

INDEX

- Abbott, Kenneth, 123
- abstract-normative approaches, to
 global law, 101–2, 104
- abuse of power, Rule of Law and, 133–5
- academic capital, 60
- access justice model, 297
- Acquis-Principles (ACQP), 229–30
- ad hominem bias, 367–8
- adjudicative process, 406–12
 class actions and, 430–1
 judicial involvement in, 407, 411
 jury independence in, 407–8
 litigation in, 409–10
 costs in, 409
 participation costs for, 409
 real-world applications of, 411–12
- administrative law, 401–2
 institutional choice and, 434
 Rule of Law in, 339
- administrative states, 216–17. *See also*
 welfare state
- customary law in, 324
- democracy and, 327
- expansion of government in, 321
- general rules requirement in, 341–3
- governance in, 327–8
- historical development of, 327
- legal coherence and, 321–8
- legitimacy of, 323
- methodology of, 310–11
- modern morality in, 348–9
- positive law in, 322
- resource allocation in, 325
- ADR programs. *See* alternative dispute
 resolution programs
- aesthetic bias, 367–8
- affiliation bias, 367–8
- alternative dispute resolution (ADR)
 programs, 459–60, 464–5
- American Bar Foundation, 462–3
- The American Jury*, 458–9
- American Law and Society Association
 (LSA), 465–6
- An Introduction to the Law of the
 Constitution*, 214
- analogy, in law, 225
- Ancient Law* (Maine), 454–5
- Ancient Society* (Morgan), 454–5
- anthropology, 452–3
- antidiscrimination laws, 287–9
- antiintellectualism, in U.S., 14–15
- Aquinas. *See* Aquinas, Thomas
- Aquinas, Thomas, 235–6, 313
- Arendt, Hannah, 504–5
- Aristotle, 312
- Aron, Raymond, 281
- Ashcroft v. Free Speech Coalition*, 337
- Attorney-General of Belize v. Belize
 Telecom Ltd.*, 158
- attraction effect, 482
- Austin, John, 4–5
- Australia, law journals in, 357–8, 388–9
 peer reviews of, 372
- authenticity, 144–5
- automatic-controlled bias, 489
- availability bias, 482
- aversion, 155
- bankruptcy law, 473–4
- Baron, Jane, 37
- Becher, Tony, 60
- behavioural law and economics (BLE)
 behavioural sciences and, 480–8
 bounded ethicality, 483–6

- behavioural law and economics (BLE)
(cont.)
- bounded humanity, typologies of, 488–92
 - bounded rationality, 481–2
 - bounded self-control, 482–3
 - bounded self-interest, 486–8
 - Prospect Theory and, 481–2
 - cognitive bias and, 477
 - criticism of, 479
 - default settings for, 493
 - development of, 479
 - distributional implications for, 495–7
 - economic analysis in, 477–80
 - in EU, 476
 - first-generation law in, 478
 - humanities and, 479
 - interdisciplinarity within, 492
 - legal research implications for, 488–98
 - libertarian paternalism and, 493–5
 - market failure and, 477–8
 - methodological strategy for, 114, 492–5
 - as ideology, 497–8
 - regulatory approaches to, 494
 - scarcity trap and, 497
 - second generation law in, 478–9
 - behavioural sciences and the law (BSL), 476
- Bentham, Jeremy, 4–5, 214
- bias
- automatic-controlled, 489
 - availability, 482
 - bounded rationality and, 482
 - cognitive, 477
 - conformity, 485–6
 - emotional-cognitive, 489
 - hindsight, 482
 - majoritarian, 426, 436
 - minoritarian, 426, 436
 - optimism, 482
 - in peer reviews, 367–70
 - reflexive-reflective, 489
 - self-serving, 485–6, 489
 - types of, 367–70
- bibliometric assessments
- advantages of, 379–82
 - CALD and, 376–7
 - disadvantages of, 379–82
 - in French legal research, 378–9
 - in German legal research, 378–9
 - of law journals, 374–82
 - of laws, 375–9
 - of SSH fields, 375–6
 - of STM fields, 375–6
 - in Swiss legal research, 378–9
 - in UK legal research, 377–8
- Birks, Peter, 230
- Black, Julia, 120
- black letter law, 210
- legal research in, 394
- BLE. *See* behavioural law and economics
- bounded ethicality, 483–6
- ‘holier than thou’ effect and, 484
 - incrementalism in, 485
 - role morality and, 485–6
- bounded humanity, 488
- bounded humanity, typologies of, 488, 489–92
- bounded rationality, 481–2
- biases in, 482
 - effects in, 482
- bounded self-control, 482–3
- procrastination and, 483
 - self-control and, 483
- bounded self-interest, 486–8
- Bourdieu, Pierre, 60, 68
- Bowling, Ben, 151
- Brandeis brief, 454
- Bressman, Lisa Shultz, 322–3
- Brownsword, Roger, 278–9, 480
- Brüstle, Oliver, 159–62
- BSL. *See* behavioural sciences and the law
- Bucerius Law School, 41–2
- CLR variances in, 46–7
 - practical legal tradition in, 48
- Burger, Warren (Justice), 463
- CALD. *See* Council of Australian Law Deans
- Campbell, Kevin, 175–6
- Canada, law journals in, 357–8
- Cappelletti, Mauro, 269

- CARIT. *See* Convention on the Assignment of Receivables in International Trade
- case method, origins of, 518
- CESL. *See* Common European Sales Law
- CFI. *See* Court of First Instance
- changed circumstances doctrine, 424–5
- Charter of Fundamental Rights, 303
- Chevron Doctrine, 334–5
- The Cheyenne Way* (Llewellyn), 456
- Chicago Lawyers Survey, 462–3
- Child Pornography Prevention Act, 337
- China, law journals in, 357–8
- Christian morality, 346
- Great Chain of Being and, 346
- Cicero, 312–13
- citation counts, from law journals, 194–6
- City of Cleburne v. Cleburne Living Center*, 418
- Civil Code, in Europe, 270, 284, 289, 291
- failure of, 308
- Civil Justice Reform Act, 464
- civil law
- doctrinal legal research and, 354–5
- legal doctrine in, 210
- legal research and, 33
- Civil Litigation Research Project (CLRP), 462
- CJEU. *See* European Court of Justice
- class actions
- adjudicative process and, 430–1
- certification of, 434
- institutional choice and, 430–4
- judicial scrutiny of, 432–3
- litigation dynamics for, 431–2
- CLRP. *See* Civil Litigation Research Project
- Coase, Ronald, 438
- code law, common law compared to, 6–7
- cognitive bias, 477
- Cohen, Felix, 5
- coherence, legal, 312–21. *See also*
- natural law
- administrative state and, 321–8
- Cicero and, 312–13
- civil law and, 318–21
- common law and, 318–21
- within communities of rights, 164
- conceptual features of, 331
- constitutional law and, 336–7
- empiricism and, 331–4
- general rules requirement and, 341–3
- globalization as influence on, 325–6
- institutional features of, 331
- as irrelevant, 338–49
- legal scholarship and, 318–21, 328–38, 349–50
- methodology and, 328–38
- natural law theory and, 340–1
- origins of, 312–17
- in regulation management, 158–65
- in Europe, 165
- Rule of Law and, 338–43
- Scalia on, 319
- social sciences and, integration of, 331–2
- among trade imperatives, 164
- unity of beliefs within, 343–9
- collective action, 443–4
- commercial law, 12
- Common European Sales Law (CESL), 245, 289, 291
- common law
- code law compared to, 6–7
- doctrinal legal research and, 352
- efficiency of, 445
- in Europe, 6–7
- legal coherence and, 318–21
- legal doctrine in, 210
- legal research and, 33
- property and, 428–9
- in UK, 320–1
- commonality, 431
- communicative action, theory of, 335–6
- communitarianism, 440–1
- communities of rights, 164
- human dignity and, 164
- comparative institutional analysis
- economic analysis and, 435–46
- empiricism and, 448–9
- law reform and, 447–8
- legal scholarship and, 446–7
- single institutional analysis in, 443
- comparative law, 16–17
- case precedent and, 66

- comparative law (cont.)
 - European legal doctrine and, 243–4
 - Vorverständnis* and, 17
- compromise effect, 482
- Comte, Auguste, 454
- The Concept of Law* (Hart), 121
- conflictual constitutionalization, 306–7
- conformity bias, 485–6
- constitutional law, 107, 401–2
 - fundamental rights as part of, 415–18
 - goals of, 414–16
 - heightened scrutiny under, 419
 - institutional choice and, 414–21
 - legal coherence and, 336–7
 - majoritarian bias in, 426
 - minimal scrutiny under, 418–20
 - minoritarian bias in, 426
 - property and, 428–9
 - strict scrutiny under, 419
- constitutional pluralism, 103
- constitutionalism
 - conflictual, 306–7
 - cosmopolitan, 279
 - dualistic, 306–7
 - in EU, 305–7
 - federalization as, 306–7
 - multipluralism as, 306–7
 - social dimension of, 306
- Continental legal systems, 320–1
- contract law
 - changed circumstances doctrine and, 424–5
 - components of, 421
 - declaration theory in, 394
 - dynamics of litigation in, 424
 - European legal doctrine and, 229–30, 243–7, 260–1
 - modern commentary on, 244–7, 260–1
 - unauthorized modifications of, 257–9
 - focus of, 422
 - institutional choice and, 421–8
 - land-use restrictions under, 425–6
 - unconscionability doctrine and, 423
 - will theory in, 394
- Convention on the Assignment of Receivables in International Trade (CARIT), 247–9, 259
- convergence-promoting approaches, to global law, 101–2, 104
- copyright law, 133
- Corpora iuris*, 235–6
- corporate law
 - institutional choice and, 421–8
 - judicial review in, 426–7
 - supply side considerations in, 427
- corporatization, of law schools, 189
- Corpus Iuris Civilis*, 235–6
- corruption, regulation management and, 151–2
- cosmopolitan constitutionalism, 279
- Cottrell, Roger, 98–100
- Council of Australian Law Deans (CALD), 376–7
- Court of First Instance (CFI), 12
- covering-law universalism, 91
- Critical Legal Studies movement, 8–9
 - development of, 95–6
 - legal doctrine and, 218
- Critique of Judgment* (Kant), 508
- cultural relativism, 5
- The Cultural Study of Law* (Kahn), 499
- customary law, 315–16
 - in administrative states, 324
- CWTS. *See* scientometrics
- cybercrime, 156
- cyberthreats, 156
- Davies, William Henry, 278–9
- DCFR. *See* Draft Common Frame of Reference
- debtor's costs
 - under Dutch law, 255
 - under law of assignment, 254–7
- declaration theory, 394
- Decretum Gratiani*, 235–6
- deduction, in law, 225
- deliberative democracy, 336
- democracy
 - administrative states and, 327
 - deliberative, 336
 - direct, 336

- theory of communicative action and, 335–6
- descriptive legal positivism, 97
- Digital Single Market (DSM), 291
- dignitarian values, 160, 164
- direct democracy, 336
- disabling technologies, 143–5
- discrimination, 288–9
- Dispensing with the Truth* (Mundy), 151–2
- distributive justice, 293, 440. *See also* social in the law
- divorce law, 473–4
- doctrinal legal research. *See also* law journals
 - civil law and, 354–5
 - common law and, 352
 - functions of, 389–90
 - law reform through, 391–2
 - methodology for, 393–6
 - methodology of, 352
 - normative approaches to, 394–5
 - quality of, 352
 - theoretical approaches to, 393–6
- doctrinalism, 210
- doctrine. *See* legal doctrine
- doctrine of regulatory takings, 429–30
- domestic law, legal research in, 65–6
- double-blind peer reviews, 368, 384, 396
- Draft Common Frame of Reference (DCFR), 229–30
 - CARIT as influence on, 248–9
- DSM. *See* Digital Single Market
- dualistic constitutionalization, 306–7
- Dublin University, 41–2
 - CLR variances in, 46–7
- Duncan, Nigel, 354
- Durkheim, Emile, 454
- Dworkin, Ronald, 158, 330, 338–9
- economic analysis
 - attributes of, 436–8
 - in BLE, 477–80
 - comparative institutional analysis and, 435–46
 - defined, 437–8
 - dynamics of participation in, 438–41
 - legal doctrine and, 211
 - of public policy, law and, 437–8, 441–6, 449
 - rational choice in, 436–7
 - single institutional analysis and, 442–3
 - transaction costs in, 438
 - of welfare tradition, 441–2
- economic theory, empirical legal research, 452–3
- Education Reform Act 1988, 52
- Edwards, Harry (Judge), 9, 181, 207–8, 519
- Ehrlich, Eugene, 4
- Einstein, Albert, 5
- Eliot, Charles, 5
- elite law schools
 - in France, 175–6
 - law journals in, 175–6
 - in UK, 175–6
 - in US, 175–6
- emotional-cognitive bias, 489
- empirical legal research
 - academic relevance of, 466–9
 - Brandeis brief and, 454
 - through CLR, 462
 - on compensation evaluation, 460
 - defined, 450–3
 - economic theory and, 452–3
 - elements of, 450–3
 - function of, 450
 - by institutions, 463–4
 - on judicial pretrial conferences, 459–60
 - on jury behaviour, 458–9
 - on lawyer–client interactions, 461
 - legal realist school and, 454
 - long-term contributions of, 469–74
 - for legal policy, 472–4
 - for legal theory development, 470–2
 - methodology in, 462
 - political science as influence on, 452–3
 - scope of, 474–5
 - during World War II, 459
 - scepticism of, 474
 - in US, 451
 - historical development of, 453–7
 - during 1960s and 1970s, 458–61
 - during 1980s, 461–6
 - in twentieth century, 457–66

- empiricism
 - comparative institutional analysis and, 448–9
 - legal coherence and, 331–4
 - legal realism and, 332
 - environmental law, 473–4
 - EPC. *See* European Patent Convention
 - epistemological anachronism, 266
 - Epstein, Lee, 466–7
 - Epstein, Richard, 338–9
 - ERIH. *See* European Reference Index for Humanities
 - Eskridge, Bill, 434–5
 - Esser, Josef, 17, 278, 284, 288
 - ethical fading, 485–6
 - EU. *See* European Union
 - EU law
 - antidiscrimination rules under, 287–9
 - comparative application of, 74
 - economic context for, 65–6, 197
 - EPC and, 158
 - European Commission as funder of, 291–2
 - European integration of, 197
 - fundamental rights under, 416
 - global context for, 274–5
 - harmonization of, 289
 - historical development of, 276–7
 - law of Member States and, 276–7
 - methodological approach to, 290
 - regulatory techniques within, 289
 - European Civil Code, 270, 284, 289, 291
 - failure of, 308
 - European Commission, 291–2, 305
 - Internal Market and, 298–9
 - European Constitution, 270, 284
 - failure of, 308
 - European Convention on Human Rights, 161–2
 - European Court of Human Rights, 134, 161–2
 - European Court of Justice (CJEU), 12, 158–62
 - European Journal of International Law, 361–2
 - European legal doctrine, 207–8, 232–43.
 - See also* Germany
 - autonomy under, 264–5
 - CESL and, 245, 289
 - Charter of Fundamental Rights in, 303
 - codification of, 285
 - comparative law and, 243–4
 - contract law and, 229–30, 243–7, 260–1
 - modern commentary on, 244–7, 260–1
 - unauthorized modifications of, 257–9
 - economic efficiency in, 304–5
 - fragmentary nature of, 264
 - historical analysis of, 261
 - historical development of, 229–32
 - judges' role in, 237–8, 240–3
 - jurists' response to, 230, 237–8
 - law of assignment and, 231–2, 247–59
 - law of unjustified enrichment, 243–4
 - legal scholars and, 236–8, 240–3
 - methodology for, 231, 234–40
 - interpretation of legislation in, 238–9
 - modification of human behaviour through, 285
 - new concepts for, 260
 - nonlegislative codifications in, 230
 - philosophical foundations of, 285–6
 - private law under, 257, 260–1
 - tort law and, 229–30, 243–4
 - unification of legislation through, 232
- European legal scholarship, 10–12
 - advantages of, 276–7, 280
 - believers in, 271
 - classical perspective for, 273–80
 - economic context for, 268–73
 - economic efficiency in, 304–5
 - in France, 182–4
 - future of, 309
 - in Germany, 281–2
 - global lawyering and, 263–4, 271, 281
 - historical development of, 262–8, 280–4
 - human rights and, 272–3
 - institutional context for, 7
 - integration of, 268–73
 - Internal Market and, 270
 - leftist, 11

- political science and, 270–1
- role of law in, 268–73
- scholarly deficit in, 275–6
- after Second World War, 282–3
- sceptics of, 271
- sociopolitical context for, 268–73
- in UK, 184–6
- US legal scholarship compared to, 266, 274–5, 281–4
- European Patent Convention (EPC), 158–62
- European Reference Index for Humanities (ERIH), 382–3
- European Union (EU). *See also* EU law; European legal doctrine; *specific countries*
- access justice model in, 297
- antidiscrimination laws in, 287–9
- CFI in, 12
- common law in, 6–7
- constitutionalisation in, 305–7
- forms of, 306–7
- economic efficiency strategies, 303
- European Constitution, 270, 284
- function of nation-state and, 13–14
- governance throughout, without laws, 297–302
- instrumentalization of law in, 284–93
- IP in, regulation management of, 158–62
- law journals in, 383–4
- peer review of, 363–4
- law schools in, 14–15
- legal family classifications within, 49–50
- messianism in, 283
- 1968 political revolts throughout, 284–5
- regulatory coherence in, 165
- social dialogue in, 296
- Evans-Pritchard, E. E., 455
- expert-based rankings, of law journals, 358
- family law, 473–4
- Federal Judicial Centre (FJC), 463
- federalization, 306–7
- Feldman, Yuval, 484
- Finnis, John, 338–9
- First Critique* (Kant), 500–1
- first-generation regulation management, 128–9
- FJC. *See* Federal Judicial Centre
- formalism, 210
- France
- elite law schools in, 175–6
- law journals in, 179
- analytical methods in, 179
- author characteristics in, 179
- legal culture as influence on, 182–4
- publishing rates for, 186
- subject matter in, 179
- legal research in, bibliometric assessments of, 378–9
- legal scholarship in, 182–4
- social in the law in, 294
- Frank, Jerome, 5
- Frankfurt School, 97
- Frankfurter, Felix, 457
- Franklin, Ben, 513
- Free Law Movement, 4–5
- in US, 5
- free play, 523
- freedom
- interpretation and, 524
- method and, 503–9
- Fukuyama, Francis, 150
- Fuller, Lon, 135–6
- fundamental rights
- under EU law, 416
- under US constitutional law, 415–18
- general rules requirement, 341–3
- German Council of Science and Humanities. *See* *Wissenschaftsrat*
- Germany. *See also* Bucerius Law School; Heinrich-Hiene University
- EU law in, 74
- higher education traditions in, 51–4
- Kritische Justiz* in, 289
- law of assignment in, 251
- law schools in, 34
- public funding of, 47–8
- legal doctrine in, 220, 274–5

- Germany. (cont.)
 legal research traditions in, 51–4
 bibliometric assessments of, 378–9
 legal scholarship in, 281–2
 private law in, 214
 social in the law in, 294
 Wissenschaftsrat in, 70, 274–5, 352
 global constitutionalism, 106
 global law. *See also* international law
 abstract-normative approaches to,
 101–2, 104
 administrative, 12, 103, 106–8, 224
 convergence-promoting approaches,
 101–2, 104
 defined, 101
 divergence-accommodating
 approaches to, 102–4
 exponential growth of, 106
 historical development of, 100–5
 jurists and, 100–10
 meta-principles of, 104–5
 of recognition, 103
 global lawyering, 263–4, 271, 281
 global warming, 147
 globalization
 legal coherence and, 325–6
 of legal scholarship, 12–13, 19
 Westphalian paradigm for legal
 research and, 118
 Gluck, Abbe, 322–3
 governance
 in administrative states, 327–8
 integration through, 302
 Internal Market programme and,
 298–9
 iron cage metaphor for, 343–4
 without laws, 297–302
 legitimacy issues and, 298–9
 OMC and, 298–9
 rationality of, 344
 rule of recognition and, 301
 Great Chain of Being, 346
 Greenberg, Udi, 282
 groupthink syndrome, 485–6
 Habermas, Jürgen, 97, 344–6
 Hallstein, Walter, 269
 harm principle, 137–8
 Harris, John, 138–9
 Hart, H. L. A., 117, 121, 316
 on rule of recognition, 301, 344
 Harvard Law Review, 358–9
 HEFCE. *See* Higher Education Funding
 Council for England
 heightened scrutiny, under
 constitutional law, 419
 Heinrich-Hiene University, 41–2
 CLR variances in, 46–7
 Heinz, John, 462–3
 Heller, Herman, 294
 Henry II (King), 320
 Hensler, Deborah, 463
 hermeneutic law, 37
 heterarchy, 104
 Higher Education Funding Council for
 England (HEFCE), 377–8
 high-status institutions (HSIs), 189. *See also*
 elite law schools
 hindsight bias, 482
 Historical School, 220
 ‘holier than thou’ effect, 484
 Holmes, Oliver Wendell, 210
How Judges Think (Posner), 9–10
 HSIs. *See* high-status institutions
 human capacity, enhancement of, 138–9
 human law
 custom and, 315–16
 positive law and, 314–15
 human rights. *See also* international
 human rights
 European legal scholarship and, 272–3
 social in the law and, 307
 human rights law, 12, 107
 humanist law, 37, 499–502
 humanities. *See also* law as humanities
 tradition
 BLE and, 479
 components of, 87–8
 covering-law universalism and, 91
 in law schools, 89–92
 reiterative universalism and, 91
 service orientation and, 89–94
 resistance to, 94–8
 social sciences compared to, 86–9
 humanity’s law, 102–3
 Hutchinson, Terry, 354

- ICJ. *See* Institute for Civil Justice
- ideological bias, 367–8
- IGTP. *See* interest group theory of politics
- incrementalism, 485
- induction, in law, 225
- infrastructure, of regulation
management, 147–50
- inquiry. *See* legal inquiry
- Institute for Civil Justice (ICJ), 463
- institutional choice
administrative law and, 434
class actions and, 430–4
collective action and, 443–4
constitutional law and, 414–21
contract law and, 421–8
corporate law and, 421–8
legal aspects of, 412–35
participation costs, 403, 405–6
property law and, 428–30
- institution-building, 302–7. *See also*
public policy, law and
defined, 305
- institutions. *See also* institutional
choice; public policy
defined, 435–6
economics and, 435–6
empirical legal research by, 463–4
- instrumentalization of law
in EU, 284–93
in US, 267–8
- integration, of legal concepts
of EU law, 197
of European legal scholarship, 268–73
through governance, 302
- integration beyond law formula, 271–2
- intellectual property (IP)
regulation management and, 158–62
in US, 160
- interdisciplinarity
in legal research, 74–6
in legal scholarship, 9–10, 18, 199–201
- interest group theory of politics
(IGTP), 404–5
- Internal Market programme, 270
European Commission and, 298–9
governance and, 298–9
- international human rights, national
constitutions and, 11–12
- international law
conceptual arguments in, 66
legal research in, 65–6
private, 101–2
public, 101–2
- international trade, 12
- Internet, regulation management
influenced by, 156
- interpretation
of European legal doctrine, 238–9
freedom and, 524
of legal research, 46–54
method and, 510–18
pedagogy and, 522–3
- IP. *See* intellectual property
- Ireland. *See also* Dublin University
EU law in, 74
legal research traditions in, 52
- iron cage metaphor, 343–4
- Israel, law journals in, 357–8
- JIF. *See* Journal Impact Factor
- John of Salisbury, 340
- Johnson, David, 156
- Journal Impact Factor (JIF), 374–5
- Journal of Empirical Legal Studies*, 453
- judges
in adjudicative process, 407, 411
corporate law and, 426–7
empirical legal research on, 459–60
legal doctrine and, role in, 223
in Europe, 237–8, 240–3
- judgment, method and, 502–3, 506–7
- juries
in adjudicative process, 407–8
in *The American Jury*, 458–9
empirical legal research on, 458–9
- jurists
defined, 84
distinguishing factors for, 85
European legal doctrine and, 230,
237–8
function and role of, 98–100
global law and, 100–10
lack of authority for, 108–9
legal doctrine and, role in, 223
legal research and, 105–10
legal scholarship and, 105–10

- jurists (cont.)
 - phronesis and, 91–2
 - on Westphalian paradigm for legal research, 118
- justice
 - access justice model, 297
 - distributive, 293
 - telos* as, 312–13
- Kahn, Paul, 499
- Kahneman, Daniel, 479
- Kant, Immanuel, 51, 500–1, 508
- Kantorowicz, Hermann, 4, 282, 293–4
- Kelsen, Hans, 344
- Kennedy, D., 298
- Kerr, Ian, 143–4
- Kessler, Fritz, 282
- King, Gary, 466–7
- Korematsu v. United States*, 417–18
- Kritische Justiz*, 289
- Kronman, Anthony, 338–9
- Kuhn, Thomas, 66–7
- Kumm, Matthias, 69
- Ladeur, K. H., 300
- Langdell, C. C., 5, 185–6, 518
- law. *See also* common law; comparative law; contract law; domestic law; EU law; global law; integration; international law; legal doctrine; legal research; natural law; private law; public policy, law and; Rule of Law
 - administrative, 339, 401–2, 434
 - analogy in, 225
 - antidiscrimination, 287–9
 - bankruptcy, 473–4
 - bibliometric assessments of, 375–9
 - black letter, 210
 - civil, 33, 210, 318–21
 - commercial, 12
 - constitutional, 107, 336–7, 401–2, 414–21
 - copyright, 133
 - customary, 315–16, 324
 - deduction in, 225
 - divorce, 473–4
 - economic analysis of, 92
 - environmental, 473–4
 - family, 473–4
 - hermeneutic, 37
 - human rights, 12, 107
 - humanist, 37, 499–502
 - humanities and, 89–92
 - humanity's, 102–3
 - induction in, 225
 - institutional choice and, 412–35
 - instrumentalization of, 267–8, 284–93
 - international, 65–6, 101–2
 - positive, 314–15
 - private business, 65
 - private international, 102
 - public, 401–2
 - public international, 101–2
 - resistance to, 153–4
 - social sciences and, 89, 92–4
 - socially constructed meaning of, 92–3
 - sociology of, 92
 - synthesis of, 225
 - systemization of, 212–13, 218
 - technological support for, 171–2
 - tort, 229–30, 243–4
- Law and Economics movement, 8
- law as a practical discipline tradition, 37–9
- law as humanities tradition, 37, 88–9
 - in Trinity College, 37
- law as social science tradition, 37, 88–9
 - in UEA, 48–9
 - in University of Edinburgh, 48–9
- law journals
 - in Australia, 357–8, 372, 388–9
 - bibliometric assessments of, 374–82
 - with JIF, 374–5
 - in Canada, 357–8
 - in China, 357–8
 - citation counts from, 194–6, 360, 388
 - criticism of, 354–5
 - in elite law schools, 175–6
 - empirical study on, 175–9
 - in EU, 363–4, 383–4
 - in France, 179, 182–4
 - from HSIs, 189
 - incommensurability issues between, 179
 - input quality for, 386–8

- in Israel, 357–8
- legal briefs compared to, 202
- legal culture as influence on, 179–88
 - in France, 182–4
 - in UK, 184–6
 - in US, 180–2
- from LSIs, 189
- Matthew effect for, 182, 194–5
- methodological approach to, 175–7, 188–202, 354–7
 - accountability in, 388–93
- peer reviews of, 192–4, 201, 362–74
 - advantages of, 368–9
 - in Australia, 372
 - bias in, 367–70
 - consensus in, 370–3
 - criteria for, 366
 - double blind, 368, 384, 396
 - early examples of, 363
 - in EU, 363–4
 - instruction criteria in, 367–8
 - multidisciplinarity in, 368
 - originality in, 371
 - positive features of, 373
 - by publication type, 366
 - purpose of, 365–6
 - quality of, 370–3
 - selection criteria in, 367–8
 - societal relevance in, 371–2
 - in UK, 363–4
 - in US, 362–3
- publishing rates for, 186–8
- quality of, 188–202
 - research in, 354
- rankings for, 176–7, 190–1, 356–62
 - alternative strategies to, 385–96
 - through citation scores, 360, 388
 - by country, 357–8
 - through ERIH, 382–3
 - expert-based, 358
 - international, 361–2
 - metric-based, 358
 - purpose of, 359–61
 - by *US News and World Report*, 195
 - by Washington and Lee Law Library, 195, 358, 360–2
- reduction of publication pressure for, 388–93
- research materials for, 180
 - quality of, 354
- socialization of future legal scholars, 386–8
- subject matter in, 178–86
- training for future legal scholars, 386–8
 - in UK, 178–9, 184–6, 357–8, 363–4
 - in US, 177–8, 180–2, 188–96, 357–8, 362–3
- law of assignment
 - CARIT and, 247–9, 259
 - commentary on, 249–50
 - debtors' costs under, 254–7
 - defined, 249–54
 - effects of, 251
 - European legal doctrine and, 231–2, 247–59
 - in Germany, 251
 - historical analysis for, 254
 - international model of, 251–3
 - scope of, 253
 - transfer of claims under, 255–6
 - transfer of obligations in, 249–51
 - in UK, 251–2
- law of obligations, 243–4
- law of peace, 102–3
- law of unjustified enrichment, 243–4
- law reform
 - comparative institutional analysis and, 447–8
 - through doctrinal legal research, 391–2
- law schools. *See also* elite law schools; legal research; legal scholarship; *specific schools*
 - corporatization of, 189
 - in Europe, 14–15
 - function and purpose of, 199–200
 - humanities tradition in, 89–92
 - legal scholarship in, 18–19
 - LSIs, 189
 - new managerialism in, 189
 - professor recruitment for, 201
 - social science tradition in, 89, 92–4
 - in UK, 34, 170–1
 - in US, 14–15, 33
- Lawson, Gary, 338–9

- lawyer–client relationships, 461
 legal coherence. *See* coherence, legal
 legal doctrine. *See also* doctrinal legal research; European legal doctrine; integration
 academic literature on, 225, 329
 aims of, 213–21
 in civil law tradition, 210
 in common law tradition, 210
 comparative institutional analysis of, 412–35
 complexity of law, 215
 contemporary application of, 207–8
 Critical Legal Studies movement and, 218
 as currency of law, 214
 decline of, 209
 defined, 209–13, 225–6
 description of law through, 213–17
 economic analysis and, 211
 in Germanic legal tradition, 220, 274–5
 global administrative law and, 224
 as internal legal perspective, 210–11
 judges and, role in, 223
 judicial decision making, 209–18
 jurists and, role in, 223
 justification of law through, 214
 law as system under, 211–12
 legal realism and, 218
 methods of, 221–7, 328–38
 policy analysis and, 211
 prescriptive approach to law through, 217–19
 private law and, 223–4
 in Germanic legal tradition, 214
 rise of administrative state and, 216–17
 systemization of current law, 212–13, 218
 in US, 207–8
 literature on, 329
 legal inquiry. *See also* legal research; methodology
 destabilizing tendencies in, 116–23
 legal pluralism and, 117–19
 new agenda for, 123–5
 regulation management in, 119–23
 technological management in, 119–23
 Westphalian paradigm for, 115–19
 legal pluralism, methodology and, 117–19
 Legal Process movement, 6, 8
 legal realism
 empirical legal research and, 454
 empiricism and, 332
 legal doctrine and, 218
 method and, 502
 in US, 185, 332
 Legal Realist movement, 5
 legal research. *See also* doctrinal legal research; empirical legal research; law journals; legal doctrine; methodology; *specific law schools*
 ambitions of, 113–14
 in black letter law, 394
 CLR variances in, 46–7
 complementarities within, 74–6
 conceptual framework for, 32–40
 determinants of preferences in, 54–71
 in domestic law, 65–6
 educational level and, 62–4
 empirical findings from, 71–6
 institutional influences on
 interpretation of, 46–54
 in international law, 65–6
 interpretation influenced by country differences, 49–54
 in Ireland, 52
 jurists and, 105–10
 law as a practical discipline category, 37–9
 law as humanities category for, 37
 law as social science category, 37
 paradigm shifts in, 66–71
 personal characteristics as influence on, 58–62
 practical, 73
 resistance to, 74–6
 subject matter as factor in, 64–6
 in Switzerland, 378–9
 training level and, 62–4
 vignette studies in, 38
 visual presentation of, 41–6

- legal scholarship. *See also* European legal doctrine; European legal scholarship; legal doctrine
 Chevron Doctrine and, 334–5
 coherentist approach to, 318–21, 328–38, 349–50
 comparative institutional analysis and, 446–7
 comparisons between US and European versions, 266, 274–5, 281–4
 conceptual features of, 331
 critiques of, 197
 decline of, 69–70
 doctrinal research in, 11–12
 in France, 182–4
 future directions for, 15–19, 76–7
 in Germany, 70, 274–5, 281–2, 352
Wissenschaftsrat in, 70, 274–5, 352
 globalization of, 12–13, 19
 historical development of, 4–7
 institutional contexts for, 7
 institutional features of, 331
 interdisciplinarity in, 9–10, 18, 199–201
 jurists and, 105–10
 in law schools, 18–19
 methodological preferences in, 67–8, 351–4
 multidisciplinary in, 18
 normative approach to, 333–6
 pragmatic purposes of, 7–15
 quality of, 201, 351–4
 as science, 4–7
 technology and, 19
 theory of communicative action and, 335–6
 in UK, 184–6
 in US, 5–7, 12–13, 180–2, 266, 274–5, 281–4
 legal theory, 167–9
 coding in, 169
 as moral phenomenon, 168
 legal-dogmatic research, 210
 legislative intent, 391
 Lessig, Lawrence, 122
 Lewis, Douglas, 119
- liberalism
 reformulation of, 140
 regulation management and, 140
 technological management and, 137–40
 libertarian paternalism, 493–5
 Lind, Allan, 465
 Lisbon Council Declaration, 2002, 303–5
 litigation
 adjudicative process in, 409–10
 costs of, 409
 class actions and, 431–2
 contract law and, 424
 Llewellyn, Karl, 5, 120, 456. *See also* legal realism
 Lowi, Theodore, 338–9
 low-status institutions (LSIs), 189
 LSA. *See* American Law and Society Association
 LSIs. *See* low-status institutions
- Macneil, Ian, 172
 Maduro, Miguel, 12, 434–5
 Maine, Henry, 454–5
 majoritarian bias
 in constitutional law, 426
 in economic analysis, 436
 Mandel, Gregory, 160
 Manilowski, Bronislaw, 455
 Matthew effect, 182, 194–5
 messianism, in Europe, 283
 method
 case, origins of, 518
 creativity and, 503–9
 freedom and, 503–9
 historical development of, 500–2
 interpretation and, 510–18
 judgment and, 502–3, 506–7
 legal realism and, 502
 limits of, 500
 pedagogical model for, 502, 518–23
 Socratic engagement and, 503–9
 methodology, in legal research, 32–40.
 See also doctrinal legal research
 in administrative states, 310–11
 for BLE, 114, 492–5
 as ideology, 497–8
 changes in, 68–71

- methodology, in legal research (cont.)
 - for civil law countries, 33
 - for common law countries, 33
 - data collection, 34–6
 - destabilizing tendencies in, 116–23
 - for European legal doctrine, 231, 234–40
 - interpretation of legislation in, 238–9
 - function of, 114
 - future approaches to, 71–2
 - historical development of, 310–12
 - in law journals, 175–7, 188–202, 354–7
 - accountability in, 388–93
 - legal coherence and, 328–38
 - for legal doctrine, 221–7, 328–38
 - legal pluralism and, 117–19
 - legal scholarship and, preferences for, 67–8, 351–4
 - levels of, 166–7
 - new paradigms in, 115
 - preferences in, 73–4
 - respondents in, 33–4
 - by specific nation-states, 117
 - survey methods, 34–6
 - traditional, 67–8
 - units of comparison in, 33–4
 - variables in, 56–7
 - Westphalian paradigm for, 115–19
- metric-based rankings, of law journals, 358
- Micklitz, Hans-Wolfgang, 69–70, 197
- Mill, John Stuart, 137–8
- Miller v. California*, 337
- Minda, Gary, 478–9
- minimal scrutiny, under constitutional law, 418–20
- minoritarian bias
 - in constitutional law, 426
 - in economic analysis, 436
- modern morality, 346–7
 - demands on individuals, 347–8
- moral register, 141
- morality
 - in administrative states, 348–9
 - Christian, 346
 - human self-fulfilment and, 346–7
 - legal concept in, 168
 - modern, 346–9
 - role morality, 485–6
- Morgan, Lewis Henry, 454–5
- multidisciplinarity
 - in law journal peer review, 368
 - in legal scholarship, 18
- multipluralism, 306–7
- Mundy, Alicia, 151–2
- Naphtali, Fritz, 294
- National Centre for State Courts (NCSC), 463
- national constitutions, international human rights and, 11–12
- nation-states. *See also* administrative states
 - institution-building beyond, 302–7
 - methodology in legal research, 117
- natural law
 - Aquinas on, 235–6, 313
 - Cicero on, 312–13
 - customary law and, 315–16
 - defined, 312–13
 - legal coherence and, 340–1
 - origins of, 312–14
 - reason and, 313–14
 - religious aspects of, 314
 - resource allocation and, 316–17
- NCSC. *See* National Centre for State Courts
- the Netherlands, debtor's costs in, 255
- New Legal Realism, 333
- new managerialism, in law schools, 189
- 1968 political revolts
 - social in the law after, 293–4
 - throughout EU, 284–5
- nonlegal, as theoretical concept, 167–9
- nonnormative regulation management, 127–8, 136–7
- normative regulation management, 127–8, 169
- Nozick, Robert, 338–9
- Nudge* (Sunstein and Thaler), 494–5
- numerosity, 431
- Nussbaum, Martha, 479
- Oldenburg, Henry, 363
- O'Malley, Pat, 127

- Open Method of Coordination (OMC), 296, 298–9
- optimism bias, 482
- ordre public*, 160
- participation
 in adjudicative process, costs for, 409
 in economic analysis, 438–41
 institutional choice and, costs of, 403, 405–6
 in public policy, 403–4
 costs of, 403, 405–6
- patents, in US, 160
- PECL. *See* Principles of European Contract Law
- pedagogy
 interpretation and, 522–3
 method and, 502, 518–23
 as practice of unlearning, 519–22
- peer reviews, for law journals, 192–4, 201
- persuasion, 521
- phronesis, 91–2
- PICC. *See* Principles of International Commercial Contract
- Plato, 499–500
- pluralism. *See* constitutional pluralism; legal pluralism
- policy analysis, legal doctrine and, 211
- political science, 270–1
 empirical legal research influenced by, 452–3
- positive law
 in administrative states, 322
 human law and, 314–15
- Posner, Richard, 9–10, 180, 190, 199, 207–8
- Post, David, 156
- Posttechnique Settlement, 172
- Potter, Stewart, 18
- Pound, Roscoe, 5, 454, 457
- practicability, register of, 141
- practical legal research, 73
- preconception. *See* *Vorverständnis*
- Priest, George, 466
- Principles of European Contract Law (PECL), 229–30, 256
 CARIT as influence on, 248–9, 259
- Principles of International Commercial Contract (PICC), 229–30, 256
 CARIT as influence on, 248–9, 259
- private business law, 65
- private international law, 102
- private law
 in Germany, 214
 legal doctrine for, 223–4
 in Europe, 257, 260–1
- procrastination, 483
- property
 common law and, 428–9
 constitutional law and, 428–9
 under doctrine of regulatory takings, 429–30
 as elastic concept, 430
 institutional choice and, 428–30
 theory for, 65
- prudential register, 141
- public international law, 101–2. *See also* global law
- public law, 401–2
- public policy, law and
 adjudicative process in, 406–12
 dynamics of litigation in, 409–10
 judicial involvement in, 407, 411
 jury independence in, 407–8
 litigation costs in, 409
 participation costs for, 409
 real-world applications of, 411–12
- development of, 401–2
- economic analysis of, 437–8, 441–6, 449
- participation-centred approach to, 403–4
 costs of, 403, 405–6
 two-force model of, 404–6
 IGTP in, 404–5
- publications. *See* law journals
- Rabel, Ernst, 221–2
- Radbruch, Gustav, 98
- Radcliffe-Brown, Alfred, 455
- Raiser, Ludwig, 294
- rationalism, 285–6
 in economic analysis, 436–7
 in governance, 344
- Rawls, John, 440

- reason, natural law and, 313–14
- reflexive-reflective bias, 489
- registers
 - moral, 141–2
 - of practicability, 141
 - prudential, 141
 - in regulation management, 141–3
 - relevance of, 142–3
- regulation management, 125–32
 - in BLE, 494
 - boundaries of, 130–2
 - coding elements in, 169
 - coherence in, 158–65
 - communities of rights and, 164
 - complexion of, 141–50
 - corruption and, 151–2
 - distortion in, 156–7
 - effectiveness of law under, 150–7
 - generations of, 128–9
 - infrastructural elements of, 147–50
 - interference in, 156–7
 - Internet as influence on, 156
 - for IP, 158–62
 - lack of resources in, 152
 - in legal inquiry, 119–23
 - nonnormative dimension of, 127–8, 136–7
 - normative dimension of, 127–8, 169
 - precautionary principle for, 148–9
 - rational forces in, 154
 - registers in, 141–3
 - regulatees in, 129–30, 153–6
 - regulators in, 129–30
 - Rule of Law and, 132–7, 158
 - signalling dimensions of, 125–7, 158–65
 - technologically-enabled, 126–7
 - types of, 129–30
 - in Westphalian paradigm, 120
 - worst-case scenario in, 148
- Reimann, Mathias, 13, 262–8, 281–4, 292–3
- reiterative universalism, 91
- representativeness, 431
- Republic* (Plato), 499–500
- resource allocation
 - in administrative states, 325
 - benefit distribution and, 325
 - domestic operation of institutions, 325
 - natural law and, 316–17
 - through taxation, 325
 - transaction costs and, 438
- Roberts, John (Justice), 180–1, 519
- role morality, 485–6
- Rosenberg, Maurice, 459–60
- Rule of Law
 - abuse of power and, 133–5
 - constraints on, 132–3
 - defined, 132
 - general rules requirement under, 341–3
 - ideals of, 165
 - legal coherence and, 338–43
 - meanings of, 340
 - methodological accountability of, 390–1
 - in modern administrative state, 339
 - regulation management and, 132–7, 158
 - standard of impartiality under, 162
 - technology management and, 133–7
- rule of recognition, 301, 344
- Samuel, Geoffrey, 65–6
- Save More Tomorrow (SMT) Programme, 496
- Saxon Mirror, 235–6
- Scalia, Antonin (Justice), 319
- scarcity trap, 497
- Scharpf, F., 293–4
- Schlag, Pierre, 8, 189, 197
- Schoordijk, Herman, 217–18
- Schumann Declaration, 283
- Schwartz, Gary, 466
- science, technology and medicine (STM) fields, 375–6
- Science Citation Index, 374, 388–9
- Scientific Revolution, 324
- scientometrics (CWTS), 380
- Scott, Colin, 299
- Scott, James, 290
- Secombe, Monica, 269
- Second Critique* (Kant), 500–1
- second-generation regulation management, 128–9
- Second World War. *See* World War II

- self-control, 483
- self-fulfilment morality, 346–7
- self-serving bias, 485–6, 489
- S.H. and Others v. Austria*, 156
- S.H. v. Austria*, 164–5
- Shaffer, Greg, 434–5
- Siden, Katherina, 290
- Siems, M., 359
- signalling, in regulation management, 125–7, 158–65
- similarity effect, 482
- Simon, Herbert, 481
- Single European Act, 270
 - social in the law and, 294–5
- single institutional analysis, 442–3
 - comparative institutional analysis and, 443
 - disadvantages of, 444
- Sinzheimer, Otto, 294
- scepticism
 - of empirical legal research, 474
 - of European legal scholarship, 271
- Smith, Thomas, 186, 388
- Smith v. Jones*, 319, 333
- Smits, Jan, 11–12, 333
- SMT Programme. *See* Save More Tomorrow Programme
- social control, through technological management, 137–40
- social dialogue, 296
- social in the law, 293–7
 - decline of, 295–6
 - in France, 294
 - in Germany, 294
 - historical development of, 294
 - human rights and, 307
 - after 1968 political revolts, 293–4
 - OMC and, 296
 - Single European Act and, 294–5
 - transformation of, 296–7
- social sciences. *See also* law as social science tradition
 - academic development of, 87
 - components of, 87–8
 - humanities compared to, 86–9
 - in law schools, 89, 92–4
 - legal coherence and, integration of, 331–2
 - service orientation and, 89–94
 - resistance to, 94–8
 - social sciences and humanities (SSH) fields, 375–6. *See also* humanities; law
 - sociology, 452–3
 - Socrates, 502–9
 - SSH fields. *See* social sciences and humanities fields
 - Stern, Fritz, 281
 - STM fields. *See* science, technology and medicine fields
 - Stoicism, 312
 - Stone, Julius, 282
 - strict scrutiny, under constitutional law, 419
 - Summa Theologica* (Aquinas), 235–6, 313
 - Sunstein, Cass, 466, 494–5
 - Supreme Court, US, 334–5
 - doctrine of regulatory takings and, 429–30
 - surveillance technologies, 143–5
 - Switzerland, legal research in, 378–9
 - synthesis, of law, 225
 - System of the Modern Roman Law*, 214
 - Tamanaha, Brian, 338–9
 - tax avoidance schemes, 155–6
 - taxation, 325
 - Technical Man, 172
 - technology, management of
 - application of, 145–7
 - channelling through, 137–40
 - for crime control, 146
 - enhancement of human capacity through, 138–9
 - for health and safety, 146
 - legal scholarship and, 19
 - liberalism and, 137–40
 - moral significance of, 143–5
 - regulation management and, 126–7
 - Rule of Law and, 133–7
 - social control through, 137–40
 - telos*, 312–13
 - Teubner, Gunther, 103
 - Thaler, Richard, 494–5

- theory of communicative action. *See*
communicative action, theory of
Third Critique (Kant), 500–1
- third-generation regulation
management, 128–9
- tort law, 229–30, 243–4
- transaction costs, 438
collective action and, 443–4
resource allocation and, 438
- transnational legal orders, 280
- Trinity College, 32, 41–2
law as humanities tradition in, 37
- Trubek, David, 332
- Tversky, Amos, 479
- Twining, William, 105, 118
- Tyler, Tom, 465
- Type 1 regulation management, 129–30
- Type 2 regulation management, 129–30
- Type 3 regulation management, 129–30
- typicality, 431
- UEA. *See* University of East Anglia
- UK. *See* United Kingdom
- unconscionability doctrine, 423
- United Kingdom (UK). *See also*
University of East Anglia;
University of Edinburgh
bibliometric assessments in, 377–8
coercive legal powers in, 135
common law in, 320–1
Education Reform Act 1988 in, 52
EU law in, 74
HEFCE in, 377–8
higher education traditions in, 51–4
law journals in, 178–9, 185, 357–8
acceptance in court cases, 185
analytical methods in, 178–9
author characteristics in, 178
legal culture as influence on, 184–6
peer review of, 363–4
publishing rates for, 186
subject matter in, 178–9
law of assignment in, 251–2
law schools in, 34
elite, 175–6
legal education in, 170–1
legal family classifications within,
49–50
legal research traditions in, 51–4
bibliometric assessments in, 378–9
legal scholarship in, 184–6
moral right and wrong in, 141–2
- United States (US)
antiintellectualism in, 14–15
Chevron Doctrine in, 334–5
Child Pornography Prevention Act
in, 337
Civil Justice Reform Act in, 464
Critical Legal Studies Movement in,
8–9, 95–6
empirical legal research in, 451
historical development of, 453–7
during 1960s and 1970s, 458–61
during 1980s, 461–6
in twentieth century, 457–66
Free Law Movement in, 5
function of nation-state in, 13–14
instrumentalization of law in, 267–8
IP in, 160
Law and Economics movement in, 8
law journals in, 177–8
analytical methods in, 178
author characteristics, 177–8
legal culture as influence on, 180–2
Matthew effect for, 182, 194–5
peer reviews of, 362–3
publishing rates for, 186
quality of, 188–96
rankings for, 190–1, 357–8
subject matter in, 178
law schools in, 14–15, 33
elite, 175–6
legal doctrine in, 207–8
literature on, 329
legal family classifications within,
49–50
Legal Process movement in, 6, 8
legal realism in, 185, 332
New Legal Realism, 333
legal scholarship in, 180–2
compared to European legal
scholarship, 266, 274–5, 281–4
global influence of, 12–13
institutional context for, 7
as science, 5–6
patents in, 160

- universalism, 285–6
- University of East Anglia (UEA), 41–2
 - CLR variances in, 46–7
 - law as social science tradition in, 48–9
- University of Edinburgh, 41–2
 - CLR variances in, 46–7
 - law as social science tradition in, 48–9
- University of Maastricht, 274–5
- University of Tilburg, 274–5
- US. *See* United States
- US News and World Report*, 195
- valorization, 291–2
- van Gestel, Rob, 69–71, 191, 197
- Van Hoecke, Mark, 38
- von Jhering, Rudolf, 4, 293–4
- von Kirchmann, Julius, 4, 293–4
- von Savigny, Fritz Karl, 4
- Vorverständnis* (preconception), 17
- Wagner, Wendy, 434–5
- WARF. *See* *Wisconsin Alumni Research Foundation*
- Washington and Lee Law Library, law journal rankings by, 195, 358, 360–2
- Weber, Max, 88, 293–4
 - iron cage metaphor, 343–4
- Weiler, Joseph H. H., 269, 283
- Weimar Republic, 98, 282
- welfare economics, 441–2
- welfare state. *See also* resource
 - allocation; social in the law as just, 296
- Westphalian paradigm, for legal research, 115–19
 - globalization as influenced on, 118
 - jurists' recognition of, 118
 - regulation management in, 120
 - in specific nation-states, 117
- Wieacker, Franz, 282–3
- will theory, 394
- Wisconsin Alumni Research Foundation* (WARF), 159
- Wissenschaftsrat* (German Council of Science and Humanities), 70, 274–5, 352
- World Trade Organization (WTO), 317
- World War II
 - empirical legal research during, 459
 - European legal scholarship after, 282–3
- WTO. *See* World Trade Organization
- Wu, Tim, 155
- Yale Law Review, 358–9
- Zimmermann, Reinhard, 231, 283