

**CENTRE FOR INTERNATIONAL LEGAL STUDIES  
SCHOOL OF INTERNATIONAL STUDIES**

**Programme : Ph.D.**  
**Course No. : DI 604**  
**Course Title : Research Methodology**  
**Course Type : Core**  
**Course Credits : 4**  
**Contact Hours : 4 Hours per Week**  
**Duration : One Semester (Winter)**  
**Course Teachers: Prof. V.G. Hegde/Dr. Fazil Jamal**

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### **Course Objectives**

The course is intended to provide the basic tools for research in the field of international law. The course will also introduce students to various prevailing theoretical approaches in international legal research. At the basic level, the course will outline various research methods used in legal research, international law in particular. The course seeks to primarily focus on the unique and special nature of international legal research in the larger context of international relations and international institutions/organisations. It will also seek to study and understand the role and application of international law in shaping the contours and working of domestic legal systems including formulation of regulations and policy framework. Sourcing of international legal research tools in various forms will also constitute the basis of this course. Along with these, the course will also deal with the practical aspects of contents and structures of legal writings in general, with specific focus on international legal research writing in particular.

### **Course Teaching and Assessment:**

The Course will have four hours of teaching in a week spread over the entire semester. The Course assessment will be based on two parameters. One, the theoretical aspects, class room teaching and class room presentations/writings will form 70 % of the course work. The assessment of the remaining 30 % will be on the preparation of a draft research synopsis and its presentation under the supervision of the course teachers.

### **Learning Outcomes:**

The course will equip students with basic research methodology tools. It will provide them an understanding of the existing theoretical frameworks within legal, in particular, international legal research. It will also equip students to decide upon and identify their research areas and also how to write their synopsis focusing on various aspects of its contents. Students will be exposed to case methods of study of international law and equip them to use such case studies in their core research work.

### **Course Outline:**

Understanding the meaning and scope of legal research; Delineation of legal research from the mainstream social science research; Unique nature of international legal research; Indian contribution to international legal research

Types of Research: Descriptive, Empirical, Analytical, Historical and Doctrinal; Comparative legal research methods; Soft Law and Hard Law concepts in international legal research; Survey and Case Study Research in International Law;

Various Approaches to study international law; Indian/Asian Approaches, Trans-Civilizational Approach; Positivism, New Haven Policy-Oriented Approach, Critical Legal Studies, Feminist Approaches, Third World Approaches to International Law (TWAIL);

Identifying Primary and Secondary Sources in International Law; Nature and Formation of Customary International Law; Interpreting Treaties (multilateral and bilateral); General Principles of International Law; Declarations and Guidelines;

Researching International Law through National and International Adjudicatory Institutions;

Structure of Research Proposal; Review of Literature and Thematic Survey of Topics; Designing Research Questions; Formulation of Hypothesis; Finding the Research Gap.

Footnoting Styles; SIS Manual and Other Styles; Plagiarism and related issues

Technology and International Legal Research

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### **Selected Reading List**

Anand, R.P. (2004), *Studies in International Law and History*, Dordrecht: Springer.

\_\_\_\_\_ (2006), *Development of Modern International Law and India*, Baden-Baden: Nomos.

Baxi, Upendra, “New Approaches to the History of International Law”, *Leiden Journal of International Law*, 19(2): 555-566.

Baxter, R. (1980), “International Law in her ‘infinite variety’”, *International and Comparative Law Quarterly*, 29: 549.

Boyle, Alan (1999), “Some Reflections on the Relationship of Treaties and Soft Law”, *International and Comparative Law Quarterly*, 48: 902-912.

Chesterman, Simon (2016), “Asia’s Ambivalence about International Law and Institutions: Past, Present and Futures”, *European Journal of International Law*, 27(4): 945–946.

Chimni, B.S. (2001), “Teaching, Research and Promotion of International Law in India: Past, Present and Future”, *Singapore Journal of International & Comparative Law*, 5: 368-387.

\_\_\_\_\_ (2018), “Customary International Law: A Third World Perspective”, *American Journal of International Law*, 12 (1): 1-46.

\_\_\_\_\_ (2017), *International Law and World Order: A Critique of Contemporary Approaches*, 2<sup>nd</sup> edition, Cambridge: Cambridge University Press.

Chinkin, Christine (2000), “Normative Development in the International Legal System”, in Dina Shelton (Ed.) *Commitment and Compliance: The Role of Non-Binding Norms in the International Legal System*, Oxford: Oxford University Press, pp. 21-42.

Desai, Bharat H. (2003), *Institutionalizing International Environmental Law*, Ardsley, New York: Transnational Publishers.

\_\_\_\_\_ (2014), *International Environmental Governance: Towards UNEPO*, Boston & Leiden: Martinus Nijhoff.

Harvey, T., R. Cryer, and B. Sokhi-Bulley (2011), *Research Methodologies in EU and International Law*, London: Bloomsbury Publishing.

Hegde, V.G. (2013), “Contemporary Indian International Legal Perspectives” in Navnita Chadha Behera and Achin Vanaik (eds), *ICSSR Research Survey and Explorations in Political Science, Volume 4—India Engages the World*, Oxford University Press, pp. 421-475.

Ishwar Bhat, P. (2019), *Ideas and Methods of Legal Research*, New Delhi: Oxford University Press.

Khan, Rahmatullah (1975), “International Law: Old and New”, *Indian Journal of International Law*, 15(3): 371.

Koskenniemi, Martti (2016), “What is Critical Research in International Law? Celebrating Structuralism”, *Leiden Journal of International Law*, 29(3): 727-735.

Koskenniemi, Martti and Päivi Leino (2002), “Fragmentation of International Law? Postmodern Anxieties”, *Leiden Journal of International Law*, 15(3): 553-579.

Lakshminath, A. (2008), “Legal Education and Research”, *Journal of Indian Law Institute*, 50(4): 606-628.

Lieblich, Eliav (2021), “How to Do Research in International Law? A Basic Guide for Beginners”, *Harvard International Law Journal Online*, 62: 1-26.

Mani, V.S. (1980), *International Adjudication: Procedural Aspects*, New Delhi: Radiant Publishers.

Rao, P.S. (2007), “Role of Soft Law in the Development of International Law: Some Random Notes”, *Essays in International Law*, Asian African Legal Consultative Organization, pp. 62-91.

Ratner, Steven R. and Anne-Marie Slaughter (1999), “Appraising the Methods of International Law: A Prospectus for Readers”, *American Journal of International Law*, 93(2): 291-302.

School of International Studies (2006), *Research Manual (for M.Phil/PhD Students)*, School of International Studies, Jawaharlal Nehru University, [https://www.jnu.ac.in/sites/default/files/SIS\\_Research\\_Manual.pdf](https://www.jnu.ac.in/sites/default/files/SIS_Research_Manual.pdf).

Slaughter, Anne-Marie (2006), “The Future of International Law Is Domestic (or, the European Way of Law)”, *Harvard International Law Journal*, 47: 327-352.

Tyagi, Yogesh (2011), *The UN Human Rights Committee: Practice and Procedure*, Cambridge: Cambridge University Press.

University of Oxford (2012), *OSCOLA: Oxford University Standards for the Citation of Legal Authorities*, Faculty of Law, University of Oxford, [https://www.law.ox.ac.uk/sites/default/files/migrated/oscola\\_4th\\_edn\\_hart\\_2012.pdf](https://www.law.ox.ac.uk/sites/default/files/migrated/oscola_4th_edn_hart_2012.pdf).

Verma, S.K. and Afzal Wani (eds) (2010), *Legal Research and Methodology*, New Delhi: The Indian Law Institute.

Xue, Hanqin (2011), “Meaningful Dialogue Through a Common Discourse: Law and Values in a Multi-Polar World”, *Asian Journal of International Law*, 1(1): 13- 19.

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