



South Asian University  
Faculty of Law  
LLM  
Monsoon Semester (First Semester), 2018  
Course Information

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Part I

Course Title:	Research Methods For Law
Nature	Compulsory Paper
Course Code:	LW004
Course instructor:	Dr Prabhash Ranjan, <a href="mailto:prabhash.ranjan@sau.ac.in">prabhash.ranjan@sau.ac.in</a> Dr. Srinivas Burra, <a href="mailto:srinivasb@sau.ac.in">srinivasb@sau.ac.in</a>
Course Duration:	One Semester
Credit Units:	2 (MSE/TPW/ESE)
Medium of Instruction:	English
Prerequisites:	Nil
Precursors:	Nil
Equivalent Courses:	N/A

## Part II

### **Aims of the Course**

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.

### **Overview of the Course**

This course will expose students to methods of legal research and legal writing. The course aims to impart training on legal research to students. Students are expected to undertake substantial work outside of class in the forms of targeted readings related to their project, identifying a research question and organising their research strategy. The course involves teaching of 6 weeks with four hours of teaching per week. The teaching learning methodology will include lectures, group discussions, individual exercises; and, class presentations.

## **Part III – Evaluation criteria**

### **Assessment**

Assessment of this course will be different from other compulsory courses. In this course, the students will be required to write four different pieces of legal writing – a book review of 2000 words (25 marks), a literature review note (of 30 marks), a research synopsis of 2000 words (25 marks), a case note of 1500 words (20 marks).

## **Part IV**

### Weeks 1-3 [PR]

These three weeks 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 etc.

### Weeks 4-6 [SB]

These three weeks 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; Critical race theory and international law; Third World approaches to international law; Marxist approach to international law.

## **READINGS:**

D Watkins and M Burton (eds) *Research Methods in Law* (Routledge: London: 2013)

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

Manoj Kumar Sinha and Deepa Kharib (eds) *Legal Research Methodology* (Lexis Nexis and Indian Law Institute: 2017)

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

*The Oxford Handbook of Empirical Legal Research* (Oxford University Press: Oxford: 2012).

WH Chui (2007) *Research Methods for Law* (Edinburgh University Press: Edinburgh)

Garner, *Legal Writing in Plain English – A Text with Exercises* (University of Chicago Press: 2001)

Grossman, *Legal research : historical foundations of the electronic age* ([edited by], New York : Oxford University Press, 1994)

Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research* (7<sup>th</sup> ed. 2012)

### **Week-4**

-Introduction to specific research methods in international law

-Policy oriented jurisprudence (New Haven School)

### **Week-5**

-Critical legal studies approach

-Feminist approaches to legal research

### **Week-6**

-Marxist approach to international law

-Third World approaches to international law

## **Reading list (From Week-4 to Week-6)**

### **Books**

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

### **Weekly reading list**

#### **Week-4**

#### **-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-5**

#### **-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.

### **-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.

#### **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-6**

#### **-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.

### **-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.