

## **1. Department**

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## **2. Faculty**

Faculty of Legal Studies

## **3. Course code**

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## **4. Course Title**

Research Methods for Law

## **5. Number of Credits**

4

## **6. Course objectives**

The course will provide students with a complete understanding of research methods adopted in conducting legal research. Also, the course will introduce students to the significant methods used in the research in international law. The course will also focus on developing the legal writing skills of students in order to enable students to write concisely and precisely.

## **7. Minimum prerequisites for taking this course, if any**

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## **8. Course structure with units if applicable**

### **Weeks 1-6**

These weeks' discussion will introduce students to legal research and different forms of research methodologies used in legal research such as doctrinal and non-doctrinal research methodology. The focus will also be on how to decipher different kinds of legal writing, how to do literature review, how to choose a topic, how to frame research questions and hypothesis, different forms of footnoting and referencing.

### **Weeks 7-12**

These weeks' discussion will focus on specific research methods to international law such as the Policy oriented jurisprudence (New Haven School); Critical legal studies approach; Feminist approaches to legal research; Marxist approaches to international law; and Third World approaches to international law;

## **9. Reading suggestions: Text Books/Web-resources/other**

### **Readings**

Bhatia, K L, *Textbook on Legal Language and Legal Writing*, (Universal Law Publishing: 2012)

Cane, Peter, and Kritzer, Herbert M. (eds), *The Oxford Handbook of Empirical Legal Research*, (Oxford University Press: Oxford: 2012).

Garner, Bryan A., *Legal Writing in Plain English: A Text with Exercises*, (University of Chicago Press: Chicago, 2013)

Grossman George S., *Legal Research: Historical Foundations of the Electronic Age*, (Oxford University Press: New York, 1994).

Kunz et al., *The Process of Legal Research*, 5th edition (, Aspen Publishers: New York, 2000).

McConville, Mike, and Chui, Wing Hong, (eds) *Research Methods for Law*, (Edinburgh University Press: Edinburgh, 2007)

Schutt, Russell K., *Investigating the Social World: The Process and Practice of Research*, (Sage Publications: Thousand Oaks, 2012).

Sinha, Manoj Kumar and Kharb, Deepa (eds), *Legal Research Methodology*, (Lexis Nexis and Indian Law Institute: 2016)

Watkins, Dawn, and Burton, Mandy (eds), *Research Methods in Law*, second edition (Routledge: Abingdon, 2018)

### **Specific Readings (weeks: 7-12)**

#### **Books**

Bianchi, Andrea, *International Law Theories: An Inquiry into Different Ways of Thinking*, (OUP, 2016).

Deplano, Rossana and Tsagourias, Nicholas (eds), *Research Methods in International Law: A Handbook*, (Edward Elgar Publishing: Cheltenham, 2021)

### **Weekly reading list**

#### **Week-8**

#### **-Policy oriented jurisprudence (New Haven School)**

##### Compulsory readings

Levitt, Janet Koven, "Bottom-Up International Lawmaking: Reflections on the New Haven School of International Law", *Yale Journal of International Law*, vol. 32, no.2, (2007), pp. 393-420.

McDougal, Myres S., "Law as a Process of Decision: A Policy-Oriented Approach to Legal Study", *Natural Law Forum*, vol. 1, no.1, (1956), pp. 53-72.

Suzuki, Eisuke, "The New Haven School of International Law: An Invitation to a Policy-Oriented Jurisprudence", *Yale Studies in World Public Order*, vol.1, no.1, (1974) pp. 1-48.

##### **Further readings**

Lasswell, Harold D., and McDougal, Myres S., "Jurisprudence in Policy-Oriented Perspective", *University of Florida Law Review*, vol. 19, no.3, (1966-67), pp. 486-513.

McDougal, Myres S., Lasswell, Harold D. and Reisman, W. Michael, "Theories About International Law: Prologue to a Configurative Jurisprudence", *Virginia Journal of International Law*, vol. 8, no. 2, (1968), pp. 188-299.

#### **Week-9**

#### **Critical legal studies approach**

##### **Compulsory readings**

Purvis, Nigel, "Critical Legal Studies in Public International Law", *Harvard International Law Journal*, vol. 32, no. 1, (1991), pp. 81-127.

Trubek, David M., "Where the Action is: Critical Legal Studies and Empiricism", *Stanford Law Review*, vol. 36, no. 1&2, (1984), pp.575-622.

Unger, Roberto Mangabeira, "*Critical Legal Studies Movement*", (Harvard University Press, 1983), pp. 1-4.

### **Further readings**

Gordon, Robert W., "Critical Legal Histories", *Stanford Law Review*, vol. 36, no. (1984) pp. 57-125.

Kennedy, David, "When Renewal Repeats: Thinking Against the Box", *New York University Journal of International Law and Politics*, vol. 32, no. 2, (2000), pp. 335-500.

Unger, Roberto Mangabeira, The Critical Legal Studies Movement, *Harvard Law Review*, vol. 96, no.3, (1983), pp. 561-675.

## **Week-10**

### **Feminist approaches to legal research**

#### **Compulsory readings**

Charlesworth, Hilary, "Feminist Critiques of International Law and their Critics", *Third World Legal Studies*, 1994-95, pp. 1-16.

Charlesworth, Hilary, "Feminist Methods in International Law", *Studies in Transnational Legal Policy*, vol. 36, (2004), pp.159-183.

Charlesworth, Hilary, Chinkin, Christine, and Wright, Shelley, "Feminist Approaches to International Law", *American Journal of International Law*, vol. 85, no. 4,(1991), pp. 613-645.

Hodson, Loveday, and Troy Lavers, "Feminist Judgments in International Law: An Introduction", in Loveday Hodson and Troy Lavers (ed), *Feminist Judgments in International Law*, (Oxford,: Hart Publishing, 2019), pp. 3-22.

#### **Further readings**

Charlesworth, Hilary, "Feminist Ambivalence about International Law", *International Legal Theory*, vol. 11, (2005), pp. 1-8.

Charlesworth, Hilary; Chinkin, Christine, "The Gender of Jus Cogens", *Human Rights Quarterly*, vol. 15, no.1, (1993), pp. 63-76.

Charlesworth, Hilary; Chinkin, Christine, 'Sex, Gender, and September 11", *American Journal of International Law*, vol. 96, no.3, (2002), pp. 600-605.

Fellmeth, Aaron Xavie, "Feminism and International Law: Theory, Methodology, and Substantive Reform", *Human Rights Quarterly*, vol. 22, no. 3, (2000), pp. 658-733.

## **Week-11**

### **Marxist approach to international law**

#### **Compulsory readings**

Chimni, B.S., "An Outline of a Marxist Course on Public International Law", *Leiden Journal of International Law*, vol. 17, no.1, (2004), pp. 1-30.

Koskenniemi, Martti, "What Should International Lawyers Learn from Karl Marx?", *Leiden Journal of International Law*, vol. 17, no.2, (2004), pp. 229-246.

Mieville, China, "The Commodity-Form Theory of International Law: An Introduction", *Leiden Journal of International Law*, vol. 17, no.2, (2004), pp. 271-302.

### **Further readings**

Chimni, B.S., "International Institutions Today: An Imperial Global State in the Making", *European Journal of International Law*, vol.15, no. 1, (2004), pp. 1-37.

Chimni, B.S., "Prolegomena to a Class Approach to International Law", *European Journal of International Law*, vol. 21 no. 1, (2010), pp. 57-82.

## **Week-12**

### **Third World approaches to international law**

#### **Compulsory readings**

Chimni, B.S., "Third World Approaches to International Law: A Manifesto", *International Community Law Review*, vol. 8, no. 1, (2006), pp. 3-27.

Mickelson, Karin, "Taking Stock of TWAIL Histories", *International Community Law Review*, vol. 10, no. 4, (2008), pp. 355-362.

Mutua, Makau, "What is TWAIL?", *American Society of International Law Proceedings*, vol. 94, (2000), pp. 31-38.

#### Further readings

Anghie, Antony, "TWAIL: Past and Future", *International Community Law Review*, vol. 10, no. 4, (2008), pp. 479-481.

Anghie, Antony; Chimni, B.S., "Third World Approaches to International Law and Individual Responsibility in Internal Conflicts", *Chinese Journal of International Law*, vol. 2, no. 1, (2003), pp. 77-103.

Baxi, Upendra, "What may the 'Third World' expect from International Law?", *Third World Quarterly*, vol. 27, no. 5, (2006), pp. 713-725.

Okafor, Obiora Chinedu, "Critical Third World Approaches to International Law (TWAIL): Theory, Methodology, or Both?", *International Community Law Review*, vol. 10, no. 4, (2008), pp. 371-378.

## **10. Evaluation and Weightage of different components of evaluation**

Assessment of this course will be different from other compulsory courses. In this course, students will be required to write three different pieces of legal writing – a book review of 2000 words (35 marks), a case note of 2000 words (35 marks), and an article review of 1500 words (30 marks).