



Theory and Methodology in law
2022/2023

The PhD School invite all PhD students within the discipline of jurisprudence to a course on

Theory and Methodology in law

Course description:

The course is designed for students who have recently embarked upon PhD studies and need to enhance their general understanding of methodology and research methods, as well as the ways in which the theoretical framework and specific research methods may be applied in their research projects. The course can also be relevant for students who have been working on their research for a while and needs perspectives on methodology questions for their research project.

The course will provide an overview of main research methods commonly used by legal researchers. Apart from the main jurisprudential approaches, the course will also cover empirical and interdisciplinary approaches to law. The research approaches and trends will be discussed in the context of international as well as Danish law. The course will run over a longer period.

- A two day course on Campus in December (December 8-9, 2022).
- Regular sessions over a period of 12 weeks organized as study groups with the aim to involve PhD students more actively with different presentations. The Ph.D. students will chose tracks after the two day course and the 12 weeks will begin January 2023.

ECTS:

- 5 ECTS points for participating in the 2-day course, submitting the required written assignments and participating in the study group.
- 3 ECTS points for participating only in the 2-day course (for PhD students not enrolled at University of Copenhagen)

Course objectives:

The main objective of the course is to equip PhD students with the necessary set of skills required to carry out independent research of the highest academic standard.

Participants will learn how to frame the theoretical foundation of their research project at the early stages of their PhD studies as well as how to identify and choose research methods relevant to their main object of inquiry.

Prerequisites:

3 weeks prior to the course, the participants will receive a set of recommended readings, with which they should be familiar at the time of the course.

2 weeks prior to the course, the participants shall submit a brief presentation of their PhD projects (½-1 page) together with a description of methodological aspects of their research (1 page). These documents will be distributed among all participants.

2 weeks after the completion of the course the participants shall submit a 1-page reflection paper on the use of methodology and methods in their PhD project based on experience from the course.

Course format:

The course is divided into two parts.

In part 1, senior scholars will discuss methodological issues in their respective areas of expertise, present challenges related to use of particular methods, and share examples from actual studies which they conducted or coordinated. Part 2 is organized as a study group where the individual PhD students will be involved more actively.

Part I:

Day 1 and Day 2 offers a general introduction into main concepts of philosophy of science in the context of demands posed by legal research. It also provides an overview of different methodological approaches, employed in the studies of law and legal phenomena: the legal doctrinal approach, the comparative approach and the empirical approach. Methods specific to each of these approaches will be presented. Day 2 will examine law in different context e.g. Law & economics, Law & technology and Law & sustainability. It will also explore interdisciplinary approaches and interview methods.

Part 2:

This part of the course will be organized as study groups and will run over a period of 12 weeks in the spring 2023. Students must choose one of the following tracks after the two-day PhD course:

Track 1: Private/economic law, including international private law and civil procedure/arbitration
Course organizer: Joanna Lam & Shai Dothan

Track 2: Public law, including criminal law, and international public law

Course organizers: Rasmus Grønved Nielsen & Astrid Kjeldgaard

Track 3: Sociology of law /jurisprudence/interdisciplinary approaches

Course organizers: Jakob v. H. Holtermann & Henrik Palmer

Track 4: Sustainability (The track will take place at Syddansk Universitet, Campusvej 55, Odense)

Course organizers: Karin Buhmann & Bent Ole Gram Mortensen

Intended learning outcomes:

Upon the completion of the course, the participants will be able to:

demonstrate an understanding of legal research approaches, methodologies, and techniques,

apply such methodologies and techniques within a specific field of research,

critically reflect upon the chosen methodology and research method(s),

Identify which research methods are most suitable for answering major research questions in their individual projects.

Instructors:

The course consists of lectures, presentations, and workshops delivered by distinguished academics, affiliated with the Faculty's research centers and invited guest speakers. The course instructors are specialists in Danish and in international law and represent different areas of public and private law. Their expertise and insights will thus be helpful to participants pursuing their PhD projects in different legal fields.

Practical information:

- **Venue:** The course will run on Campus, Copenhagen (track 4 will run in Odense, SDU)
- University of Copenhagen, Faculty of Law, Njalsgade 76, DK-2300 Copenhagen S, Room: TBA [A guide on how to find Campus is available at our website via this link](#) and [a map of campus is available here](#)
- **Wi-Fi:** University of Copenhagen is connected to Eduroam, which allows students, researchers and staff from participating institutions to obtain Internet connectivity across campus and when visiting other participating institutions.
- **Registration:** No later than **2 November 2022**. [Please register via this registration form](#).
- Any questions about the course may be directed to the PhD Administration (phd@hrsc.ku.dk).

Course Program

DAY 1: THURSDAY DECEMBER 8, 2022

TIME	PROGRAM
9.00-9.45	Welcome – Introduction to research methods in PhD thesis´ <i>Carina Risvig Hamer</i>
9.45-10.30	Philosophy of science and legal research <i>Jakob v. H. Holtermann</i>
10.30-10.45	Break
10.45-11.30	Legal doctrinal approach <i>Vibe Ulfbeck</i>
11.30-12.15	Lunch
12.15-13.00	Comparative approach <i>Morten Broberg & Joanna Lam</i>
13.00-13.45	Empirical approach <i>Henrik Palmer Olsen & Annika Frida Petersen</i>
13.45-14.00	Break
14.45-15.45	Legal politics <i>Jakob v. H. Holtermann & Jens Elo Rytter</i>
15.45-16.00	Follow up and conclusions <i>Carina Risvig Hamer</i>

DAY 2: FRIDAY DECEMBER 9, 2022

TIME	PROGRAM
9.00-9.15	Introduction <i>Carina Risvig Hamer</i>
9.15-10.15	Interdisciplinarity <i>Jakob Wested</i>
10.15-10.30	Break
10.30-11.30	Interview methods <i>Mikkel Jarle Christensen</i>
11.30-12.15	Lunch
12.15-13.15	Law and technology <i>Alexandra Andhov</i>
13.15-14.15	Law and Economics <i>Shai Dothan</i>
14.15-14.30	Break
14.30-15.15	Law and sustainability <i>Beatriz Martinez & Sune Klinge</i>
15.15-15.45	Introduction to the 4 tracks
15.45-16.00	Follow up and conclusions <i>Carina Risvig Hamer</i>

Part 2:

This part of the course will be organized as study groups and will run over a period of 12 weeks in the spring 2023. Students must choose one of the following tracks after the two-day PhD course:

Track 1: Private/economic law, including international private law and civil procedure/arbitration

Track 1 welcomes participants, who are preparing their theses in the fields of private/economic law and civil procedure, including public-private areas with an economic component, as well as sustainability-related aspects of business relations. The course will help the participants to successfully identify methodological approaches relevant to their specific projects, select methods adequate to planned research questions and tasks, and work with different types of sources and data (including domestic, international and transnational legal sources). The module will also address methodological challenges related to studying such phenomena as, inter alia, activity of courts and tribunals and interpretation of case law; digitalization of legal services; and environmental concerns in commercial and investment relations. The course has a practical orientation: it will assist the participants in preparing their specific PhD projects, and it will gradually guide them through key stages of work on their dissertations. The sessions will provide insights from experienced, invited lecturers, combined with a series of dedicated, interactive exercises, aimed at training of methodological competences and skills.

Course organizers: Joanna Lam & Shai Dothan

Track 2: Public law, including criminal law, and international public law

Track 2 will focus on methodological questions that commonly arise within the fields of public law, including criminal law, and public international law. How, for example, do legal researchers deal with sources of law originating from different legal orders and different sources of public law within a specific legal order? To the greatest extent possible, the course will be designed to accommodate and ensure relevance for the specific projects of the participants in Track 2. Participants will be divided into 'learning groups' of three. The groups will be given various assignments and topics for discussion during the course. Guest lecturers will be invited whose research and/or work on methodology is of particular importance and relevance to the participants in the study group.

Course organizers: Rasmus Grønved Nielsen & Astrid Kjeldgaard

Track 3: Sociology of law /philosophy of law/interdisciplinary approaches

Many PhD students grapple with the problem of securing a solid scientific footing for their thesis, thereby raising the question: What makes for a proper PhD dissertation in law? The answer is that there are many answers to this question: There are many ways of securing academic solidity for a phd thesis. In this track we initially discuss how doctrinal legal science relates to other forms of science and how it may be possible to integrate various scientific approaches into one phd thesis. Participants will be asked to reflect on what kind of science they pursue and what that entails for their thesis. The track then introduces a number of contemporary approaches to legal scholarship – the purpose of which is to provoke further discussion about how the choice of theory and method shapes the analysis of a given object of research – and sometimes even the very understanding of what the object is. Among the questions raised in the track are:

Is doctrinal legal science hermeneutic/interpretive, and if so, what does this mean? How should we think critically about the legal sources, in particular previous judgements: What data do we rely on? Do judges' identity – race, gender, class – affect the outcome of legal cases, and should it be addressed in legal research? Is interdisciplinary studies of law really *legal* science? Can data science methods be used in legal scholarship and if so, how? Can we make scientifically valid research about legal policy (*rechtspolitik*) and if so, how?

The track examines these questions and more in close relation to the participants PhD projects. Reading key texts from sociology and philosophy of law it provides an engaging and practically useful framework for critical reflection on legal science and method, both in its more traditional “clean” incarnations, and in its interdisciplinary and empirical versions.

Track organizers: Jakob v. H. Holtermann & Henrik Palmer

Track 4: Sustainability

Sustainability has become a key issue and challenge on the global and local agenda. This is reflected in various legal texts and regulatory instruments of a very diverse character from the international to the national level. Sustainability is an integrated element in International as well as Danish policy. But how well integrated is sustainability in the legislation? This track will cover issues of theory and method of how to understand and work with these documents as sources of law. We will address this from two angles: one considers international soft-law instruments like Agenda 2030 (framing the 17 Sustainability Goals), the Paris Climate Change Agreement, and the United Nations Guiding Principles on Business and Human Rights, their influence on EU hard law related to the Green Deal, sustainable finance and responsible business conduct and selected national legislation on those topics, and emergent national and international case law relating to climate change and responsible supply chains. The other will consider Danish law in regard to energy and the green transition.

The track will take place at Syddansk Universitet, Campusvej 55, Odense

Course organizers: Karin Buhmann & Bent Ole Gram Mortensen