

International Trade, Transaction Game
and Contractual Organizing

西南财经大学“十五”“211工程”建设项目

国际贸易、契约安排 与交易博弈

张鸿 著



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摘 要

论文研究交易的形成过程,分析交易活动引起的交易当事人的契约安排、交易组织和交易当事人间的博弈及其共同选择。

实际交易活动经验显示,同类交易当事人间的竞争并不完全以价格作为决定因素,也不完全依靠各种博弈技巧作为稳定和扩大市场占有的主要工具。交易的拓展和稳定实现更多地依靠一致同意原则,依靠建立在买方和卖方交易当事人之间的适当的“关系”或“网络”以及各交易当事人团队的合理组织来保证。各种交易理论已经广泛探讨了具有多样性的市场结构、贸易现象及其规律并进行了相应的理论解释。这些研究还分析了交易对企业结构的影响、各种中间组织、制度和政策选择、各种形式的一体化的形成和发展的理论及实践问题。但是,这些与交易密切相关的理论性结论,如对契约完全性的理论解释、对交易费用的定义与计算等等,需要进一步完善;各理论间的联系还需要进一步明确。为了更好地解释各种贸易现象,如非价格性竞争、长期交易关系的形成、交易的稳定性控制、交易团队的组织原则,等等,还需要研究以契约(或合同)形成标志的交易形成原则、过程及交易活动的组织和博弈等问题。

本书从交易的形成和实现过程出发,分析交易当事人共同选择的形成原理及其对交易的各种影响,研究交易当事人间交易“关系”、“网络”的形成。交易中的共同选择包括三个主要方面,即①有关交易当事人(如卖方与买方)为实现交易,确定契约条件并签订契约的共同选择,以契约形成为标志;②各交易当事人为实现交易进行的相关选择,如交易当事人团队内部组织、内部结构调整、对市场环境的适应和市场策略的制定等;③同类交易当事人的共同

选择,如维持竞争秩序的同业惯例、建立保证质量并降低交易费用的基本标准系统等,是对外界环境的影响与调整。

研究的基础包括两个方面:①对实际交易活动的总结和抽象,包括各种形式的简单的交易活动(如单纯的货物或服务贸易)以及各种大型复合交易,如技术、工业、贸易及服务有机结合的大型工程项目承包实践。为使分析具有一般性意义,分析以国际贸易为背景。②有关的理论成果,包括各种经济理论,如一般均衡理论、国际经济学理论、契约理论和制度经济学理论、国际税收、公共经济学理论等;也包括一些基础学科及相关学科的研究成果,如数学、控制理论、法律理论等等。

主要思路是,继续阿罗——德布鲁(AD)模型对商品的分类并根据交易实践进行完善。根据交易的具体需要,将特定的交易细分为具有一定外部功能特征的单形,单形(而不是交易)将作为基本分析单位。契约的形成过程就是各交易当事人通过讨论和谈判,调整交易目标函数并实现交易目标函数一致化的过程。契约同调模型研究和描述这个过程。

本书共分为三个部分共九章。导论讨论了选题意义,即分析与解释交易活动中价格选择与非价格选择的相关关系,也分析了这种关系引起的各种市场活动。这些对价格及非价格选择的研究,其理论结论应当符合交易实际并可以用于指导交易实践。论文的第一部分为第一章和第二章,回顾了有关交易理论、契约理论及交易活动历史与现状的主要线索、基本结构和典型模型。根据交易实践,商品交易的完整过程可以分为三个主要阶段,即可行性研究、契约(协议)形成、履约。其中,契约形成阶段确定对整个交易的要求和安排,该阶段是交易的核心。第二部分(第三章至第六章)探讨和构建反映契约形成机制的契约同调模型。分析构建竞争环境(局部大型经济)、情势变更引起的契约调整、代理的作用、交易当事人间的长期交易关系、交易费用计算及交易稳定性控制、契约的完全性

等问题。根据契约同调模型,交易当事人首先决定交易的基本规则、框架结构和非价格安排,在此基础上决定交易价格,即市场竞争的决定因素首先是交易当事人间就交易规则与框架取得一致(即决定价格的有关技术基础),其次才是价格决定。第三部包括第七章至第九章,分析了交易当事人为交易进行的其他选择,包括交易当事人的组织、交易当事人对交易活动的适应、交易当事人内部结构调整、交易活动引起的外部环境变化等问题。对于某项具体的交易(即在短期内),交易当事人无法改变其所处市场环境,只能设法适应其面临的交易约束。在可能进行多次大量类似交易的情况下,交易当事人将根据交易需要设法从稳定交易(成交和履约)、节约交易费用和提高交易效率的角度适应或调整其面临的交易环境。这些调整的内容主要包括选择适当的交易形式、交易当事人内部结构和团队组织的调整、对市场环境的适应和调整;还包括通过交易当事人的集团性行动,设法影响管理当局调整交易当事人面临的市场和制度环境。最后,对契约以及相关的交易博弈问题进行比较分析和小结,分析了交易“超调”现象的内涵及其运行机制,讨论了典型案例。

论文探讨了有关理论及实务问题,主要理论创新点包括:

(1)分析了交易的基本原则,即交易的形成以契约签订和实现为标志,契约的签订与实现是交易当事人的共同选择。交易中的共同选择包括交易当事人为实现交易,签订契约的共同选择,以及为实现交易进行的相关选择,如交易当事人团队内部及同类交易当事人的共同选择等。前者以契约的形成为标志,后者的实现则通过交易当事人的交易团队组织、对市场环境的适应以及为实现交易对外界环境的影响与调整。其中,价格决定和交易约束(包括默视条件)的确定是交易选择的两个重要组成部分,交易约束是价格决定的主要基础。这种观点深化了对交易问题的分析和认识,如果将交易约束看作常量,交易选择就取决于价格,这时的结论与传统的交

易理论的结论一致。

(2) 契约同调模型的建立。契约同调模型认为,不同地域(如国内贸易、国际贸易或区域性贸易)、不同结构复杂性商品或交易复杂性的交易活动具有一致的抽象特征。契约的形成机制相同,所不同的是交易约束的多少、商品和交易结构的复杂程度。契约包括价格决定和非价格安排(交易约束),价格不再是交易的惟一决定因素和分析对象。契约同调模型可以清楚地解释和说明契约的天然不完全性。

(3) 不完全竞争中的“局部大型经济”。利用“局部大型经济”,从另一个角度分析交易(即使是垄断竞争)中近似完全竞争的形成。

(4) 提出交易稳定性控制思想,分析了稳定性控制的重要性及基本思路。稳定性控制包括外部稳定性控制和履约过程的稳定性控制两个重要方面。稳定性控制的基础是实际控制权安排。

(5) 提出一种交易费用计算方法,将交易费用划分为制度性交易费用、结构性交易费用、组织性交易费用、失败交易的费用分摊等四大类,明确了交易费用的定义、结构及其计算方式。交易过程中可以因此获得确定的交易费用计算方法。

(6) 分析了交易中的“超调”现象。利用交易费用和“超调”分析,探讨了重复(或长期)交易关系的形成及其带来的利益。

(7) 探讨和解释了或有商品的交易博弈结构,即合作博弈与非合作博弈结合的结构。

(8) 对交易有关问题的理论探讨,包括对代理的职能、发生情势变更时进行契约调整的可行性、交易要求进行的组织结构调整、交易当事人对环境的适应与改造、一体化问题等,还分析了契约结构选择和决定的简单化原则。此前这些问题的许多经验性结论已经广泛应用于交易实践。

关键词:交易、契约、共同选择、同调

ABSTRACT

This thesis is a study on transaction process and game. It focuses on organizing, game and common selection during the transaction; the contractual arrangement for the transaction.

Based on the experiences on international trading practice, price level is not the only key issue during the market competition; game theory and marketing skill are also not the only major tools for market occupying and/or market expanding. Foundation of market promoting is more likely based on the participants' mutual understanding, the reasonable "relation" or "net" among the pertaining participants, and the team organizing. Many studies have explored the principle of complex trade and multiple market structure. According to the practice of transaction, these studies have analyzed and theorized the enterprises structural changing, intermediate organization, institution and policy selection, format of integration, etc. caused by transaction. But, some of the analyzing and theory conclusion, for example, the Incomplete Contract and Transaction Costs, have to be improved; the relationship between the studies has to be explained. In addition, to study the issues in transaction, such as non - price competition, long - term cooperation, transaction stability control, team organization, etc. , it is necessary to study the process and principle of contracting, transaction organizing and game structure etc. in detail.

From the process for reaching and operating transaction, this study tries to analyze the principle of common selection among the pertaining transaction parties, the function of this principle on transaction, and make of transaction "relation" and "net". There are three major issues

on common selection, 1) the common selection between the pertaining parties (Buyer and Seller), the target is to sign the Contract; 2) internal adjustment of the participants, such as team organizing, internal structural adjustment, meeting the requirement of market competition and marketing strategy, etc.; 3) Common selection among the congeneric competitors, like competition coordination system, custom or regulation, basic criteria, etc., the same will form the market competition structure.

There are two major supports for this study, 1) practical background is international trade. The reference will be of the sum-up and abstract from the transaction practice, which include normal international trade, the big international projects contracting and service transaction, etc.; 2) academic studies on Contract, Transaction; theory on International trade, Institution, Public Economics, Mathematics, Control, Revenue, and Law. Idea is, based on the transaction practice and following the classifying to Merchandises in Arrow-Debreu studies, to divide the transaction to several Simplexes (or Units). The Simplex (not the Transaction) will be the smallest and ultimate analyzing unit. Before signing of the Contract, participants have to adjust their own target transactional function through discussion, bargaining and negotiation. Contract Homology Model will study and describe this process.

Beside Preamble, the study is divided to three (3) parts or nine (9) Chapters. The Preamble discussed the purpose of the study, i. e. analyze and explain the relationship between price decision and non-price issues' selection among the transaction; the marketing activities caused by the relationship. Essentially, the Contract is the institutional arrangement of the Transaction. All the academic resolution on price decision and non-price issues selection have to match the actual trans-

action practice and be able to be used to explain and guide the transaction operation. The first part (Chapter 1 and 2) is the review on major line of the academic study, basic theory structure and typical model. Based on the transaction operation, the complete process of transaction has been divided to three main stages, i. e. Feasibility Study, Contract (agreement), and Execution (Implementation). Contract stage will arrange the whole transaction in detail; it is the key and core sector among the three. Second part (Chapter 3 to 6) is discussing on Contract Homology Model, it shows the machinery of the contract organizing. The study has analyzed the competition organization (to form an Approximately Perfect Competition), the contract adjustment caused by changing of state, the function of the Agent, long-term relation between the participants (Buyer and Seller), calculation on transaction costs, transaction stability control, and contract completeness issue, etc. According to the Contract Homology model, participants will decide the essential regulation for transaction, organize the transaction structure and finalize the non-price arrangement (this is the technical basis of transaction), and then decide the price level. The third part (Chapter 7 to 9) explains other selection by the participants, i. e. organizing, acclimatize themselves to the transaction, internal structure adjustment of the participants, and the changing of external structure, etc. The participants are not able to change the market system they are pacing for a specific transaction. They can only try to adapt the transaction constraint in the market. For those transaction which may be repeated, they will try to adapt themselves or adjust the market so that they can stabilize the transaction (get more contract and smooth the implementation), reduce the transaction costs and assure (improve) the transaction efficiency. The normal ways are of select properly on trans-

action mode, internal or team organizing, structure adjustment, adapt the market requirements, group activities and let the authorities to adjust the market system or regulation, etc.. In the last part of the thesis, it is summarized the discussion on Transaction, Contract, Game and Overshooting during the transaction, and case analyzing.

This study has discussed the pertaining academic and operation issues on transaction. The major new academic points are as follows:

1. Studied the principle of transaction. Transaction has to sign and implement the Contract. Signed Contract is the integrated transaction terms, and it is the common selection of the participants. The selection is between buyer and seller, the target is to sign the transaction contract. There are other selections (internal or among congeneric competitor), they come into being the team working, market adaptation and market system adjustment. Among the selections, the price decision and Transaction Constraints (includes Default Constraints) are the major key issues. Constraints will effect on the price decision. This opinion has improved the understanding on transaction, if the Constraints are fixed or constant, transaction will depend on price level only -- this conclusion is same as the traditional trading theory.

2. Contract Homology Model. The model attempts to use a new approach to study the transactional structure. The model shows, all the transactions (different kinds of trade, like domestic, international or regional; different transaction complexity or internal structure) have same operation machinery. The machinery on Contract is also same. The only difference is Constraints, Merchandise or complexity of the transaction. Contract has to consider price and non-price issues (Constraints); price is not the only key point and target. This model also shows very clearly that any contract is incomplete.

3. Form an “Approximately Perfect Competition” in Imperfectly Competition. This gives the chance to set up (and close to) the Perfectly Competition even in monopoly competition.

4. As the result of transaction game is unstable, it is requested to control the stability of transaction. The importance of stability control and major consideration to the stability control has been stated. To control the stability of transaction, it has to control stability of implementation and stability of exterior factor. The foundation of the stability control is the partition of actual control right.

5. Offered a way of transaction costs calculation. The transaction costs is divided to four categories, i. e. Institutional costs, Structural costs, Organizing costs and Failures costs. According to this system, the transaction costs can be calculated clearly and easily.

6. The thesis has studied the Transactional Overshooting. Based on the studying to Transaction costs and Overshooting, the thesis has then explained the reason to select long term cooperation between the participants.

7. It is analyzed the game Structure of Contingent Merchandises transaction, i. e. both Cooperative and Non – cooperative game. It is a new approach to study the transaction.

8. Academic discussion on other issues, i. e. position and function of Agent, long – term transaction relationship, possibilities on Contract adjustment, and the team organizing, structure modify, contract structure selection formula, and trend of incorporate, etc. , though experiences on these issues have been widely recognized in transaction practice.

Keywords: Transaction, Contract, Common Selection, Homology

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