

PLSC 476: Empirical Legal Research

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Two Models of Legal Research

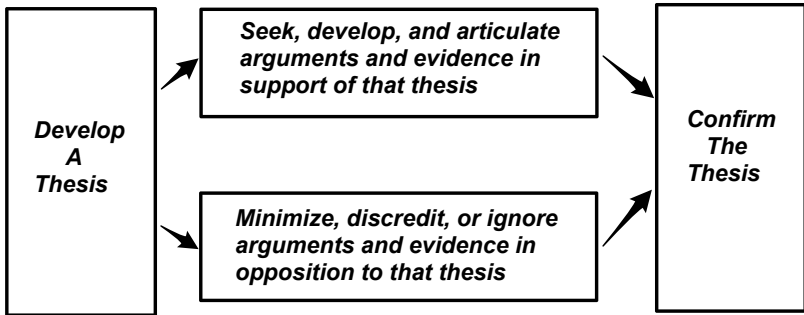
1. **Adversarial** model
2. **Scientific** model

The Adversarial Model

"And though all the windes of doctrin were let loose to play upon the earth, so Truth be in the field, we do injuriously, by licencing and prohibiting to misdoubt her strength. Let her and Falshood grapple; who ever knew Truth put to the wors, in a free and open encounter. Her confuting is the best and surest suppressing."

– John Milton, Areopagitica

The Adversarial Approach



The Adversarial Model: Consequences

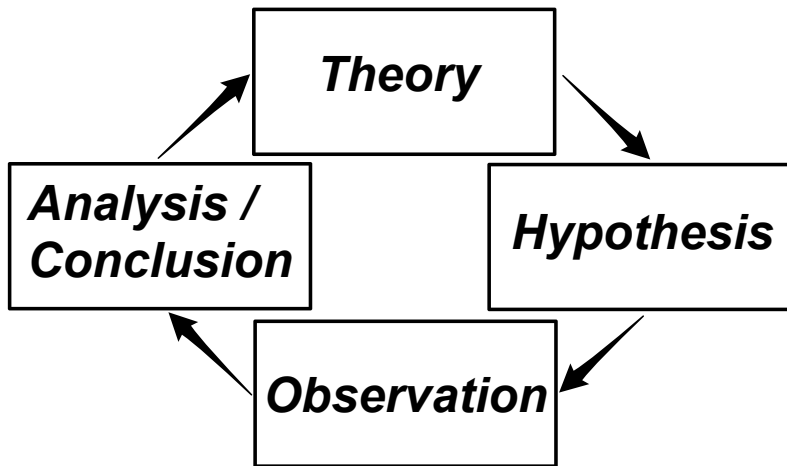
- Language of “truth” → “proof”
- Prioritizing deductive reasoning (over inductive / abductive modes)
- Emphasis on rhetoric / argumentation – e.g., Schopenhauer’s (mostly satirical) *The Art of Being Right*
- Tendency toward “balancing”

The Scientific Model

"The game of science is, in principle, without end. He who decides one day that scientific statements do not call for any further test, and that they can be regarded as finally verified, retires from the game."

– Karl Popper, *The Logic of Scientific Discovery*

(One) Scientific Approach



The Scientific Model: Consequences

- Importance of patterns/trends over cases
- Emphasis on (measurable) outcomes
- Emphasis on the positive over the normative
- Significance of *method*

Key Components of Empirical Research

- Research Design
- Operationalization
- Measurement / Data Collection
- Data Analysis
- Communication of Findings