



## Guidelines for writing a doctoral thesis with Professor Kirk W. Junker, University of Cologne, Faculty of Law

Candidates who write a doctoral thesis with Professor Junker are required to follow these guidelines in their work:

1. All proposals and first drafts of theses **must include three explicit and separate parts**: the topic, the research question or questions and the methods that you will use to learn the answer to your research question or questions. Narrative descriptions of a topic, standing alone, even if long and detailed, will not be accepted as a research proposal or as a draft of the thesis. More details on the substantive requirements for submitting a proposal are listed below.
2. When you receive comments on your work by the doctoral advisor, you **must** then address the comments in your work. You may disagree with the comments, but you are required to discuss the point with the doctoral advisor, whether you agree or disagree. If you do not understand comments, you are also required to discuss the point with the doctoral advisor. You cannot simply ignore comments made to your work. It requires time and energy from your doctoral advisor to work with you and advise you. This is not a rubber stamp process.
3. When you re-draft chapters or whole theses, return them to the doctoral advisor in **Track Changes** form, which includes the previously made comments, and thereby makes clear what you have made changes since the doctoral advisor made his previous comments. Re-drafts that do not indicate where changes have been made will not be accepted.
4. The doctoral advisor will decide when you are ready to submit your final thesis. You should not make that decision on your own. You should not submit your final thesis without the approval of the doctoral advisor.

Candidates who have been invited to submit a proposal to Professor Junker for writing a doctoral thesis must include **two pages for each of the following parts of the proposal**:

### Step 1: The Topic (two pages)

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In what area of law is one interested? Law is dependent upon the culture in which it has developed. Therefore, if a researcher is German, his or her research into German law is research into his or her own culture. But if a German researcher (or a researcher from any country other than the USA) researches US law, then the research is in a foreign legal culture and must be conducted as foreign law research. Researching a foreign legal culture, regardless of one's home culture or one's target culture, is a much different enterprise than researching one's own culture. A good analogy is to treat the process of researching a foreign legal culture as one does learning a foreign language.<sup>1</sup>

When choosing a topic, it is important that the topic is of genuine interest to the researcher. It is likely that the doctoral thesis will be the longest and most intense piece of research and writing that the candidate has ever done. Therefore, in order to marshal sufficient energy and effort, the topic must be of sufficient personal interest to the researcher to get all the way through the process to completion. However, arriving at a topic is only step one.

#### Step 2: Research Questions (two pages)

Once a candidate has alighted upon a topic, the candidate must ask himself or herself what he or she wants to know about that topic. Writing "about" something (a description alone) is tantamount to cutting, pasting and repackaging that which is already known. For work to qualify as postgraduate work, it must amplify the knowledge already known. Clever descriptive observations about that which is already known, do not qualify. Begin by asking yourself what you want to know about the topic. Answering this question is honest research. Therefore, Step 2 is to develop one or more research questions. Further smaller questions are then possible after answering the most basic one. After you can identify that which you want to know, you are ready to plan the process of getting there, also known as the research methods.

#### Step 3: Research methods (two pages)

How will you go about answering the questions that you have raised for yourself in Step 2? The method of subsuming the facts of a conflict under a rule of law is fine for analyzing individual cases during study, but it is not a research method capable of analyzing an entire body of knowledge, which is required for a doctoral thesis. Summarizing and commenting on the law is not producing new knowledge.

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<sup>1</sup> Bernhard Grossfeld, Kernfrage.

Nearly all research begins with a literature review, so that you can learn what is already known, thus exposing that which remains unknown about the topic.

If you are working with two or more legal systems, you will most likely be making some comparisons. One might compare the ways in which conflicts have been resolved, the patterns the resolutions form or their failure to follow a pattern, law-making, law-enforcement or compliance in several countries. Comparative law itself has its own methods and one of those comparative law methods must be followed if one is making comparisons among legal cultures. The most common method is “functionalism.”

Alternatively, one might study the same phenomena as the comparativist (or other legal phenomena) using social scientific methods, including surveys, questionnaires, interviews, content analyses et cetera.<sup>2</sup> Doctoral candidates in law are not required to quantify research in the formal social scientific way, but regardless of the research method that you use, you must be able to explain how you are going to answer your questions.

#### Step 4: Annotated Preliminary Literature Review (two pages)

When submitting a proposal, candidates must have already made a preliminary review of the published literature that concerns the proposed topic. After the complete bibliographic details of each source that is consulted in the preliminary review, the candidate must include his or her notes and comments from having read that source. What aspects of the topic does it discuss? What aspects of the topic does it omit from discussion? How can the candidate distinguish his or her proposed work from this already-published work?

#### Step 5: Findings and Discoveries of the Research (not in the exposé.)

Step 5 can only be written after Step 1 is finished. There is no need to submit Step 5 at the stage of submitting an exposé.

#### Step 6: Conclusions (not in the exposé.)

Conclusions can only be written at the end of the process.

The candidate is free of course to add more chapters to the doctoral thesis than just the six included here, but the six included here **MUST** be in the thesis, and the first four included here **MUST** be in the exposé.

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<sup>2</sup> Susanne Baer, Rechtssoziologie.