

IMAGINE how to write the best PhD (course)

**Interdisciplinary PhD Programme "Society of the Future", Jagiellonian University
in Krakow**

11-12 April 2022

Doing research is lots of fun, but it is also hard work. To make the most of our course, we expect you to read all the pieces referred to below and prepare the tasks. This is not a course where you can sit comfortably and just observe what is happening. Part of being a researcher is to be able to get out of your comfort zone and do things which some people may find stupid or senseless: such as, asking questions in front of your peers or, formulating ideas aloud, which is quite different from leaving them flouting inside your heads, where everything looks much clearer and more sophisticated than when we have to use our (limited) conceptual arsenal to express complex ideas. But it will get better- if you practice this, as being able to ask interesting questions and to answer them in a sophisticated way is a skill, which improves with practice.

ABOUT US:

IMAGINE: European Constitutional Imaginaries: Utopias, Ideologies and the Other is an ERC-funded project, which investigates European Constitutional Imaginaries: sets of ideas and beliefs that help to motivate and justify European integration as a constitutional project.

Find out more about IMAGINE at <https://www.imagine-const.eu/>.

Jan Komárek is IMAGINE's Principal Investigator and since 2017 Professor of European law at the Faculty of Law, University of Copenhagen and iCourts – the Danish National Research Foundation's Centre of Excellence for International Courts.

Jan worked at the Czech Ministry of Foreign Affairs (2004-2006), the Czech Constitutional Court (2009-2010 – legal secretary to the Court's president) and the LSE (2010-2017, assistant and in 2016-2017 associate professor).

Jan earned DPhil from the University of Oxford in 2011. He obtained other degrees from the Charles University in Prague (Mgr., JUDr.) and Stockholm University (LL.M.). He also holds diplomas from the University of Cambridge, Academy of European Law of the European University Institute in Florence (Course in EU Law, 2004) and Central European University in Budapest (Total Law course, 2006).

Jan is the member of the Editorial Board of European Constitutional Law Review (EuConst), European Law Open, Jurisprudence (Journal of the Charles University Law Faculty), and of the Advisory Board of the Zeitschrift für öffentliches Recht (Journal of Public Law, ZöR).

Jan's research is primarily concerned with normative questions of European constitutionalism and constitutional theory. He is further interested in broader questions of adjudication and legal reasoning, both in the EU and in the comparative constitutional context. Jan's work was published in e.g. American Journal of Comparative Law, Common Market Law Review or International Journal of Constitutional Law.

Michał Krajewski is a Postdoctoral Research Fellow at IMAGINE and iCourts.

Michał graduated from the University of Warsaw, Faculty of Law and Administration. He worked at the Polish Constitutional Tribunal in 2014-2015. Subsequently he was a trainee at the Legal Service of the European Commission (2015) and the Court of Justice of the EU (2017).

Michał earned PhD in law from the European University Institute in Florence, Italy in 2020. He is a member of the Editorial Board of European Constitutional Law Review (EuConst).

Michał's research is primarily concerned with the ability of constitutional law and administrative law to constrain, steer and orient the exercise of public power and what affects this ability. His previous research focused on the ability of the EU Courts and alternative, extra-judicial EU bodies to settle cases underpinned by technical and scientific discretion. The current research related to IMAGINE focuses on the ability of the Polish Constitutional Tribunal to settle cases related to socio-economic rights in times of an economic emergency. Michał's book *Relative Authority of Judicial and Extra-judicial Review: EU Courts, Boards of Appeals, Ombudsman* was recently published by Hart Publishing, and his other work was published in Common Market Law Review, European Constitutional Law Review, European Papers, as well as in edited volumes published by e.g. Oxford University Press.

Programme and course assignments

Monday 11 April 17:00-19:15

Session 1: Introducing our and your research

AIM: How to best make people interested in what you do research on and how to create professional networks that will help to achieve that goal? In this introductory session we will teach you how to do precisely this – not just by introducing ourselves, but also by making you known to us and the rest of the group.

We will also discuss principal research methods in law and how they have changed in the last few years, when law opened to other disciplines (and also became less dependent on state-like structures).

READ:

- Rob Van Gestel and Hans-Wolfgang Micklitz, 'Revitalizing Doctrinal Legal Research in Europe: What About Methodology?' Working Paper, EUI LAW, 2011/05, available at <https://cadmus.eui.eu/handle/1814/16825>
- If you want to go further: Rob van Gestel, Hans-W. Micklitz and Edward L. Rubin, *Rethinking scholarship : a transatlantic dialogue* (Cambridge University Press 2017)

PREPARE: A short document, which on page one will **shortly present your PhD research**, answering the following four questions: (1) **WHAT** is your research about (ideally, what is your "research question", as you will see, the magical word you will hear a lot during your PhD studies) (2) **WHY** your research matters (to you personally, but also in broader terms – why people other than your supervisor and mother should read it) (3) **TO WHOM** is your research addressed (other academics? Practitioners – which – government officials, judges, lawyers, who?) and (4) What is your principal **RESEARCH METHOD**.

On page two give **a short outline** of your planned thesis – the table of contents, ideally (if you have got that far) accompanied with short abstracts presenting each chapter. Finally, still on page two list **three most important scholarly sources** you will use when writing the thesis.

Besides this short document, prepare **a very short "elevator speech"**: in maximum 90 seconds make people interested into what you do your research on – so that they will want to hear more after they have got to the floor they needed.

Session 2: What is good scholarship – and which are the goals of doing (interdisciplinary) research in law?

AIM: What is "research excellence" in legal scholarship – and which are the contexts in which this matters besides and beyond your PhD? After this session we should have a much clearer idea what it is and what to do in order to achieve that.

READ:

- 'Introduction' to Rob van Gestel and Andreas Lienhard (eds), *Evaluating Academic Legal Research in Europe: The Advantage of Lagging Behind* (Edward Elgar 2019) available at: <https://www.elgaronline.com/downloadpdf/edcoll/9781788115490/9781788115490.00006.xml>
- If you want to go further: Marnix Snel, 'Making the implicit quality standards and performance expectations for traditional legal scholarship explicit' (2011) 12 *German Law Journal* 901 –

929 available at: <https://www.cambridge.org/core/journals/german-law-journal/article/making-the-implicit-quality-standards-and-performance-expectations-for-traditional-legal-scholarship-explicit/3D5A31B461100E7121BOB698F5A5ED2B>

PREPARE: Choose one piece of legal scholarship you have read (it does not need to directly relate to the PhD you are currently writing) and briefly present it – also with your explanation why you think the piece is excellent and why it has left such deep impression on you. Your explanation must be **3 minutes long maximum**.

Session 3: Planning your research and living the life of a researcher (alongside “normal life”?)

AIM: Most courses on how to do research focus on research methodology, how to find the right research question, how to organize material etc. However, living the life of a researcher is a complex affair, especially if you need to find time for family, hobbies – and often another job. Let us not pretend that writing a PhD is the only thing in your life that matter – and at the same time admit that the day only has 24 hours, week only 7 days ... and you know the story. So: how to best organize your time so that you achieve what you want and do not live a miserable life?

READ: This summary of Cal Newport’s *Deep Work*: <https://www.aliem.com/tldr-book-review-deep-work/>. I would recommend reading the whole book, if only for its key insight: “deep work” is something we need to practice, and by not doing it, we are losing our capacity to engage in it. At the same time, “deep work” is the key to getting good jobs in academia and being valued as a good researcher. Not answering emails or being at every single meeting in your department.

PREPARE: In the week preceding our course make as detailed notes as possible of how you spent your working time. How much of that was devoted to the work that directly relates to writing the thesis (so, e.g. while reading an article that you will use counts, teaching or doing research for your supervisor does not count). Do you expect this pattern is going to change significantly in the period shortly before the date of submission?

Set the date when you want to have the thesis formally submitted. How many weeks are there between now and then? When counting, try to exclude already now the weeks you plan to be on holidays (also periods around Christmas tend to be spent on other things than work) or times when you know you won’t be able to work on your thesis. In other words, try to get as realistic as possible an estimate of time you have for writing the thesis.

Tuesday 12 April 16:00-17:30

Session 4: Interdisciplinarity and law in context – crash course in empirical research methods

AIM: Traditional research methods of a legal scholars in many European countries (including Poland) is the analysis of case law and legal text in order to systematise, make sense and develop the body of ‘doctrine’. In the context of the growing popularity of non-traditional methods in legal research, we may be asking ourselves: is there anything I could actually apply in my own research to better answer my research question? During this hour, we will discuss where to look for answers to this question.

READ: An article by Paivi Leino-Sandberg and Emilia Korkea-aho on how to interview lawyers and what we can learn from such qualitative research: <https://cadmus.eui.eu/handle/1814/60786>. And then have a look at an interesting example of quantitative research... about legal research: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2625473

If you want to go further: What about doctrinal 'methodology'? Is there something like this? How to write a methodological section of your PhD if you are doing only 'doctrinal' research? Have a look at this piece: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2644088

PREPARE: A short written reflection (even a few lines) on whether your research question could relate to any sources different than the case law of apex courts and legal provisions. Does it make sense to you perhaps to ask about law-in-action as manifested in administrative decisions, decision-makers' or lawyers' practices? Or does it make sense for you to confront legal knowledge with extra-legal knowledge? Alternatively, reflect on what kind of methodological choices did you do in your doctrinal research.

Session 5: IMAGINE's research questions and methods

AIM: We will share with you some reflections about our own research questions and methods. This session will be also a chance to go back to topics and issues discussed throughout the course.

READ: A paper summarising IMAGINE's research agenda: Jan Komárek, 'European Constitutional Imaginaries: Utopias, Ideologies and the Other' *IMAGINE Working Paper No. 1, iCourts Working Paper Series, No. 172* available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3477160

