

Boilerplate The Fine Print Vanishing Rights And The Rule Of Law

Ruth L. Okediji



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Boilerplate Margaret Jane Radin, 2012-12-07 Why the increasing use of boilerplate is eroding our rights Boilerplate the fine print terms and conditions that we become subject to when we click I agree online rent an apartment enter an employment contract sign up for a cellphone carrier or buy travel tickets pervades all aspects of our modern lives On a daily basis most of us accept boilerplate provisions without realizing that should a dispute arise about a purchased good or service the nonnegotiable boilerplate terms can deprive us of our right to jury trial and relieve providers of responsibility for harm Boilerplate is the first comprehensive treatment of the problems posed by the increasing use of these terms demonstrating how their use has degraded traditional notions of consent agreement and contract and sacrificed core rights whose loss threatens the democratic order Margaret Jane Radin examines attempts to justify the use of boilerplate provisions by claiming either that recipients freely consent to them or that economic efficiency demands them and she finds these justifications wanting She argues moreover that our courts legislatures and regulatory agencies have fallen short in their evaluation and oversight of the use of boilerplate clauses To improve legal evaluation of boilerplate Radin offers a new analytical framework one that takes into account the nature of the rights affected the quality of the recipient's consent and the extent of the use of these terms Radin goes on to offer possibilities for new methods of boilerplate evaluation and control among them the bold suggestion that tort law rather than contract law provides a preferable analysis for some boilerplate schemes She concludes by discussing positive steps that NGOs legislators regulators courts and scholars could take to bring about better practices

Private Law and the Rule of Law Lisa M Austin, Dennis Klimchuk, 2014-12-18 The rule of law is widely perceived to be a public law doctrine concerned with the way in which governmental authority conforms to the dictates of law The goal of this book is to challenge this presumption The chapters in this volume all consider the idea that the rule of law concerns the nature of law generally and the conditions under which any relationship that among citizens as well as that between citizens and the state becomes subject to law Addressing two major questions they ask if our understanding of the rule of law is enriched by considering how and to what degree it is expressed or realized in private law and whether our understanding of the private law is enriched by adding the principles of the rule of law to the traditional list of core private law concepts Bringing together leading philosophers of private and public law this volume examines key questions in a little explored field and will be essential reading for all those interested in the rule of law and in private law theory

Copyright Law in an Age of Limitations and Exceptions Ruth L. Okediji, 2017-03-30 Copyright Law in an Age of Limitations and Exceptions brings together leading copyright scholars and the field's foremost authorities to consider the critical role of copyright law in shaping the complex social economic and political interaction critical for cultural productivity and human flourishing The book addresses defining issues facing copyright law today including justifications for copyright law's limitations and exceptions Les the role of authors in copyright users rights fair use politics and reform the three step

test in European copyright law the idea expression principle with respect to functional works limits on the use of L Es in scientific innovation and L Es as a tool for economic development in international copyright law The book also presents case studies on the historical development of the concept of neighboring rights and on Harvard Law School s pioneering model of global copyright education made possible by the exercise of L Es across national borders **Harvard Law Review: Volume 128, Number 2 - December 2014** Harvard Law Review,2014-12-10 The Harvard Law Review is offered in a digital edition for ereaders featuring active Contents linked notes and proper ebook formatting The contents of Number 2 include Article The Non Finality of Supreme Court Opinions by Richard J Lazarus Book Review The Laws of Capitalism by David Singh Grewal Note Citizens United at Work How the Landmark Decision Legalized Political Coercion in the Workplace Note Data Mining Dog Sniffs and the Fourth Amendment Note Nonbinding Bondage The issue includes In Memoriam contributions about the life scholarship and teaching of John H Mansfield The contributors are Anthony D Amato Robert W Gordon Martha Minow Frederick Schauer and James A Sonne In addition the issue features student commentary on Recent Cases and policy papers including such subjects as internet law and privacy Fourth Amendment right to deletion state action and credit card fees antitrust law and foreign trade applicability of Seventh Amendment to states and commonwealths free speech and tour guide licensing in D C labor law and sexual harassment claims and gender crimes in international criminal law Finally the issue includes several summaries of Recent Publications The Harvard Law Review is a student run organization whose primary purpose is to publish a journal of legal scholarship The Review comes out monthly from November through June The organization is formally independent of the Harvard Law School Student editors make all editorial and organizational decisions This issue of the Review is December 2014 the second issue of academic year 2014 2015 Volume 128 The Cambridge Handbook of Private Law and Artificial Intelligence Ernest Lim,Phillip Morgan,2024-03-28 AI appears to disrupt key private law doctrines and threatens to undermine some of the principal rights protected by private law The social changes prompted by AI may also generate significant new challenges for private law It is thus likely that AI will lead to new developments in private law This Cambridge Handbook is the first dedicated treatment of the interface between AI and private law and the challenges that AI poses for private law This Handbook brings together a global team of private law experts and computer scientists to deal with this problem and to examine the interface between private law and AI which includes issues such as whether existing private law can address the challenges of AI and whether and how private law needs to be reformed to reduce the risks of AI while retaining its benefits **Behavioral Law and Economics** Eyal Zamir,Doron Teichman,2018-06-05 This book offers a state of the art overview of behavioral law and economics surveying the entire body of psychological research that lies at the basis of behavioral analysis of law and critically evaluating the core methodological questions It discusses the fundamental normative questions stemming from the psychological findings on bounded rationality and explores their implications for setting the law s goals and designing the means to attain them **The Law and**

Economics of Personalization Adrianus Johannes Van Heusden, 2025-09-01 Imagine every ad every price and even every contract completely tailored to you welcome to the age of AI driven hyper personalization Today vast amounts of consumer data are collected and processed to build individualized profiles with ever increasing precision This enables one to one interactions that evolve in real time and allow firms to influence behavior with unprecedented subtlety Personalized marketing holds the promise of meeting consumer needs more effectively and making digital experiences more relevant and efficient Yet this seemingly customized environment raises urgent concerns about the power of such marketing to exploit cognitive biases reshape preferences and deepen asymmetries in digital markets This book offers the first in depth law and economics analysis of personalized marketing in the digital age It examines how personalized advertising pricing and contracting challenge foundational principles of consumer protection and explores to what extent these practices are regulated under the current EU legal framework The analysis shows that while existing rules provide some safeguards they fall short of addressing the systemic risks posed by hyper personalization To respond to these challenges the book develops a four part policy approach aimed at reinforcing consumer autonomy equity and welfare in data driven markets and bridging the regulatory gaps that personalization opens up Regulating these developments involves a clear trade off between efficiency and fairness How much freedom do you give up in exchange for a hyper personalized experience How confident are you that the price you pay will not exceed what others pay for the exact same service And what does it mean for your autonomy when an algorithm predicts your behavior better than you do yourself This book offers a critical starting point for future regulation and a call to rethink the role of personalization in the digital economy **Principled Labor Law** Sergio Gamonal C., César F. Rosado Marzán, 2019-10-06 The gig economy precarious work and nonstandard employment have forced labor law scholars to rethink their discipline Classical remedies for unequal power capabilities approaches third way market regulation and laissez faire all now vie for attention at least in English Despite a deep history of labor activism Latin American scholarship has had scant presence in these debates This book introduces to an English language audience another approach principled labor law based on Latin American perspectives using a jurisprudential method focused on worker protection The authors apply this methodology to the least likely case of labor protective jurisprudence in the industrialized world the United States In doing so Gamonal and Rosado focus on the Thirteenth Amendment as a labor protective constitutional provision the National Labor Relations Act and the Fair Labor Standards Act This book shows how principled labor law can provide a clear and simple method for consistent labor protective jurisprudence in the United States and beyond **Robotic Persons** Joshua K. Smith, 2021-02-26 Robotic Persons will introduce the evangelical community to the journey of Robotic Futurism and how current and forthcoming AI driven robots will impact human value and dignity This book will consider three key areas of robotic development and the existential risks on the horizon for humans in the fields of work war and sex There are risks in the fields of work because there is a temptation to replace human workers with

automation Current arguments for the benefit of war fighting robots posit that these robots will eliminate war and the risk of war but there is much more to the story Arguments for sex and companion robots proffer that they will benefit the fringe community or help those who do not have a relative to care for them but again there are many ethical and philosophical problems with these arguments Robotic Persons not only introduces the reader to these issues but also gives an evangelical response to each There is presently no evangelical work addressing these critical issues Robotic Persons will argue that granting legal personhood to qualified robots will further prevent dehumanizing use of robots and protect human dignity and value

Inventing American Exceptionalism Amalia D. Kessler, 2017-01-01 Cover Half title Title Copyright

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