

# LETTER FROM THE EDITORS



It is with great pleasure that the Brazilian Network of Empirical Legal Research presents its second issue of the Brazilian Journal of Empirical Legal Studies. We hope, once more, that this publication will make an important contribution for legal researchers to think about law not only as a dogmatic and doctrinal ensemble, but rather as a social phenomenon that needs to be understood in its diversity through systematic and methodologically grounded observations.

There are two considerations to be made about the editorial project of this second issue of the journal. First, we would like to highlight once again the openness of the journal to a plurality of research techniques and theoretical perspectives. One of the main concerns at the time of the publication of the first issue was exactly that the journal would not be identified as partisan to certain theoretical or methodological perspectives. The concern was even greater because of its title – empirical legal studies – which is in the North-American context mainly identified with quantitative approaches. With this second issue, we hope to make clear our understanding of empirical legal studies: empirical, for us, is opposed to studies that are predominantly doctrinal, not to qualitative studies.

In order to reinforce such perception, this number brings the translation of a famous text by Howard S. Becker, an author and retired sociology professor at Northwestern Western, about the epistemology of qualitative research and an interview with Marc Galanter, a retired professor from the University of Wisconsin and one of the founders of the Law and Society movement in the U.S.. Professor Becker's text is, in some ways, a manifest against the hierarchization between the qualitative and the quantitative approaches, bringing us a reflection about the need for both perspectives in order to explain the complexity of social reality. The interview with Prof. Galanter, performed during his participation at the III Annual Empirical Legal Studies Meeting at the Faculty of Law of the Universidade de São Paulo in Ribeirão Preto in 2013,

is a precious account of the personal trajectory of one of the most influent scholars of his generation. In addition, this interview presents some interesting information about the constitution of the Law and Society Movement, which has deeply impacted legal scholarship in various countries and was a matrix of reference for other research approaches in law (such as the Critical Legal Studies and the so-called “Law ands”, among which the noteworthy Law and Economics).

A second consideration that seems fundamental to us refers to the question of the role of empirical research in the field of law. When we publish a journal on empirical studies, we do not intend to undermine the importance of doctrinal work in this field. Legal academia does not make any sense without theoretical-dogmatic or theoretical-philosophical reflections. What we emphasize here is that such scholarship can be strengthened when it is placed in dialogue with empirical legal research, which we believe has a great potential to contribute to the renewal of the theorization of law.

In that sense, all the texts that compose the second issue of this Journal are a result of work well undertaken by their authors that promote a dialogue between the data about the legal mechanisms with the theoretical frameworks that are relevant in their respective areas. Throughout this issue, we can observe an attention in articulating a description of the operation of legal institutions (the small claims criminal court, the jury, a female prison, the Brazilian Superior Courts, the public administration of Brazil) with its respective theoretical frameworks. In addition, there are valuable accounts of the challenges and the methodological pathways used in these works and epistemological reflections about the production of knowledge in law from empirical perspectives.

Finally, we would like to highlight the satisfaction with the quantity and quality of empirical legal research in Brazil, which we can observe through the



volume and the great regional diversity in the articles submitted to this Journal. If on one hand, this required more effort in order to assure a thorough selection process that has characterized this publication, on the other hand, it is a clear indicative that we are on the right path. The main goal of the Brazilian Network of Empirical Legal Studies and, consequently, of this publication, is to mobilize and create conditions to strengthen the production of knowledge in law through empirical research as well as to reinforce the community of empirical legal researchers throughout the whole country, and to establish a dialogue with the international community. Based on the results obtained with the Annual Empirical Legal Studies Meetings (that are already going to its fourth edition), along with the regional workshops and this journal, we are optimistic about the future of empirical research in the field of law in Brazil.

## **THE EDITORS.**