

6th of June 2016

- 11.00-11.15: Welcome and introduction
Lecturer: *Ellen Margrethe Basse, Department of Law, Aarhus BSS, AU,*
- 11.15-12.00: Starting up the course with focus on how to ensure a good connection between your research aims, research questions, sources, theories and methods – An introduction based on the challenges that you have focused on in your papers
Lecturer: *Ellen Margrethe Basse, Department of Law, Aarhus BSS, AU*
- 12.00-13.00 Lunch
- 13.00-13.45: Legal politics: When is the legal scholar doing legal politics and when is she/he merely trying to improve prevailing law?
Lecturer: *Jens Vedsted-Hansen, Department of Law, Aarhus BSS, AU*
- 13.45-14.30: How can methodologies and insights from political science provide new knowledge on the interplay between the sources of national and international law?
Lecturer: *Marlene Wind, Department of Political Science, and the Law Faculty, Centre of Excellence for International Courts, iCourts, KU*
- 14.30-15.00 Coffee and discussion on the perspectives related to the use of legal politics and political science in legal research
- 15.00-15.45: Interdisciplinarity as part of legal research – challenges and opportunities
Lectures: *Ellen Margrethe Basse, Department of Law, Aarhus BSS, AU and Cécile Pélau-deix, School of Culture and Society, Department of Anthropology & Arctic Research Center, AU*
- 15.45-16.15: What is law in the Arctic? The key areas of development and research on the concept of polar law: which areas of law should be there? how the legal science intersects with other social sciences? what kind of methodology to use and how to research?
Lecturer: *Natalia Loukacheva, Canada Reseach Chair in Aboriginal Governance and Law, Department of Political Science, University of Northern British Columbia*
- 16.15-17.15: PhD-fellows' workshop on how to share experiences and ideas on ensuring the connection between research questions and methodologies.
- 17.15-18.15: PhD-fellows' presentations and plenum discussion.
- 19.00- Dinner

7th of June 2016

- 09.00-10.00: Legal dogmatics. Let's talk about it. On data gathering and data processing
Lecturer: *Sten Schaumburg-Müller, Department of Law, SDU*
- 10.00-10.15: Coffee
- 10.15-11.15: Method(s) when writing on international law
Frederik Harhoff, Department of Law, SDU
- 11.15-12.00: PhD-fellows' workshop with focus on the challenges that the participants have in respect to interpretation and the importance of the design of the decision making bodies (and the regulatory level they are related to: international, EU, and/or national levels)
- 12.00-13.00 Lunch
- 13.00-13.45: Methods in European Criminal law
Lecturer: *Thomas Elholm, Department of Law, SDU*
- 13.45-14.30: How to include legal principles and soft law in research projects
Lecturer: *Hans Henrik Edlund, Department of Law, Aarhus BSS, AU*
- 14.30-15.00: Coffee
- 15.00-16.15: PhD-fellows workshop on the challenges and experiences that the students have with different sources – hard law as well as soft law.
- 16.15-17.00: PhD-fellows' presentations and plenum discussion
- 19.00- Dinner

8th of June 2016

- 09.00- 9.45: Legal Pluralism
Lecturer: *Bettina Lemann Kristiansen, Department of Law, Aarhus BSS, AU*
- 09.45-10.15: A more dogmatic approach to legal pluralism
Lecturer: *Sten Schaumburg-Müller, Department of Law, SDU*
- 10.15-10.30: Coffee
- 10.30-11.30: Workshops on the use of legal pluralism
- 11.30-12.00: PhD-fellows' presentations and plenum discussion
- 12.00-13.00: Lunch
- 13.00-14.00: Empirical legal research
Lecturer: *Jakob von Holtermann, Faculty of Law, KU*
- 14.00-15.00: Lecturer: Law and Economics
Kim Østergaard, Department of Law, SDU
- 15.00-15.30: Coffee
- 15.30-16.30: Workshops on the use of legal theories and methodologies
- 16.30-17.00: Plenum discussion
- 19.00- Dinner

9th of June 2016

- 09.00-9.45: Legal Sociology
Lecturer: *Bettina Lemann Kristiansen, Department of Law, Aarhus BSS, AU*
- 10.00-11.00: Field work in law
Lecturer: *Annette Olesen, Department of Law, SDU*
- 11.00-11.45: Comparative legal methods
Lecturer: *Thomas Lundmark, University of Hull and SDU*
- 12.00-13.00: Lunch
- 13.00-14.30: Workshops on the use of legal sociology, field work and comparative law. Three groups. 20 minutes rounds with the three presenters, questions on the basis of your summary and assessment of assignment related to a text on legal research methodology (assignment no. 2, see supra).

Reading list

We recommend buying or getting hold of Dawn Watkins and Mandy Burton (eds.), *Research Methods in Law*, Routledge, 2013. We will use 3-4 chapters from this book, which is available at Juridisk Bogformidling (the legal bookstore), Aarhus University, building 1328, room 014, price DKK 337,50 (for students). It is written for PhD fellows and one of the only books doing so. It approaches legal scholarly work from a common law perspective, which is a minor drawback for scholars working in other legal environment, but it is a lot better than nothing.

Legal Sociology

Fiona Cownie & Anthony Bradney, "Socio-legal studies: a challenge to the doctrinal approach", in Dawn Watkins and Mandy Burton (eds.), *Research Methods in Law*, Routledge, 2013. (Will be forwarded to the participants)

Legal dogmatics and legal philosophy

Sten Schaumburg-Müller, "On Danish Legal Method", Ingvill Helland and Sören Koch (eds.), *Nordic and Germanic Legal Methods – Contributions to a dialogue between different legal cultures, with a main focus on Norway and Germany*. Mohr Siebeck, 2015.

Terry Hutchinson, "Doctrinal research: researching the jury" (Chapter 1), in Watkins & Burton (eds.) *Research Methods in Law*. Routledge (Taylor & Francis Group), Abingdon, Oxfordshire, UK

Panu Minkkine, "Critical legal method as attitude" (Chapter 7), in Watkins & Burton (eds.) *Research Methods in Law*. Routledge (Taylor & Francis Group), Abingdon, Oxfordshire, UK

Law and political science

Marlene Wind "Do the Scandinavian Supreme Courts care about international law? A citation analysis of International Courts legitimacy and impact at the domestic level" in *Nordic Journal of International Law* (in press).

Field work

Pierre Bourdieu, "Understanding", *Theory Culture Society* 1996, vol. 13(2), pp. 17-37 (20 pages, scanning is OK according to CopyDan. Will be forwarded to the participants)

Law and economics:

Cento Veljanovski: "The Economics of Law", 2nd ed., chp. 4-5 (pp. 62-105). Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=935952 (or google: Veljanovkis ecomics of law)

Sonali K. Shah and Kevin G. Corley, "Building Better Theory by Bridging the Quantitative–Qualitative Divide", *Journal of Management Studies* 43:8 December 2006, pp. 1821-1835.

Comparative law

Thomas Lundmark, "Charting the Divide between Common and Civil Law", OUP 2012 (read chapter one)

Legal Pluralism

Jørgen Dalberg-Larsen, "The Unity of Law. An Illusion" Galda & Wilch Verlag, Berlin (PhD secretary Cita Kristensen has a copy of the book – room 112 building 1414)

Materials to be used as basis for the questions to be handled at the PhD-fellows' workshop the 6th of June 2015 Vasudha Chhotray and Gerry Stoker "Governance Theory and Practice. A Cross-Disciplinary Approach", Palgrave Macmillan; 2008; we will focus on Chapter 1 and Chapter 6 (Contact your librarian directly in order to request access, or use our Library Recommendation Form to recommend this book to

your library;

see the first 19 pages and info concerning the use of your university librarian at:

<http://www.palgraveconnect.com/pc/doifinder/view/10.1057/9780230583344>

Materials to be used as basis for the questions to be handled at the PhD-fellows' workshop on the 7th of June 2016 (the questions for the workshop are mentioned below)

iCourts Working Paper Series, No. 18, 2016; Karen J. Alter, Laurence R. Helfer and Mikael Rask Madsen "How Context Shapes the Authority of International Courts", available at the internet and attached – also published in 79:1 Law & Contemporary Problems 1-36 (2016)

Workshop questions to be used at the “Basic course in legal scientific methods and interpretation”

The 6th of June 2016

16.00-17.00: PhD-fellows’ workshop on how to share experiences and ideas on ensuring the connection between research questions and methodologies

17.00-18.00: PhD-fellows’ presentations and plenum discussion.

Based on inspiration from and questions related to:

Vasudha Chhotray and Gerry Stoker “Governance Theory and Practice. A Cross-Disciplinary Approach”, palgrave macmillan; 2008; we will focus on Chapter 6

- 1) What is the law in your opinion and how are you explaining this in your thesis?
- 2) Where is the law in your opinion – and are you explaining this in your thesis?
- 3) How do you see the relation between power and the law – and are you explaining this relation in your thesis?
- 4) Is self-regulation relevant in your thesis? If yes: how?

The 7th of June 2015

- 11.15-12.00: PhD-fellows' workshop with focus on the challenges that the participants have in respect to interpretation and the importance of the design of the decision making bodies (and the regulatory level they are related to: international, EU, and/or national levels)
- 13.15-14.00: PhD-fellows' presentations and plenum discussion

Based on inspiration from and questions related to:

iCourts Working Paper Series, No. 18, 2016; Karen J. Alter, Laurence R. Helfer and Mikael Rask Madsen "How Context Shapes the Authority of International Courts",

- 1) Are you using any definition of courts in your thesis? How is the courts defined in this paper? Do you need to be critical when you make references to court decisions as your description of the current legal status in your thesis?
- 2) Are you focusing on the hierarchical order of different legal regimes in your thesis? What do you think about the relation between the international, the EU and the national regimes as they are indicated and/or described in the paper? (see for example the paper page 7)
- 3) What do you think about the idea of creating a metric for assessing how legal, political and social factors shape whether an international court (including the European Court of Justice) has any de facto authority, the scope of that authority, and whether the court's authority encompasses the full range of its delegated jurisdiction? (see the paper Part III and Part IV page 8ff.)
- 4) How do you see the relation between authority and power? Do you agree on the approach in the paper? (See especially page 35f.)

