

## Series of lectures on the use of non legal disciplines and methods within doctrinal legal research.

Programme:

### 1. Legal sociology (dr. Koen Van Aeken, Tilburg Law School)

Legal sociology and empirical methods go hand in hand. This relationship is especially important for legal scholars considering to enrich their familiar doctrinal research with elements of legal sociology. Accordingly, this set of three aggregate lectures sees an emphasis on method. However, we refrain from elaborating a highly abstract discourse on the nature and idiosyncrasies of the socio-legal method. Therefore, the course's focus is on practical experiences and cases. Participants are actively encouraged to reflect on their own research insofar it might involve elements of legal sociology. Learning goals of this three lectures-cycle on legal sociology include the understanding of the possibilities and challenges of legal sociology in the domain of doctrinal legal scholarship, as well as mastering of the basic skills of applying a socio-legal research strategy.

#### Thursday 16 February 2012 (17.30-20.30 hrs., Blauwe Zaal) - Lecture 1. Basics.

In this lecture, we explore the basics of legal sociology in a context of doctrinal research. Topics addressed are:

- The position of legal sociology in the interdisciplinary investigation into law.
- The relevance of a socio-legal approach in doctrinal research.
- The relationship between theory and method: do we need knowledge of sociological theory to adapt a socio-legal research strategy?
- Classic paradigms and contemporary key perspectives.
- Basic socio-legal research terminology.
- Basics of research strategy and data collection methods.

#### Wednesday 22 February (17.30-20.30 hrs., Blauwe Zaal) - Lecture 2. Cases

Executive summary of lecture 1.

Case studies and experiences, flowing from various sources: the lecturer, colleague-researchers and participants.

Main cases:

- Assessing and evaluating impact and effectiveness of legislation: the case of evaluating the Belgian legislation combatting driving under the influence.
- Comparative research into civil litigation and alternative dispute resolution.

Additional cases:

- Studying experiences from asylum seekers and Romani people with the law/access to law.
- Conducting research in public administration and government.
- Defining and measuring legitimacy.
- Participants' input.

#### Tuesday 28 February (17.30-20.30 hrs., Blauwe Zaal) - Lecture 3. Hands-on lab.

In order to integrate theoretical insight and methodological awareness into practical skills, small teams of participants deal with a concrete research problem. Results are presented and discussed in class. Participants are invited to share their own research outlooks and

challenges as early as in lecture 1, so exercises for the hands-on lab can be based upon concrete research projects.

## **2. Legal psychology (prof. Henk Elffers, Vrije Universiteit Amsterdam)**

**Thursday 1 March (17.30-20.30 hrs., LL.M. room) and  
Thursday 8 March (17.30-20.30 hrs., LL.M. room)**

After a general introduction on the possible use of psychology in legal research, the lecturer will address the topic 'The judge and the public'

All over the western world doubts are voiced about a looming lack of legitimacy of the judge or his verdicts in the eyes of the general public. At the basis of this observations lies the hypothesis that in the long run a judiciary that is issuing verdicts that are far off of what the public perceives as acceptable, will lose the public trust. That would put the acceptance of judicial verdicts in danger. Nonet and Selznick argued (already in 1978) that a judge should be *responsive* to what lives in society, which means that he is able to perceive and take to heart changing public sentiments, incorporating them within his pondering about the right decision in any given law suit, and without him becoming a puppet on a string. It is clear of course that a demand for responsiveness can become into conflict with evenly important demand for independence of the judge or his duty to act within the boundaries of the law. In the two meetings on this topic we will address the question "**should, may and can a judge listen more to the general public?**". Under the "*should he listen*" question we will look into what the public actually asks of a good judge. Is the public clamoring for responsiveness? Is this different in civil and criminal law? I'll present some empirical research, and I'll ask the participants to voice their own preference. Moreover I'll ask the participants to administer a small questionnaire to a number of people in between the two meetings, and we will analyze the outcomes. Under the "*may he listen*" we look into the possible conflicts between responsiveness and other (e.g. constitutional) demands on a judge. Lastly, when addressing the "*can he listen*" problem, we'll discuss to what extent there is a common public opinion to which a judge, tapping from a recent publication on Dutch public preference for type and severity of punishment in criminal cases.

## **3. Legal history (dr. Bruno Debaenst, Ghent University)**

**Wednesday 14 March (17.30-20.30 hrs., Blauwe Zaal)**

This lecture will be on how to find adequate sources and literature for a limited historical research in the context of a PhD in legal doctrine.

## **4. Law and political science (dr. Nicolle Zeegers, Groningen University)**

**Thursday 22 March (17.30-20.30 hrs., Blauwe Zaal)**

What does a political analysis of the central categories of a particular legal regime entail? Why would such analysis be interesting for those who study legal phenomena? In the lecture I will answer the question of why and how law is often influenced by societal and political forces and address the question of what relevance this can be for legal research. In the rational model of collective decision making the societal and political forces are listed and conceptualized as actors, positions, salience and power. Because of the importance of

rhetoric in collective decision making 'frames of thinking' and the 'persuasive use of language' should be added to this list in order to get a more complete answer to the central question of the lecture. I will illustrate why this is so by using the example of the decision making of Dutch government concerning the legal rules regarding 'human embryo selection' in 2008.

## **5. Law and ethics (Prof. Wibren van der Burg, Erasmus University Rotterdam)**

**Thursday 26 April (17.30-20.30 hrs., LL.M. room)**

In what respects can legal research be enriched by ethics?

The first part of the presentation is a lecture on five ways to include ethics in legal research, with many illustrations from projects in interdisciplinary research. It will discuss both the prospects and the risks and methodological requirements for each of them. The second part will be more interactive and will be a discussion with the participants on how they could use other disciplines and especially ethics as a resource in their research.

## **Practical Organisation**

If all participants in a session understand sufficiently Dutch, the lectures will be in Dutch, otherwise in English.

Doctoral students may enrol per discipline separately, a combination of them or for the whole series. When at least 15 hours are taken, the (active) participation in those lectures may be recognised by the Doctoral School of Arts, Humanities and Law as a specialised course in view of obtaining the doctoral training certificate.

Some tasks may be given to the participants by the lecturers.

No fees have to be paid by the participating doctoral students. Postdocs or other researchers interested in some of those lectures may contact

[Mark.VanHoecke@UGent.be](mailto:Mark.VanHoecke@UGent.be).

Enrolment at

<https://webapps.ugent.be/eventManager/events/nonlegaldisciplinesinlegalresearch>