



**Trinity College Dublin**  
Coláiste na Tríonóide, Baile Átha Cliath  
The University of Dublin

## **Writing A Research Proposal For Legal Postgraduate Research At The School Of Law**

### **I. The role of the research proposal**

The first informal stage of enquiry in relation to carrying on research at the School of Law under academic supervision for a research degree (MLitt or PhD) requires a CV and a research proposal. The research proposal is a required element for the following reasons:

1. The proposal helps to readily indicate the subject-matter of the proposed research. Your proposal will be passed to members of staff with research interests in the area who will indicate whether in principle they may be in a position to supervise it. This is important as an offer requires a member of the academic staff of the School to be qualified, interested and available to act as a supervisor of the proposed research.
2. Having regard to the subject-matter of the proposed research, the Law School also considers whether it is likely to be able to provide sufficient sources to support your proposed research, such as books, journals and law reports. Sometime where a student chooses to focus primarily on the law of another country the resources available may be limited. As a copyright library, the Library is entitled to receive copies of all books published in the UK and Ireland. While the Law School encourages PhD students to visit other institutions and libraries to expand their reach, at base we consider whether there is a reasonable supply of books and journals accessible at the University Library and through its electronic databases.
3. Perhaps most fundamentally, given that entry to postgraduate research at the School of Law, Trinity College Dublin is competitive, the research proposal submitted by a prospective applicant enables the Deputy Director of Postgraduate Teaching and Learning and academic staff within the School to form a judgment concerning the quality of the candidate including how deeply a candidate has considered the demands of postgraduate research, particularly a PhD programme, and whether a candidate has undertaken a sufficient amount of preliminary research into the topic and into the nature of a thesis of that kind.

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

The minimum qualifications for admission as a PhD student are higher than those for admission as an MLitt student. In particular, applicants must show evidence of marked

aptitude for research. This reflects the fact that more difficult topics and more extensive and deeper research are required for the PhD than for the MLitt.

Under Trinity College Dublin's regulations, a doctoral thesis has a maximum length of 100,000 words. A doctoral thesis must show evidence of rigour and discrimination, appreciation of the relationship of the subject to a wider field of knowledge/scholarship, and make an appreciable, original contribution to knowledge; it should show originality in the methods used and/or conclusions drawn, and must be clear, concise, well written and orderly and must be a candidate's own work (as judged ultimately by the final examiners). In short, a doctoral thesis leading to the award of a PhD should make a significant original contribution to knowledge.

For the study to be advanced in terms of rigour, discrimination and originality, it will be insufficient to produce a thesis that resembles a textbook in terms of fulfilling an information-provision function but without discernment or real theoretical engagement going beyond a mere descriptive recitation of the law on the given subject. This is why a thesis is founded upon a central research question which poses a question or series of related questions for thorough probing and investigation and resolution in the course of a thesis, leading to rigorous findings or conclusions.

### ***Originality***

The originality criterion is important. For a thesis to have sufficient originality, either it will have to examine an area of law on which little has been published or present sufficiently fresh insights and angles on a topic where there already exists a significant body of academic literature and law.

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

There are many ways of approaching a PhD. Some common ones (more than one of which may be used) are listed below.

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

A thesis could examine a new area of law or reform proposals, on which there has been little written to date. Such theses will often critically examine the law and give a theoretical framework for it. This kind of doctrinal work will generally involve examining primary sources (legislation and case-law) as well as secondary published work in the field and on relevant theoretical dimensions e.g. regulatory theory.

#### ***(b) Theoretical Research***

A theoretical thesis focuses largely or entirely on investigating theoretical angles in relation to identified subject matter e.g. an aspect of jurisprudence. As such it is focused entirely on providing plausible theoretical justifications for a given state of affairs rather than with doctrinal study of the law.

### ***(c) Empirical Research***

Empirical research is focused on collecting evidence and drawing inferences and conclusions in relation to its import for the field being studied. The methodology often involves data collection and may involve quantitative and qualitative methods. It may require institutional ethical approval and consent from human participants. You will need to explain in your research proposal the focus of your intended empirical research, its significance and the research methods you are intending to use and why these are appropriate for your proposed research. The School and University has rules on research ethics and any research involving human subjects will require ethical approval.

### ***(d) Providing new critical perspectives on well-established areas of law***

A research proposal may relate to an existing area of law but involve new perspectives or more comprehensive investigation than has previously been carried out, for example, where there is dearth of academic consideration in a domestic context. As such, the thesis can advance knowledge and the state-of-the-art. In this case your research proposal needs to show an awareness of existing treatment of the subject matter and explain how your PhD would make a significant contribution to the field.

### ***(e) Comparative legal research***

Many PhD candidates include an element of comparative research in their PhD. This could involve comparing national law in a number of carefully selected jurisdictions or comparing the approach of different model legal frameworks. If you are proposing to engage in comparative legal research, you need to consider how to justify the choice of comparator jurisdictions – what can usefully be learned from them and how you will access relevant primary and secondary materials. It should be emphasised that purely descriptive work that simply describes the law in several jurisdictions will not in itself make a sufficiently original contribution to deserve the award of a PhD. Therefore there must be something useful to be learned from the act of comparison or an attempt to categorise different approaches etc. within the goal of answering a clearly defined central research question.

## **IV. Preliminary preparatory work prior to writing a proposal**

Once you have decided on the area in which you would like to carry out research and you are clear that you have a suitably strong academic background to undertake this type of rigorous research, you should read a reasonable cross-section of work including journal articles and monographs within the field. This will allow you to get a handle on what the state of the literature is and what gaps there are that a PhD could address. If it is a new or emerging area where little academic literature exists (eg FinTech), then take steps to reviews other sources such as policy documents, newspapers and practitioner articles. It is strongly recommended that you take a look at previous PhDs in the field or related areas. <https://www.tcd.ie/library/support/theses.php>. Some monographs were originally PhD theses and reading through these will also give you a sense of the work that is involved.

## V. Research proposal checklist

To be reviewed by the School of Law, a PhD proposal must be **1000-1500 words** (excluding bibliography) and must contain the following:

- ✓ A research question or hypothesis (i.e. indicating the nature of what aspect of the topic are you investigating or what theoretical proposition you are endeavouring to establish);
- ✓ A justification for the likely significant original contribution the proposed research will make (note that this requires you to demonstrate an understanding of what literature is already out there and to explain the rationale for your research proposal);
- ✓ The proposed methodology to be adopted (for example, will you be relying purely on doctrinal, library-based research or do you propose to undertake empirical research?);
- ✓ A proposed chapter structure and indicative time-scale mapping out the research over 3 years;
- ✓ A bibliography of the sources you have consulted in preparing the research proposal.