

University of Luxembourg
Faculty of Law, Economics and
Finance

“Methodologies in legal research”



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Objective

At the end of this module, you will :

- 1.** UNDERSTAND SEVERAL RESEARCH METHODOLOGIES

At the end of this module, you will :

1. UNDERSTAND SEVERAL RESEARCH METHODOLOGIES
2. BE ABLE TO CHOOSE THE METHODOLOGY(-IES) YOU WANT TO GIVE TO YOUR OWN RESEARCH

- You have a **Project research** already defined
(theme, problematic, question, hypothesis)

- You have a **Project research** already defined (theme, problematic, question, hypothesis)
- If not : I recommend you follow first the module *“Designing a good legal research”*.

Introduction

What is a methodology ? Why to have one ?



First, what is a RESEARCH ?

Introduction

What is a methodology ?

First, what is a RESEARCH ?



Introduction

What is a methodology ?

First, what is a RESEARCH ?



The intellectual work that you do in order to discover a knowledge : you want to give an answer to your question and hypothesis.

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What is a methodology ?

First, what is a RESEARCH ?



The intellectual work that you do in order to discover a knowledge : you want to give an answer to your question and hypothesis.

Then, what is a METHODOLOGY ?

Introduction

What is a methodology ?

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The intellectual work that you do in order to discover a knowledge : you want to give an answer to your question and hypothesis.

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What is a methodology ?

First, what is a RESEARCH ?



The intellectual work that you do in order to discover a knowledge : you want to give an answer to your question and hypothesis.

Then, what is a METHODOLOGY ?



The *way, the approaches* that you choose, that you have decided to use to get to the answer.

Introduction

What is a methodology ?

First, what is a RESEARCH ?



The intellectual work that you do in order to discover a knowledge : you want to give an answer to your question and hypothesis.

Then, what is a METHODOLOGY ?



The *way, the approaches* that you choose, that you have decided to use to get to the answer.

We call those approaches an “epistemological positioning”.

Introduction

What is a methodology ?



Answering your hypothesis is your destination.

2 proposals of methodology



Answering your hypothesis is your destination.



Structuring your plan is your route.

2 proposals of methodology



Answering your hypothesis is your destination.



Structuring your plan is your route.



Choosing your methodology is your mean of transport.

2 proposals of methodology

Before explaining them, be aware that there is no preferred methodology :

2 proposals of methodology

Before explaining them, be aware that there is no preferred methodology :

You choose the methodology that you consider will better help you in your research, will better help you answering your question the way you have decided.

2 proposals of methodology

Before explaining them, be aware that there is no preferred methodology :

You choose the methodology that you consider will better help you in your research, will better help you answering your question the way you have decided.

You can choose to “combine” those methodologies, like a transport by foot, then by car, by plane, adapting your way to your goal.

Epistemological positioning version 1 :

Descriptive-Analytical-Normative



Descriptive

Analytical

Normative

Descriptive	Analytical	Normative

Epistemological positioning version 1 :

Descriptive-Analytical-Normative



Descriptive

Analytical

Normative

Describing the characteristics,
"observational" research,
"how does it work?".
Informative. Explanatory.

Epistemological positioning version 1 :

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Descriptive

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Describing the characteristics,
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« Synthesis of fundamental rights in Lao constitution : existing rights, recourses and procedure »

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Descriptive

Describing the characteristics,
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« Synthesis of fundamental rights in Lao constitution : existing rights, recourses and procedure »

Analytical

Analysing law,
understanding causes,
consequences, creating
links, explaining effects,
does it work ? Why ? Why
not ?

Normative

Epistemological positioning version 1 :

Descriptive-Analytical-Normative



Descriptive	Analytical	Normative
<p>Describing the characteristics, "observational" research, "how does it work?". Informative. Explanatory.</p>	<p>Analysing law, understanding causes, consequences, creating links, explaining effects, does it work ? Why ? Why not ?</p>	
<p><i>« Synthesis of fundamental rights in Lao constitution : existing rights, recourses and procedure »</i></p>	<p><i>« Protection of maternity in Lao civil law, penal law, labour law and social law. Coherence and discrepancies »</i></p>	

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Descriptive	Analytical	Normative
<p>Describing the characteristics, "observational" research, "how does it work?". Informative. Explanatory.</p>	<p>Analysing law, understanding causes, consequences, creating links, explaining effects, does it work ? Why ? Why not ?</p>	<p>Given the description and the analysis : what should be created ? Or stopped ? Or encouraged or better controlled ?</p>
<p>« <i>Synthesis of fundamental rights in Lao constitution : existing rights, recourses and procedure</i> »</p>	<p>« <i>Protection of maternity in Lao civil law, penal law, labour law and social law. Coherence and discrepancies</i> »</p>	

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Descriptive-Analytical-Normative



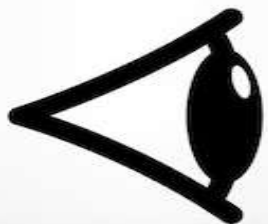
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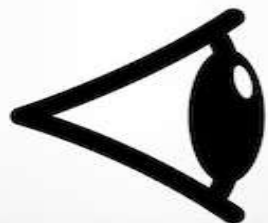


Point of view
External explicative

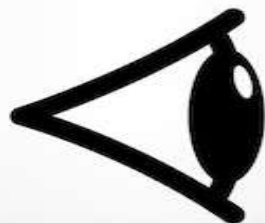
Epistemological positioning version 1 : *Descriptive-Analytical-Normative*



Descriptive	Analytical	Normative
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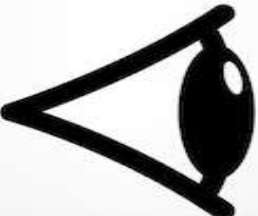
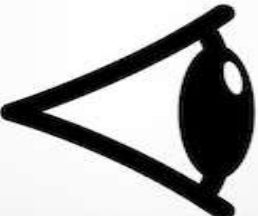
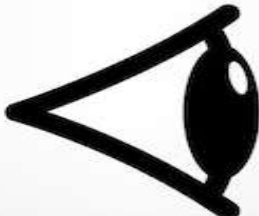
Point of view
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Point of view
internal

Epistemological positioning version 1 : *Descriptive-Analytical-Normative*



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 <p>Point of view External explicative</p>	 <p>Point of view internal</p>	 <p>Point of view External axiological</p>

Epistemological positioning version 2 :

Theoretical-Empiric-Comparative

Different ways to conduct your research

- Law in the books – black letter

Different ways to conduct your research

- Law in the books – black letter: study/analyse the texts of the law in theory

Different ways to conduct your research

- **Law in the books – black letter:** study/analyse the texts of the law in theory
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- **Law in practice-enforcement issues**

Different ways to conduct your research

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Different ways to conduct your research

- **Law in the books – black letter:** study/analyse the texts of the law in theory
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 - Interview with practitioners (judges, lawyers)

Different ways to conduct your research

- **Law in the books – black letter:** study/analyse the texts of the law in theory
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 - Interviews with stakeholders (NGO, victims, businesses,...)

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 - Interviews with stakeholders (NGO, victims, businesses,...)
- **Law and economics**

Different ways to conduct your research

- **Law in the books – black letter:** study/analyse the texts of the law in theory
 - Descriptive
 - Analytical
 - Normative
- **Law in practice-enforcement issues:** how the law is actually applied in the real world
 - Interview with practitioners (judges, lawyers)
 - Interviews with stakeholders (NGO, victims, businesses,...)
- **Law and economics:** what are the economic reasons behind the law? What is the economic impact?

Combining different epistemological positionings

All those methods can be COMBINED.

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You can decide :

Combining different epistemological positionings

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You can decide :

- to conduct a *comparative* research between Lao law and Luxembourgish law

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You can decide :

- to conduct a *comparative* research between Lao law and Luxembourgish law
- To have multiple approaches of this comparative research :

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All those methods can be COMBINED.

You can decide :

- to conduct a *comparative* research between Lao law and Luxembourgish law
- To have multiple approaches of this comparative research :
 - 1st approach : a *descriptive* approach (“what do their respective laws say”)

Combining different epistemological positionings

All those methods can be **COMBINED**.

You can decide :

- to conduct a **comparative** research between Lao law and Luxembourgish law
- To have multiple approaches of this comparative research :
 - 1st approach : a **descriptive** approach (“what do their respective laws say”)
 - Then a 2nd approach : **analytical** : what are their respective strengths and weaknesses

Combining different epistemological positionings

All those methods can be COMBINED.

You can decide :

- to conduct a *comparative* research between Lao law and Luxembourgish law
- To have multiple approaches of this comparative research :
 - 1st approach : a *descriptive* approach (“what do their respective laws say”)
 - Then a 2nd approach : *analytical* : what are their respective strengths and weaknesses
 - Finally why not a 3rd approach where you would present your own solutions to improve the Lao law : a *normative* approach

Starting the research – Tips to get organized

Get your thoughts organized into **DIFFERENT DOCUMENTS** or colour codes :

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- 3rd document : - what you take away from your readings, what they inspire you (personal opinion, agree/disagree, impact of the reading on your hypothesis...)

Starting the research – Tips to get organized

Get your thoughts organized into **DIFFERENT DOCUMENTS** or colour codes :

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- what you don't understand (allow it to be, you'll see maybe you'll understand later !)

Starting the research – Tips to get organized

With regards to your 3rd document (your thoughts) :

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You can group and organize your thoughts under paragraphs, keywords and sub-keywords, themes and sub-themes : this will help you to start seeing your structure and your plan.

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Select your bibliography at the start, report and write it on an ongoing basis.

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Temporary plan

- Make a temporary plan : stay relax, your plan will change! Keep it bullet points, big picture, keywords

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- Make a temporary plan : stay relax, your plan will change! Keep it bullet points, big picture, keywords
- Continue to read, to write your thoughts, to write your questions and potential findings
- Make a definitive plan

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Definitive plan

- Remember **WHAT** you want to demonstrate

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Definitive plan

- Remember **WHAT** you want to demonstrate
 - *“What is necessary ? What can I let go ?”*

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Definitive plan

- Remember WHAT you want to demonstrate
 - *“What is necessary ? What can I let go ?”*
- Remember HOW you want to demonstrate

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Definitive plan

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 - *It will help you keeping in mind that your research must end at one day !*

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 - *example next slide*

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Definitive plan - Example



Research project : *Protection of maternity in Lao civil law, penal law, labour law and social law. Coherence and discrepancies*

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Definitive plan - Example



Research project : *Protection of maternity in Lao civil law, penal law, labour law and social law. Coherence and discrepancies*

TITLE 1. DESCRIPTIVE APPROACH OF THE PROTECTION OF MATERNITY

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*Chapter 3. **Comparative** approach in Luxembourgish law*

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Chapter 2. Proposal of a better protection in civil and penal law

Chapter 3. Comparative approach in Luxembourgish law

(February 2022)

(April 2022)

Conclusion

(May 2022)

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Definitive plan - Example



Research project : *Protection of maternity in Lao civil law, penal law, labour law and social law. Coherence and discrepancies*

Introduction

TITLE 1. DESCRIPTIVE APPROACH OF THE PROTECTION OF MATERNITY

Chapter 1. Civil law

Chapter 2. Penal law

Chapter 3. Labor law

Chapter 4. social law

(to be done by : March 2021)

(June 2021)

TITLE 2. ANALYTICAL APPROACH OF THE PROTECTION OF MATERNITY

Chapter 1. Coherences

Chapter 2. Discrepancies

(September 2021)

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- Academic ethics

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(Look at the corresponding modules)

Conclusion

Doing a research is about taking decisions.

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Some of them must be taken at the start.

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So : BUILD YOUR STORY !

Conclusion : **BUILD YOUR STORY!**



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DECIDE

YOUR

PURPOSE

Conclusion : **BUILD YOUR STORY!**



DECIDE

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DECIDE

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METHODS

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METHODS

KEEP THEM IN MIND ALL ALONG YOUR RESEARCH JOURNEY!

Conclusion : **BUILD YOUR STORY!**

That was the objective for this module

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I wanted you to

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- 1.** UNDERSTAND SEVERAL RESEARCH METHODOLOGIES

Conclusion : **BUILD YOUR STORY!**

That was the objective for this module :

I wanted you to

1. UNDERSTAND SEVERAL RESEARCH METHODOLOGIES
2. BE ABLE TO CHOOSE THE METHODOLOGY(-IES) YOU WANT TO GIVE TO YOUR OWN RESEARCH

Conclusion : **BUILD YOUR STORY !**

That was the objective for this module :

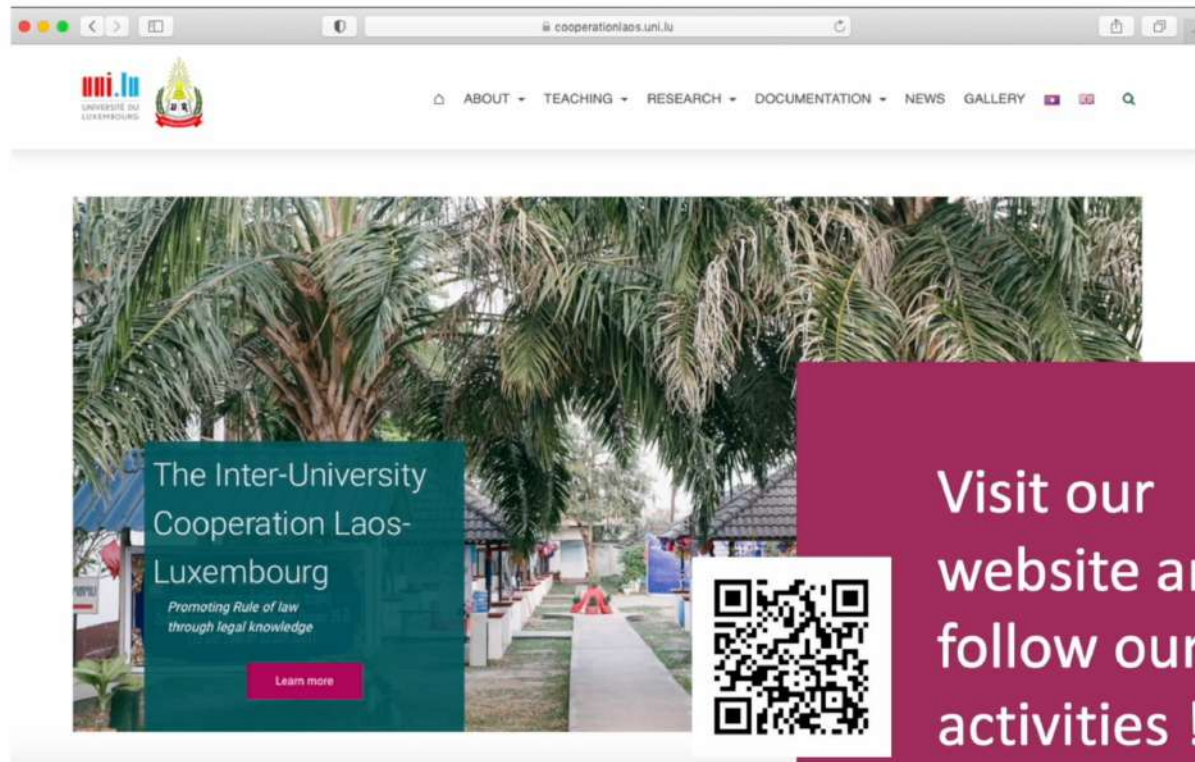
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And now...



... enjoy your research journey !
Jean-Marc Ceci



<https://cooperationlaos.uni.lu/>

