

KENT LAW SCHOOL

INFORMAL GUIDE TO PUTTING TOGETHER

A RESEARCH PROPOSAL

(for LLM by Research and PhD proposals)

Please note that this is not an official guide issued by the University of Kent, just some advice from KLS scholars on the basis of their long-standing experience.

We recognise that you are likely still developing your research topic. We thus recommend that you contact a member (or more than one member) of our staff with appropriate expertise to discuss your proposed research. If there is a good fit between your proposed research and our research strengths, and available time permits it, staff will give you some advice on a draft of your research proposal before you make a formal application.

It is important, however, to attempt to draw up at least the core sketch of ideas and most crucially a research question (or set of them) at the core of your proposal before contacting a member of staff, so that they can give you more specific advice. You should also please note, however, that our staff are very busy and they are instructed to provide such advice in summary form (you cannot expect a member of staff to effectively write the proposal for you let alone edit it for you as this would be unhelpful on more than one counts!): what will be offered is, for the most part, then, some bullet points about the schematics and the direction of your proposal and potentially some suggestions as to how to frame its originality and how to advance your reading in your specific area of interest, if, for example, key material has escaped your attention (but: please do read as extensively as you can in your chosen area of interest before asking for such advice).

In the event that you have not been able to receive such advice from one of our staff members please note that you can still submit your proposal and expect to hear formally from us when we process your application.

A. Suggested Structure of your Proposal:

- 1 *Provisional title*
- 2 *Brief Summary of the Proposed Study (1 paragraph)*
- 3 *Further elaboration of the proposal*
- 4 *Research methodology*
- 5 *Targeted area or sub-field literature review, **and** your key question(s)*
- 6 *The originality of your intended research*
- 7 *Provisional chapter outline*
- 8 *Bibliography*

B. Explanation of Sections:

1 Provisional title

This should consist of a title that is clear and concise and that points to the heart of your proposed research project. Some random examples of such titles:

- *A critical interrogation of the rights of disabled asylum seekers.*
- *Feminist perspectives on the legal recognition of same-sex marriages in Spain.*
- *Land dispossession and water commodification: the case of Israel and Palestine.*
- *Human rights after Foucault: governmentality, control and emancipation.*
- *An ethnographic study into the life of a family court.*
- *What of Dignity? Rethinking dignity through equity.*
- *Transnational governance: exploring the legitimacy and accountability crises of transnational regulatory networks in international finance regulation.*
- *Human trafficking and migrant smuggling: analysis of the distinction through the lens of the 'European migration crisis' and of the Italian policy response.*
- *The engagement of postcolonial in the post-colonial international legal order: theory of resistance in the case of the non-aligned movement.*
- *The human right to development: pervasive economic interventionism and women in the global south today.*

2 Brief Summary of the Proposed Study

This needs to be just one paragraph maximum; two to three sentences can also work if precise and adequate. What you are doing in this summary is identifying precisely what it is you want to investigate in a plain and efficient manner. In general, you want something that is neither too broad (i.e. bordering on vagueness or the obvious) or too narrow (i.e., bounded in some way by key concepts and contexts). A straightforward e.g., 'The object of this research is to explore the extent to which rape law as currently constituted fails to protect women from rape or to deliver justice to those who have been raped. The focus will be on UK law with comparative analogies, where appropriate'. This works at a basic level, though note that it could do with some more precision in focus perhaps.

3 Further elaboration of the proposal

Elaboration should focus mainly on *delineating* the boundaries of your project. What is *inside* and what is *outside* and what are the key determinants of the boundaries you will draw? For example, in the proposal above, what law precisely are you investigating? Are you merely looking at legal *doctrine* - the relevant statute and cases on rape law - or are you also looking at the *process* whereby 'law in the books' becomes 'law in action', in which case you might want to look at police and Crown prosecution procedures, the statistics on rape reporting, evidence law, the behaviour and tactics of lawyers in the courtroom, jury attitudes etc.

If you are drawing on comparative material, what material, and why? If your proposal is largely theoretical - e.g. looking at concepts of equality or the implications of postcolonial theory in the context of legal definitions of family, how do you propose to ground such a theoretical exploration? Generally, it needs to be grounded in law or in legal phenomena (narrowly or broadly construed); and it needs to have an identifiable focus and clear angle. This applies also incidentally to more or less entirely theoretical projects that still need to identify their specific area of inquiry with as much precision as possible at this stage.

4 Research Methodology

Up to this point you have been describing *what* you are going to investigate and possibly why. Now you have to think very carefully about *how* you are going to investigate. What methods or approaches will you take to answering your research

question(s)? And what is your methodology, i.e., theory/account/explanation of your choice of methods? Much research is library-based. If your proposed research is library-based, you should explain where your key resources (e.g. law reports, journal articles) are located (in the Law School's library, Westlaw, other specialist libraries, etc). If you plan to conduct field work or collect empirical data, you should provide details about this (e.g. if you plan interviews, who will you interview? How many interviews will you conduct? Will there be problems of access?). This section should also explain how you are going to analyse your research findings. To answer such questions you need to think about methodologies more generally carefully as well as read about them.

There is a range of approaches you might use, independently or concurrently, depending on the nature of your enquiry and while you may not be fully aware of them at this point in time it really is important to start thinking about them (as well as reading on them). These might include, for example:

- 1) 'black-letter' doctrinal analysis: looking at the relevant legal rules to see if they are coherent and rational.
- 2) critical doctrinal analysis: mainly focusing on the texts of law, cases, articles etc. to excavate the values and assumptions of the law/judgement. This might include the deployment of techniques similar to literary criticism or you might want to highlight external value systems, i.e., ideological and political perspectives, and locate what you are investigating within them, flushing out particular perspectives or forms of bias.
- 3) 'law in context' approaches ('law in the books versus law in action'): comparing what the rules are supposed to be doing (e.g. proscribing rape) with what they are doing (i.e., not proscribing it) and trying to account for this.
- 4) using qualitative and/or quantitative approaches to the gathering and presentation of knowledge(s); e.g. story-telling, interviews, anecdotes or quantitative data collected via, for e.g., questionnaires, etc.
- 5) exploration of a particular area through a specific theoretical lens (e.g., exploring rape law from the perspective of feminist theory, exploring intellectual property law from the perspective of theories of property or technology; exploring international law from a political economy perspective; investigating the history of contract law from a philosophical perspective and so forth).

- 6) theoretical engagement with concepts associated with law, for example, justice, equality, citizenship, ethnicity, gender. Here you need a conceptual focus and a grasp of the theoretical tools for interrogating and/or deconstructing the concept. It is also advisable to have a context or a testing ground for your theoretical excavation, though more or less entirely theoretical, i.e. speculative, projects are also welcome.
- 7) we generally encourage and nurture interdisciplinary research so we welcome interdisciplinary methods as well, as long as you are prepared to master them to the extent possible and employ them in a genuine manner in your proposed study.

The object here, overall, is to ensure that you have thought not only of what you are going to investigate and why, but also *how* you are going to investigate your research question. You might also indicate (in one or two sentences) at this stage whether you have the training in the methodology you wish to use and if not, how you would like to address this.

5 Targeted area, or sub-field Literature Review, and your key question(s)

A concrete search of the literature is something you should do early on, even before you have decided precisely what you are going to research but have a broader more general idea of subject area and/or field of study. You should include a brief overview of the general area of study within which your proposed research falls, summarising the current state of knowledge and recent debates on the topic. In the proposal you should be able to summarise the main views taken on your subject and relate your own investigation to them.

This review does not have to be exhaustive as we do not expect you to already have become an expert in your chosen area of research. It merely needs to be sufficient to enable you to locate your research question within the existing scholarly literature and thereby to aid you in identifying your ‘point of departure’, as well as indicate to us that you are committed to this advanced level of study. This section should be in text form; you will append a bibliography at the end your proposal and should highlight and discuss the key studies to date.

The idea, here, is to also assist you in choosing and refining your own **research area/question(s)**, as well as place your investigation within the general research already carried out. It is essential that the proposal should set out the central

aims and the key research question(s) that will guide your research in a justified and logical manner. You need to specify provisionally what your key question(s) are: remember that you need to be clear in your plan, as well as relatively certain that your project is not only exciting but also feasible: thus, before writing your proposal, you should take some time to reflect on the key questions that you are seeking to answer (which means knowing why you are asking these questions and how you plan to answer them).

6 The originality of your intended research.

Following on from your ‘literature review’ and the location of your project within it, the proposal should also attempt to demonstrate or at least at this stage indicate the originality of your intended study. You should do your best to explain why your research is new, needed, important (for example, by explaining how your research builds on and adds to the current state of knowledge in the field or by setting out reasons why it is timely to research your proposed topic).

It is often the case that in your chosen field or sub-area, experienced scholars have published widely but also have indicated in their work areas that require further development or which are under-researched, so if you are in doubt, reading more will hopefully assist you learn more as to your area of proposed study as well as locate more precisely your original contribution (even if in its early potential, schematic and indicative form).

7 Provisional chapter outline

This should provide provisional (just indicative) chapter headings and a very brief outline of each chapter. Again, do not be too detailed, as you will certainly revise the order and content when you start to research and write anyway. A sentence or two on each chapter is enough.

8 Bibliography

List here any material you have used or think you might use in your dissertation/thesis. Do not go overboard at an early stage (you do not need to show off). Remember this is a preliminary exercise and you will be adding to your

bibliography as your research progresses. Of course, all of this is subject to revision as you progress with your research and may well undergo extensive change.

The idea is to lead you to focus early on by producing a proposal which is in some sense manageable and reasonably well-planned. However, try not to overwrite your proposal or make it too long. Brevity and precision here are assets while vagueness and waffle should be avoided at all costs! (At a rough estimate, aim for *no more than* 2000-2.500 words, excluding bibliography).

Any Questions?

Our experienced supervisors may have already perhaps answered some of your further questions. Consider, thus, the following list of things to do and things to avoid doing.

THINGS TO DO:

Choice of topic

- Research your topic – read what has or has not already been written about it, to the extent possible, so you know enough to explain what we do not know yet.
- Research for examples: look at what a PhD looks like (plenty of examples are available online).
- Have a clear, concise and interesting thesis question - with 'interesting' meaning a question to which we don't yet know the answer! If you already know the answer to your question there is no need to do a PhD!

Reading

- Spend some months researching and reading around the research idea so as to get a grasp of current state of knowledge/literature and to start framing a viable draft research question.
- read widely the academic literature on the subject to identify a gap (i.e. a question that has not been asked before/or asked in the way you intend to (for instance by bringing new theoretical resources to bear on it, new methods, etc)

Knowledge and Literature Review

- Demonstrate your knowledge by citing others and say how their work relates to yours
- Identify a conceptual lens/framework (or a set of conceptual resources) that sheds light on the question
- While covering a significant amount of the available literature at this early stage will help you frame your ideas and proposed study it is also important to not lose sight of your own self in the sea of material: make sure the proposal has enough of 'you' than just endless descriptions of other people's work. We need to know what is interesting/new/important about what you want to do!

Methodologies

- Research 'how to research' and decide on your general approach – a PhD in law can involve more than library work, but you need to know why you choose particular methods. You need to define what knowledge you want to access before knowing how to access it.
- Pay particular attention to developing an appropriate and detailed methodology – for e.g. consult leading social sciences research methods texts in this exercise. If your project is to engage other disciplines and be interdisciplinary in that manner you need to think about more than one set of methods perhaps.
- Always be clear about the link between the *Hows* and the *Whys* of your project: why is it important to ask your questions? Why should they be asked now? Why is your proposed method the most adequate one? Why is the theory you are proposing useful to your questions? To all this, the right answer is never only 'because no one else has done it before' (it also needs to involve '...and that is a problem because...').
- Once you have identified a set of key research questions think again: do your methods fit your questions?!

Feasibility

- Think ambitiously, but realistically. Your project will need to be manageable in three years yet make a marked contribution.

Finding a supervisor:

- Look at our list of research staff carefully and propose your preferred supervisor or supervisors (up to 2) wisely, and creatively: see what they have written, who they have supervised, what approach/method they take. If you are not sure, write to them and ask. They should be able to help you not only complete your PhD, but also build a successful academic career. We may not, though, be able to allocate your preferred supervisor but we always do our best to meet your preferences. The careful decision, in any case, rests with the directors of the Programme of study. Indeed, if we are not able to allocate your proposed or preferred supervisor rest assured that we have thought very carefully as to the fittingness of the assigned supervisory team to your project.

Academic Research

- Make sure you understand the particularities of academic research – and what differentiates a PhD thesis from, for example, an undergraduate dissertation or a policy report.

Edit your proposal before submission:

- Proofread your work: your presentation will or will not make an impression! Use spell check, short paragraphs and read it out aloud (if a sentence at any point does not make good sense or sound ‘right’ – there is most likely a problem you need to fix!).
- While you draft it, have in mind please a non-specialist audience as this can really help you render your expressions plain and concise. Please avoid jargon (unless carefully explained), don't assume knowledge(s)!

Meeting the deadline of submission:

- Start working on your application well ahead of the deadline or the time to plan submitting - it will take a lot longer than you expect to get it as right as you can at this stage.

Are you ready to do this?

- Ask yourself whether you are ready to commit to 3-4 years of intense high-level study and research before applying! If you have questions as to that ask the Programme directors.

Finally, some THINGS TO AVOID:

- DON'T think that a PhD will be an extension of your undergraduate or LLM dissertation.
- DON'T Propose, effectively, a literature review AS your thesis: your PhD needs to do more than bring together everything that has been written on a particular topic.
- DON'T Rush into choosing a supervisor. Ask the school for help doing this and ultimately if you can't locate one you can still apply!
- DON'T Embark on a PhD without knowing what it involves, or why you need/want to do it.
- DON'T Confuse your reader with unclear language – the best academic writing is relatively clear and quite accessible.
- DON'T Write your proposal for a specialist audience only: you don't need to impress only the experts in your subtopic, but a broader panel of scholars.
- DON'T Write about how brilliant the 'idea' is, without explaining why that is the case and why it matters to the chosen field.
- DON'T Write a far too open-ended or merely descriptive proposal such as: 'how the law addresses a specified issue', or a flat 'comparison between the law in one jurisdiction with that in another on a specified topic'.
- DON'T Write a proposal you don't feel like pursuing, just because it may sound 'fundable' or attractive to a particular supervisor! The worst-case

scenario is that the application could be successful and you're stuck for the next four years with a topic that you dislike!