

IVR workshop on disciplinary perspectives and legal truth

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15.08.2011

Introductory remarks

- Working relationships between “law and...” exist...
- ... but a common scientific tool is lacking as to
 - epistemic motives
 - scientific methodology
- At the same time, legal regulation seems to depend to a large extent on “importing” from other sciences – economics, political studies, history, sociology
 - Do legal scientists understand findings of such sciences?
 - Do they assess their accuracy? How?

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What is your science's epistemic goal?

A normative Science

- We don't
 - Describe reality
 - Observe regular patterns of human behaviour
 - Establish mathematical correlations
- We do
 - Aim at producing rules, capable of generalization

What are your science's prevailing methods?

- **The Classics**
 - Canons of interpretation
 - Weighing and Ranking
 - Logic, rhetoric and theories of argumentation
- **The distinction between applying the law and making it**
- **Vagueness and Discretion**
 - Fear: scepticism and the contingency of results
 - Shame: the „economics envy“
- **Help from outside**
 - Banking/insurance regulation; accounting law; capital markets law
 - Law's absorbing capacity

How high is your science's „export potential“?

- **Law is more concerned about its „import potential“**
 - Legal rules need „input from the world“
 - The seeming certainty (of economics) caters to law's fear and shame of vagueness

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