

EMPIRICAL LEGAL RESEARCH IN ACTION: REFLECTIONS ON METHODS AND THEIR APPLICATIONS, edited by Willem H. van Boom, Pieter Desmet, and Peter Mascini (Edward Elgar), 2018, 271pp, £85.50 (hardback), ISBN: 978-1-78536-274-3

In this volume, the editors have curated fascinating insights into the topic of empirical legal studies (ELS). The book is divided into eight chapters delivered by empirical legal scholars from Europe and the United States. The book is recommended for any researchers new to, or about to enter, the field of empirical legal studies and adds value to the increasing literature on the methodological aspects of empirical legal research. It is published by Edward Elgar and available online for £85.50.

The book begins with a clear explanation of its major themes. For the editors, empirical legal research complements doctrinal research due to the differing methodological premises. “Empirical” is to be understood broadly: the key defining characteristic of empirical legal research is that the collection and use of observation is *systematic*. They do not discriminate between qualitative or quantitative approaches, and this is well reflected in the chapters selected for the book.

They go on to briefly discuss a range of empirical methods, such as experiments, surveys, and case studies, which will be valuable to newcomers to the field, and which are discussed and critiqued in the chapters which follow. The book does not claim to be a handbook explaining in detail these different methods – other introductory books

exist for that. But the book will be useful for introducing new methods and offering a more basic understanding of their benefits and limitations.

Chapter 2, by Hilke Grootelaar and Kees van den Bos, focuses in the use of experiments and surveys in administrative law. They discuss the different types of experiments which could be utilised to study administrative law: laboratory experiments, artefactual field experiments, framed field experiments, and natural field experiments. They provide many ideas of experimental designs and explain how surveys can be used to enhance experimental research. The idea of entering a lab and conducting experiments might appear somewhat alien to legal scholars. However, they provide a well worked example of an experiment, testing trust in administrative law courts by varying (in a lab) whether the experiment's subjects experience fair or unfair procedures, which is fully referenced, easy to follow, and could be adapted to other research questions.

Chapter 3, by Christoph Engel, and Chapter 4, by Christopher Reinders Folmer, continue the theme of experimental ELS. Chapter 3, by some way the longest chapter in the book, provides a comprehensive literature review of survey-based ELS from law, economics, and criminology. Chapter 4 covers a similar brief, but for private law. There is a little repetition across these two chapters, although some of the points, such as the limitations of experimental and survey research, may be worth repeating. The sheer amount of literature covered by these two chapters, in particular Chapter 3,

makes them an ideal starting-point for prospective ELS researchers using these methods.

Chapter 5, by Melissa Rorie, Sally S. Simpson, and Breanna Boppre, completes the theme of experimental or quasi-experimental ELS which occupies the first half of the book. They explore their use of factorial surveys to address the impact of environmental law on the decisions people make. Factorial surveys combine traditional surveys with the random assignment of case vignettes which allows the drawing of inferences as to how different facts affect respondents' judgements. Their clear explanation of the method, its benefits, and its pitfalls, means that it is a method which could easily be adapted to other areas of law.

Chapters 6 and 7, by Julien Etienne, and Irene van Oorschot and Peter Mascini, focus on the case study method of ELS. Chapter 7 in particular offers a colourful, reflective, and engaging account of this kind of work on criminal courts.

The volume concludes with Chapter 8 by Jan Crijns, Ivo Giesen, and Wim Voermans. The authors consider what value empirical evidence can add to scholarship in the areas of private law, criminal law, and administrative law. Ultimately, they conclude that the main use of ELS in law is to add data (or insights) to existing scholarship about the actual working of the law – and that this must be a good thing – allowing for better informed decisions from legal institutions.

The authors note that some areas of law – such as criminal law due to its links with criminology – are quite advanced in terms of ELS history, whilst in other areas –

private law and especially property law and the like – ELS is virtually non-existent. Scholars in these areas who believe – and most should believe – that most areas of legal scholarship could be improved by an element of empirical study (if done well)

The editors of this book have created an insightful and lively discussion of ELS methods and theory. The authors of the chapters lead the reader through the research process, from initial idea, to developing research questions, and analysing empirical findings. The authors exhibit a good level of openness and honesty in how they conduct their research – good empirical research does not just happen, it takes a lot of work. The result is that the works are engaging in their style, and persuasive in the benefits of ELS and their particular methods. For a relatively short book, it is bursting with content and authority on empirical legal research, which is highly valuable for a scholar interested in conducting empirical research but not sure where to turn. The price of the book will undoubtedly place it beyond the reach of some. This is a shame because the book makes a valuable contribution to the literature in this area.

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