

Economic Analysis of Law in North America, Europe and Israel

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What explains the popularity of law and economics (L&E) in some academic communities and the scarcity of such scholarship in others? Many explanations have been given for the centrality of economic analysis in American legal thought and its marginality in Europe. This article examines what drives scholars to select L&E as a topic for research. It does so by implementing the methodology of many papers in the field – by assuming that regulation and incentives matter. Legal scholars face very different academic incentives in different parts of the world. In some countries, the academic standards for appointment, promotion and tenure encourage legal scholars to concentrate on L&E. In others, they strongly discourage such research. Thus, we should expect wide variation in the participation rate of legal scholars in the L&E discourse across countries. On the other hand, economists are evaluated with similar yardsticks everywhere, and thus their participation rate is likely to vary much less. The hypothesis of this paper is that academic incentives are a major factor in the level of participation in L&E scholarship. This "incentives hypothesis" is presented and then examined empirically with data gathered from the list of authors in L&E journals and the list of participants in L&E conferences. The data generally support the hypothesis. In legal academia, the incentives to focus research on L&E topics are the strongest in Israel, weaker in North America, and weakest in Europe. In fact, the data

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reveal that lawyers' authorship of L&E papers weighted by population is about ten times higher in Israel than in North America; while in Europe it is almost five times lower than in North America. By comparison, the weighted participation level of economists – who face relatively similar academic environments across countries – in L&E research is not significantly different across countries.

1. INTRODUCTION

In the last half century, Law and Economics (L&E) has become one of the most influential movements in legal academia. Many law scholars and economists direct much of their time and energy towards this field. But what drives them (or should I say, us) to L&E? If we want to pat ourselves on the back, we would probably point out the virtues of the methodology and our interest in promoting knowledge for the benefit of all. But if we want to be more consistent with our methodological approach, we must also look for other, more direct and self-serving explanations. If consumers and suppliers, tortfeasors and contracting parties are assumed to maximize their wealth and self-interest, why aren't we?

The aim of this paper is to examine to what extent academic incentives drive scholars to L&E. Before explaining the method, let me assuage some of the possible objections, emotional or rational, to such a project. For the purposes of this paper, I am both the scientist and one of the laboratory mice. It would probably be hard for a laboratory mouse to convince its colleagues that it knows what drives them to run on the running wheels. It is especially hard here. Any attempt to use economics to show that L&E scholars are not driven solely by the search for truth, might be resisted by both supporters of the methodology, who might dislike the conclusions, and opponents who are unconvinced (and perhaps unwilling to be convinced) by the method. Hence, I should explain my aim up front. By examining the effects of incentives on L&E scholarship I do not mean to say anything about the content of L&E research, or the validity of its approach to the study of law. After all, as Adam Smith (1776) indicated, the bread of the baker may be excellent, even if he is guided by regard for his own interest and not by benevolence. My point is not normative, but descriptive. I will try to explain why some scholars choose to engage in the L&E discourse, while others do not; but by doing so, I say nothing about the importance or validity of their work.

My hypothesis is that participation in L&E scholarship (weighted by population) is greater where the academic incentives to do so are higher.¹

¹ Weighting the number of participants in L&E per number of scholars in law or in economics generally could have been a more accurate indicator of the effects of academic environment; yet it is difficult to define who a legal scholar is and to gather national data about the number of

Therefore, I examine the academic incentives to write L&E papers, especially with regard to academic appointment and promotion procedures. I show that for economists, wherever they are, academic incentives drive them to similar tracks. Research in L&E is equally valuable to the academic career of economists on both sides of the Atlantic. In contrast, law scholars are evaluated differently in different places. In some places, such as Israel, being an L&E scholar is very beneficial. In others, such as most European countries, it is hardly a plus. Hence, one would guess that, if incentives matter to legal scholars, authorship of L&E papers is likely to be high in Israel, low in Europe, and somewhere in the middle in the United States and Canada. On the other hand, one would predict that participation of economists in such projects is approximately the same everywhere.

The paper is organized as follows. Part 1 compares the academic incentives to publish L&E papers for economists and legal scholars in Europe, North America and Israel. Part 2 analyzes data gathered from the lists of authors in L&E journals and examines whether it supports the incentives hypothesis. Part 3 looks at the scholarship in legal history, law and society, and international and comparative law, and examines whether the differences in the demography of the authors in these fields can be explained by the incentives hypothesis. Part 4 discusses the findings. A few comments about the future of research in L&E are presented in the concluding part of the paper.

2. WHAT COUNTS FOR ACADEMIC SCHOLARS?

What affects academic researchers' prestige and promotion? Around the world almost all academicians are rewarded for publications. Mostly unofficial and often ambiguous standards guide scholars to the most rewarding venues of publications. These standards are thus one of the most important factors for academic success. Though other factors can also be categorized as academic incentives, it seems that publication is the most important verifiable factor, and hence it can serve as a good starting point.

Economists are usually evaluated according to the same standards everywhere. Economists on both sides of the Atlantic are most rewarded for publishing in core economic journals, such as *Econometrica* and the *American Economic Review*. L&E journals are also equally rated in most places, with the

legal scholars. The differences in the rate of participation per population are probably a good approximation for the per-scholar differences. See also note 33 below.

Journal of Law and Economics usually at the top of the list.² If the incentives hypothesis is true, then the similarity of the evaluation standards is likely to result in a similar rate of participation of economists in the L&E discourse.

Lawyers, on the other hand, face different evaluation standards in different places. In continental Europe, legal scholars are usually not required to publish in foreign languages at all.³ Except for international law, law is mainly perceived as a local field of research. For appointment, promotion and tenure decisions, publications in L&E journals are of limited importance and are not more valuable than a legal paper in the local language about local law.⁴ In fact, they are often of much less value. For example, for an Austrian or German candidate for a position in academia, the need to find a chair in a university requires covering the topics of a relevant field doctrinally. If the candidate applies for a position as a contract law professor, for example, devoting time and energy to writing an L&E paper would usually make little sense. This is true even where every paper is equally valuable, which was the starting point for academic evaluation in Belgium until recently. Such a rule might equate the benefits from different papers, but not the costs. For a local legal scholar, investing resources to overcome language and disciplinary barriers in writing for an L&E journal is usually much more demanding than writing a legal paper for a local journal. Thus, L&E scholarship would only make sense for lawyers with a chair in L&E (or an ambition to occupy one), but chairs in L&E are very few in European law schools.⁵

True, there are exceptions. For example, international law scholars are often encouraged to publish in international journals, but at the current stage, this has little relevance to L&E. A more relevant exception to the European rule exists in the Netherlands, where a few positions are reserved for L&E professors, and, for them, L&E publications are required. Still, other legal scholars in the Netherlands are not required to write papers in non-Dutch journals at all. Therefore, as De Geest (2000) observed, for a European legal scholar it is usually not recommended to divert resources to L&E study.

² The *Journal of Law and Economics* and, in some impact factor rankings, the *Journal of Law, Economics and Organization* are ranked in the list of the top 50 economic journals. (Kalaitzidakis, Mamuneas and Stengos, 2003; Vieira 2004).

³ In some countries, such as Denmark, there have been a few recently introduced academic incentives to publish in English, but these publications do not have to be in a reviewed journal and can equally be a chapter about Danish law in a book. Therefore, even in these cases, there are no incentives for law scholars to divert resources to the study of L&E or other non-local legal fields.

⁴ Most of the information about the standards for academic success comes from interviews with European scholars and email exchanges.

⁵ There is one at the University of Hamburg, held by Hans-Bernd Schäfer (an economist), one held by Francesco Parisi at the University of Milan, and a few others in Dutch law schools; almost all of them date from the last decade or so. See note 10.

In Israel, on the other hand, academic nomination, promotion and tenure decisions are made by interdisciplinary committees, not by lawyers. For them a paper in Hebrew is considered much less important than a paper in a prestigious foreign journal. Since the committee is not comprised only of lawyers, the publications are not required to be in legal journals. An economic journal is equally valuable and an L&E journal is even more so. True, Israeli legal scholars can still write other legal papers for American or other non-Israeli law journals, but in order to publish a paper in a highly ranked law journal, it should usually discuss the legal system of the reviewers. Here, obviously, Israeli scholars face a relative disadvantage. At least initially they know less about the details of the local legal system and culture. On the other hand, in L&E, they need to know much less about local law and hence can compete on more equal terms. Consequently, there is a strong incentive to concentrate on L&E, even for scholars who do not define themselves as L&E scholars.

American legal scholars are not required to publish papers about foreign law. Yet the federal system encourages papers that can be relevant to different legal systems within the federation, and L&E often analyzes general doctrines that are not specific to one legal system. In addition, the heritage of legal realism encourages interdisciplinary legal research (Ulen and Garoupa, 2007). Hence, the highly rated law reviews are very amenable to L&E papers, much more than they are to local doctrinal papers. Still, for an American legal scholar, L&E competes with other avenues for legal research which are equally beneficial for academic promotion, including constitutional law and legal analysis of general American legal doctrines and practices. Thus, if academic incentives are the most substantial factor, the rate of participation of lawyers in the L&E discourse is likely to be highest in Israel, lower in the United States, and lowest in Europe.

3. WHERE DO LAW & ECONOMICS SCHOLARS COME FROM?

3.1. METHOD

In this section, I examine the background of authors of L&E papers. Data were gathered from the tables of contents of L&E journals and lists of participants in L&E conferences during the years 2003, 2004 and 2005. The list of L&E journals was taken from Wikipedia and it includes all ten L&E journals from Europe and the United States.⁶ Since I am concentrating on North America and Europe, the

⁶ The journals are *American Law and Economics Review*, *Erasmus Law and Economics Review*, the *European Journal of Law and Economics*, the *International Review of Law and Economics*, the *Journal of Law*,

conferences examined were of the European and American L&E associations. Each person who participated in writing a paper that was presented at a conference or appeared in a journal was counted. Those participating in writing more than one paper were counted several times accordingly. The bibliographic data about each participant were gathered from the internet and, when the data on the web was lacking, through questions directed to the scholars.

Relying on L&E journals and conferences in estimating the rate of participation in the L&E discourse may generate a number of objections. It can be argued that lawyers use economic arguments without being part of the international L&E movement. For example, Schäfer (2006) argues that although L&E is not openly used in the German legal academy, German legal scholars often use economic arguments *de facto*. Yet when I refer to L&E, I define it narrowly. I do not mean to refer to any legal paper using consequential arguments or to the economic effect of legal rules. For my purpose here, "Law and Economics" means the field of research that follows the work of Ronald Coase, (1960), Gary Becker (1968) Guido Calabresi (1970) and Richard Posner (1972). At the risk of being inaccurate, I would say that what characterizes this field is usually the conscious use of economic models and methodology in legal reasoning. For that purpose, the L&E journals and conferences are good representatives of scholarship in the field.

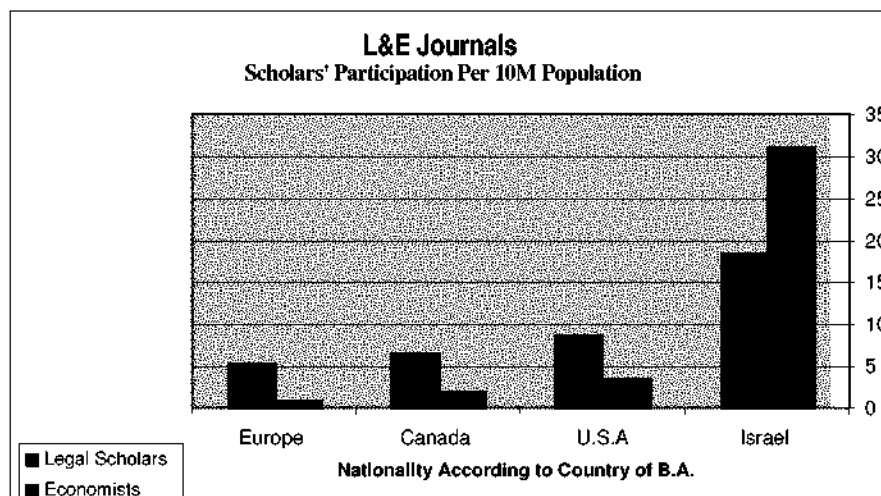
Participants were divided into groups, according to their nationality (U.S.A., Canada, Europe,⁷ and Israel) and discipline (lawyers and economists). Since many participants move to the United States, temporarily or permanently, nationality was not defined according to the current affiliation of the scholar, but according to the country in which the scholar gained his/her first academic degree.

3.2. THE DATA

The following chart presents the demography of the authors in L&E journals in 2003–2005, weighted by population:

Economics, and Organization, the *Journal of Law and Economics*, the *Journal of Legal Studies*, the *Journal of Law Economics and Policy*, the *Review of Law and Economics* and the *Supreme Court Economic Review*.

⁷ Europe, for the purposes of this paper, includes the member states of the EU before the 2004 enlargement, plus Switzerland and Norway.



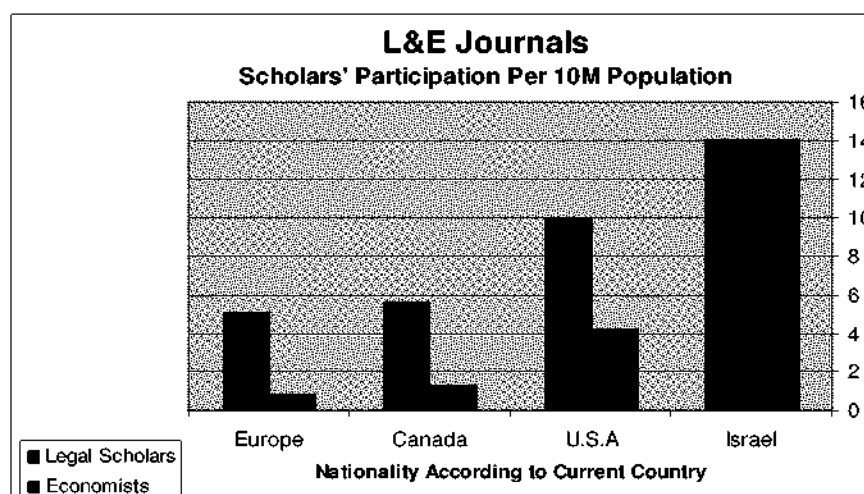
The data for this chart and all other charts and tables in this paper appear in more detail in the appendix. Authors' disciplines in this chart were categorized according to their current position.⁸

While in Europe the number of economists authoring an L&E paper is more than six times higher than the number of lawyers, in North America it is less than three times higher, whereas in Israel economists are outnumbered by lawyers. More interestingly, the rate of participation of economists is relatively similar in Europe, the United States and Canada, between 5 and 9 participants per 10 million people, with the only exception being Israel, in which the rate is about three times higher. On the other hand, lawyers' rates of participation differ substantially, ranging from 0.82 in Europe to more than four times that number in the United States and about forty times that number in Israel.

In the second chart, the same participants are categorized according to their current affiliation (instead of the country of their first degree). As a result, a few changes can be observed. First, the share of the United States increases, and that of the others decreases, because many non-American scholars are often studying or working in the U.S. More interestingly, the number of Dutch

⁸ Since many authors have degrees in both law and economics, authors from law schools were categorized as legal scholars, while those affiliated to economics departments, as economists. As a result, 12 American and 2 European economists who work in law schools were categorized as lawyers. Authors not affiliated to either a law school or an economics department were categorized as lawyers or economists based on their last degree. Scholars with no degree in law or economics appear in the "neither" column in the appendix table I.

lawyers triples (from four to twelve).⁹ This increase can be explained by the rapid increase in the number of positions for L&E scholars in Dutch law schools in the last few years, positions that were filled by lawyers from other European countries.¹⁰ Still, participation of American economists in authoring L&E papers is only two times higher than in Europe, while lawyers per population rate of participation in the United States is more than five times higher than in Europe (with Canada being somewhere in the middle).

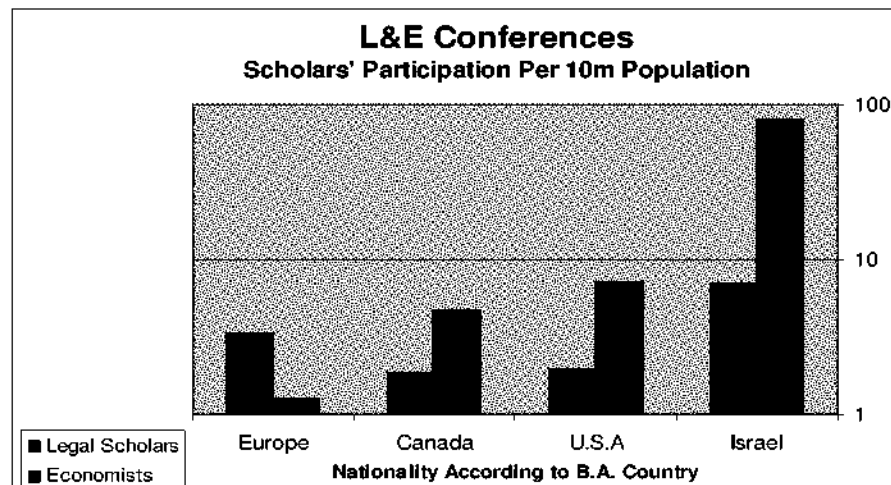


Since lawyers who write L&E papers often publish in law reviews and not in L&E journals, an examination of participants in L&E conferences might give a better indication as to the demography of participants in the L&E discourse. The results of this examination appear in the following chart, which is based on data from the 2003-2005 conferences of the American Law and Economics

⁹ This can be observed in table 2 in the appendix.

¹⁰ The non-Dutch legal authors who are currently affiliated to Dutch institutions are Gerit De Geest (Belgium), Alessandra Arcuri (Italy), Christoph Van der Elst (Belgium), Giuseppe Dari-Mattiacci (Italy) and Peter Jan Engelen (Belgium). A few non-Dutch authors with affiliation to Dutch institutions presented papers at the conferences which were examined: Alessandra Arcuri (Italy); Giuseppe Dari-Mattiacci (Italy); Hila Nevo (Israel) and Michael Faure (Belgium). Two other Belgian legal scholars who were not on the list of authors during these three years are still clearly L&E scholars and are currently affiliated to Dutch law schools (Roger van den Bergh and Ann-Sophie Vandenberghe).

Association (ALEA) and the European Association of Law and Economics (EALE). Note that this chart uses logarithmic scale in the vertical axis.¹¹



Several things can be observed immediately. First, as expected, lawyers are much more dominant in the conferences than in the L&E journals. This is especially apparent in the ALEA.¹² The rate of participation of economists in the conferences is still very similar in Europe, Canada and the United States, with Israel having two times more economists than in Europe. Again, per population, the participation of lawyers from Europe is by far the smallest, it is about six times lower than in the United States and four times lower than in Canada. The rate of participation of Israeli lawyers is sixty-five times higher than that of European lawyers and more than ten times higher than that of American lawyers.

The following chart combines all the data from the conferences and journals together.¹³ This combined chart dilutes factors that might uniquely influence conferences or journals and contains a bigger sample than each of the other charts. Therefore, it is most suited for the examination of the incentives hypothesis.

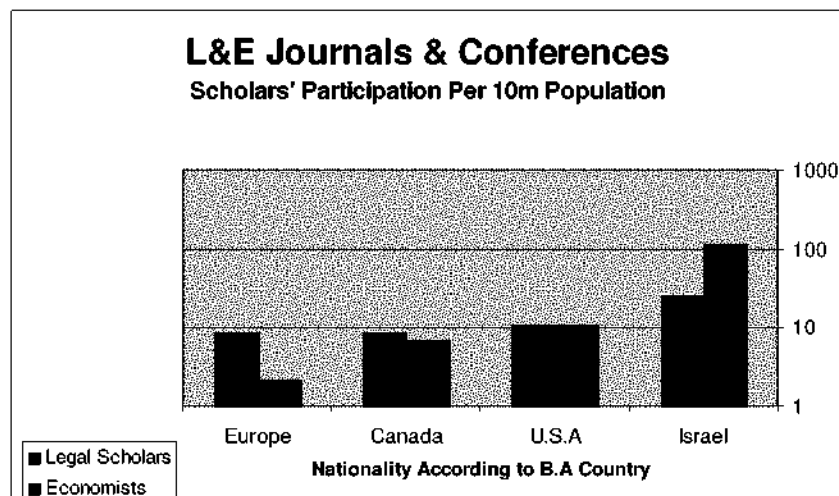
It can be seen that there is almost no difference in the per population number of economists who participate in authoring L&E papers in the United States, Canada

¹¹ Numerical details can be found in appendix table 3. Nationality was determined by the country of the first academic degree.

¹² 268 of the participants in the ALEA were lawyers, and 106 were economists. In the EALE, 75 were lawyers and 115 economists.

¹³ This chart also uses a logarithmic scale. Numerical details can be found in appendix table 4.

and Europe (the number of Israeli economists is about two and a half times higher). On the other hand, the rate of participation of American lawyers is more than five times higher than in Europe, and in Israel, participation is more than ten times higher than in North America.



4. WHERE DO OTHER LEGAL SCHOLARS COME FROM

The previous section used two yardsticks in evaluating how popular L&E is among legal scholars in different places: a per capita assessment of the number of law scholars authoring L&E papers, and a comparison of the number of legal scholars to the number of economists from the same regions. In this section I use a third method, and compare the demography of L&E authors to that of other fields of legal research. I suppose that every field has its uniqueness and I do not attempt to supply a full explanation for the demography of authors in each of the examined fields. Rather, my interest remains L&E and, hence, my aim is only to examine whether the incentives hypothesis can explain any of the differences between the demography of legal scholars in these fields and in L&E, in order to illuminate unique aspects of L&E scholarship.

For this comparison I chose two other interdisciplinary fields – law and society and legal history – and one more classic but still non-local legal field –

comparative and international law.¹⁴ The following table presents the demography of legal scholars from the examined regions participating in different conferences of American societies, according to their institutional affiliation.¹⁵ I concentrate only on legal scholars in order to exclude incentives that might operate in other disciplines.¹⁶ The table includes the number of participants in the conferences of the American Society for Comparative Law,¹⁷ American Society for Legal History,¹⁸ Law and Society Association¹⁹ and the ALEA.²⁰ Since British scholars were found to be relatively dominant in these fields, they are presented separately from other European scholars.

Legal Scholars at Conferences of American Associations

	Comparative Law		Legal History		Law and Society		Non-L&E (aggregated)		ALEA	
	Num	%	Num	%	Num	%	Num	%	Num	%
U.S.A	48	56%	75	85%	373	81%	496	78%	238	89%
Canada	3	4%	0	0%	14	3%	17	3%	9	3%
Israel	0	0%	1	1%	17	4%	18	3%	17	6%
Europe*	27	32%	4	5%	12	3%	43	7%	2	1%
UK	7	8%	8	9%	42	9%	57	9%	2	1%
Sum	85	100%	88	100%	458	100%	631	100%	268	100%

* excluding the UK.

¹⁴ Though comparative law is different from international law, there are several leading law reviews which specialize in both fields and thus I examined them together.

¹⁵ I used the current institutional affiliation instead of the country of the first academic degree because the data on previous education was unavailable in too many instances. Since the comparison is between fields, and the definition is similar for all of the examined fields, the same trends are likely to appear in any case.

¹⁶ A participant is thus considered a legal scholar from Europe, the United States, Canada or Israel who authored a paper in the conference. Nationality in the tables in this section was determined based on the current institutional affiliation of the scholars. Since I could not find equivalent European associations for each of the fields, I used only conferences of American association, to allow unbiased comparison between the different fields.

¹⁷ The table includes data from conferences in Queensland, Australia in 2002, Missouri 2004, Michigan 2004 and Utrecht 2006. The conference of 2005 was excluded because details on the papers could not be found on the web. The 2003 conference was not surveyed because this conference concentrated on Italian-American comparisons and thus could have been less representative.

¹⁸ I survey the conference of 2004 (Austin), 2005 (Cincinnati) and 2006 (Baltimore).

¹⁹ Since the number of participants in the Law and Society Association conferences is sufficiently large (more than 1000 participants in each conference, about half being legal scholars) only one conference, Chicago 2004, was surveyed.

²⁰ The conferences of 2003, 2004 and 2005 were surveyed.

The differences in the demography of participants can easily be seen. 81% to 89% of the participants were American, which is not surprising since these were conferences of American associations. The only exception is in comparative law, where only 56% of the participants were American, partly because half of the conferences were held outside the United States,²¹ and partly because the discourse in comparative law requires, by its nature, expertise in different legal systems. About 3% of the legal scholars in the conferences were Canadian.²² Excluding L&E conferences, about 9% of the legal scholars in the conferences were British; In the ALEA conferences they accounted for less than 1%. Other European legal scholars take an active part in conferences on comparative law, but except for that, they rarely appear at American conferences.²³ This is especially true for L&E conferences, where less than 1% of the legal scholars came from continental Europe. The participation of legal scholars from Israel in American conferences is high, taking into account the country's population; still, in L&E, legal scholars from Israel are more than twice as dominant as in the other fields.

These results are generally in conformity with the incentives hypothesis. Legal scholars from continental Europe have little interest in American legal academia and thus take limited part in most of the conferences of American societies. In most fields some might still participate in American conferences while writing up their research later, in their native tongue, but in L&E there are virtually no legal journals in languages other than English. Thus, participation of European lawyers in the ALEA is even smaller than in law and society or legal history conferences.²⁴ In comparative law, however, the community is transnational, and comparison between American and European jurisdictions is likely to require scholars from both continents. European lawyers in the field are required to participate in such international discourse to promote their research. For Canadian scholars, there are no specific comparative advantages to writing in any specific field, and hence the relatively equal share in the different fields is expected. As explained above, academic incentives drive Israeli legal scholars to take an active part in the American

²¹ In the conference held in the United States, 70.7% of the scholars (29 of 41) were American, 17.1% from continental Europe, (7 of 41), 7.3% from the U.K. (3 of 41) and 2.5% Canadian (1 of 41).

²² Canadian legal scholars did not participate in the legal history conferences, which might be a result of the small sample.

²³ When examining only conferences held in the United States, legal scholars from continental Europe account for 17% of the participants.

²⁴ Of the two European participants in the ALEA, one, Hans-Bernd Schäfer is actually an economist, but was categorized as a lawyer because he is a professor in a law school. The second European participant, Giuseppe Dari-Mattiacci, is employed in the Netherlands as an L&E scholar.

legal discourse in all fields, but in L&E this is especially true, which explains why Israelis are especially dominant in the ALEA.²⁵ The only puzzling result is the lack of British participants in the ALEA. Like the Canadians, British legal scholars share with the Americans a language and much of the legal culture and history. Furthermore, publication in American journals is not discouraged in Britain. Thus, as expected, British scholars are represented at American conferences in the different fields. However, their participation in L&E conferences is very limited. Admittedly, this fact does not seem to sit well with the incentives hypothesis.

Examination of legal journals in similar fields is equally indicative. In order to have a similar percentage of authors from European journals in the examined fields, I used the John Doyle ranking of legal journals and selected the top American and the top European journals in each field in a similar mix.²⁶ Here too, the data refers only to authorship of legal scholars from the examined jurisdictions.

²⁵ Though one or two Israelis could have been expected at the conferences on comparative law as well, their absence might well have been a matter of coincidence since there were only 85 participants in the comparative law conferences. In fact, one participant was an Israeli and was discussing Israeli law; however, she was counted as Canadian because she is affiliated with a Canadian institution.

²⁶ The choice of journals for the survey was made based on John Doyle's law review ranking website, <http://lawlib.wlu.edu/LJ/index.aspx>. Since 35% of the authors on the L&E list were authoring in European journals, I made sure that the mix of articles in the other fields was approximately the same. Hence, for international and comparative law I used the top eight American law reviews under the subject "international and comparative law" on that website (*Harvard International Law Journal*, *Virginia Journal of International Law*, *American Journal of International Law*, *Columbia Journal of Transnational Law*, the *American Journal of Comparative Law*, *Minnesota Journal of International Law*, *American University International Law Review* and *Boston University International Law Journal*) and the two top European law reviews from the same list, excluding journals on specific subtopics of international law (*European Journal of International Law* and *Leiden Journal of International Law*). For law and society I used the topic "public policy, politics and law," and from the resulting list I chose the top two journals that best fit the topic "law and society," which are *Law and Social Inquiry* and *Law and Society Review*, and the first non-American journal on the list, the *Journal of Law and Society*. Using the ranking of journals on legal history, and after excluding more general journals (such as *Law & Social Inquiry*), I surveyed one American journal, the *Law and History Review*, and three European journals: the *Journal of the History of International Law*, the *Legal History Review* and the *Journal of Legal History*. As a result, European journals supplied 40% of the authors in international and comparative law, 35% in L&E, 33% in law and society, and 43% in legal history. In the appendix, I have included tables separating journals from the different continents to show that these small differences in the mix do not undermine the conclusions.

Legal Scholars Authoring in Journals

	Int'l & Comp. Law		Legal History		Law and Society		Non-L&E (aggregated)		L&E	
	Num	%	Num	%	Num	%	Num	%	Num	%
U.S.A	358	59%	62	43%	71	45%	491	54%	126	72%
Canada	22	4%	5	3%	2	1%	29	3%	4	2%
Israel	9	1%	1	1%	1	1%	11	1%	10	6%
Europe*	126	21%	55	38%	3	2%	184	20%	25	14%
UK	90	15%	21	15%	80	51%	191	21%	8	5%
Sum	605	100%	144	100%	157	100%	906	100%	173	100%

* excluding the UK.

The highest percentage of European legal scholars was found in legal history journals. However, this is not indicative of the relative popularity of the field in Europe. European journals in this field allow papers in different languages, and are open to research on different jurisdictions.²⁷ They are ranked in John Doyle's list of English language journals since they also allow article in English. When only articles written in English are examined, in order to neutralize the language effect, the percentage of European legal scholars drops dramatically, and becomes similar to their percentage in law and society.²⁸ Since legal scholars in Europe – unlike European economists or Israeli legal scholars – are not encouraged to participate in the English discourse, this result conforms with the incentives hypothesis.

For international law scholars in Europe, the story is somewhat different. While German or Spanish contract law scholars can gain academic reputation from writing solely for the local audience, international law scholars are expected to be recognized worldwide. In other words, unlike other fields in law, writing in an English language journal is academically beneficial for European scholars holding a position in international law. Thus, as expected, the percentage of European authors in English language legal scholarship is the highest in this field; after excluding the U.K., it reaches 21%. Still, this percentage vastly underestimates the proportion of European legal scholars in the field, since much of the international law scholarship is written in other

²⁷ The *Journal of the History of International Law* contains articles in English and in French. The *Legal History Review* includes articles in several European languages.

²⁸ There were only three German legal scholars writing in English. Except for these three and one Israeli author, all of the remaining legal scholars who author in the English language journals (87 in total) came from English speaking countries.

languages. There are numerous international law journals in European languages, in which, of course, European scholars are dominant.²⁹

Unlike international law, there are no journals dedicated to L&E other than in English. Publication options are limited for hardcore L&E papers in regular law reviews in Europe. Since European legal scholars do not have designated venues for L&E in their own language, more European legal scholars would have been expected to author in English language L&E journals. Yet academic incentives pull in the opposite direction. In the absence of academic incentives to join the L&E discourse, fewer European legal scholars use economic analysis. Only 14% of the legal scholars authoring in L&E journals are from continental Europe. Moreover, half of them are from the Netherlands, where specific positions for L&E scholars are designated in law schools. Among legal scholars who do not hold a designated L&E position, almost no one writes for L&E journals. This is another indication that for almost all European legal scholars, publishing in L&E journals is hardly cost effective.

Even fewer European legal scholars write in English language journals of law and society. Here again, as in legal history, legal scholars have little reason to go beyond authoring papers for their local audiences, usually in their own languages.

For other areas, the pattern revealed in the demography of journal authorship is similar to that of the conferences. Of course, Americans are less dominant in the journals, because only conferences of American societies were examined. Yet, when comparing the differences between the fields, one can find a high percentage of Israelis in L&E (6% of the lawyers in this field, compared to 1% in the other fields), a relatively similar spread of Canadians across fields, and a high level of participation of British legal scholars in all fields except L&E. Therefore, here again, with the exception of the U.K., the data is in conformity with the incentives hypothesis.

5. DISCUSSION

5.1. LAWYERS WHO CHOOSE LAW AND ECONOMICS

The above analysis is consistent with the claim that participation in the L&E discourse is highly correlated with academic incentives favoring that discipline. A small minority of European legal scholars have designated positions in fields which require participation in the international discourse, like international law

²⁹ For example: *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*; *Archiv des Völkerrechts*; *Zeitschrift für vergleichende Rechtswissenschaft*; *Revue Générale de Droit International Public* and *Revue internationale de droit compare*.

and L&E. For these few scholars, publications in English language journals can be beneficial. However, for the most part, European legal scholars do not need to write articles in English and for them, papers in L&E do not carry substantial academic benefit in appointments and promotion decisions. On the contrary, in many cases such papers would be much less valuable to their careers than doctrinal papers in their own languages. Publishing an article about the local law in a local journal may be easier as well. These are strong disincentives to overcome language and disciplinary barriers.

For American and Canadian legal scholars, interdisciplinary papers are as valuable as other legal papers for academic career advancement. There are no language barriers, since the L&E discourse is conducted mainly in English. The most prestigious legal journals are also looking for articles with a national or international interest and L&E papers, like other theoretical or critical legal papers, are often general enough for that purpose. Thus, L&E is another potential course a scholar can take, not necessarily more or less valuable than concentrating on any other legal subject or type of legal discourse. Thus, North Americans are much more likely than European lawyers to author and publish L&E papers.³⁰

As for Israeli lawyers, there are several academic incentives that generate a preference for L&E. The requirement to publish in English, preferably in the United States, makes L&E an attractive research outlet. Another factor is that legal scholars in Israel do not necessarily need to publish legal papers, and are definitely not required to publish papers about Israeli law. In addition, Israelis suffer from a comparative disadvantage in writing doctrinal papers about American law, because they are usually less familiar with the nuances of the American legal system, and may have less credibility with American JD students, who make the bulk of acceptance decisions for prestigious American law reviews. This comparative disadvantage drives them to write papers that demand less acquaintance with the local rulings and legal developments and which are peer reviewed. Hence, L&E is an excellent potential path for academic promotion. To the best of my knowledge, Israel is the only Western

³⁰ Per population, American lawyers appear more than Canadian lawyers in L&E conferences and journals. This is also true for economists, but to a lesser extent. This might be, at least partly, due to the fact that language issues and academic standards in Quebec are more similar to those in Europe. In fact, 6 of the 27 Canadian economists (22%) were from Quebec, while only 2 of the 21 Canadian lawyers (9.5%) were from this province. An examination of the Canadian Law and Economics Association member list (available at http://www.canlecon.org/CLEA%20members_09mar05.xls) gives a similar indication. Sixteen percent of the economists on the list (19 of 118) are from Quebec, while only 10% of the lawyers are from that province (5 of 50). (These data excluded members with no indicated affiliation to a Canadian academic institution). Still, one cannot exclude the possibility that the difference between Canada and the United States is a mere coincidence because the number of Canadians in the sample is too small.

country that requires all academic appointees in law schools to publish articles in foreign law journals about foreign law, and this requirement may well explain the unique interest Israeli scholars have in such an interdisciplinary field.³¹

Academic incentives can also explain why non-English speaking law scholars are less dominant in other interdisciplinary fields, such as law and society or legal history. Excelling in these fields requires better language skills and familiarity with local history and culture. For Israeli legal scholars, writing short theoretical economic models, which are relatively detached from the details of a specific legal system, is much easier than trying to dig into the history, culture or other social aspects of an English speaking legal system. For a legal scholar from continental Europe, this hindrance is added to the other disincentives to write for an English speaking audience.

One puzzle not solved by the incentives theory is the very limited presence of British legal scholars in the L&E discourse. For British scholars, writing for interdisciplinary law reviews, including non-British law reviews, is academically beneficial, and language is obviously not an issue. As expected, this is reflected in the high number of British authors in international and comparative law, law and society, and legal history journals, which are published in English. Yet this leaves their absence from the L&E discourse unexplained by the hypothesis presented here.

5.2. ECONOMISTS WHO CHOOSE LAW AND ECONOMICS

As for economists, the rate of their participation in L&E does not substantially differ in the different places. This is precisely what the incentives hypothesis predicts, since the criteria for evaluating an economic publication are quite similar everywhere. The only irregularity in the data is the rate of participation of Israeli economists, which is, per population, two times higher than that of American economists. This might be a coincidence because, unlike Israeli lawyers, the overall number of Israeli economists is relatively small.³² Subject to this reservation, however, the results are consistent with the hypothesis.

³¹ One might argue that since Israeli legal scholars have often studied in top American universities, they might have been attracted to L&E because it is more popular in these top law schools. Yet most American legal scholars are also graduates of the same top law schools. See *Law School Entry Level Hiring Report* (2005-06 Hiring Season) at Lawrence B. Solum, Legal Theory Blog, http://lsolum.blogspot.com/archives/2006_05_01_lsolum_archive.html#114129865560132000 (showing that most of the new recruits study in one of the ten top law schools).

³² Only 18 papers in the accumulated list were authored by Israeli economists. This number is high, given the size of Israel, but it is still too small to draw any conclusions. On the lawyers' side, the number of participants in both writing articles and presenting at conferences is 80, which is much less likely to be a result of coincidence.

5.3. ADDITIONAL COMMENTS

Other explanations are sometimes given for the relative popularity of L&E on the western side of the Atlantic Ocean. One potential explanation is money. Obviously, the mere fact that law schools are wealthier in the United States does not explain why this wealth is directed to L&E more than to other fields. Yet money has played a unique role in L&E because of the Olin Foundation, which gave about \$370 million to different projects over the years, with a large part of the money going to support L&E scholars or projects. These donations have had a profound influence on the development of L&E (Manne, 2005; Hanson and Yosifon, 2003). Ulen and Garoupa (2007) argue that the Olin Foundation could not have played such a substantive role. In their view, money cannot buy success for an academic discipline because scholars are fiercely independent and universities are sensitive to charges that their research was “purchased” in exchange for external funding. Though I believe that Olin is not the major cause for the different levels of success of L&E in Europe and the United States, I am doubtful as to whether my hypothesis can rely on Ulen and Garoupa’s (2007) argument. Monetary inducements work on academicians in exactly the same way they work on other people. Obviously, in most cases they would not convert a devoted opponent of the methodology to a supporter. But when a young scholar has to choose between several potential tracks that interest him or her, it is hard to believe that monetary incentives that could also help advance her research would have no effect on her decision. Still, I do not think the Olin Foundation has substantially altered the demography of L&E scholars. L&E is popular even where the Olin Foundation did not operate, such as Canada and Israel. Olin helped scholars from these countries because people who applied for Olin grants and those who joined Olin centers were not only Americans, but generally those who believed they could benefit from being L&E scholars. Thus, many Israelis received grants from Olin or worked for centers supported by the Olin Foundation, while few Europeans did the same. Olin might have enlarged the pie of L&E, but did not substantially change its distribution.

Another factor that is sometimes mentioned as a reason for the attraction of L&E is the influence of role models. In the United States, Judge Richard Posner is usually the example given. In Israel, Lucian Bebchuk might be the one. Yet again, students follow Bebchuk or Posner at least partly because they know it can help their future academic careers. Moreover, most of the Israeli scholars on the list are not students or protégées of Bebchuk, and Posner’s direct influence on students is also limited. Hence I believe role models play a limited role in the distribution of L&E scholarship.

One might argue that the reliance on population as a proxy for the number of scholars or scholarly work is flawed. It might be that Israel has more law scholars per population than the United States or Canada, and that there are more American law scholars per population, than Europeans. Yet it is highly unlikely that the weighted number of Israeli law scholars is more than fifty times higher than the number in Europe, or more than ten times the number in the U.S. In fact, an attempt to quantify the number of law scholars in the United States, Israel and two major European countries (Germany and France) seems to indicate that the number of European law scholars is at least as high, or maybe even higher, than the number from North America or Israel. Per ten million people, there are approximately 250 American law professors, 350 Israeli law professors, 150 German law professors and about 1250 French law professors.³³ The difference among the weighted number of law professors in Israel, the United States, and Germany is not large enough to explain why the per population rate of participation of law scholars in Israel is ten times higher than in the U.S., and eighty times higher than in Germany.³⁴ Since the weighted number of law professors in France is so much higher than in the United States and Israel, the absence of French lawyers from L&E is even more puzzling than the per population data show. Thus, a possible difference in the number of law scholars does not seem to explain the results.

Moreover, the comparison between L&E and other fields also suggests that the per population number of legal scholars is not the reason for the differences. The share of European legal scholars in the L&E field is lower than their share in international and comparative law, fields in which they are encouraged to take part in the international discourse and write for English language journals. Similarly, the high share of Israeli legal scholars is unique to L&E. All of this suggests that the findings about L&E are not simply a reflection of the scholarship in all other legal fields.

All of the above does not mean that the incentives hypothesis tells the whole story. For example, it does not explain why different legal systems adopt

³³ Based on the directory of the Association of American Law Schools (AALS, 2005), there are 8461 members of law school faculties in the United States (not including visiting professors and members of faculties who are not professors, lecturers and instructors). In France there are 7600 law professors (2426 full professors, and 5174 associate professors (*Maîtres de conférences*)). See Ministry of Education, France (2006), http://trf.education.gouv.fr/pub/edutel/dpd/rers2005/chap9_13.pdf. In Germany, there are only 1,262 tenured or tenure track law faculties (922 professors and 360 assistant professors (*dozenten*)). See Federal Statistics Office, Germany (2006), <http://www.destatis.de/basis/d/bwiku/hochtstxt.php>. In Israel the number is approximately 250 (based on a count of faculty members on the web pages of the law schools in Israel, including all tenure and tenure track lecturers, full or part time).

³⁴ See tables 2, 3 and 4 in the appendix.

different standards of evaluation. Ulen and Garoupa (2007) argue that L&E is more popular in American law schools than in European ones because of the remarkable competitiveness of North American higher education and the history of legal realism which created the necessary cultural basis for absorbing L&E. I do not necessarily agree with their analysis. I believe it fails to explain why L&E became popular in Israel, where academia is highly regulated, and universities cannot compete over salaries or tuition fees. I also believe that their hypothesis cannot account for why L&E was well absorbed in departments of economics in Europe, which are subject to the same types of regulation as European law schools. Still, my hypothesis does not contradict Ulen and Garoupa's claim, because I do not try to explain why the academic incentives are so different in Europe, Israel and North America. It might be argued that this difference is the result of competition, culture, or some other factors, and still accept that these factors may affect participation in L&E scholarship mainly indirectly, through academic incentives.³⁵

Another interesting fact the data reveal is the higher participation of lawyers at L&E conferences, as compared to authorship in journals. One possible explanation is that most L&E journals are economically-oriented. They are peer-reviewed journals, containing short papers usually with a formal model, a type of writing more familiar to economists. Lawyers often write L&E papers in regular law journals, where the methodological requirements are less demanding. Economists, on the other hand, generally receive considerably less credit for law review publications. Yet law review papers could not be counted here because it is impossible to strictly define an L&E paper. Similarly, it was hard to examine the number of L&E books. The number of publications in L&E journals is therefore only an imperfect indication of the number of L&E papers. Economists are certainly over-represented in this sample. Thus, the conferences might tell a more accurate story about the proportion of lawyers and economists in the L&E discourse. As shown above, the data from conferences is also in conformity with the incentives hypothesis. Relying on the conferences data, I believe that the exclusion of law reviews and books from the dataset does not undermine the conclusions regarding Israelis and American legal scholars.³⁶

³⁵ One might argue that European law schools lean more to the left politically than American law schools. According to this argument, L&E is stigmatized in Europe as a right-wing theory, and therefore is rejected by law schools. Yet to the extent that this political factor is influential, it is again likely to impact indirectly through the academic incentives. Otherwise, one cannot explain why there are so many papers written by law school professors from the Netherlands, which is not so different politically from the rest of Europe, or why Israeli law scholars write so many L&E papers.

³⁶ In fact, many Israelis write in American law reviews, and many of these papers are soft law and economics papers.

One last comment about the different countries in Europe: aggregating data about Europe is always tricky, since the cultural differences within Europe are greater than within the United States. However, examining each country is also problematic because the number of samples is too small to have any statistical validity. In any case, an examination of the data from each country indicates that the similarities are sufficient for aggregation. In almost every country, the number of economists authoring an L&E paper was substantially higher than the number of lawyers.³⁷

Still, two European countries should be discussed separately. One, the United Kingdom, has already been discussed above. The other, the Netherlands, justifies special attention here.³⁸ As I have mentioned above, several Dutch universities offer positions for L&E scholars. As a result, members of Dutch law schools (not necessarily Dutch in nationality) often write L&E papers. Yet like in the rest of Europe, most legal scholars are not encouraged to write for American or international journals. Hence, these few L&E scholars often write for international L&E journals, while other Dutch law professors almost never do. In comparison, in Israel, and in North America, many law professors who are not L&E scholars and who usually write regular legal papers for law reviews do from time to time write an L&E paper. Hence the relatively high rate of participation of scholars from Dutch universities tells a different story than the American and the Israeli ones.

6. CONCLUSIONS

The different approach to L&E in Europe and North America has puzzled many who have described the development of the field. Various explanations have been given for this difference. The data seem to contradict at least some of these explanations. For example, Posner (1997) argues that the prestige of applied economics in the United States and the expansion of the American economic research to non-market issues have been conducive to the unique growth of L&E in the United States. Yet these features of American economic research fail to explain why European law scholars reject L&E, while economists in Europe do

³⁷ The only exception was Belgium, with 11 lawyers and 11 economists. It should be noted, though, that most of the Belgian lawyers in the list are not working in Belgium.

³⁸ For participation of Dutch lawyers in L&E research, see tables in the appendix. Several Dutch universities have chairs for L&E, and thus appointment and promotion for these few scholars are affected by L&E publications. (I thank Gernt De Geest for this information). See Holzhauser and Teijl (2000) who argued that "budget cuts during recent years put pressure on economics departments in law faculties to focus more on 'the law,' and hence law and economics became an interesting issue for these departments."

not. Dau-Schmidt and Brun (2006) argue that some characteristics of the American legal academy, like the undergraduate background of American law students and the importance of student-edited law reviews, are among the causes of the distinctive success of L&E in American law schools. Yet in Israel law studies are conducted at the undergraduate level³⁹ and law reviews are usually peer-reviewed. Moreover, part of the success of L&E can be attributed to peer-reviewed journals, most notably the *Journal of Law and Economics* and the *Journal of Legal Studies*. The data examined here refers almost only to peer-reviewed journals. Weigel (2000) argues that economists in Austria are more willing to accept L&E because they are more accustomed to the methodology. However, this cannot explain why law professors elsewhere often adopt the methodology of L&E. Ulen and Garoupa (2007) emphasize the competitiveness of American law schools as a major explanation for the difference. However, as I mentioned before, law schools in Israel and economics departments in Europe are as regulated as European law schools, and still L&E has been well accepted in these institutions.

All of this suggests that there might be another explanation, and a believer in economic analysis must also consider the economic explanation. Markets develop differently because of different regulation. So does the academic market for research. The regulation of academic appointments, promotion and tenure shape the incentives to participate in the L&E discourse. This simple economic insight is consistent with the data presented in this paper.

To the extent that academic incentives are a major cause for the difference in lawyers' participation in L&E research, the consequence of this analysis is substantial. If this is the case, research in L&E can be discouraged or boosted by an alteration of academic requirements. If, for example, European countries start requiring legal scholars to publish in foreign law journals, and reward publications in highly rated international journals, legal scholars from Europe may take much more interest in L&E. Changes in this direction are taking place in some European countries. In Flanders, a productivity measurement system is being developed (*commissie Terbeke*), which will reward scholars who publish in international journals. A similar development is taking place in the Italian academia. In Denmark, the Ministry of Science is beginning to reward publications in English. These developments might not be sufficient to make a substantial change because currently an English chapter in a book about local Danish or Belgian law is equally rewarded and there is still no pressure on legal scholars in Belgium and Denmark to compete in the top reviewed journals. Yet

³⁹ In the past few years, an increasing number of Israeli law students have been studying for a degree in economics during law school. This is a relatively new phenomenon that might have an effect on the recent graduates' interest in L&E.

these developments in the academic standards for promotion might be the first steps that will lead to an increase in European lawyers' participation in L&E. After all, even legal scholars are, to some extent, self-interested human beings.

Appendix

Table 1: Participation in Authorship of L&E Articles
(According to nationality of authors and their dominant discipline)

Population		Number of Participants			Per 10M people		
		Law	Econ	Neither	Law	Econ	Neither
299,093,237	U.S.A.	106	258	18	3.54	8.62	0.60
32,251,238	Canada	6	21	1	1.86	6.51	0.31
7,109,929	Israel	22	13	0	30.94	18.28	0.00
400,369,441	Europe*	33	205	7	0.82	5.12	0.17
8,188,806	Austria	0	6	0	0.00	7.33	0.00
10,481,831	Belgium	5	8	0	4.77	7.63	0.00
5,425,373	Denmark	0	14	0	0.00	25.80	0.00
5,260,970	Finland	0	6	0	0.00	11.40	0.00
61,004,840	France	0	22	0	0.00	3.61	0.00
82,515,988	Germany	4	47	4	0.48	5.69	0.48
11,275,420	Greece	3	12	1	2.66	10.64	0.88
4,065,631	Ireland	0	1	0	0.00	2.46	0.00
59,115,261	Italy	9	15	1	1.52	2.54	0.17
4,632,911	Norway	0	2	0	0.00	4.32	0.00
10,501,051	Portugal	0	8	0	0.00	7.62	0.00
44,351,186	Spain	3	14	0	0.68	3.16	0.00
9,076,757	Sweden	0	3	0	0.00	3.31	0.00
7,488,533	Switzerland	0	6	0	0.00	8.01	0.00
16,386,216	Netherlands	4	18	0	2.44	10.98	0.00
60,139,274	U.K.	5	23	1	0.83	3.82	0.17
	Others	8	62	2			

* excluding the U.K.

Table 2: Participation in Authorship of L&E Articles
(According to countries of current institutional affiliation and dominant discipline)

Population		Number of Participants			Per 10M people		
		Law	Econ	Neither	Law	Econ	Neither
299,093,237	U.S.A.	126	295	19	4.21	9.86	0.64
32,251,238	Canada	4	18	0	1.24	5.58	0.00
7,109,929	Israel	10	10	1	14.06	14.06	1.41
400,369,441	Europe*	33	201	7	0.82	5.02	0.17
8,188,806	Austria	0	8	0	0.00	9.77	0.00
10,481,831	Belgium	2	8	0	1.91	7.63	0.00
5,425,373	Denmark	0	14	0	0.00	25.80	0.00
5,260,970	Finland	0	6	0	0.00	11.40	0.00
61,004,840	France	0	24	0	0.00	3.93	0.00
82,515,988	Germany	3	44	4	0.36	5.33	0.48
11,275,420	Greece	1	9	1	0.89	7.98	0.89
4,065,631	Ireland	0	1	0	0.00	2.46	0.00
59,115,261	Italy	4	12	1	0.68	2.03	0.17
4,632,911	Norway	0	3	0	0.00	6.48	0.00
10,501,051	Portugal	0	7	0	0.00	6.67	0.00
44,351,186	Spain	3	12	0	0.68	2.71	0.00
9,076,757	Sweden	0	5	0	0.00	5.51	0.00
7,488,533	Switzerland	0	6	0	0.00	8.01	0.00
16,386,216	Netherlands	12	17	0	7.32	10.37	0.00
60,139,274	U.K.	8	25	1	1.33	4.16	0.17
	Others	2	35	1			

* excluding the U.K.

Table 3: Participation in L&E Conferences
(According to nationality of authors and their dominant discipline)

Population		Number of Participants			Per 10M people		
		Law	Econ	Neither	Law	Econ	Neither
299,093,237	U.S.A.	212	59	13	7.09	1.97	0.43
32,251,238	Canada	15	6	0	4.65	1.86	0.00
7,109,929	Israel	58	5	0	81.58	7.03	0.00
400,369,441	Europe*	50	134	4	1.25	3.35	0.10
8,188,806	Austria	0	3	0	0.00	3.66	0.00
10,481,831	Belgium	6	3	0	5.72	2.86	0.00
5,425,373	Denmark	0	6	0	0.00	11.06	0.00
5,260,970	Finland	0	0	0	0.00	0.00	0.00
61,004,840	France	0	42	1	0.00	6.88	0.16
82,515,988	Germany	10	22	0	1.21	2.67	0.00
11,275,420	Greece	5	2	0	4.43	1.77	0.00
4,065,631	Ireland	0	0	0	0.00	0.00	0.00
59,115,261	Italy	9	19	2	1.52	3.21	0.34
4,632,911	Norway	1	2	0	2.16	4.32	0.00
10,501,051	Portugal	1	3	0	0.95	2.86	0.00
44,351,186	Spain	4	8	0	0.90	1.80	0.00
9,076,757	Sweden	0	3	0	0.00	3.31	0.00
7,488,533	Switzerland	1	1	1	1.34	1.34	1.34
16,386,216	Netherlands	4	1	0	2.44	0.61	0.00
60,139,274	U.K.	9	19	0	1.50	3.16	0.00
	Others	8	15	2			

* excluding the U.K.

Table 4: Participation in Authoring L&E Articles and Conferences Papers
(According to nationality of authors and their dominant discipline)

Population		Number of Participants			Per 10M people		
		Law	Econ	Neither	Law	Econ	Neither
299,093,237	U.S.A.	318	317	31	10.63	10.60	1.04
32,251,238	Canada	21	27	1	6.51	8.37	0.31
7,109,929	Israel	80	18	0	112.52	25.32	0.00
400,369,441	Europe*	83	339	11	2.07	8.47	0.27
8,188,806	Austria	0	9	0	0.00	10.99	0.00
10,481,831	Belgium	11	11	0	10.49	10.49	0.00
5,425,373	Denmark	0	20	0	0.00	36.86	0.00
5,260,970	Finland	0	6	0	0.00	11.40	0.00
61,004,840	France	0	64	1	0.00	10.49	0.16
82,515,988	Germany	14	69	4	1.70	8.36	0.48
11,275,420	Greece	8	14	1	7.10	12.42	0.89
4,065,631	Ireland	0	1	0	0.00	2.46	0.00
59,115,261	Italy	18	34	3	3.04	5.75	0.51
4,632,911	Norway	1	4	0	2.16	8.63	0.00
10,501,051	Portugal	1	11	0	0.95	10.48	0.00
44,351,186	Spain	7	22	0	1.58	4.96	0.00
9,076,757	Sweden	0	6	0	0.00	6.61	0.00
7,488,533	Switzerland	1	7	1	1.34	9.35	1.34
16,386,216	Netherlands	8	19	0	4.88	11.60	0.00
60,139,274	U.K.	14	42	1	2.33	6.98	0.17
	Others	16	77	4			

* excluding the U.K.

Table 5: Legal Scholars Authoring in American Journals

	Int'l & Comp. Law		Legal History		Law and Society		Non-L&E (aggregated)		Law and Econ	
	Num	%	Num	%	Num	%	Num	%	Num	%
U.S.A.	305	80%	48	77%	65	88%	418	81%	106	84%
Canada	6	2%	3	5%	1	1%	10	2%	4	3%
Israel	5	1%	1	2%	1	1%	7	1%	6	5%
Europe*	34	9%	0	0%	0	0%	34	7%	8	6%
Austria	2	1%	0	0%	0	0%	2	0%	0	0%
Belgium	1	0%	0	0%	0	0%	1	0%	0	0%
Denmark	1	0%	0	0%	0	0%	1	0%	0	0%
Finland	2	1%	0	0%	0	0%	2	0%	0	0%
France	4	1%	0	0%	0	0%	4	1%	0	0%
Germany	9	2%	0	0%	0	0%	9	2%	1	1%
Greece	0	0%	0	0%	0	0%	0	0%	0	0%
Ireland	2	1%	0	0%	0	0%	2	0%	0	0%
Italy	9	2%	0	0%	0	0%	9	2%	0	0%
Norway	2	1%	0	0%	0	0%	2	0%	0	0%
Portugal	0	0%	0	0%	0	0%	0	0%	0	0%
Spain	0	0%	0	0%	0	0%	0	0%	2	2%
Sweden	0	0%	0	0%	0	0%	0	0%	0	0%
Switzerland	1	0%	0	0%	0	0%	1	0%	0	0%
Netherlands	1	0%	0	0%	0	0%	1	0%	5	4%
UK	33	9%	10	16%	7	9%	50	10%	2	2%
Sum	383	100%	62	100%	74	100%	519	100%	126	100%
Others	34		3		5		42		0	

* excluding the UK

Table 6: Legal Scholars Authoring in European Journals

	Int'l & Comp. Law		Legal History		Law and Society		Non-L&E (aggregated)		Law and Econ	
	Num	%	Num	%	Num	%	Num	%	Num	%
U.S.A.	53	24%	14	17%	6	7%	73	19%	20	43%
Canada	16	7%	2	2%	1	1%	19	5%	0	0%
Israel	4	2%	0	0%	0	0%	4	1%	4	9%
Europe*	92	41%	55	67%	3	4%	150	39%	17	36%
Austria	5	2%	3	4%	0	0%	8	2%	0	0%
Belgium	3	1%	5	6%	0	0%	8	2%	2	4%
Denmark	4	2%	0	0%	0	0%	4	1%	0	0%
Finland	7	3%	1	1%	0	0%	8	2%	0	0%
France	3	1%	4	5%	0	0%	7	2%	0	0%
Germany	14	6%	14	17%	1	1%	29	7%	2	4%
Greece	1	0%	0	0%	0	0%	1	0%	1	2%
Ireland	2	1%	0	0%	0	0%	2	1%	0	0%
Italy	12	5%	2	2%	1	1%	15	4%	4	9%
Norway	0	0%	1	1%	0	0%	1	0%	0	0%
Portugal	0	0%	0	0%	0	0%	0	0%	0	0%
Spain	4	2%	0	0%	0	0%	4	1%	1	2%
Sweden	3	1%	1	1%	0	0%	4	1%	0	0%
Switzerland	5	2%	7	9%	0	0%	12	3%	0	0%
Netherlands	29	13%	17	21%	1	1%	47	12%	7	15%
UK	57	26%	11	13%	73	88%	141	36%	6	13%
Sum	222	100%	82	100%	83	100%	387	100%	47	100%
Others	22		11		6		39		2	

* excluding the UK

Table 7: Legal Scholars Authoring in American and European Journals

	Int'l & Comp. Law		Legal History		Law and Society		Non-L&E (aggregated)		Law and Econ	
	Num	%	Num	%	Num	%	Num	%	Num	%
U.S.A.	358	59%	62	43%	71	45%	491	54%	126	73%
Canada	22	4%	5	3%	2	1%	29	3%	4	2%
Israel	9	1%	1	1%	1	1%	11	1%	10	8%
Europe*	126	21%	55	38%	3	2%	184	20%	25	14%
Austria	7	1%	3	2%	0	0%	10	1%	0	0%
Belgium	4	1%	5	3%	0	0%	9	1%	2	1%
Denmark	5	1%	0	0%	0	0%	5	1%	0	0%
Finland	9	1%	1	1%	0	0%	10	1%	0	0%
France	7	1%	4	3%	0	0%	11	1%	0	0%
Germany	23	4%	14	10%	1	1%	38	4%	3	2%
Greece	1	0%	0	0%	0	0%	1	0%	1	1%
Ireland	4	1%	0	0%	0	0%	4	0%	0	0%
Italy	21	3%	2	1%	1	1%	24	3%	4	2%
Norway	2	0%	1	1%	0	0%	3	0%	0	0%
Portugal	0	0%	0	0%	0	0%	0	0%	0	0%
Spain	4	1%	0	0%	0	0%	4	0%	3	2%
Sweden	3	0%	1	1%	0	0%	4	0%	0	0%
Switzerland	6	1%	7	5%	0	0%	13	1%	0	0%
Netherlands	30	5%	17	12%	1	1%	48	5%	12	7%
UK	90	15%	21	15%	80	51%	191	21%	8	5%
Sum	605	100%	144	100%	157	100%	906	100%	173	100%
Others	56		14		11		81		2	

* excluding the UK

Table 8: Legal Scholars Authoring in American Conferences

	Int'l & Comp. Law		Legal History		Law and Society		Non-L&E (aggregated)		Law and Econ	
	Num	%	Num	%	Num	%	Num	%	Num	%
U.S.A.	48	56%	75	85%	373	81%	496	79%	238	88%
Canada	3	4%	0	0%	14	3%	17	3%	9	3%
Israel	0	0%	1	1%	17	4%	18	3%	17	6%
Europe*	27	32%	4	5%	12	3%	43	7%	2	1%
Austria	0	0%	0	0%	0	0%	0	0%	0	0%
Belgium	1	1%	0	0%	0	0%	1	0%	0	0%
Denmark	1	1%	0	0%	1	0%	2	0%	0	0%
Finland	0	0%	0	0%	0	0%	0	0%	0	0%
France	4	5%	0	0%	1	0%	5	1%	0	0%
Germany	3	4%	2	2%	2	0%	7	1%	1	0%
Greece	1	1%	0	0%	0	0%	1	0%	0	0%
Ireland	1	1%	0	0%	0	0%	1	0%	0	0%
Italy	12	14%	0	0%	0	0%	12	2%	0	0%
Norway	0	0%	0	0%	0	0%	0	0%	0	0%
Portugal	0	0%	0	0%	1	0%	1	0%	0	0%
Spain	1	1%	0	0%	1	0%	2	0%	0	0%
Sweden	0	0%	2	2%	0	0%	2	0%	0	0%
Switzerland	2	2%	0	0%	0	0%	2	0%	0	0%
Netherlands	1	1%	0	0%	6	1%	7	1%	1	0%
UK	7	8%	8	9%	42	9%	57	9%	2	1%
Sum	85	100%	88	100%	458	100%	631	100%	268	100%
Others	9		1		29		39		0	

* excluding the UK

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