Introduction to The Politics of European Legal Research

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1. Introduction to *The Politics of European Legal Research*

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1. ON THE TENSIONS IN LEGAL SCHOLARSHIP

What does legal scholarship do? This is far from a settled question. For a long time, most European legal scholars saw the task of legal research as developing one legal system or another. The aim was to aid legal practice in systematizing and ordering legal materials, closing gaps and developing an ever more coherent system of rules. In contrast with the United States, this understanding of legal research prevailed in Europe for most of the twentieth century, and in many EU countries it is still the dominant way of doing research in law today.[1]

In recent years, however, this 'traditional' approach has come under systemic stress – a tension made visible by the recent boom in research on legal methods.[2] Some mundane pressures are clearly at work here, including a growing interest in interdisciplinary exchange among university leaders and managers,[3] coupled with incentives to acquire ever scarcer academic funding, and the search for scholarly inspiration. We argue, however, that there is more

[1] Rob van Gestel, Hans-W. Micklitz, and Edward L. Rubin, 'Introduction', in Rob van Gestel, Hans-W. Micklitz and Edward L. Rubin (eds), *Rethinking Legal Scholarship: A Transatlantic Dialogue* (Cambridge University Press 2017); Geoffrey Samuel, 'Interdisciplinarity and the Authority Paradigm: Should Law Be Taken Seriously by Scientists and Social Scientists?' (2009) 36 Journal of Law and Society 431.

[2] See, e.g., Mikael Rask Madsen, Fernanda Nicola and Antoine Vauchez (eds), *Researching the European Court of Justice. Methodological Shifts and Law's Embeddedness* (Oxford University Press 2021); Elaine Fahey, 'Future-Mapping The Directions of European Union (EU) Law' (2020) 7 Journal of International and Comparative Law 265; Edward Elgar Publishing, *Handbooks of Research Methods in Law* (series 2017–current).

[3] Erin Leahey and Sondra N Barringer, 'Universities' Commitment to Interdisciplinary Research: To What End?' (2020) 49 Research Policy 103910.

to the story than this: in our view, these external pressures set the stage, and possibly accelerate, a renewed struggle for voice and influence in the construction of the legal world.

Legal scholars have increasingly been asking themselves what the purpose of legal research should be. Should they focus on systematizing and organizing law in response to new developments? If so, which law? Should they aim instead to increase knowledge about the law, its functions, its practices and its effects? What is the role of legal scholarship, in contrast with the social sciences and humanities, in discovering 'truths' about the world? For whose benefit do legal scholars work? To whom are legal scholars accountable?

In this volume, we aim to uncover the political battles that are fought under the flag of methodological debates. In scholarship in general, and in legal scholarship in particular, we suggest that scholars attempt to resolve value-laden – *political* – questions when they choose their academic or scientific approaches. In selecting a method, legal scholars also (whether consciously or not) take a stand on important background framing questions: What are the research questions legal scholars should be posing? What is the best way to produce results and reach the answers (they want)? Which audiences should they target? To whom are they accountable? And finally, whether and how is the 'concept of law' instrumentalized in their struggles?

Behind these questions about the politics of method looms a bigger issue: What, if anything, does the current renewal of interest in legal method tell us about this particular historical moment? If struggles about methodology tend to coincide with broader political and ideological struggles,[4] how should we read the renewed interest in the question of method in European legal scholarship? What does it tell us about the changing political circumstances in which legal scholarship takes place?

In order to be able to shed some light on this question, we have limited this volume to legal research taking place within European legal scholarship. While similar debates may be taking place elsewhere, they will undoubtedly differ in their particulars due to their distinct institutional and legal contexts. Locality matters, and we have therefore chosen depth over breadth, attempting

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[4] This is not the first time that method has arisen as a question in the field. Important methodological debates in law occurred in the last third of the nineteenth century with the rise of legal positivism; in the 1920s with the development of legal realism and institutionalism and the ascent of sociology in German and French scholarship; and in the 1970s with the upsurge in critical and feminist approaches, law in context, the law and society movement and law and economics. Importantly, each of these previous methodological struggles led to a shift in the way that we study and think about law, and each was itself preceded by major political and ideological shifts that reverberated throughout academia and society at large.

to attain a more focused understanding of the ongoing methodological struggles in European legal academia and of their broader political and ideological implications.

2. ON THE METHOD

Whether as a response to the growing intellectual curiosity of lawyers across Europe, or in their search for greater academic recognition, the question of *knowledge* – that is, *what* is the proper role of legal research, and *how* legal research should be done – has gained a prominent place on academics' agendas in recent years.[5] Lawyers are relative latecomers to these questions of *knowledge production* (as opposed to the production of law).[6] Having finally found their way to the problem of method, what have they discovered?

To begin with, legal scholars have arrived at the question of method at a point in human history when the concept of the 'objectivity' of academic research, from the humanities to the hard sciences, has already suffered many blows.[7] They have discovered that there is no neutral, objective ground from which the researcher can operate.[8] Instead, facts seem to be always socially constructed, and researchers always the products of their professional and personal environments.[9] Social sciences, overall, are 'a messy, competitive context whereby the roles of different kinds of intellectuals, technical experts and social groups are at stake'.[10]

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[5] Some notable contributions in Europe: Rob van Gestel, Hans-W Micklitz and Edward L. Reuben (eds), *Rethinking Legal Scholarship: A Transatlantic Dialogue* (Cambridge University Press 2017); Rob van Gestel and Andreas Lienhard, *Evaluating Academic Legal Research in Europe: The Advantage of Lagging Behind* (Edward Elgar Publishing 2019); Peter Cane and Herbert Kritzer, *The Oxford Handbook of Empirical Legal Research* (Oxford University Press 2012); Martijn Hesselink, 'A European Legal Method? On European Private Law and Scientific Method' (2009) 15 European Law Journal 20.

[6] Philip M. Langbroek et al., 'Methodology of Legal Research: Challenges and Opportunities' (2017) 13 Utrecht Law Review 1.

[7] See, for example, the literature on the philosophy of science beginning with Thomas Kuhn, *The Structure of Scientific Revolutions* (2nd edn, University of Chicago Press 1970); Bruno Latour and Steve Woolgar, *Laboratory Life: The Construction of Scientific Facts* (Sage 1979).

[8] See the large literature on standpoint theory and positionality, stemming from anthropology and arising to particular prominence in, for example, feminist legal studies. See, for example, Katharine T. Bartlett, 'Feminist Legal Methods' (1990) 103 Harvard Law Review 829.

[9] See Latour and Woolgar (n 7).

[10] Mike Savage, *Identities and Social Change in Britain Since 1940: The Politics of Method* (Oxford University Press 2010), 237.

Second, some lawyers have begun to notice that every 'method' – understood here in the broad sense of the methodological tools or approaches applied by a researcher to analyse their chosen subject – implies a theory about the social field it purports to examine. And every theory, in turn, reflects deeper ontological and epistemological assumptions about things like 'human nature', 'power', and 'knowledge'.[11] 'Theory is always for someone and for some purpose.'[12]

Third, legal researchers may have started to see that choices of method disclose all kinds of *other* assumptions, including epistemological assumptions about the way knowledge is produced (Is there such a thing as truth? Can the social be quantified?); political assumptions about what constitutes legitimate authority (Is this issue something that can or should be controlled collectively? Who should decide?); and assumptions regarding human nature (How do people normally behave? What types of mechanisms will change individual and group behaviour?), among many others.

Finally, lawyers may have come to realize that methods not only reflect, filter and naturalize the social order, but actively *construct* that order as they invite us to perceive and interpret the world in line with their in-built conceptual frameworks.[13] Methods 'produce truth' by organizing the world around them according to their discursive schematics.[14] They 'produce truth' by defining subjects and objects of study through both selection and assertion; by classifying them according to their own logical systems; and by highlighting particular relationships among them as significant while treating others as insignificant or irrelevant.[15] They 'produce truth' by drawing boundaries between the normal and abnormal; by articulating problematics; and by producing concepts that can be taken up and acted on within the social order.[16] In this way, they not only *reflect* the theories, ontologies and epistemologies from which they stem, but also *perpetuate* their assumptions as they categorize, define and articulate their subjects in accordance with them.[17]

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[11] Marija Bartl et al., 'Knowledge, Power and Law Beyond the State' (2016) Amsterdam Law School Research Paper No. 2016-08 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2728148.

[12] Robert W. Cox, 'Social Forces, States and World Orders: Beyond International Relations Theory' (1981) 10 Millennium: Journal of International Studies 128.

[13] John Law, Evelyn Ruppert and Mike Savage, 'The Double Social Life of Methods' (2011) CRESC Working Paper Series, Paper No. 95, 8.

[14] See Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings 1972–1977* (Colin Gordon trans. ed., Pantheon 1980).

[15] Ibid.

[16] See, for example, Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (Vintage 1994).

[17] Foucault (n 14).

Methods are thus emphatically not magical tools that can eliminate our subjectivity, ensure the production of 'correct' results or 'correct' interpretations of those results or allow un-mediated access to the world. Yet methodological awareness is certainly not without considerable merit, as this volume demonstrates. Methodological awareness equips us with tools to engage with our own background assumptions as well as the broader social and political impacts of legal scholarship, sustaining the level of reflexivity that responsible knowledge production requires. Such awareness enables legal scholars to make more informed choices about the questions they ask, the tools they use and the audiences they address. It helps to illuminate the blind spots of a given approach or method, including those of the 'no-method' approach of doctrinal legal scholarship. In short, methodological awareness makes visible how legal scholarship is always contingent, constructed and *politically significant*.

3. ON THE POLITICS

On one important definition, politics is concerned with 'who gets what, when, and how'.[18] Politics is about distribution, about making *choices* regarding the things we *value*. This raises two questions: what do we value; and how do we go about fighting for it? Scholars care about resources, recognition and impact. Beyond basic material needs (sufficient material resources for a decent life), academics compete for research support, grants and funding for their various projects. They want to be recognized by their peers and the broader community; to attain standing, security and influence within a university community; and to see their work referenced in scholarly debates. And they want (more or less consciously) for their views to have an impact: to correct, constrain, deconstruct or (re)shape the law, the academy, systems and structures according to their insights and vision.

How do scholars go about the struggle for what they value? The traditional response to this question would be that scholars fight for their views by making the 'better argument'. But this view disregards how we *get* to the better argument in the first place. What counts as a problem worth arguing about? What makes a question worth asking? What makes a scholar worth listening to? And what makes an answer 'better'? Each of these questions raises significant questions of method, with its links to epistemology and ontology, and its historically contingent relationship with power and authority. Importantly, the response to any of these questions is always 'social': what counts as a better

[18] Harold D. Lasswell, *Politics: Who Gets What, When, and How* (Whittlesey House 1936).

argument is dependent on the *collectively* made ground for such an argument to 'win'.

As such, *methodological struggles are collective struggles.* This amplifies their relevance in academic politics. They determine the background conditions, defining both what counts as a 'better argument' and how academic recognition and influence should be distributed. By reshaping these background conditions, methodological struggles can re-distribute recognition and influence from one group of scholars to another; from one set of causes, voices, issues, problems or questions to another. Collective methodological struggles thus have a significant influence on whose voices carry weight within institutions; on whose ideas will be included or excluded from scientific discourse.

Methodological struggles are collective also in another sense: they affect struggles between academic disciplines, as well as political struggles in the broadest sense. When lawyers defend the legitimacy of their legal expertise vis-à-vis, for instance, economic expertise, the stakes are not only which faculty may get more funding from universities, ministries or funding agencies but also whose ideas will have more impact on public policy; who will be asked to provide policy advice, propose reforms, lead advocacy initiatives, and thus influence the world of 'big politics', understood as the desire to enact change in some particular area of the law or social order.

4. THE AXES OF POLITICS IN LEGAL RESEARCH

Methodological struggles are collective political struggles about knowledge. As such, they can come in many guises, pointing toward different problems, targeting different assumptions and suggesting different interventions. In this volume, we identify at least four axes of methodological struggle. Though these axes often overlap, and particular contributions may (and generally do) span more than one category, we as editors have articulated these four 'politics' of method in order to encourage readers to think about how the pieces in this volume, though they all address the broader issue of what lies 'behind the method' of European legal research, may speak about their subjects in very different registers, and interpret the question of 'method' in contrasting and shifting ways.

4.1 The Politics of Questions

The first axis on which methodological struggles play out in this volume is with respect to the 'politics of questions'. The politics of questions is the most radical one of our four axes, insofar as it most directly links questions of justice to those of legal scholarship. When scholars raise the issue of which questions matter, they ultimately ask whose problems, concerns and voices matter and

should matter, challenging some of the deep structural asymmetries that have come to dominate academic discourse. As we see in this volume, the 'politics of questions' explores the problematics of disciplinary boundaries; the roles of gender, race and class in the making of academic discourse; and the roles of framings, knowledge and truth in the abstract sense.

We have placed four contributions in this Part I, each of which we see as problematizing in some way the background assumptions and distributional consequences of legal scholarship in relation to the politics of questions.

First, Jessica C. Lawrence's chapter on 'Governmentality as Reflexive Method: Excavating the Politics of Legal Research' invites readers to 'excavate the politics' of their methodological choices by exploring the ways in which legal research is impacted by the contingent, constructed and politically significant framing narratives that lurk in the background of 'method'. Lawrence presents the 'toolbox' of Foucauldian governmentality studies as a useful starting point for this reflexive exercise, tracing its migration from the neighbouring fields of European studies and international relations into the circles of European legal research, and illustrating how legal scholars have begun to use governmentality approaches to unpack the underlying political commitments and discursive frameworks that structure the study and practice of European law.[19]

Second, Lyn K.L. Tjon Soei Len's chapter, 'On Politics and Feminist Legal Method in Legal Academia', engages with 'struggles around "doing feminism" in a place where feminism is marginalised'.[20] Tjon Soei Len examines the invisibility of intersectional feminist methods in European legal research, as well as the illiteracy of most European legal scholars with respect to these methods and their results. She argues that this invisibility and illiteracy (and the converse hypervisibility and legibility of other approaches to research) has important consequences in in terms of voice and power, particularly for the justice claims of gendered and racialized people.

Third, Ruth Dukes' chapter on 'The Politics of Method in the Field of Labour Law' highlights the political and normative impact of the move from conceptualizing labour law as the 'law of work' to 'labour market regulation' in modern scholarship. Dukes argues that this shift to market framings limits the scope of argumentation in the field, directing researchers' attention away from traditional questions of values, fairness and democracy and toward questions of economic efficiency, flexibility and incentives.[21] To remedy this, Dukes calls for a return to the socio-legal tradition in labour law, and presents

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19 See in this volume the contribution by Jessica Lawrence.
20 See in this volume the contribution by Lyn K.L. Tjon Soei Len.
21 See in this volume the contribution by Ruth Dukes.

an 'economic sociology of labour law' as a promising pathway for analysing the law of work in a more holistic way.

Fourth and finally, Alessandra Arcuri's chapter, 'Boundary-Work and Dynamics of Exclusion by Law: International Investment Law as a Case Study', explores the exclusionary force of ideational boundary-setting. Taking as a case study the field of international investment law, Arcuri demonstrates how the doctrinal conception of the investment law as a system of rules designed to protect investors from arbitrary state action leads it to reproduce inequalities as it excludes from its domain counter-narratives brought by the people and places impacted by investments. Arcuri then proposes critical legal scholarship – and in particular critiques of ideology and Third World Approaches to International Law (TWAIL) – as tools that can help scholars to ask different questions, identify dynamics of exclusion and ultimately pave the way for transformative change.[22]

4.2 The Politics of Answers

The 'politics of answers' relates more directly to the study of 'methods'. Those concerned with the politics of answers ask how we go about producing better arguments, centring questions of scientific reliability and credibility; whether and how we can measure or quantify social reality; whether and how we ought to engage in interdisciplinary research; and what biases we as researchers need to account for in order to produce better or more accurate results. While struggles about answers have traditionally focused on the *effectiveness* of methods, the contributions to this volume masterfully show such discussions should always be accompanied by an exploration of the ontological and epistemic commitments that underline them.

We have placed four contributions in this Part II. Each of these chapters has something to say about the politics of answers, reflecting on the different ways in which legal scholarship has gone about seeking better results: whether through the adoption of social scientific methods; the transformation or transcendence of formalism; or an embrace of the advantages and trappings of doctrinal scholarship.

First, Tommaso Pavone and Juan Mayoral's chapter 'Statistics As If Legality Mattered: The Two-Front Politics of Empirical Legal Studies' sets out a political history of the rise of empirical legal studies. Tracing empirical studies from its US origins to its growth in Europe, Pavone and Mayoral explore how advocates of empiricism sought to overcome the perceived limits of legal formalism and produce better answers about the law by injecting legal

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[22] See in this volume the contribution by Alessandra Arcuri.

scholarship with quantitative social science methods. By rejecting doctrinal approaches and embracing only quantitative and not qualitative empirical work, however, these legal empiricists ultimately became estranged from both law faculties and social science faculties, limiting their otherwise unquestionable impact.[23]

Second, Julien Bois and Mark Dawson's chapter, 'Sociological Institutionalism as a Lens to Study Judicialization: A Bridge between Legal Scholarship and Political Science', argues that both traditional legal doctrinal and political science approaches to the study of European courts exclude important aspects of judicial practice from their analyses: formal doctrinal approaches fail to adequately consider the redistributive and socio-economic impacts of law, while political science approaches focus too heavily on extra-legal considerations and have difficulty understanding the role of legal doctrine and practice in constraining judicial behaviour. Bois and Dawson then propose sociological institutionalism as an alternative method that appreciates the importance of both legal norms and social and cultural influences on courts, and that is therefore able to bridge the gap between the two disciplines and provide results that better reflect actual practices and outcomes.[24]

Third, Or Brook's chapter, 'Politics of Coding: On Systemic Content Analysis of Legal Text', argues that the dominance of the case method in legal practice and legal scholarship has led to a skewed understanding of the legal world, as it places too much emphasis on authoritative voices and leading cases and fails to adequately account for the messier world of day-to-day law. As an antidote, Brook proposes the use of systemic content analysis, an empirical method that uses quantitative and qualitative database analysis to perform large-scale studies of case law and administrative judgments. By examining greater numbers of cases and producing replicable data, Brook contends that systemic content analysis can help produce better answers, and can reveal unrecognized or underreported legal, economic and political effects of rules and decision-making processes.[25]

Fourth and finally, Gareth Davies's chapter, 'Taming Law: The Risks of Making Doctrinal Analysis the Servant of Empirical Research', argues that doctrinal scholars should be wary of abandoning their efforts to theorize law in society, and of going too far in catering to the demands of empirical legal scholarship. Adopting a broad definition of doctrinal scholarship, Davies argues that this scientifically 'messy', theoretically minded approach serves important intellectual (theory-building) and socio-political (identifying injus-

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[23] See in this volume the contribution by Tommaso Pavone and Juan Mayoral.
[24] See in this volume the contribution by Julien Bois and Mark Dawson.
[25] See in this volume the contribution by Or Brook.

tices) purposes. As such, Davies urges doctrinal scholars to keep a healthy distance from the practical pull of empiricism.[26]

4.3 The Politics of Audiences

The politics of audiences takes an indirect path towards a radical critique of legal scholarship. Instead of focusing on the questions we ask as scholars of law, it asks *to whom* we are speaking as legal academics. Those focusing on the politics of audiences are interested in questions such as: Whose interests do we, or should we, serve as legal scholars and teachers? To which communities are we accountable, be it in legal training or in legal scholarship? What kind of lawyers and citizens should we (try to) educate for social life? How do we as legal scholars think of our relation to other disciplines, in social science and beyond?

We have placed three contributions in this Part III. Each of these chapters engages with the politics of audiences, suggesting that we need to focus our attention on *whom* legal scholars and educators speak to and for, as the attentions, needs, interests and politics of our audiences exert considerable power over what we say.

First, Irina Domurath's chapter, 'The Politics of Interdisciplinarity in Law', asks which disciplines law and lawyers have 'talked to' in the recent decades and how the choice of the scientific interlocutors has shaped the law itself.[27] Domurath argues that not all disciplines are born equal when it comes to their potential to exert a corrupting influence on law and legal thinking. Economics, in particular, has played an out-sized role as a scientific interlocutor, and its influence has led to the crowding out not only of concerns about justice, but of legal normativity itself. If it is to resist the pull of economics, Domurath contends, law has to regain its self-confidence, bestowing equal value upon both doctrinal and non-doctrinal scholarship.

Second, Marija Bartl and Candida Leone's chapter, 'The Politics of Legal Education', explores the role of audiences in legal education. One interesting way in which legal research and legal education are connected concerns the communities toward which 'law as a social practice' are oriented. Bartl and Leone argue that doctrinal scholarship has traditionally been associated with national legal practice, which translated into a legal education (at least in recent decades) oriented towards training students to become local lawyers or solicitors. This is a pronouncedly political choice, as it determines what kind of legal knowledge, skills and even ethical attitudes the new generations

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[26] See in this volume the contribution by Gareth Davies.
[27] See in this volume the contribution by Irina Domurath.

will acquire. Yet for Bartl and Leone, this *Leitbild* of national lawyer is an inappropriate model for legal education in the twenty-first century on at least two levels: first, it misunderstands what kind of legal knowledge lawyers need today; second, and perhaps more importantly, it misjudges what kind of legal professionals society needs today. The challenges of the twenty-first century require a new approach: the embrace of a pluralist and reflexive legal education, accountable to a broader set of legal and societal actors.[28]

Third and finally, Joana Mendes's chapter on 'Comparative Administrative Law in the EU: Integration Function and Its Limits' explores the role of comparative scholarship in the development of EU administrative law. Mendes argues that despite the obvious differences between the European context and that of the state, early scholars and judges made heavy use of comparative work to import state-based administrative law wholesale into EU law in order to imbue the EU system with legitimacy and further the cause of European integration. Mendes encourages scholars to take a critical distance from this false equivalency, and to rethink the role of comparative administrative law scholarship and practice in communicating the legitimacy of the European project.[29]

4.4 The Politics of the 'Concept of Law'

Finally, the politics of the 'concept of law'[30] explores how questions of legal theory (the nature of law) are also sites of political struggle, as they re-position law, legal scholarship or legal experts vis-à-vis other groups, social problems or concerns. Those who focus on the 'concept of law' explores how 'different theoretical commitments regarding the nature of law (Is it a discrete conceptual system? Embedded in social practice? Fossilized (class) politics?); distinct purposive ideas about what law ought to do (Promote justice? Maintain order?); and distinct ideas regarding the instrumentality of the law as a means for attaining particular ends (Is law the right tool for attaining this goal? Can law change people's behaviour?)'[31] demand different approaches and methods for the study of law, and bring with them all of the underlying discursive and distributive effects discussed above.

This final Part IV contains four contributions. Each chapter in this section identifies the legal imaginary as a locus of politics, showing us the stakes of

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[28] See in this volume the contribution by Marija Bartl and Candida Leone.
[29] See, in this volume, the contribution by Joana Mendes.
[30] With apologies to HLA Hart, *The Concept of Law* (Clarendon 1961).
[31] See in this volume the contribution by Jessica C. Lawrence.

method in the broader struggle of law and legal expertise in contrast with other types of knowledge and expertise.

First, Christina Eckes's chapter, 'A Timid Defence of Legal Formalism', makes the case that doctrinal work and legal formalism have a special role to play, as law's authority is directly connected to its formalist method of reasoning. Legal formalism is, in this reading, both the source of law's social authority and the source of its limits, defining which arguments, facts and outcomes will be deemed coherent and relevant and which will not. Methods that do not sufficiently engage with formal, doctrinal scholarship are therefore necessarily less persuasive, and can have only an indirect impact on the legal world.[32]

Second, Poul F. Kjaer's chapter, 'How to Study Worlds: Why One Should (Not) Care about Methodology', argues that the social sciences' enchantment with positivist methodologies has undermined their capacity to develop new categories of thought and new worlds to inhabit, constraining us to the straitjacket of, at best, nineteenth-century thought, or, at worst, Westphalian thinking. While law is perceived by some positivists as a methodological laggard, Kjaer contends that it could instead become an appealing, or even ground-breaking, tool for the study of social worlds if it affords itself the assistance of more phenomenological approaches.[33]

Third, Hans Micklitz's chapter, 'The Measuring of the Law through EU Politics', asks whether EU law today qualifies as law *as we know it*. Law has numerous roles and purposes in our social life, many of them unmeasurable. Yet the European Commission, in its drive to achieve EU objectives, has become addicted to modelling and the quantitative measuring of EU law, under the influence of economics and political science. More often than not these practices not only fail to faithfully portray empirical reality, but also fail to grasp those deeper meanings that law has in our social life. The final result, Micklitz argues, is that the EU's 'techno-law' is so disconnected from social reality that one wonders whether it is law at all.[34]

Fourth and finally, Siniša Rodin's chapter, 'Telos of a Method', argues from a relativist perspective that the 'neutrality' of legal research can only ever be assessed from within the boundaries of a disciplinary tradition. Because language is socially determined, Rodin argues, so too is research, and what appears to be 'neutral' is in reality only what adheres to the particular social norms of an academic context. Research drawing on other traditions will

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[32] See, in this volume, the contribution by Christina Eckes.
[33] See, in this volume, the contribution by Poul F. Kjaer.
[34] See, in this volume, the contribution by Hans Micklitz.

always therefore appear to be non-neutral and present a challenge to the legal imaginary.[35]

5. CONCLUSION: AN INVITATION TO THE READER

As readers proceed through the chapters in this volume, we invite them to consider how each of these contributions speaks to the question of the 'politics of method' along each of these four axes. We also encourage the reader to explore the interactions among these methodological struggles – that is, the alliances and antagonisms that happen not only within each of these axes, but also across and between them. Authors may touch on several of these axes at once, for example linking struggles about questions (Who asks?) to struggles about audiences (Whom is law for?). Alternatively, they may pit one 'politics' against another, for example by arguing that a focus on answers assumes too much about the legal imaginary, and is therefore insufficiently critical. Whether and how these alliances and antagonisms between different axes of politics of legal research materialize tells us, we argue in the conclusion, something about our present moment, and the struggles for voice and authority taking place under the flag of methodological debate.

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[35] See, in this volume, the contribution by Siniša Rodin.