



## International Law

Academic year 2021-2022

## Master's Thesis Preparation & Methodology Workshop

### DI146 - Autumn - 3 ECTS

Monday 08h15 - 10h00

### Course Description

While academic and legal writing can seem daunting at first, we will see that it is, in many ways, not dissimilar from other creative processes. The goal of this workshop is to introduce you to some of the elements and skills which are important in the process of legal writing and research. As any “discipline”, international law comes with specificities and constraints that one must be familiar with and understand. Yet, once you master these specificities and constraints, legal scholarly writing also provides you with a unique opportunity to reflect on topics that interest you, bring in your personal viewpoint, and hopefully contribute to the discipline, or at least to your own intellectual growth

### > SUPERVISOR

[Andrea Bianchi](#)

[Office hours](#)

---

### > COORDINATORS

[Tomas Morochovic](#)

[Anna Rosalie Greipl](#)

[Office hours](#)

---

## Structure

The workshop will be divided into six main clusters: research agenda, literature review and citation, methodologies, writing, supervision and feedback, and presenting your work. The schedule of the workshop for the 2021 Autumn Semester is as follows:

1. **Research Agenda: 25 October**
2. **Literature Review: 1 November**
3. **Methodological perspectives (I): 8 November**
4. **Methodological perspectives (II): 15 November**
5. **Writing Skills: 22 November**
6. **Supervision and feedback: 6 December**
7. **Presenting your work: 13 December**

Each of the sessions will give us the opportunity to get a better understanding of the various aspects which constitute legal research and writing and to review a number of helpful tools, resources, and tips,

and address pressing questions or concerns relating to the process. While the first five sessions of the workshop will focus mostly on legal research as an individual activity, the last two sessions emphasize that no writing or research happens in a vacuum - not only do we base our work on the work of others, we also refine our work by seeking feedback from and engaging with our supervisors, peers and the wider academic community.

The workshop will take the form of interactive sessions in which student participation will be crucial. You will be encouraged to actively participate in the discussions and to reflect on how the materials covered can be used to further your own research projects, in particular your MA dissertation. All students will have to prepare a tentative abstract and outline of their MA dissertation. We do not expect this document to be final (especially for 1<sup>st</sup> year MA students). We hope, however, that this initial draft might serve as the basis for future work related to the MA dissertation. Throughout the workshop, you will receive feedback on your draft work from the TA coordinators, faculty supervisor and from your peers, and you will also be expected to provide your feedback on the work of others in the class.

For all administrative questions, feel free to reach out to Anna and Tomas, who will serve as the academic coordinators of the workshop.

## Materials

Each session contains **compulsory readings**. We have made sure to keep the readings and videos to a reasonable length; we therefore strongly encourage you to review all the materials before each session.

- **Please pay attention to the specific instructions for each reading - for some materials, you are only expected to read a part of the assigned text.**

Some sessions also include supplemental readings for your own reference. You will also find a list of such general resources at the end of the syllabus.

## Assessment

The workshop will be evaluated on a pass/fail basis, meaning that you will not receive a numeric grade for this course. In order to be awarded with a pass for the workshop (and to obtain 3 ECTS credits), students will be required to submit a number of short assignments which will be based on the content covered during the workshop. Further details about the assignments and submission will be circulated during the workshop; however, you will be required to *at least* submit a draft title for your MA dissertation, a tentative abstract, and provide written feedback to one of your peers in the workshop. We expect these drafts to build on the points and recommendations discussed in class with respect to clarity in writing, robustness in structure, and pertinent engagement with the literature.

Moreover, as indicated above, the workshop will be held through interactive seminars where active participation and familiarity with the assigned materials will be essential. Class participation, based on a careful engagement with the mandatory materials will thus also be required in order to achieve a pass in the workshop.

## Overview of Sessions

### Session 1

25 October

*Finding a Research Question and Designing a Research Agenda of Your Own*

Invited Faculty: Andrea Bianchi  
'Finding One's Audience in International Legal Scholarship'

Our first session will address the challenges young legal scholars face when trying to fit in an existing field of study while simultaneously responding to the exhortation to 'think outside the box', and attempting to find their own voice. We will discuss the ways in which one can find a relevant research question and design an effective research agenda while dealing with these constraints. Among other things, we will pay particular attention to the role of the supervisor, the benefits and perils of narrowing down to a specific topic, and the importance of the 'abstract' in the early creative and writing process.

#### Compulsory readings:

- BRADFORD, S. "As I Lay Writing: How to Write Law Review Articles for Fun and Profit: A Law-and-Economics, Critical, Hermeneutical, Policy Approach and Lots of Other Stuff That Thousands of Readers Will Find Really Interesting and Therefore You Ought to Publish in Your Prestigious, Top-Ten, Totally Excellent Law Review." *Journal of Legal Education* 44 (13-34): 1994.
  - Please note that this reading, which is meant to be provocative, also comes from the nineties: some of its jokes are therefore outdated or even arguably problematic. Please read the piece in full nonetheless.
- LIEBLICH, E. "How to do Research in International Law? A Basic Guide for Beginners." *Harvard Journal of International Law Online* 62 (2021), <https://harvardilj.org/wp-content/uploads/sites/15/How-to-do-research-in-interational-law.pdf>
- NOUWEN, S. "Guest Editorial: Scholarship in International Law: The Challenge of Relevance without Arrogance" (ESIL, 2017) [https://esil-sedi.eu/esil-newsletter-june-2017/-quest\\_editorial](https://esil-sedi.eu/esil-newsletter-june-2017/-quest_editorial).

### Session 2

1 November

*Reviewing, Analysing, and Citing Literature*

Legal scholarship does not exist in a vacuum, and even 'emerging' issues rarely come out of the blue. One of the first steps in any research endeavour is therefore to understand the context. As latecomers to an already ongoing conversation—irrespective of the topic—our first responsibility is to map the terms of the debate, the range of opinions and the leading authorities, as well as to understand the points of tension and recurring predicaments. Such a careful review is critical in order to navigate the narrow strait between the twin perils of banality and farfetchedness. Accordingly, we will discuss the main tools and methods recommended to conduct such a review, namely annotated bibliographies, and literature reviews, and will discuss how to stay up to date in the process. In this session, we will also touch upon the question of citation—i.e. how to refer to others' work accurately, consistently, and effectively. We will reflect on how to weigh sources and refer to them so as to amplify or ground your argument, and avoid plagiarism. We will also give a short introduction to citation software (Zotero).

### Compulsory readings:

- BOER, L. J.M. “The Greater Part of Jurisconsults’: On Consensus Claims and Their Footnotes in Legal Scholarship.” *Leiden Journal of International Law* 29, no. 4 (2016): 1021.
  - Read section 4 only, pp. 1034-1042.
- TORP HELMERSEN, S. “Finding ‘the Most Highly Qualified Publicists’: Lessons from the International Court of Justice.” *European Journal of International Law* 30, no. 2 (2019): 509.
- LETHEM, J. “The Ecstasy of Influence” in *Harpers*, 2007, <https://harpers.org/archive/2007/02/the-ecstasy-of-influence/>
- University of North Texas at Dallas, Learning Commons, “Annotated Bibliography vs. Literature Review” <https://learning.untdallas.edu/annotated-bibliography-vs-literature-review>.

### Session 3

8 November

#### *Methodological Approaches Part I*

Once considered a relatively narrow-minded discipline, international legal scholarship has over the past decades opened up to a plurality of scholarly approaches and methodologies, making it easier for young scholars to find one that matches their preferences and sensibilities. As a way to give a more concrete overview of some of these approaches, the next two sessions will provide you with an opportunity to hear from different teaching assistants and doctoral students—working in a variety of fields of international law—and examine their approaches and methodologies by discussing some of their research projects. The guest speakers will share some thoughts on some of the following questions:

- How did you come to work on this particular project?
- How did the topic, approach, or materials you looked at, change over time?
- What kind of constraints were imposed upon you, with respect to format (book review, journal article, book chapter, blog post), timeline, or collaboration with other people? How did these constraints affect the way you worked and wrote?
- How did the approach you took—or usually subscribe to—affect your work on this project?
- How did peers, supervisors, friends and others contribute to this project?
- What (expected and unexpected) difficulties did you face?
- When and how did you reach the conclusion that your project was completed and did not need further research?
- How did you transition from this research project to further research or practice-related projects?

10:15 - 10:30	Introduction
10:30 - 10:50	TA 1
10:50 - 11:00	Break
11:00 - 11:20	TA 2
11:20 - 11:40	TA 3
11:40 - 12:00	PhD student/PostDoc or QA

## Compulsory readings:

### General:

- RATNER S. R., SLAUGHTER A. M., 'Appraising the Methods of International Law: A Prospectus for Readers', *American Journal of International Law* 93(2), 1999, pp. 291-302, available at: <https://www.jstor.org/stable/pdf/2997990.pdf?refreqid=excelsior%3A08f1d8d4c61863cfbe70803f9b708812>.
  - This is a very short introduction. For further reference, see Professor Bianchi's book below.

**The presenters will share some further materials specific to their presentations. Those will be available on Moodle ahead of the session.**

### General reference:

- BIANCHI A., *International Law Theories: An Inquiry into Different Ways of Thinking*, Oxford University Press, 2016.
  - Feel free to refer to specific chapters depending on your interests and sensibilities or ask Anna and \_\_\_ for specific guidance.

## Session 4

**15 November**

### *Methodological Approaches Part II*

10:15 - 10:35	PhD/PostDoc
10:35 - 10:55	TA 4
10:55 - 11:05	Break
11:05 - 11:25	TA 5
11:25 - 11:45	PhD/PostDoc
11:45 - 12:00	Concluding Discussion

## Compulsory readings:

**The presenters will share some further materials specific to their presentations. Those will be available on Moodle ahead of the session.**

### General reference:

- BIANCHI A., *International Law Theories: An Inquiry into Different Ways of Thinking*, Oxford University Press, 2016.

## Session 5

**22 November**

### *Writing: Clarity, Conciseness, & Avoiding Clichés*

A significant, if not central, part of the work of an international lawyer is to write. Whether in academia, law firms, international organisations, or courts and tribunals, a large part of a lawyer's professional life is spent attempting to convey a message in writing, as effectively and powerfully as possible. Yet, while in the process of drafting a paper, it is often easy to lose sight of what makes for a compelling piece of writing—especially when focusing on extremely specific and technical issues, where one might assume style is less important than mastering the subject matter. This session will therefore attempt to address

this omission and reflect critically on what makes a piece of writing compelling. In doing so, it will also discuss how new approaches, as well as the growing call for greater diversity in academia and legal practice, have affected some considerations as to how lawyers and scholars should write. Accordingly, while introducing some of the main canons of effective legal writing, this session will also expose the relative subjectivity of what one considers compelling. It will explore the various ways in which creativity in writing style can in fact be used as a means to convey a message.

### Compulsory reading:

- SWORD, H. "Chapter 1: Rules of Engagement" & "Chapter 7: Hooks and Sinkers" in *Stylish Academic Writing*, 2012, 3-11 & 76-86.

In order to make the discussion as concrete as possible, we will rely on excerpts of the following articles. Students are encouraged to **choose four among the eight options below** and contrast their assumptions, tropes, and writing style.

- ABI-SAAB, G. "The Appellate Body and Treaty Interpretation," in M. Fitzmaurice, O. Elias, P. Merkouris (eds.), *Treaty Interpretation and the Vienna Convention on the Law of Treaties: 30 Years On* (Leiden: Brill, 2010), 99-109.
- ALLOT, P. "State Responsibility and the Unmaking of International Law," *Harvard International Law Journal* 29, no. 1 (Winter 1988): 1-26,
  - pp. 9-13.
- CHARLESWORTH, H. "Women as Sherpas: Are Global Summits Useful for Women?" *Feminist Studies* 22, no. 3 (1996): 537-47,
  - pp. 537-544.
- KENNEDY, D. "The International Human Rights Regime: Still Part of the Problem?" in Rob Dickinson, Elena Katselli, Colin Murray, Ole W. Pedersen (eds), *Examining Critical Perspective on Human Rights*, 2012, 19-34.
- LANGFORD, M., BEHN, D., HILLEREN, R. "The Revolving Door in International Investment Arbitration," *Journal of International Economic Law*, Volume 20, Issue 2, June 2017, 301–332,
  - pp. 308-321.
- MOYN, S. "The Secret History of Constitutional Dignity," 17 *Yale Hum. Rts. & Dev. L.J.* (2014), 39-73,
  - pp. 39-45.
- ORFORD, A. "On international legal method," *London Review of International Law*, Volume 1, Issue 1, September 2013, Pages 166–197,
  - pp. 169-182.
- SANDS, P. "Lawless World: International Law after September 11, 2001 and Iraq," 6 *Melb. J. Int'l L.* 437 (2005).

## Session 6

6 December

### *Supervision and Feedback*

As legal scholars and practitioners, we all encounter constructive feedback in our day-to-day writing. In our training, however, we are rarely prepared for the often-painful consequences this might entail. What is more, if we are rather ill prepared to *receive* feedback, few of us have given much thought to the difficult exercise of *giving feedback*. In this session, we will discuss how to handle the receiving and giving of feedback within your existing academic network. One of the main takeaways is that negative feedback should not be perceived as *per se* bad or crippling but can reflect a deep and constructive engagement by the other person with your work.

For many, the first port of call when asking for feedback will be their supervisor. We will discuss what sort of considerations to take into account when choosing supervisors for your MA thesis. It is important to keep in mind that the relationship with your supervisor is a two-way street, and we will discuss the importance of preparation before meetings and how to make the most out of the (limited) time which you will have during face-to-face interactions. Although supervisors will normally have a major impact on your work, it is still *your* work - and we will discuss the importance of managing expectations and setting boundaries when incorporating feedback in your research.

However, your supervisor is not your only source of critical engagement, and in the session we will highlight some of the ways in which you can use your existing network to seek feedback. Such a process is often reciprocal - you might have a group of peers with whom you exchange feedback on each other's work - and it is important to be aware of some good practices when giving feedback to others. We hope that this will prepare students for future hard conversations with peers, supervisors, and colleagues. Moreover, we expect this will also allow them to be more generous and constructive interlocutors when they, in turn, have to deliver feedback.

### Compulsory reading:

- DUNLEAVY, P. "Chapter 1: Becoming an Author" in *Authoring a PhD: How to Plan, Draft, Write and Finish a Doctoral Thesis or Dissertation*, 2003, p. 1-17.
- WEILER, J. 'Best practice - Writing a peer-review report', *EJIL:Talk! Blog* (22 July 2019)
  - While the reading deals with the separate issue of formal peer review in the context of journal publication, it provides some good advice which can be applied more broadly when giving feedback.

## Session 7

13 December

### *Presenting your work*

As we have been reminded in the previous session, research and writing, despite their enduring reputation, are not necessarily lonely activities. As indicated by the often-lengthy acknowledgements contained in the beginning of articles and dissertations—which Steven Bradford mocked in the article we read for Session 1—every scholarly work is the result of a somewhat collective process, in the sense that it builds on a variety of inputs, conversations, feedback, and criticism received at every step of the way. In Session 6, we have focused on the impact of your 'inner circle' (supervisors, university peers) in shaping your work - now, we want to look beyond and see how you can benefit from getting your work out into the wider (academic) world.

We will highlight some of the possibilities to present your research, including through blogs, peer-reviewed publications or early-career seminars and conferences. As with all other aspects of life, modern technology has impacted academic production and dissemination, and we will discuss how platforms such as Twitter or LinkedIn can extend the audience for your work.

The workshop will finish with a crucial yet often underappreciated part of academic work, which is the oral presentation of research. Due to the, at times predominant, emphasis on textuality within the discipline of international law, junior scholars in particular show a tendency to 'speak as you write'. We will consider how to avoid the pitfalls of turning a piece of writing into an engaging presentation and we will also have a practical exercise focused on presenting and oral feedback.

- DUVAL, A., 'Publish (tweets and Blogs) or Perish? Legal Academia in Times of Social Media' (2018) 23 *Tilburg Law Review* 91
- WEILER, J., 'On My Way Out - Advice to Young Scholars I: Presenting a Paper in an International (and National) Conference', *EJIL:Talk! Blog* (8 September 2015)

### Further methodology readings:

The following resources have been recommended by faculty members and teaching assistants. They complement the topics covered in the workshop and provide some more background, as well as detailed guidance and practical tips. Depending on your needs or concerns, feel free to reach out to Anna and Tomas for specific recommendations.

- ARMSTRONG, S. V. and TERRELL, T. P., *Thinking like a Writer: A Lawyer's Guide to Writing and Editing* (3rd ed, Practising Law Institute 2009).
- CALLEROS, C.R., *Legal Method and Writing* (5th ed, Aspen Law & Business 2006).
- ECO, U., *How to Write a Thesis*, 2015.
- GRAHAM L.P. and FELSENBURG M.E., *The Pre-Writing Handbook for Law Students: A Step-by-Step Guide* (Carolina Academic Press 2013).
- HYOT, E., *The Elements of Academic Style*, 2014.
- KOSKENNIEMI, M., *Methodology of International Law*, Max Planck Encyclopedia of Public International Law, last updated 2007.
- MCCONVILLE, M., and HONG CHUI, W. (eds), *Research Methods for Law* (Edinburg University Press 2017).
- Modern Language Association of America, *MLA Handbook for Writers of Research Papers* (7th ed, The Modern Language Association of America 2009).
- ORFORD, A., 'Scientific Reason and the Discipline of International Law', (2014) *The European Journal of International Law* 25(2) 369.
- SCHOSTAK, J. and SCHOSTAK, J.F., *Writing Research Critically: Developing the Power to Make a Difference* (Routledge 2013).
- STRONG, S., *How to Write Law Essays & Exams* (4th edition, Oxford University Press 2014).
- SWORD, H., *Air & Light & Time & Space: How Successful Academics Write*, 2017.
- ZERUBAVEL, E., *The Clockwork Muse: A Practical Guide to Writing Theses, Dissertations, and Books*, 1999.
- DUNLEAVY, P. *Authoring a PhD: How to Plan, Draft, Write and Finish a Doctoral Thesis or Dissertation*, 2003.
- MORRIS, C. and Murphy C., *Getting a PhD in Law*, 2011.
- DEPLANO, R. (ed.), *Pluralising International Legal Scholarship*, 2019.