

Fairness as a Foundational Concern in Competition Law and Policy

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(Un)Fair Trading Laws

“Unfair methods of competition”

“Unfair prices”

“unfair share”

Flexible concept



So why include it?

Legitimizing power

Compromise formula

Multi-jurisdictional context

Vagueness a virtue

Procedural fairness

Usury

Just price

Competition on the merits

Sandel: coercion

Substantive fairness

Aristotle: redistribution

Distributive justice

Autonomy

Communitarian notions

Fairness to monopolist

Social contract

Market dynamics?

Regulatory limitations?

Decision-theory

Is it fair ENOUGH?

Thank you!

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in *Competition Policy: between Equity and Efficiency* (Lianos and Gerard., Cambridge, 2018)

Eran Fish and Michal Gal,
“Unfair High Prices: Intellectual Linkages from Aristotle to the European Court of Justice” (2018)