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Use of Propositions and Hypotheses in Legal Research: A Critical Reflection

DR. K A A N THILAKAARTHNA[1] AND DUMINDU MADHUSHAN[2]

ABSTRACT

This paper offers a critical reflection on the use of propositions and hypotheses in legal research, engaging with their definitions, roles, benefits, and limitations within the methodological traditions of common law scholarship. It traces the origins of hypotheses as tentative, testable statements grounded in the scientific method, while acknowledging the challenges of translating this model into a discipline primarily concerned with normative reasoning, doctrinal analysis, and interpretive judgment. Propositions, understood as broader assertions about the law or legal principles, are highlighted as central to legal reasoning and scholarship, functioning as the building blocks of doctrinal analysis and theoretical debate. The paper argues that while hypotheses can provide clarity, focus, and methodological discipline particularly in socio-legal and empirical studies that rely on data collection, observation, and measurable outcomes they may be ill-suited for many doctrinal inquiries where legal interpretation and normative evaluation take precedence. Through analysis of both supportive and critical perspectives, the paper demonstrates that hypotheses can sharpen inquiry, prevent bias, and contribute to theory-building, yet their rigid application risks oversimplifying complex legal issues, fostering confirmation bias, or constraining creativity in normative debates. Drawing on examples from doctrinal, socio-legal, and interdisciplinary research, it emphasizes that the value of hypotheses lies in their context-sensitive use: as valuable tools in empirical inquiry and sometimes useful aids in doctrinal studies, but not as universally mandatory features of legal research. Ultimately, the paper concludes that propositions and hypotheses should be seen as complementary devices that, when applied judiciously, enhance the rigour and relevance of legal scholarship, but that legal researchers must remain flexible and critical in deciding whether to employ them, ensuring that the methodology serves the research problem rather than dictates it.

Keywords: *Hypotheses in Legal Research; Legal Research Methodology; Propositions in Law.*

[1] Author is a Senior Lecturer at Faculty of Law, University of Colombo, Sri Lanka.
[2] Author is a Lecturer at Faculty of Law, University of Colombo, Sri Lanka.

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I. INTRODUCTION

In legal research methodology, there has long been a significant debate about the utility and appropriateness of formulating propositions and hypotheses as part of the research design. Traditionally, hypotheses understood as tentative assumptions or educated guesses proposed to be tested are associated with the scientific method and with disciplines that rely on empirical observation. Their function is to provide a preliminary explanation or prediction that can be confirmed or refuted through systematic inquiry. In the context of legal research, however, the place of hypotheses is more complex. Some scholars and research guides argue that adopting hypotheses can still be highly beneficial, even in doctrinal or "black-letter" research, which is focused primarily on the analysis of legal rules, principles, and judicial reasoning rather than empirical data. They suggest that hypotheses help narrow down the inquiry, sharpen the research focus, and provide direction in a field that otherwise risks being vast and diffuse. By framing a hypothesis, the legal researcher is compelled to articulate an initial position or assumption about the state of the law, its interpretation, or its application, which then guides the process of examining statutes, precedents, and scholarly commentary. In this way, hypotheses in legal research, though borrowed from scientific traditions, can serve as intellectual tools to structure argumentation and ensure methodological clarity, even within doctrinal analysis that does not necessarily involve empirical testing.[3] Others take a more critical stance on this practice, maintaining that the very idea of a hypothesis is often ill-suited to the nature of legal research. They argue that law, unlike the natural sciences, is not primarily concerned with discovering empirical regularities but with interpreting texts, applying principles, and resolving normative questions. In such contexts, formulating a hypothesis can appear artificial, since many legal inquiries cannot be reduced to a simple true-or-false proposition capable of being "tested" in the scientific sense. For these critics, forcing legal scholars to frame their work in hypothesis-driven terms risks distorting the purpose of legal research, narrowing its scope, and oversimplifying the complexity of legal reasoning and doctrinal analysis.[4] This paper undertakes a critical reflection on the use of propositions and hypotheses in legal research by exploring their definitions, functions, advantages, and inherent limitations, particularly within the framework of common law scholarship at both undergraduate and postgraduate levels. It seeks to clarify the methodological space these tools occupy, illustrating how a hypothesis conceived as a tentative, testable statement can in certain contexts sharpen the focus of inquiry,

[3] Khushal Vibhute and Filipos Aynalem, *Legal Research Methods* (Teaching Material, Justice and Legal System Research Institute, 2009) 26

[4] Dan J. B. Svantesson, 'The Hypocritical Hype about "Hypothesis": Why Legal Research Needs to Shed this Relic' (2014) *Alternative Law Journal* **39**(4) 259

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guide data collection, and enhance the analytical rigour of research. At the same time, the paper cautions that the reliance on hypotheses may not always be appropriate in law, since many legal investigations are interpretative or normative rather than empirical, and thus risk being constrained by a rigid hypothesis-driven model. The aim is therefore twofold: to demonstrate when a hypothesis can serve as a valuable methodological aid in legal research and when it risks becoming a misleading "relic" unsuited to the task at hand, while also examining how legal propositions, as broader statements or contentions about legal principles, continue to play a vital role in shaping argumentation and analytical legal writing.

(A) Propositions and Hypotheses in Legal Research

In ordinary language, a proposition means any statement or assertion that expresses a judgment or opinion. In the context of law, propositions can refer broadly to statements about the law or legal principles. For example, jurisprudence deals with high-level "propositions about law", which are general statements of the form "Law is *X*" (such as "Law is a system of rules").[5] In contrast, a hypothesis is a specific kind of proposition typically a *tentative, testable statement* put forward to guide an inquiry.[6] One textbook defines a hypothesis as "merely a tentative assumption made in order to draw out and test its logical or empirical consequences… a tentative, testable statement".[7] In other words, a hypothesis is an assumption or prediction that the researcher will examine through evidence or analysis, and it must be capable of being confirmed or refuted. Crucially, for a proposition to qualify as a genuine hypothesis, it *"must be capable of being tested"*; if a supposed hypothesis cannot be verified or falsified by any evidence or reasoning, it "ceases to be a hypothesis" and is merely an unfounded assertion.[8]

Propositions in legal research may take various forms. In doctrinal legal research (sometimes called "black-letter" law research), a proposition might be a statement of what the law is (a "proposition of law") or a claim about how a legal rule should be interpreted. These are often derived from authoritative sources (cases, statutes) and form the building blocks of legal reasoning. For instance, a researcher might put forward the proposition that *"the current law on self-defence implicitly contains a proportionality requirement"*, and then analyze case law and statutes to see if this holds true. Such a proposition is not a hypothesis in the scientific sense, but rather a thesis or contention to be argued and substantiated. In jurisprudence and legal theory, one encounters even broader propositions, such as *"Law is a form of social engineering"*

[5] B. E. King, 'Propositions about Law' (1951) *Cambridge Law Journal* **11**(1) 31
[6] Khushal Vibhute and Filipos Aynalem, *Legal Research Methods* (Teaching Material, Justice and Legal System Research Institute, 2009) 56
[7] Ibid
[8] Ibid

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or *"Rights imply duties"*. These serve as starting points for philosophical reflection and are often debated in terms of coherence and normative appeal rather than strict empirical testing.[9]

Hypotheses in legal research are typically encountered in contexts that involve empirical investigation or a structured research design. A hypothesis in this setting predicts a relationship or outcome based on legal or factual variables.[10] For example, a socio-legal researcher might hypothesize that *"introducing mandatory mediation in family law disputes will lead to more durable agreements and better post-divorce outcomes for children"*. This hypothesis posits an expected relationship between a legal intervention (mandatory mediation) and measurable outcomes (agreement durability and child welfare) which can then be tested against data.[11] Likewise, a criminal law policy study might hypothesize that *"harsher sentencing laws deter crime more effectively than rehabilitative measures"*, which could be examined by comparing crime rates and recidivism statistics across jurisdictions. In these examples, the hypotheses are clearly propositions (statements asserting something), but they are distinguished by being testable through observation, data collection, or experimental logic. They are formulated in a way that the researcher can gather evidence for or against the statement ideally with the possibility that the statement could be proven wrong (falsified) if the evidence does not support it.[12]

It is worth noting that the etymology of *hypothesis* underlines its provisional nature. The term comes from the Greek *hypotithenai*, meaning "to suppose" or "to put under", and it literally means something "put under" as a foundation or starting point. It implies a step less certain than a final thesis. In scientific and legal inquiry alike, the hypothesis is a point of departure a foundation to build upon or test rather than a conclusion. The use of hypotheses in law is essentially an import from the scientific approach to knowledge, which raises the question: how well does this concept translate to legal research? To answer that, we must consider the role and value of hypotheses (and analogous propositions) within various types of legal research.

(B) The Role and Rationale for Hypotheses in Legal Research

Advocates of formulating a hypothesis in legal research argue that it can provide much-needed focus, direction, and clarity to a study.[13] Formulating a hypothesis forces the researcher to distill

[9] B. E. King, 'Propositions about Law' (1951) *Cambridge Law Journal* **11**(1) 31
[10] Thorleif Lund, 'Research Problems and Hypotheses in Empirical Research' (2021) *Scandinavian Journal of Educational Research* **65** (7) 1183
[11] Lisa Webley, 'Stumbling Blocks in Empirical Legal Research: Case Study Research' (2016) *Law and Method* (Boom juridisch)
[12] Khushal Vibhute and Filipos Aynalem, *Legal Research Methods* (Teaching Material, Justice and Legal System Research Institute, 2009)
[13] P. Ishwara Bhat, 'Choosing, Designing, and Building the Legal Research Theme', in *Idea and Methods of Legal*

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the research problem into a clear, succinct statement (or a set of statements) that can be directly addressed. This has several practical benefits. First, a well-crafted hypothesis highlights the *specific aspects of the research problem* that need to be investigated, serving as a filter for relevance. In a complex legal domain, it can prevent the researcher from wandering off into interesting-but-irrelevant byways: *"A hypothesis tells you what data to collect and what not to collect, thereby providing focus to the study"*. By defining the scope of inquiry, the hypothesis helps delimit the study so that it does not become unmanageably broad or vague.

Secondly, having a hypothesis can enhance the objectivity and rigor of the research. It requires the researcher to articulate an expectation up front, which can then be scrutinized logically and empirically. A hypothesis provides a kind of *"rational statement"* or tentative explanation that the researcher will verify using evidence, thereby structuring the thinking process. In this way, the hypothesis acts like the investigator's compass or "guiding light in the darkness", keeping the research aligned with a logical framework even when dealing with large amounts of information. Moreover, committing to a hypothesis imposes a form of intellectual honesty: the researcher must be willing to have the hypothesis proven wrong. If the evidence does not support the hypothesis, the researcher should adjust or abandon it an approach that guards against bias and confirmation bias (seeking only information that confirms a preconception). As one source notes, *"the scientific imagination devises a possible solution a hypothesis and the investigator proceeds to test it… If the hypothesis does not fit, it is rejected and another is made"*.[14] In other words, hypotheses encourage a falsifiable approach to knowledge, where claims must be backed by proof or else revised.

Thirdly, a hypothesis can inform the research design and methodology choices. By indicating what needs to be tested, the hypothesis suggests what kind of data or sources will be required and what research methods are appropriate. For example, if one's hypothesis is about the impact of a legal rule on social behavior, the researcher might decide to use statistical data, case studies or surveys to gather evidence methods apt for measuring impact. If the hypothesis is normative (e.g., "Policy X will improve justice"), the researcher knows to look for evaluative criteria and perhaps comparative examples. As classic methodology texts observe, decisions about sampling, data collection tools, and analytical techniques often flow from the hypothesis and the way it is framed. In empirical legal studies especially, hypotheses are central to shaping the research: *"The manner in which a hypothesis is formulated is very important as it gives*

Research (Oxford University Press 2019)

[14] Khushal Vibhute and Filipos Aynalem, *Legal Research Methods* (Teaching Material, Justice and Legal System Research Institute, 2009) 115

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significant clues about the kind of data required, the type of methods to be used for data collection, and the techniques of analysis".[15] Thus, the hypothesis functions as a blueprint for the research project, ensuring that each step from literature review to data analysis connects back to the core inquiry.

Finally, hypotheses can facilitate cumulative knowledge and theory-building in law. While much of doctrinal legal research is case-specific and interpretative, socio-legal research aspires to identify patterns or cause-and-effect relationships that transcend individual instances. A hypothesis provides a tentative generalization that can be tested in multiple studies, gradually building a body of evidence for or against certain propositions. For instance, the hypothesis that *"restorative justice processes reduce reoffending rates among juveniles"* can be investigated in different jurisdictions; if supported repeatedly, it strengthens a theoretical claim about the effects of restorative justice. If results differ, researchers refine the hypothesis or identify conditions under which it holds. In this way, hypotheses drive a cycle of theory refinement: they prompt tests that yield results, which then inform revised hypotheses or new propositions. The hypothesis thus serves as a steppingstone from isolated facts to general principles in legal studies, analogous to how it functions in natural and social sciences.

It should be noted that even in doctrinal research, which is primarily analytical and library-based, something akin to a hypothesis often exists albeit informally. In doctrinal work, a researcher usually begins with a *research question* or a tentative thesis about the state of the law. For example, a legal scholar might suspect that *"the current consumer protection laws are inadequate to handle digital goods"* essentially a proposition that can be explored and "tested" by analyzing statutes, cases, and principles. Some methodology experts argue that a doctrinal researcher *should* formulate a hypothesis to clarify the inquiry. Therefore, in doctrinal research, the researcher is required to frame a hypothesis in order to address the research problem, and the hypothesis plays a role in verifying the selected legal sources and guiding the analysis. In practice, doctrinal hypotheses might be as simple as a working assumption or question for instance, *"does the case law support the view that X is an established legal principle?"* which the researcher then investigates through traditional legal reasoning. The process is less about empirical testing and more about *logical verification* using authoritative texts: here a hypothesis can be "verified" by showing it is consistent with statutes and precedents or refuted by finding contrary authority. This is sometimes described as *doctrinal verification* as opposed to empirical verification. In sum, while doctrinal legal research does not always explicitly label its guiding

[15] Ibid 56

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propositions as "hypotheses", the underlying logic of having a focused proposition to examine is quite analogous to the scientific hypothesis approach.

(C) The Role of Propositions in Legal Argument and Analysis

Apart from formal hypotheses, propositions play a critical role in legal research and reasoning. Legal analysis is fundamentally argumentative and propositional in nature: scholars and practitioners make assertions about what the law is or should be, and support those assertions with reasoning and evidence. In this sense, virtually every legal research paper has one or more central propositions often presented as the thesis or the main arguments of the work which it sets out to defend. For example, a researcher might argue the proposition that *"international law recognises a human right to a healthy environment"* or that *"the principle of consideration in contract law is fundamentally flawed"*. These statements are propositions that the research will substantiate (or potentially refute) through doctrinal analysis, comparative study, or theoretical argument. Unlike a scientific hypothesis, these propositions are not always *testable* by empirical means, but they are subject to rigorous scrutiny through logic, authority and evidence. A proposition in legal research must be supported by authoritative sources (statutes, case law, scholarly opinion) and by sound reasoning; otherwise, it will not be persuasive or valid in the eyes of the legal community.

In legal writing, especially analytical and doctrinal scholarship, propositions often take the form of legal claims or interpretive hypotheses. For instance, when a judge or advocate proposes a new standard or test in a case, that can be seen as formulating a hypothesis within legal argument. One scholar notes that in legal argument, *"a hypothesis often takes the form of a proposed test or standard for deciding an issue"*, which the advocate or judge suggests based on legal sources and then evaluates by applying to the facts. Consider a Supreme Court judgment where a judge posits: *"We propose that the appropriate test for negligence in cyberspace is X"*. The judge is effectively offering a proposition and then examining whether it holds up against prior law and the needs of justice. If a proposed legal proposition leads to contradictions or unjust results in these thought experiments, it is often modified or rejected a process analogous to scientific hypothesis testing, but conducted through reasoning on paper or in court rather than laboratory experiments.

Legal research, especially in common law systems, frequently involves deriving general propositions from specific cases and then applying those propositions to new situations. This is essentially an inductive-deductive loop of hypothesis generation and testing. A researcher might inductively extract a proposition from case law (e.g., *"courts tend to favor arbitration clauses*

in consumer contracts") and then deductively test that proposition by examining new cases or hypotheticals to see if it holds true. Terry Hutchinson describes doctrinal research as involving *"rigorous analysis and creative synthesis"* of legal propositions drawn from authorities.[16] Those legal propositions themselves can be seen as mini-hypotheses about what rule or principle the courts will follow. The difference is that in doctrinal work, these hypotheses are chiefly tested against *legal texts* (cases, statutes) and logical consistency, rather than against measurable data about the external world. Still, the process requires an open mind: if the research uncovers an authoritative case that contradicts the researcher's initial proposition, the proposition must be revised or refined. In this way, the intellectual honesty demanded is similar to that in empirical research one must follow where the evidence (or authority) leads, even if it disproves one's starting assumption.

To illustrate the use of propositions in legal research, consider a historical example: In *Brown v Board of Education*[17], the NAACP's legal team essentially advanced the proposition that "separate but equal" schools were *not* equal and thus violated the Constitution. That was not something they could directly prove with a traditional scientific experiment, but they amassed social science data, historical evidence, and legal reasoning to support this proposition. The Supreme Court ultimately accepted it, illustrating how a well-supported proposition can drive legal change. In academic legal research, someone might similarly propose, for example, that *"the concept of corporate personality should be reformed to impose human rights responsibilities on corporations."* This proposition would then be explored through analysis of legal doctrine, philosophical arguments, and perhaps empirical data on corporate behavior. It may not be a testable hypothesis in the narrow sense, but it functions as the central idea the research is investigating. Many law review articles have titles that are essentially propositions or hypotheses (e.g., "The Hypocrisy of Hypothesis Why Legal Research Needs to Shed this Relic", which itself is a proposition about hypotheses!).[18] This underscores that whether or not we label them as such, propositions are at the heart of legal scholarship they are what give content to our arguments and drive our inquiries.

(D) Hypotheses in Different Types of Legal Research

It is crucial to recognize that the role of hypotheses (and the analogous use of propositions)

[16] Team Attorneylex, *Methods and Types of Legal Research for Writing Research Papers* (Team Attorneylex, 1 September 2020) https://teamattorneylex.wpcomstaging.com/2020/09/01/methods-and-types-of-legal-research-for-writing-research-papers/ accessed 11 September 2025

[17] 347 U.S. 483

[18] Dan J. B. Svantesson, 'The Hypocritical Hype about "Hypothesis": Why Legal Research Needs to Shed this Relic' (2014) *Alternative Law Journal* **39**(4) 259

varies with the type of legal research being conducted. Broadly speaking, legal research can be categorized into doctrinal (or "pure" legal) research and non-doctrinal (empirical or interdisciplinary) research, with some projects blending elements of both. The appropriateness of using a formal hypothesis differs across these categories.

Doctrinal research focuses on legal texts cases, legislation, regulations, and other authoritative sources to interpret and systematize the law. Traditionally, doctrinal research does not state hypotheses in the scientific sense[19]. Instead, it starts with a research problem or question (e.g., "How should the law treat rivers as legal persons?") and proceeds via analysis. As one source notes, *"hypothesis is not required in all types of legal research. A researcher indulged in exploratory or descriptive legal research is not required to formulate a hypothesis"*.[20] Exploratory doctrinal studies, which aim to map out an area of law, often avoid committing to a hypothesis because they are in a fact-finding or concept-finding stage. However, even doctrinal research often has an implicit hypothesis or assumption. For example, a thesis might hypothesize that *"the current legal framework is inadequate"* and then set out to demonstrate that inadequacy by examining the law. Ultimately, doctrinal researchers commonly use propositions instead: they propose interpretations or reforms and then argue for them. The "testing" here is through persuasive reasoning and comparison with legal authorities rather than empirical measurement. It is to be observed that doctrinal legal studies "do not ordinarily test any hypothesis to prove or disprove" in a strict sense; sometimes the "hypothesis" in doctrinal work is essentially *"a simple question to guide the research"* rather than a predictive statement. Thus, while one *can* frame a doctrinal inquiry as testing a hypothesis (e.g., *"hypothesis: the common law is moving towards recognizing rivers as persons"*), it might be more natural to view it as exploring a question or arguing a thesis. The consensus in literature is that for doctrinal projects, a hypothesis is optional it may be used to sharpen the focus, but many excellent legal analyses proceed without one, guided instead by well-crafted questions and logical argumentation.

On the other hand, when legal research crosses into empirical territory gathering data from surveys, interviews, experiments, case statistics, etc. hypotheses become much more central. Empirical legal research often mirrors social science in method. Here, a hypothesis provides a clear statement that can be supported or refuted by data. For example, in an empirical study of judicial behavior one might hypothesize that *"judges appointed by political party X are more*

[19] Khushal Vibhute and Filipos Aynalem, *Legal Research Methods* (Teaching Material, Justice and Legal System Research Institute, 2009)
[20] Ibid 56

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likely to rule in favor of corporations", then test this by analyzing a dataset of cases. In such studies, hypotheses help in formulating research instruments (what exactly will you measure?), identifying variables (judge's party affiliation, outcomes of cases, etc.), and determining analytical techniques (statistical tests to see if the difference is significant).[21] Indeed, empirical legal research often requires one to formulate both a null hypothesis (e.g., "there is no difference in rulings between judges of different parties") and an alternative hypothesis (the expected difference) to apply statistical hypothesis testing. The literature emphasizes that in *"socio-legal research or empirical legal research, statement of the problem in the form of a hypothesis is invariably required"*. Having hypotheses in these studies ensures the research is hypothesis-driven and yields results that clearly confirm or reject a proposed relationship.[22] For instance, a recent empirical project might test the hypothesis *"countries with stronger freedom-of-information laws have lower levels of government corruption"*, collecting cross-country data to see if the correlation holds. If the data show a strong inverse correlation, the hypothesis gains credence; if not, the hypothesis might be rejected or refined. The hypothesis in such a context is fundamental it is tightly woven into the research design: *"After defining a research problem or formulating a hypothesis… the researcher has to work out a design for the study. Research design is the conceptual blueprint"* for testing that hypothesis.[23]

Legal research that incorporates methods from other disciplines (economics, sociology, psychology, etc.) often uses hypotheses as well. Law and economics studies, for example, frequently start with hypotheses derived from economic theory (like "increasing penalties will reduce breach of contract incidents"). These are then examined by looking at legal outcomes or behavior in the real world. In comparative law or historical research, one might hypothesize patterns (e.g., "countries of the same legal family converge in their regulatory responses") which are then checked against comparative data. Even qualitative socio-legal research, which may not use statistical testing, can benefit from hypothesis-like propositions. For instance, an ethnographic study of courts might have a working hypothesis that *"informal norms, more than formal rules, drive courtroom interactions"*, guiding the researcher to observe certain behaviors. While qualitative research is more exploratory, articulating such a proposition can focus the fieldwork and provide a claim to evaluate against the observations.

In summary, the use of hypotheses is most strongly justified in empirical legal research where

[21] Thorleif Lund, 'Research Problems and Hypotheses in Empirical Research' (2021) *Scandinavian Journal of Educational Research* **65** (7) 1183
[22] Khushal Vibhute and Filipos Aynalem, *Legal Research Methods* (Teaching Material, Justice and Legal System Research Institute, 2009)
[23] Ibid

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they serve as the linchpin of the scientific method within law helping to produce results that are generalizable and falsifiable. In contrast, doctrinal legal research uses hypotheses more sparingly, often relying instead on research questions or theses, because its aim is typically to interpret or rationalize legal norms rather than to measure external phenomena. Nonetheless, even doctrinal scholars often implicitly use hypothesis-like thinking (e.g., "assuming this principle holds, where does the reasoning lead?") as part of the reflective process.

(E) Criticisms and Limitations of Hypotheses in Legal Research

Despite the benefits of clarity and structure, the use of hypotheses in legal research has attracted significant criticism. One prominent critique is that many forms of legal research do not fit the hypothesis model well and forcing them into that mold can be counterproductive. Dan Jerker Svantesson sharply captures this in his article *"The hypocritical hype about 'hypothesis': Why legal research needs to shed this relic"*. Svantesson observes that law PhD students often dread the question "So what is your hypothesis?" because in much of legal research, the very idea of a one-sentence hypothesis is awkward.[24] He argues that *"the hypothesis concept is a poor fit for most forms of legal research"*.[25] Unlike scientific experiments that test natural phenomena, legal research frequently deals with questions of interpretation, normative value, or complex social contexts that cannot be encapsulated in a single testable statement. For example, if one's research question is *"How should privacy rights be balanced against national security?"*, it's not naturally answered by proving or disproving a hypothesis instead, it calls for nuanced analysis and judgment. Svantesson suggests that insisting on a hypothesis in such scenarios is a relic of attempting to imitate the natural sciences, and that legal research should not be straitjacketed by a methodology that does not suit it.[26] In his view, legal scholarship often progresses through analytical inquiry and normative argument rather than hypothesis testing, and that is perfectly valid. The "dictatorial role" of the hypothesis in research design, he contends, should be reexamined, and alternatives (like focusing on research questions or objectives) might better serve legal scholarship.[27]

Another criticism is that formulating a hypothesis too early in a legal research project can lead to bias or tunnel vision. If a researcher is overly committed to a hypothesis, there is a risk of confirmation bias, consciously or unconsciously selecting only those sources or data that support the hypothesis and overlooking information that contradicts it. Legal research,

[24] Dan J. B. Svantesson, 'The Hypocritical Hype about "Hypothesis": Why Legal Research Needs to Shed this Relic' (2014) *Alternative Law Journal* **39**(4) 259
[25] Ibid
[26] Ibid
[27] Ibid

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especially doctrinal, is prone to this because one can often find some authority to back almost any position if one looks selectively. A student who hypothesizes *"International law is ineffective in enforcing human rights"* might be tempted to focus only on failures of enforcement and ignore success stories, thus skewing the analysis. Good research methodology emphasizes that one should also seek out evidence *against* one's hypothesis to truly test its validity. However, novice researchers might not do this rigorously, especially if they feel pressure to "prove" their hypothesis. The scientific method itself often postpones hypothesis formulation until a substantial familiarity with the facts is achieved, to avoid framing the problem incorrectly.

Moreover, critics point out that not all meaningful legal research questions lend themselves to a clear true/false answer, which a hypothesis implies. Hypothesis-testing is inherently binary (you support or refute the hypothesis). But many legal inquiries result in *"it depends"* answers or in proposals for reform rather than confirmations or refutations. For example, consider a thesis that asks: *"What is the best legal framework for regulating AI to protect privacy?"* It would be artificial to state a hypothesis like "Hypothesis: Law A is the best framework" and then try to prove it because "best" is a value judgment involving multiple criteria. Instead, the researcher would compare models, discuss strengths and weaknesses, and perhaps recommend an approach. In such a study, a hypothesis might actually constrain the analysis, because the researcher might downplay complexities in order to fit a yes/no evaluation of the hypothesis. Here, working with propositions or questions (e.g., "One proposition is that a consumer-protection model will better address AI privacy concerns than a data-protection model") and exploring them might be more fruitful than a strict hypothesis test.

Additionally, there is the issue of false precision. Legal concepts are often qualitative and laden with context. Forcing a quantitative hypothesis (with independent and dependent variables) can sometimes oversimplify. For instance, a hypothesis like *"Increasing the number of police will reduce crime by 10%"* may be testable, but it oversimplifies the myriad factors that go into crime rates and the quality of policing. Legal phenomena often involve complex causation and interpretive nuances that do not reduce to single-variable hypotheses. Critics caution that legal researchers must be careful not to let the elegance of a hypothesis overshadow the messy reality of legal systems.

On the other hand, those wary of abandoning hypotheses entirely warn that not using hypotheses can lead to aimless research. A study that proceeds without any clear anticipated answer might turn into a mere descriptive report or an endless data gathering exercise with no conclusions. Thus, there is a balance to be struck. The critical point is that hypotheses should be used

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judiciously in legal research: they are very useful tools in the right context (especially empirical studies or tightly scoped questions), but they should not be mandatory in every project, nor should they constrain creativity or thoroughness. A flexible approach is recommended by experienced researchers. For doctrinal and exploratory studies, one might frame *propositions* or *research questions* rather than formal hypotheses, keeping the inquiry open-ended. For empirical studies or those borrowing scientific methods, one should formulate hypotheses but remain willing to revise them as the research evolves (a process known as *adaptive hypothesis refinement*).

(F) Alternatives and Complements to Hypotheses

Given the above concerns, many legal researchers prefer to articulate research questions**,** objectives, or thesis statements instead of formal hypotheses. A research question (for example, *"How have courts interpreted the right to free expression in social media cases?"*) does not presume an answer; it guides the study but leaves it open to whatever the analysis reveals. This can be advantageous in areas where prediction is difficult or inappropriate. Research questions can be coupled with *propositions* tentative answers that the research will evaluate. In the example above, a proposition might be, *"Courts have generally treated social media speech as fully protected expression."* The study would then see if this holds true across cases, which is very similar to testing a hypothesis but framed in a less rigid way. Thesis statements are also common in legal writing: a thesis is essentially the central argument or conclusion the author is putting forward (e.g., *"This article argues that the current interpretation of free expression is too narrow to account for the realities of social media."*). A thesis is usually stated after research, but sometimes the researcher starts with a thesis in mind and then marshals support for it. The difference is somewhat semantic a thesis could be seen as a hypothesis that the author believes is (at least partially) substantiated. In academic legal writing, one often finds phrases like "This paper contends that…" or "It will be argued that…," which introduce the author's key proposition to be demonstrated.

In methodologies courses, students are often taught to develop conceptual frameworks or models for their research rather than just a single hypothesis. For example, instead of a lone hypothesis, a student might lay out a set of propositions: *P1: If conditions A and B are met, law X will be effective; P2: Condition A is lacking in the current scenario; hence P3: law X is currently ineffective.* This kind of reasoning uses multiple linked propositions to guide the research. Each proposition can be checked (is condition A present? Is B present? etc.), leading to a conclusion. Such a framework may be more suitable for complex legal issues than a simplistic hypothesis.

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It is also possible to use rival hypotheses or multiple hypotheses in legal research. Especially in empirical studies, considering alternative hypotheses can strengthen the research design. For instance, if one hypothesizes that *"specialized commercial courts improve efficiency"*, a rival hypothesis might be *"docket management reforms, not specialization per se, improve efficiency."* A robust study would collect data to address both possibilities. By anticipating rival explanations, the researcher shows awareness that multiple factors could be at play and avoids attributing everything to the favored hypothesis. In doctrinal work, similarly, one might acknowledge multiple interpretive propositions and weigh them (e.g., "Hypothesis A: the statute implies X; Hypothesis B: the statute implies Y"). This approach ensures that the research is not one-dimensional.

Ultimately, the measure of success in legal research is not whether one had a hypothesis or not, but whether the research produced insightful, supported conclusions. A study with a clear hypothesis that is tested and leads to a definitive answer can be very powerful for example, proving empirically that a certain law has a certain effect is valuable. Likewise, a doctrinal article that begins with a hypothesis about a legal inconsistency and then demonstrates through analysis that the inconsistency indeed exists (and perhaps proposes a resolution) is making a meaningful contribution. Conversely, a study without a hypothesis, guided by questions, can yield rich analysis and theory (common in comparative or theoretical scholarship). Each approach has its place. The key is that the researcher remains critical and reflective about their chosen method. A *critical reflection* on the use of propositions and hypotheses, as undertaken in this paper, suggests that a one-size-fits-all approach does not work for legal research methodology. Instead, researchers should consider the nature of their problem and choose whether a hypothesis would clarify or distort their path.

II. Conclusion

Propositions and hypotheses are invaluable thinking tools in legal research, but their use must be context-sensitive and critically considered. A hypothesis a specific, testable proposition can provide focus and structure, especially in empirical or analytical studies where variables and outcomes can be observed and measured. It narrows the scope of inquiry, helps organize methodology, and forces the researcher to articulate assumptions clearly. In fields like law-and-economics, empirical sociology of law, or policy evaluation, hypotheses drive the research and enable scholars to build an evidence-based understanding of how laws operate and affect society. Even in doctrinal legal research, articulating a hypothesis or central proposition can sharpen the analysis by making the researcher's starting point explicit a well-formed proposition

can be logically "verified" or refuted by examining legal sources.

However, as this reflection has discussed, the hypothesis is not a universally applicable requirement. Blindly importing the hypothesis model from the hard sciences into all legal scholarship can be *misleading*. Many legal research endeavours are exploratory or normative, dealing with questions of *"what is the law?"* or *"what should the law be?"*, where a rigid hypothesis might be unhelpful or even obstructive. Critics like Svantesson remind us that we should not make a fetish of the hypothesis legal research can be systematic and rigorous without always phrasing its goal as a hypothesis to be tested. In fact, insistence on a hypothesis where it doesn't fit can result in contrived statements that add little value or can funnel the research prematurely towards a particular answer.

A *critical* use of hypotheses in legal research means using them when they serve the research objectives and not using them (or using alternative frameworks) when they do not. For a researcher about to embark on a project, a useful approach is to ask: *Will formulating a hypothesis clarify my research and make it more structured, or will it force an oversimplification?* If a clear hypothesis emerges naturally (e.g., *"I suspect outcome X will occur under conditions Y and Z"*), then it should be stated and the research designed around testing it. If not, the researcher might frame the project around questions or goals instead, which can be just as rigorous if done carefully. Notably, even when a formal hypothesis is absent, the research should still have a driving proposition or purpose be it exposing a gap in the law, arguing a new interpretation, or demonstrating a trend. In other words, every good legal research work has a point to make (its central proposition), but not every such point must be cast as a hypothesis. In legal education, especially at the postgraduate level, there is increasing appreciation of diverse methodologies. Texts on legal research methods from leading publishers stress understanding the *"why and how"* of one's methodology choices *"why… the hypothesis has been formulated, what data have been collected… and why not others"* are questions a researcher should be able to answer. Whether one uses a hypothesis or not, the reasoning behind that choice should be sound. A doctrinal PhD thesis, for example, might explicitly state that it does not employ a conventional hypothesis due to the normative nature of the inquiry, and instead outlines objectives and expected contributions this can be perfectly acceptable if justified. Conversely, an empirical law thesis would be expected to have clear hypotheses derived from literature and theory.

In conclusion, propositions and hypotheses, when applied thoughtfully, significantly contribute to the strength of legal research. They encapsulate the researcher's expectations and provide a yardstick against which to measure findings, thereby enhancing clarity and intellectual honesty.

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Nonetheless, legal researchers must remain masters of these tools, not slaves to them. A critical reflection entails recognizing that a hypothesis is a means to an end, not an end in itself. The ultimate goal is robust and meaningful legal scholarship whether achieved by confirming a hypothesis, refuting it, or simply illuminating an issue from all sides. As the diverse sources cited herein demonstrate, the modern understanding of legal research methodology is flexible and pluralistic, accommodating both the scientific spirit of hypothesis testing and the humanistic tradition of reasoned argument. The wise legal researcher will use propositions and hypotheses where they help and will not hesitate to abandon or reformulate them where they hinder, thus ensuring that the research remains both rigorous and relevant.

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