

Independent Legal Research
Bachelor International & Comparative Law

Prof. Dr. Elsemieke Daalder
elsemieke.daalder@uni-muenster.de

Prof. Dr. James Fowkes
fowkes@uni-muenster.de

This seminar will be conducted in English.

This seminar is about learning how to write a research paper. We will work through the process: doing preliminary research, framing a research question, deciding on a methodological approach, deciding when to start writing, and working through drafts to a successful paper.

To do this, we will meet twice early in the semester. In these sessions, we will introduce these topics, including different methodological researches or, put another way, different kinds of papers that you can write: historical, doctrinal, law & society, comparative, political, theoretical. To do this, we will look in detail at examples of scholarship (including our own), to see how different kinds of papers are built, and how they succeed, or get into difficulties.

Students will then prepare their own research papers. Seminar members will present their research to the group at a meeting in December, and final versions of papers will be due on the last teaching day in January.

Topics

In this seminar, students will select a legal source – a statute or a court judgment, for example – from any jurisdiction that is *not* Germany. (The source may be historical, too: it does not have to be currently in force). This seminar is an opportunity to explore legal systems other than those you might usually study.

The legal source should represent a *change*: a legal innovation, a new approach, a break with the past. Papers will then examine their source, and the change it represents. What was the change? Why did it happen? Did it work as planned, or fail, or succeed by accident? What influence did it have, including on Germany? How does it compare to the German approach to that issue? (As you can see from these last two questions, papers that discuss the influence on Germany of a non-German source or compare a non-German source to Germany are welcome too.)

Papers do not need to address all of these questions – they might only consider one of them - but they are the kind of question that a good paper will ask.

Students will meet individually with the instructors to finalize their choice of source and approach to studying it. Before meeting with the instructors, students will submit a brief statement about their intended area of interest. We will therefore assist students to finalize their topics, rather than assign topics. This is for several reasons, including that identifying an issue worth researching is an important skill, and that there is something to be said for having the freedom to work on what you are most interested in working on. We will exercise some

control over topics so that they do not overlap do much, and to ensure that the topic and research approach is manageable. But it should be possible for everyone to write on a source in their preferred area, and in their preferred way.

Requirements & Timetable

1. First two meetings

18 October, 25 October 2024 – exact times will be confirmed depending on room availability, but we will meet for 3 hours on each of those days

Readings will be made available for discussion at each session.

By the second session, 25 October 2024, students must submit their brief statement about their area/source of interest. We will discuss that statement – how to write it, what it should contain – in the first meeting on 18 October.

2. Presentations

10-11 December – we will confirm these times (and whether we will need to meet on both days) depending on the number of seminar participants

Students will present their research to the group, in 10-15 minutes, followed by a group discussion. Presentation software such as Powerpoint, and/or handouts may be used, but neither is required: this is up to you.

3. Final papers

Due date: Friday, 17 January 2025, at 18:00. You may submit your paper by email, but you will also need to submit a paper copy. We will provide instructions on this submission closer to the time.

Students will submit a research paper of 6000-8000 words, *including* footnotes, but *excluding* bibliography, index, table to contents, or other supplementary materials. These are (in your interests) strict limits: we will penalize papers that do not meet them.

There is no prescribed format, provided all sources are duly cited to avoid plagiarism. That means that we require you to cite your sources, but we do not require a particular form of citation, or other particular formalities.

Assessment

Your course mark will be made up of two components. 30 % of the overall grade is made up of participation in the introductory sessions, contributions to the discussion in these meetings and your presentations in December. The final paper will make up the remaining 70% of the final mark.