



**UNIVERSITÀ
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**Facoltà di
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Call for papers

Comparative Law Review

Special Issue on

Rescuing Comparative Law and Economics?

Exploring successes and failures of an interdisciplinary experiment

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Thirty years ago, exploiting synergies between comparative legal analysis and the economic analysis of law (EAL) looked like a bright idea with a bright future. On one hand, comparative law provided detailed knowledge about legal systems. On the other hand, EAL provided a strong theoretical framework to make sense of similarities and differences. EAL also provided a unified metric (the concept of efficiency) for normative judgments. The newly-branded field of Comparative Law and Economics (CLE) was well equipped to cover the descriptive, explanatory and prescriptive stages of the research process.

Was that promise fulfilled? The answer to this question turns out to be complex. It could be pointed out that, in the last few decades, a not-so-small community of scholars has been engaged in integrating the two theoretical perspectives. Both from the point of view of the analysed topics and of the research methods, the CLE literature has displayed a significant degree of scientific inventiveness. Though, celebrating CLE as an unmistakable success would be misleading. The bunch of comparative law and EAL literatures is still wedded to its own, non-comparative methods and debates. Cross-fertilization seems to be quite limited. Most importantly, many methodological issues have been left unaddressed.

The passionate debate on global indicators of institutional quality might have brought to the fore the relevance of CLE. Instead, it led many scholars to believe that the marriage of the two approaches should be discouraged.

A possible reply is that CLE research is widespread, but is not labelled as such. Couplings between a comparative approach and some branch of economic theory (may be together with behavioural sciences or other social sciences) can be found in many scientific communities. And yet, this more optimistic assessment begs the question what the disparate approaches we observe do have in common, where their main strengths and weaknesses lie for the purposes of descriptive, explanatory and normative research.

Thus, CLE might be in need of rescue in a double sense: first, to avoid becoming a small niche; second, to avoid transforming itself in a field only loosely connected to comparative legal studies and EAL. This Special Issue aims at providing a thorough assessment about the state of CLE research, as well as at identifying its most promising avenues. Scholars from law, humanities and social sciences are invited to submit papers which deal with the interplay of comparative and economic analysis. The *Comparative Law Review* is the flagship publication of the Italian Association of Comparative Law and is fully open access.

Relevant topics include, but are not limited to:

- Quantitative and qualitative assessments of the CLE literature, the topics it is concerned with, the methods used and its impact on legal reforms
- Critical analyses showing why CLE fails and suggesting alternative approaches
- The role of CLE in legal and economic education and evaluation criteria for CLE research
- Lessons to be learnt from the broader debate on interdisciplinary approaches to law
- Ontological and epistemological compatibilities/incompatibilities between each comparative law method and each economic method
- The role of empirical research in the CLE literature, for example with regard to the design of indicators of legal quality, the identification of the basic structures of legal systems or the analysis of causal relationships between rules and behaviour, as well as between the legal and non-legal domains
- The role of CLE in North-North, South-South and South-North comparisons
- The possibility to link the CLE approach to other theoretical debates within and outside the legal field, for example with regard to the New Legal Realism, the New Private Law, Regulatory Private Law, Law and Development, Law and Technology

- CLE relevance for debates spanning the public law-private law divide, or reasons why a CLE approach is more suitable for one of these branches
- The relevance of a CLE approach for global challenges, from climate change to cybersecurity to terrorism to digitalization to immigration to sustainability, as well as its role in fostering institutional convergence or justifying institutional divergence
- The suitability of the CLE approach for the analysis of the distributive effects of legal rules and more generally its possible contributions to the debate on concepts of justice
- Broader lessons CLE can teach about meanings and strategies of interdisciplinary research
- Original applications of a CLE approach to specific legal topics

Timeline:

- Abstracts (up to 200 words) to be sent to giuseppe.bellantuono@unitn.it by January 15, 2022. Proposed papers shall not exceed 7000 words and conform to the editorial guidelines of the Comparative Law Review.
- Notification of paper acceptance by February 15, 2022
- First drafts shall be submitted by April 30, 2022
- Final versions of the papers shall be delivered by June 30, 2022
- Publication is expected in the second half of 2022.

This call for papers is also available at:

<http://www.comparativelawreview.unipg.it/index.php/comparative>

<https://lawtech.jus.unitn.it/>