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Welcome to the ESELS Newsletter

As of 2024, the **European Society for Empirical Legal Studies** publishes its newsletter twice a year. The aim is to inform ESELS members about the Society's activities and conferences as well as highlight the work of ESELS members.

In this third edition, we introduce a new candidate for **at-large board member** and the candidate for **ESELS President**.

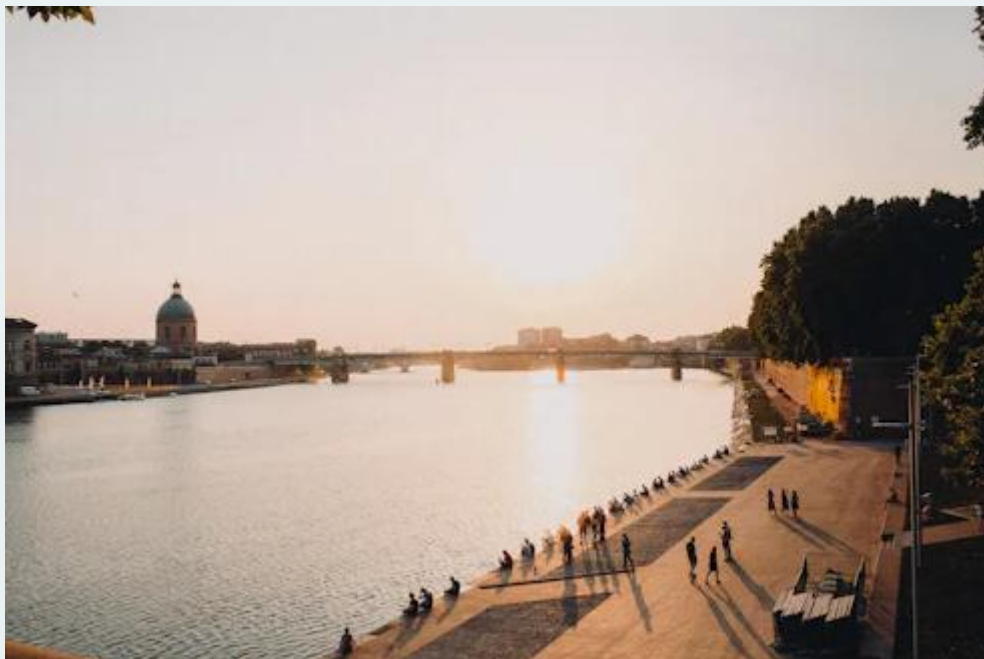
We also highlight the special issue of the European Journal for Empirical Legal Studies on **Empirical Horizons in European Legal Scholarship** and remind you that you have **until 15 February** to submit your abstract for the ESELS 2025 Annual Conference in Toulouse.

Moreover, the Board has launched a **call for proposals** by ESELS members for **ESELS working groups**, more on that below.

Finally, **Matthieu Gaye-Palettes** and **Julien Betaille** provide a sneak-peek at what to expect at the Annual Conference in Toulouse and **Gareth Davies** critically assesses the influence of ELS on EU Law (and vice versa).

Happy reading!

Do you have ideas, suggestions or questions about this newsletter? Please contact the ESELS Newsletter editor [Kyra Wigard](#)



Annual ESELS Conference 19–20 June 2025, Toulouse

Submit your abstracts by 15 February!

The upcoming Annual ESELS Conference will take place on 19-20 June 2025 in Toulouse, France. The event will be hosted by the Université Toulouse Capitole: one of the oldest universities in Europe (founded in 1229) and widely known for its long-standing commitment to Empirical Legal Studies. This makes Toulouse an excellent venue to showcase the importance of empirical thinking in both the history and the future of the law.

The ESELS 2025 Conference will offer legal scholars from across Europe and beyond the opportunity to present their empirical research to a European audience of scholars. We welcome pre-arranged panels, full papers and single abstracts with relevance for European lawyers, employing quantitative and/or qualitative methods of various kinds.

We are thrilled to announce that **Jean Tirole**, **Véronique Champeil-Desplats** and **Katerina Linos** will deliver keynotes during our conference, shedding their light on the relevance of empirical legal research in Europe today and in the future.

Véronique Champeil-Desplats is a Professor of Public Law at Paris Nanterre University (France) and a leading figure in the study of legal methodologies. She is the author of the landmark book *Méthodologies du droit et des sciences du droit*, widely regarded as a reference in the field. Former President of the French Society for Legal Philosophy (SFPJ), she currently serves as Vice President of the World Congress for the Philosophy of Law and Social Philosophy (IVR).

Title of the keynote conference:

Legal Empiricism and Methodological Borrowings: A Historical-Epistemological Perspective

Jean Tirole is the Honorary Chairman of the Toulouse School of Economics (TSE), a founding member of the Institute for Advanced Study in Toulouse (IAST), and affiliated with the Massachusetts Institute of Technology (MIT), where he holds a visiting professor position. He has delivered over a hundred distinguished lectures and authored nearly two hundred articles in economics and finance, in addition to 13 books. Among his many accolades, he was awarded the 2014 Sveriges Riskbank Prize in Economic Sciences in memory of Alfred Nobel.

Title of the keynote conference:

The Empirical Turn and the Credibility Revolution: Lessons from Economics over the Past Decades

Katerina Linos is the Irving G. and Eleanor D. Tragen Professor of International Law at UC Berkeley School of Law and a leading voice in comparative law, international law, and empirical legal studies. Her research explores critical global challenges, including policy diffusion, migration, and human rights.

Title of the keynote conference:

Competition Law and Digital Regulations: From European Design to Global Implementation

Don't forget to submit your abstract by 15 February!

[Submit your abstract](#)

Sign up for our Pre-Conference Workshops!

Prior to our Annual Conference, we offer three pre-conference workshops on topical themes in empirical legal studies:

1. **Systematic case-law analysis by Prof. dr. Paul Verbruggen, Full Professor at Tilburg University.**
2. **Interviews for Empirical Legal Research by Erik Wesselius & dr. Kyra Wigard**
3. **Large Language Models for Empirical Legal Research by Prof. dr. Tilmann Altwicker & Ephraim Seidenberg**

Sign up below!

[More information and sign up for the pre-conference workshops](#)

[here!](#)

Introducing a new candidate for at-large board member: Katarzyna Metelska-Szaniawska



I am an associate professor at Faculty of Economic Sciences at the University of Warsaw and Director of the Centre for Economic Analyses of Public Sector (CEAPS). My research concentrates on economic analysis of constitutions and is primarily empirical in nature. I am a board member of the European Public Choice Society and former vice-president of the European Association of Law and Economics.

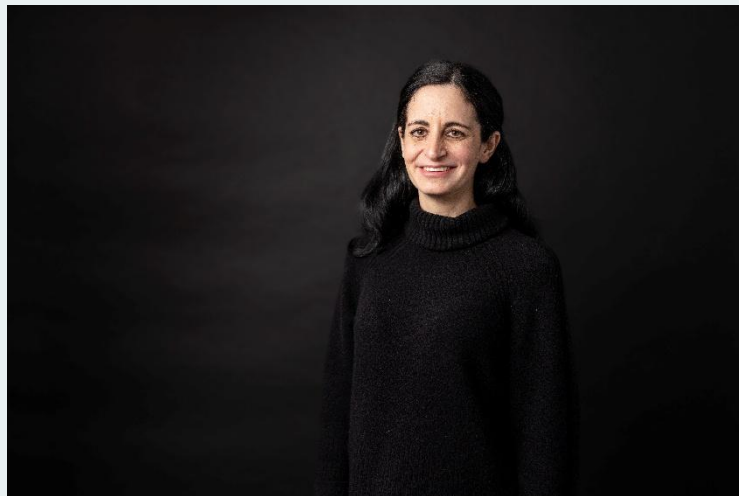
Given my cross-disciplinary research perspective on the law, bridging the study of constitutions with economics, political science, sociology, psychology, and applying a battery of empirical tools, I have been particularly enthusiastic about the emergence of the Empirical Legal Studies scientific movement and its institutionalization in the form of ESELS in Europe in recent years.

It would be an honor and a pleasure to contribute to the development of this movement in subsequent years. As ESELS Board Member, my involvement could encompass: increasing cooperation with other research societies and communities with similar interests, e.g. the Society for Empirical Legal Studies (SELS), European Association of

Law and Economics (EALE), World Interdisciplinary Network for Institutional Research (WINIR) and various regional/national associations; supporting the development of regional and national ELS associations/conferences/activities in Europe, including an offer of summer/winter schools for young scholars; actively promoting ESELS, EJELS, and other ELS-related initiatives via research networks and social media; spreading and stimulating the development of ELS in Central and Eastern Europe.

I am looking forward to stimulating and fruitful cooperation with members of the ESELS-community while pursuing this agenda and other forms of my involvement on the Board.

Q&A with our candidate for ESELS President 2026-2027: Or Brook, Associate Professor of Competition Law and Policy at the University of Leeds



1. What first drew you to the field of empirical legal studies, and how do you see ESELS' role evolving in shaping future legal research and policy?

Perhaps surprisingly, I first encountered legal empirical methodologies while practicing at a large law firm. We used content analysis and systematic approaches to case law to predict case outcomes and understand judges' tendencies. Later, during my PhD at the Amsterdam Centre of European Law and Governance, I began applying these methods more deeply, especially systematic content analysis of legal texts. Since then, I've enjoyed expanding my methodological toolkit and learning more about these approaches.

I particularly enjoy using legal empirical methodologies to highlight gaps between black letter law and how it's applied in practice. They're also incredibly useful for comparative purposes, showing how different jurisdictions handle the same or similar legal provisions.

I believe that ESELS has significant potential to shape the future of legal research and policy, particularly in Europe. Many universities and policymakers across Europe are only beginning to explore empirical legal tools. In the past, I've felt there wasn't a clear scholarly community to share best practices or brainstorm ideas. I hope ESELS can step into this gap and foster collaboration – both in the conferences and the new journal!

2. If you could change one common misconception about empirical legal studies, what would it be?

The misconception that all empirical legal studies require extensive statistical or technical training. There's actually a wide range of both quantitative and qualitative methodologies available, many of which are quite intuitive for those with 'classical' legal training. It's not as daunting as it might seem, and these methods can be incredibly accessible once you get started.

3. When you're not immersed in legal data and research, how do you unwind or recharge? Any surprising hobbies or favourite reads you'd like to share?

I enjoy sewing and making clothes—it's a creative and relaxing outlet. In the last few years, I've also loved exploring the amazing Yorkshire Dales. There's something truly rejuvenating about spending time in such a beautiful landscape.

Update on ESELS Working Groups

One of the results of the 2024 General Assembly is the launch of a call for proposals for **ESELS working groups**. Our Society welcomes the creation of **thematic** working groups in Empirical Legal Studies.

As a result, one ESELS working group has been established in November 2024 on **Computational Legal Methods**.

The topic of this working group focuses on the use of computational methods, the application of data-driven techniques, to study law, legal material, or questions related to the law. This includes a great range of quickly evolving techniques, including e.g. machine learning (ML) and natural language processing (NLP), for a variety of tasks. The overall topic of the working group is how computational methods can be developed and applied to the legal domain.

The board welcomes further initiatives and some examples of topics potentially interesting for ESELS working groups are: "Empirical Comparative Law", "Large Language Models in Law", "Empirical Constitutional Studies" or "AI and the Law"...

Proposals for ESELS working groups will be assessed and decided upon by the ESELS Board.

If you have any ideas or proposal, please submit them through the link below.

[More information and proposal submissions](#)



EJELS

EUROPEAN JOURNAL FOR
EMPIRICAL LEGAL STUDIES

The **European Journal of Empirical Legal Studies** is starting 2025 with a bang as we commence the publication of our first special issue: **Empirical Horizons in European Legal Scholarship**. **Julien Bétaille**'s introduction is the first article in the issue to be published, you can read it by following the link below.

[More information and article submissions](#)

**A sneak peek at ESELS Toulouse 2025:
On the History of Empirical Legal Studies:
Prefacing our Plenary Discussion
*by Matthieu Gaye-Palettes and Julien Betaille***

February 2025

The present increase in empirical legal research in Europe in fact obscures a more extensive history of the utilisation of systematic methods originating in the social sciences. While the historical roots of ELS are now well documented in the United

States, whether in the form of its theoretical origins in American legal realism, or Herbert Kritzer's articles on the first empirical legal studies of the early 20th century, Europe has not yet taken the opportunity to explain its disciplinary precursors. Consequently, without denying the American heritage due to their empirical practices, it is also beneficial to consider the specificity of European empirical legal research, which also has a long and well-established tradition.

The historical panel that will be proposed during the forthcoming ESELS 2025 congress has been designed to document the hitherto neglected and fragmentary history of the premises of European empirical legal research. Consequently, while the concept of 'empirical legal research' may be considered to have emerged within the last three decades, European countries have, in fact, historically demonstrated a commitment to the systematic analysis of legal phenomena. Even without going back as far as Leibniz's 17th century legal theorems or Condorcet's first jurisprudential statistics in the 18th century, Europe, being the cradle of the social sciences, has witnessed the emergence of empirical initiatives for jurists from time to time. In this context, the 19th century and the early 20th century appear to be favourable periods for the history of this project. This period is significant in the context of the emancipation of the social sciences, and also marked the emergence of the first major theoretical figures in the field of socio-legal thought, including Emile Durkheim, Max Weber, Eugene Ehrlich, Hermann Kantorowicz and others. Concurrently, major surveys of European legal systems were flourishing, and the foundations of modern statistics were being laid – specially in law with the continuators of Frédéric Le Play's work, a development that would subsequently be incorporated into the curricula of various European law faculties.

As each European country has its own specific institutions and customs, it is not the intention here to mystify a unified vision of this history, but rather to approach the global perspective from below, by introducing the initiatives specific to each country. As such, the panel will comprise legal historians and social science historians from multiple European countries, who will deliberate their respective nations' perspectives. This will provide an opportunity to reintegrate contemporary empirical practices into their European theoretical and historical roots.

We look forward to seeing you there to set the historical context for ELS.

Guest post:
How ELS is changing EU law, and perhaps vice versa
by Gareth Davies

February 2025

ELS is in its essence a meeting of disciplines, and so of methods. The study of doctrinal law comes together with computer science, political science, psychology, anthropology, or various other branches of enquiry with the potential to enhance our understanding of how the legal system works. When disciplines meet we should expect them to exert an influence on each other, for the way that the world is investigated, and the methods that we use, are not set in stone (Balkin; Davies 2020).

This mutual methodological pull is visible in EU law, one of the fields that ELS has taken by storm in the last decade (van Gestel and Micklitz; Šadl and Holtermann; Davies 2025). EU law has long been a relatively open, contextual field by the standards of law, where the interpretation of doctrine has been closely linked with questions of policy and with other branches of social science (Arnull; Harlow). EU lawyers have also had a strong affinity with what lawyers sometimes like to call 'theory', meaning that ideas drawn from philosophy or politics are often liberally employed even in mainstream legal writing. There is, admittedly, as in other legal fields, a stream of EU scholarship which confines itself to a dry and disciplined analysis of texts and judgments as self-contained legal entities, as if knowing the law is enough to understand the law. However, this writing does not have the prominence that it does in some more traditional branches of law (Arnull). The classic works of EU law are exercises in elegant normative reasoning about the purposes, consequences, and processes of integration, drawing on a wide range of ideas, and reaching broad conclusions, albeit without systematic empirical support (Dyevre, Wijtvliet and Lampach; Micklitz).

This openness has been driven by a number of factors. As a relatively young discipline, EU law is less constrained by tradition, and by sacred doctrinal features, than national law often is. Certainly the holy cows of EU law doctrine exist, but they are recent enough that it is still possible to imagine them being slaughtered. Direct effect and primacy, the foundation stones of the EU legal system, are continually questioned by lawyers. As well as this, there are practical and personal factors. The practice of EU law is relatively small compared with national law, meaning that fewer scholars have one foot in the courtroom and fewer are writing for an audience of (only) advocates and judges. Rather, they hope to be heard by each other, by policy-makers, or even social scientists. This effect is increased by the pan-European nature of the field, and the fact of free movement, which has meant that departments of EU law are often wildly multi-national (de Witte) – even more so, at least in the Netherlands, than departments of international law, where distance and visas are a greater obstacle to job migration. But in a host nation one is even less likely to engage with the local courts and practice. The Court of Justice looms of course large, but for most it is in the background; the academic community of EU law is not, on the whole, one of practitioners.

This unrootedness of EU law is perhaps one reason why it hungers for academic status. Private and administrative lawyers can laugh as research trends and projects come and go, because their social function, status, and income are guaranteed as long as lawyers are needed to fight cases. For EU lawyers it is not quite even a given that the object of their study will survive, and a marginalization of EU rules, or their neglect within at least some Member States, is not just a realistic possibility but something that is in fact occurring (Pavone). Unable to ride safely on the wings of practice, EU lawyers

seek embeddedness in universities. If their world falls apart, then at least their research on why it happened will still be valid.

ELS has now been welcomed with relatively open arms, as it serves many of the needs of the EU law community (van Gestel and Micklitz). It brings a new life and energy to a field that was in danger of stagnation, now that European integration itself seems to be in a less dynamic phase, and it helps maintain the attractiveness of EU law as a specialization for the young, mobile, curious scholars that it needs. It offers lawyers a chance to move beyond what has been described as ‘case law journalism’ (Schlag) and offer evidence-based prescriptions and analyses that will have more influence in policy-circles and more academic status (Dyevre, Wijtvliet and Lampach; van Gestel and Micklitz; Pavone and Mayoral; Šadl and Holtermann). It helps lawyers learn and speak the methodological languages of the wider social sciences, increasing their capacity to compete for research funds (Dyevre, Wijtvliet and Lampach) – something that has been notoriously difficult for traditional doctrinal legal scholars whose method is little more than ‘read, think, write’, and who, since their research is essentially a reasoning process, rarely know what they are going to say until after they have said it.

This embrace has had consequences. Within my own faculty most new PhD students have an empirical element to their project, and it is hard to get funding or support for one that does not. The young researcher who does no interviews is a rarity. More widely, while the impact of ELS is scattered and uneven (van Dijck et al), there are many leading institutions, from Florence to Copenhagen via the Anglo-Irish frontiers of the continent, where ELS is now at the heart of what EU lawyers are doing. This is seen in publications; the *Common Market Law Review*, once a reliable home for solid doctrinal analysis without theoretical bells or whistles, sometimes described as ‘the journal that judges read’ and by far the most influential EU law journal over the period of EU integration as a whole, now regularly publishes empirical articles, even ones containing graphs and numbers. *European Law Open*, a new journal representing the substantial ‘progressive’ wing of EU law, publishes empirical research alongside theoretical commentary as if each was equally mainstream, something unknown more than a decade ago. Moreover, there is a blurring of methodological lines going on. Traditional legal discussion of doctrine is now often intertwined with empirical research into the same topic; not just the causes and consequences of law, but the question of what the law is, is now absorbing and being influenced by empirical research (Šadl; Zglinski 2020; Zglinski 2025).

In many ways this broadening of scope is simply an enrichment of scholarly discourse (Šadl and Tarissan; Šadl, Naurin and Zglinski). However, it can create tensions. It can often be difficult to truly reconcile the highly case-specific, content-based and often normative nature of doctrinal discussions with the pattern-seeking and generalisations of quantitative empirical work (Davies 2022; Dyevre, Wijtvliet and Lampach). The empiricist says ‘look at the patterns in who wins the cases, look at which ones are cited, look at who argues, look at who decides, see what I can show with my data’, and the lawyer responds ‘yes, but most of those aren’t interesting, this is the only case that matters’, or, even worse, something like ‘yes, but we all know that Member States argue things they don’t mean’, putting forward the anecdotal knowledge of the legal wine bar as empirical evidence. It should be possible to bring these very different perspectives

together, but it is a challenge, and quite often scholars adopting different methods end up talking past each other, with no agreed frame to settle their differences.

One consequence is a certain pull from the lawyers towards qualitative empirical research (Davies 2020). ELS has its roots in quantitative approaches, by contrast with (quasi-) empirical legal movements such as law and society, or critical legal studies (Towfig; Suchman and Mertz). Yet often for lawyers it is attractive to take the easier path, and just add some interviews to their doctrinal analysis. This is empiricism not as the core of the research, but as value added. That is not to deny the value, but it makes a quite different contribution than more data-based quantitative work. Nevertheless, the qualitative is on a roll; it is notable already that ESELS professes a commitment to methodological pluralism on its website. That is a move away from the roots of ELS, albeit a welcome one for many lawyers.

No one movement dominates (See Šadl, Naurin and Zglinski). Social scientists and others trained in mainstream quantitative methods are engaging more deeply with doctrine and publishing work that impacts on EU legal scholars. Doctrinal scholars are adding a human context to their discussions of texts. The court-oriented discussion of cases continues. Law faculties are becoming more diverse places. Yet in a situation of limited research resources – and limited syllabus space - it is inevitable that a degree of competition arises, and when methods are so different, it is plausible that this will take on a factional, even ideological aspect (Šadl and Holtermann). For some the question is whether the free-wheeling, evidence-free, normative publications that were for many years the gold standard in EU law will continue to be so or will even survive; for despite being unscientific they were influential, and for many inspiring (Davies 2022; Marzal). For others the question is whether evidence-based publications can enhance the policy and academic impact of legal scholarship (Dyevre, Wijtvliet and Lampach). For still others, the real issue may be whether engagement with the world beyond text, in whatever form or style, can give EU legal studies the capacity to thrive intellectually even while the EU does not (Gentile; Réveillère). In any case, what is apparent is that the congruence of methodologies can potentially have impacts on the disciplines involved as well as on wider society, for whom the choice of methods may affect what we present to them as truth.

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