

## **HOW TO WRITE A RESEARCH PROPOSAL**

### **I. The importance of a research proposal**

An application for a research degree (MPhil or PhD) must be accompanied by a research proposal. The statement is an essential component of the admission process for the following reasons:

1. You may only gain admission if there is a member of staff who is able to offer adequate supervision. Your proposal will be passed to members of staff with research interests in the area who will indicate whether they are able to offer you supervision.
2. The Law School must consider whether it possesses adequate resources to support your proposed research, such as books, journals and law reports. We expect PhD students to visit other institutions and libraries but we must ensure that there is a sufficiently comprehensive 'core' of materials available here.
3. Your proposal is a means of assessing whether you have given sufficient thought to the demands of a PhD programme and whether you have undertaken sufficient preliminary research into the topic.

### **II. Choosing a subject for a PhD**

Under the University of Leicester's regulations, a PhD thesis has a maximum length of 80,000 words. It must be a work of advanced study and research, containing original work and material deemed worthy of publication (as judged ultimately by the final examiners).

The key words here are "advanced study" and "original work".

#### ***(a) advanced***

For the study to be advanced, it will be inappropriate to carry out a thesis that looks like a textbook. Advanced research must be more than a purely descriptive account of the law on a given topic. For example, if you propose a thesis on the topic "The Rights of National Minorities", this is likely to be too broad. This topic would have to be narrowed down to a specific issue (for example the concept of a national minority under the Council of Europe's Framework Convention on National Minorities).

### ***(b) original***

For the study to be original, either it will have to look at a new area of law on which little has been written or it can be a study that presents a new perspective on a topic where there already exists a body of academic literature. The key thing is that the work must not reproduce existing knowledge. For example, a thesis on the topic 'Affirmative action and the case-law of the US Supreme Court' is unlikely to be sufficiently original (given that this has been the subject of a lot of academic literature). Nevertheless, even a topic where a significant volume of literature already exists can, in some circumstances, be original if a fresh perspective on the subject-matter is provided.

### **III. Types of PhD research**

There are a number of ways of writing a PhD. Below we have identified four possible approaches that may underpin a PhD. This is not to say that there are no other ways of undertaking doctoral research and note also that these approaches may overlap and a proposal may cover more than one of these methods.

#### ***(a) Analysis of new and emerging areas of law***

A project could examine a new area of law, on which there has been little written to date. Such projects typically examine the law and attempt to provide an explanation by placing it in a useful theoretical context or by offering a critique from a particular perspective, e.g. a feminist critique. This kind of work will mostly involve study of primary sources (legislation and case-law) as well as secondary literature in the area and in the theoretical/conceptual dimensions of the research project.

#### ***(b) Empirical Research***

You might be interested in an empirical review of a particular area of law to see how the law works in practice. For example, you could investigate the effectiveness of criminal law on preventing racist speech at football matches. This kind of project would involve fieldwork as well as library study. Conducting empirical research demands considerable attention to the appropriate methodology. You will need to explain in your research proposal what research methods you are intending to use and why these are suitable for your research topic. In addition, you need to consider research ethics, such as principles of consent and confidentiality. The University has rules on research ethics and any research involving human subjects will require ethical approval.

#### ***(c) Providing new insights on established areas of law***

A proposal could be a review of existing areas of law from a different perspective. This will involve taking a subject which has already been the subject of academic literature, but advancing the state of knowledge by presenting a new way of looking at or analysing the topic. If this is the type of research you wish to engage in, then your research proposal needs to indicate an awareness of the approaches already taken in the existing literature and, in general terms, how your PhD would seek to be different.

#### ***(d) Comparative legal research***

Many of our existing PhD candidates are incorporating comparative approaches into their research. This might involve comparing national law in several countries or comparing the approach of different legal frameworks (such as the European Convention of Human Rights and the African Charter on Human and Peoples' Rights). If you are proposing to engage in comparative legal research, you need to consider why the jurisdictions selected will be suitable for comparison. In addition, you will also need to address access to information. The University of Leicester's library holdings are predominantly in English, so if your sources will be in another language you will need to consider how you will obtain sufficient access (eg through using other international libraries). Finally, your proposal should explain the rationale for the comparison. Purely descriptive work will not be suitable for a PhD, so why is it important or useful to make the comparison?

#### **IV. Preparation for the proposal**

Once you have decided on the area, you should read widely – consult existing work to get a feel for the kind of academic work that has been done. If it is a completely new area where little academic literature exists, then other contemporary sources need to be reviewed, such as newspapers and periodicals in order to get a flavour of the debates surrounding this particular legal development. If possible, you should look at previous PhDs in related areas – if you have access to a University library there will be bound copies of PhDs submitted there. You will also find that some monographs were originally PhD projects and reading through these will also give you a sense of the work that is involved.

#### **V. Writing the proposal: a checklist**

Your research proposal should be short; around 1000-1500 words is sufficient. In it, you should address the following issues:

- ✓ Define your research question or hypothesis (ie what topic are you investigating or what proposition are you seeking to establish?)
- ✓ Explain the rationale for your research proposal. In particular, you need to explain what makes it an original contribution in relation to the existing published works on this subject.
- ✓ What methodology will you adopt? (ie will you be relying purely on library-based research or do you propose to engage in empirical research?)
- ✓ Include a bibliography of the sources you have consulted in preparing the research proposal.

For further guidance, it is recommended that you consult E Phillips and D Pugh, *How to get a PhD – a handbook for students and their supervisors* (4<sup>th</sup> ed, Open University Press, Maidenhead 2005), especially chapters 3 and 6.