

EDITORIAL

Legal Methods under Discussion*

Sanne Taekema & Bart van Klink

‘Law and method’ is a combination of terms that makes many legal scholars slightly uneasy. In most sciences, generally accepted methods are the core of what constitutes the scientific discipline in question and what defines its scientific character. This is not the case for the discipline of law. It shares many of its methods with legal practice and has long left its methods implicit. Recently, however, methodology has become an issue for lawyers as well. The growth of interdisciplinary studies, especially socio-legal studies and law and economics, has confronted lawyers with other disciplines which have much to say about methods. In The Netherlands this has led to an ardent debate about the methods of legal scholarship. This debate has many layers: there are different opinions not only about the methods legal scholars should use but also about the need for making methods explicit. The connection to legal practice plays an important role here as well: it is sometimes regarded as an impediment to the development of serious legal scholarship, while others see the methods of practical legal reasoning as rightly continuous with those of scholarship.

The debate about method is closely connected to debates about the nature of legal scholarship itself, especially about the question whether it can be descriptive or is necessarily normative. The characterisation of the discipline also has important consequences for the connection to either the (social) sciences or the humanities (e.g., ethics, rhetoric, legal and political philosophy). This journal is a forum for the whole range of methodological topics that relate to law and legal scholarship. It offers the possibility to legal scholars and scholars from other disciplines who study law to discuss methodological issues in legal research and education in a more thorough and systematic way than usually can be done in other legal journals. The debate on legal method has only just started and in comparison to other disciplines, such as history, linguistics and philosophy, it certainly is in need of further reflection and development.

In the journal *Law and Method in legal research and education (Recht en methode in onderzoek en onderwijs, ‘ReM’ for short)* articles will be published not only on methods used in academic legal research but also on practical legal methods, such as methods of legislation, legal interpretation and legal reasoning. As editors we are interested in papers that reflect on the practice of both lawyers and legal scholars: what are the main methodological problems they are confronted with and how can they be tackled? Moreover, legal education is an important topic that will

* Prof. Sanne Taekema is Professor of Jurisprudence at the Erasmus School of Law in Rotterdam. Prof. dr. Bart van Klink is Professor Legal Methodology at VU University Amsterdam.

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be addressed in this journal. What methodological advice should we give to future lawyers? How can we design an educational programme for the teaching of legal methods, suitable for academic law students and/or law students in other types of higher education?

In sum, with the introduction of this journal we aim to stimulate the debate on method both in legal research and legal education. A platform is offered for general theoretical articles as well as for concrete reflection on research and education in legal practice. In this way, interesting exchanges of ideas can take place, not only between theory and practice but also between various scientific approaches. By combining different perspectives – traditional legal research with interdisciplinary research, legal scholarship with legal practice, legal education in various forms of higher education – new developments in legal research and education will be encouraged.