## Contents

*List of contributors* vii

### PART I FOUNDATIONS

1. Introduction: the economics of labor and employment law  
   *Cynthia L. Estlund and Michael L. Wachter* 3

2. Neoclassical labor economics: its implications for labor and employment law  
   *Michael L. Wachter* 20

3. Economic analysis of labor markets and labor law: an institutional/industrial relations perspective  
   *Bruce E. Kaufman* 52

### PART II UNIONS AND COLLECTIVE BARGAINING

4. Unions, dynamism, and economic performance  
   *Barry T. Hirsch* 107

5. Union organizing and the architecture of employee choice  
   *Benjamin I. Sachs* 146

6. The deserved demise of EFCA (and why the NLRA should share its fate)  
   *Richard A. Epstein* 177

7. Evaluating the effectiveness of National Labor Relations Act remedies: analysis and comparison with other workplace penalty policies  
   *Morris M. Kleiner and David Weil* 209

8. The union as broker of employment rights  
   *Stewart J. Schwab* 248

### PART III EMPLOYEE RIGHTS AND EMPLOYER MANDATES

9. Bias and the law of the workplace  
   *Christine Jolls* 275

10. From just cause to just notice in reforming employment termination law  
    *Rachel Arnow-Richman* 296

11. The law and economics of employment protection legislation  
    *Simon Deakin* 330
<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Author(s)</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Intellectual property justifications for restricting employee mobility: a critical appraisal in light of the economic evidence</td>
<td>Alan Hyde</td>
<td>357</td>
</tr>
<tr>
<td>13</td>
<td>Antidiscrimination in employment: the simple, the complex, and the paradoxical</td>
<td>Samuel Issacharoff and Erin Scharff</td>
<td>385</td>
</tr>
<tr>
<td>14</td>
<td>The forum for adjudication of employment disputes</td>
<td>Samuel Estreicher and Zev J. Eigen</td>
<td>409</td>
</tr>
<tr>
<td></td>
<td><strong>PART IV</strong> CONCLUDING PERSPECTIVES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>The striking success of the National Labor Relations Act</td>
<td>Michael L. Wachter</td>
<td>427</td>
</tr>
<tr>
<td>16</td>
<td>Why workers still need a collective voice in the era of norms and mandates</td>
<td>Cynthia L. Estlund</td>
<td>463</td>
</tr>
<tr>
<td></td>
<td><strong>Index</strong></td>
<td></td>
<td>495</td>
</tr>
</tbody>
</table>