issues?
 - Position on State Aid?
 - Position on foreclosure ?

A real nice paper!

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