



Experimental Comparative Law

Two-day Workshop

Max Planck Institute for Research on Collective Goods
Kurt-Schumacher-Str. 10
53113 Bonn

Empirical comparative law has received a lot of attention in recent years. Different from traditional comparative law, empirical comparative law is dedicated to answering causal questions about the emergence of rules and their impact on real-life outcomes. Most existing research attempts to draw inferences from observed cross-country (or cross-state) variation in the variables of interest. Partly because of inherent limitations of observational research, commentators have started to challenge the validity of the results of such research.

Can experimental methods provide a way out of this impasse? Experiments at least in principle allow for a sound identification of causal effects. At the same time, the external validity of the results of such research can sometimes seem questionable. This might be particularly true in comparative law, where (a) different legal rules potentially fulfil similar functions, putting into question whether it makes sense to investigate the functioning of legal rules under an assumption of all other things being equal, and (b) research is often not only interested in the micro behaviour of individual actors.

This workshop will bring together researchers from comparative law and empirical legal studies to discuss the promises as well as potential pitfalls of using experimental methods in comparative law. At the same time, the aim of this workshop is to identify topics in comparative law which would lend themselves to research using experiments.

Organizers

Christoph Engel, Hanjo Hamann, Jens Frankenreiter (Max Planck Institute for Collective Goods)

DAY 1 (THURSDAY, MAY 23)

10:30-11:00 ARRIVAL AT THE INSTITUTE

11:00-11:10 Opening statement by Christoph Engel

Session 1: Comparative Law & Empirical Methods, 11:10–12:40

11:10-11:30 Mathias Siems (EUI Florence)

Empirical Comparative Law: *quo vadis*?

11:30-11:50 Jens Frankenreiter (MPI Bonn)

Why observational studies fail – the case of telecommunications regulation and its impact on broadband rollout

11:50-12:40 Discussion

12:40-13:55 LUNCH BREAK

13:55-14:00 Group Photo

Session 2: Comparative Contract Law, 14:00–15:00

14:00-14:20 Christoph Engel (MPI Bonn)

Committing the English and the Continental Way

14:20-14:30 Mathias Reimann (University of Michigan, Ann Arbor)

Comment

14:30-15:00 Discussion

Session 3: Comparative Business Law, 15:15–16:15

15:15-15:35 Hanjo Hamann (MPI Bonn)

Cui Bono, Benefit Corporation? Social Enterprise Legislation in Germany and the US

15:35-15:45 Mathias Siems (EUI Florence)

Comment

15:45-16:15 Discussion

16:15-16:45 COFFEE BREAK

Session 4: Comparative Company Law, 16:45–17:45

16:45-17:00 Monika Leszczynska (Maastricht University)

Mandatory Quota Rules in the Test

17:00-17:15 Klaus Ulrich Schmolke (Universität Erlangen-Nürnberg)

Comment

17:15-17:45 Discussion

18:00-18:20 joint walk to **Matt's Food and Wine**, Burbacher Str. 168

18:30 DINNER (open end)

DAY 2 (FRIDAY, MAY 24)

Session 5: Current Methods & Issues of Comparing Laws, 09:30–11:00

09:30-09:45 Matthias Siems (EUI Florence)

09:45-10:15 Discussion

10:15-10:30 Mathias Reimann (University of Michigan, Ann Arbor)

10:30-11:00 Discussion

11:00-11:30 COFFEE BREAK

Session 6: Brainstorming Session, 11:30–12:45

11:30-12:30 Discussion: Open leads and potential for cooperation

12:30-12:45 Concluding remarks by Christoph Engel

12:45-13:45 CLOSING LUNCH

14:00 DEPARTURE