

Symposium

Towards a European Legal Methodology?

The theory and practice of research methodology in law

Tuesday 10 June 2008

09.30 – 17.30 h.

Tilburg University, the Netherlands

Organising committee: Prof. Maurice Adams, prof. Rob van Gestel,
prof. Jan Vranken and Hervé Tijssen

Keynote speakers: Prof. Dame Hazel Genn (University College London)
Prof. Eric Posner (University of Chicago)

Participation: No fee is asked (early registration is encouraged since
places are limited)

Inquiries and registration: J.M.Boschma@uvt.nl

Tilburg University's Research Group for Methodology of Law and Legal Research organises a kick-off conference on the challenges and pitfalls in legal research, particularly in multidisciplinary and interdisciplinary research, including the use of comparative law. The conference is one of the activities that are organised in the context of the celebration of the 80th anniversary of the university and its law faculty.

The Research Group for Methodology of Law and Legal Research was established in June 2007, following the foundation of Tilburg University's Graduate School in Law. The group seeks to further explore, reflect on and develop theories and methods of legal research and lawmaking by both the legislature and the judiciary.

One of the reasons to focus on methodology originates from the fact that legal scholars often analyze and discuss judgements and, consequently, adopt the methodology that is used by magistrates or legislators. This partly explains the intimate relation between legal scholarship and legal practice. This approach is however no longer self-evident. Current trends to conduct European, international, contextual, comparative, inter- and multidisciplinary research, prompt new perspectives in the legal discipline. Globalization, for instance, increasingly questions a purely national approach towards law and legal problems and provokes the need for trans-boundary research and collaboration. It also underlines the importance of developing a shared methodology in order to be able to exchange ideas, share relevant information and, more in general, stand upon each others shoulders to increase the body of knowledge.

This conference seeks to question the traditional approach to legal research, and asks questions such as: What general requirements apply to accounting for methodological choices in research? What determines the quality of scientific articles published in refereed and non-refereed law journals? What is the aim and methodology of legal science in comparison with sometimes closely related scholarly disciplines (law and economics, law and sociology, law and...)? What theories and methods can enhance the quality of legislation? What does it actually mean in fact to use a "functional" approach in comparative law?

The conference will start with plenary lectures in the morning and a number of workshops in the afternoon. The workshops are also intended for starting researchers; they will be given the opportunity to present and debate the methodological problems they are confronted with while doing their research. We are happy to announce that this conference features two significant scholars in this field from abroad: Professor Dame Hazel Genn of the Faculty of Laws of University College London, and Professor Eric Posner of the Law School of the University of Chicago.

Morning

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| 9.30 – 9.45: | Opening: Prof. Jan Vranken, Director of the Research Group |
| 9.45 – 10.45: | “Law in the real world: challenges and pitfalls in multidisciplinary legal research and education”
Prof. Dame Hazel Genn (University College London) |
| 10.45 – 11.15: | “The theory of comparative legal research in practice”
Prof. Maurice Adams (Tilburg University) |
| 11.15 – 11.45: | Coffee break |
| 11.45 – 12.15: | “Experiences with legal methodology in PhD training”
Prof. Rob van Gestel (Tilburg University) |
| 12.15 – 12.30: | Presentation to Dutch Minister of Justice E. Hirsch Ballin of the book on ex ante evaluation edited by Prof. Jonathan Verschuuren (Tilburg University) |
| 12.30 – 13.45 u. | Lunch break |

Afternoon

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| 14.00 – 16.00 | Afternoon parallel sessions |
| 14.00 - 15.00 | A:
* Challenges and pitfalls of multidisciplinary legal research
* Methodological quality of legal publications |
| 15.00 – 16.00 | B:
* Comparative law
* Do’s and don’ts in writing a PhD thesis (starting researchers) |
| 16.00 – 16.15: | Tea break |
| 16.15 – 17.00: | “The Rise of Interdisciplinary Approaches in American Legal Scholarship”
Prof. Eric Posner (Chicago Law School) |
| 17.00 – 17.30: | Discussion and debate with professors Genn and Posner
Moderator: Prof. Bert van Roermund |
| 17.30: | Drinks |