

The Organisation and Writing of a Postgraduate Law Dissertation

Reading:

Stephen Potter (Ed) *Doing Postgraduate Research* (Sage/Open University, 2002) chs 3-5.

Topic Outline and Summary:

1. The Dissertation:

(i) Length:

The regulations specify a length of 15-20,000 words (excluding footnotes and bibliography) typed, double spaced and fully referenced.

(ii) Structure:

The normal structure of the LLM Dissertation is as follows:

Title: This should be a clear description of the subject matter of the research. It can consist of a single phrase, for example, “The Control of hazardous Activities Carried out by Multinational Enterprises in Host Developing Countries”, or a short and long title as, for example, “Issues in Globalisation – the Case of Transnational Personal Injuries Litigation Against Multinational Enterprises”.

Abstract: This is a short summary (about 200 words) of the purpose of the dissertation, indicating the main hypothesis being tested, the research questions used to do this, the empirical material covered and the main conclusions.

Contents: A list of the main chapters and main sub-headings, with page numbers together with a list of any tables, figures and appendices (if used).

Chapters: These can be structured in the way that best suits the clear presentation of the subject-matter of the dissertation. You may wish to consult your supervisor on this question. However certain basic principles of good structure and organisation apply. Thus your chapters should follow a basic pattern along these lines:

- *Introduction:* should:
 - State the issues addressed in the dissertation, including any hypothesis tested,
 - Contain a description of the research questions you have addressed in testing the hypothesis,
 - Contain a literature review, showing that you have read the material relevant to your topic,
 - Contain a description of the contribution that your dissertation makes to the issues you are examining.
- *Background:* in addition to your introduction you may need to explain more fully the context of your dissertation. For example, you may need to summarise the principal features of an institutional system within which your specialised topic is placed. Thus if you are doing a dissertation, say, on anti-dumping issues in the WTO a brief description

- of the main features of the WTO antidumping regime may be necessary before you discuss and specific case-study or doctrinal controversy that is the focus of your work.
- *Substantive issues:* The next step in the organisation of your thesis is the discussion of the various substantive issues that you are examining. These can form discrete chapters or be part of a larger whole – the precise number of chapters is not important, but a clear and logical division of chapters is. In addition you must ensure continuity between chapters by (a) explaining in the introduction to each chapter what you are setting out to show in that chapter and (b) at the end of each chapter summarise your findings, offer some conclusions on them, and link to the next chapter by showing how these findings and conclusions relate to that next chapter. Remember that you are in effect telling a story about your chosen research topic and, just as in a real story, you must offer a continuing and intelligible narrative. Furthermore, you should use no more than three levels of sub-headings in the individual chapters. Too many sub-headings can be confusing.
 - *Summary and Conclusions:* The final part of your dissertation consists of a bringing together of all the main research findings and preliminary conclusions from the earlier chapters into a coherent overall conclusion which relates those findings to the wider issues that your dissertation is examining. This is the “contribution” of the dissertation to the wider knowledge of the field. Two things in particular to note here:
 - At LLM level, we are not expecting an original new contribution to knowledge as we would with a PhD, though the best dissertations will do this in any case. Rather we are expecting to see a well organised, critical consideration of existing ideas in your field of study, which show a *mastery* (hence “Masters” Degree) of your field to the level of a professional expert. It means that your conclusions should display an ability to comment critically on the existing state of knowledge in the field as contained in the main primary and secondary sources that you have studied in the course of the research leading to your dissertation.
 - When we talk of “summary and conclusions” many students tend to do too much “summary” and too few “conclusions”! There is a need for balance between these two elements of the concluding part to the dissertation.
 - *Appendices:* not always necessary but may be required if you have material of central importance to the dissertation, but which cannot be easily included in the text, for example, essential statistical tables, details of interviews undertaken in the course of the research, extracts from essential primary documents that are not easily available to the reader.
 - *Bibliography:* You must list all the materials you have used. This must include all primary legal sources (cases, statutes, official reports, parliamentary debates etc) and all secondary sources (books and articles). Each must be listed properly in accordance with the *KLS Style Guide for Postgraduate Dissertations and Theses*.

Basic Research Skills

(i) Planning and Organising your Dissertation:

Read: David Wield “Planning and Organising a Research Project” in Potter (Ed) ch.3.

The following is an outline of the essential steps you must take in planning and organising your dissertation:

1. *Become familiar with the library and online databases.* You should have already done this at the start of the course!

2. *Define your topic*: this is a difficult process. You must ensure that your chosen topic is: (a) important and interesting enough to research (b) is practicable as an exercise to be completed within eight months (February to September) (c) can be done with the resources that are available. This does not just mean whether the library and online databases can support the topic but also whether any further materials are required and whether you can actually get hold of them in time.
3. *Design the research*: After some initial reading you should be in a position to devise a working title. Next you should draw up an outline of major headings reflecting the main research questions that you wish to address. This requires an initial process of focusing that works as follows:
 - *Develop a hypothesis to test*: a hypothesis is a statement about variables that can be tested. It differs from a mere statement of a problem. For example:
 - i. “To what extent are members of an ethnic minority discriminated against in the process of selecting candidates for entry into English medical schools?” This is a *problem statement*.
 - ii. “Candidates from ethnic minorities are likely to experience discrimination in the process of selection for entry into English medical schools”. This is a *hypothesis* which can be tested through the formulation and answering of more specific *research questions* that, in turn, can offer us a properly researched answer to our problem statement.
 - *Formulate relevant research questions*: These questions should enable you to answer the specific issues that your problem statement or hypothesis raises. The main points to note are that your research questions must be: (a) able to be undertaken (What data on admissions to English medical schools is available? Should the research focus on a particular medical school or a representative sample of schools?); (b) have a comparative element over time, between groups etc (in our example an obvious comparison is between ethnic minority applicants from different minorities (or from a specific ethnic minority) and between English and ethnic minority applicants) (c) specify the field of study (in the example you will need a definition of “ethnic minority group” based on the relevant literature and your critical appraisal of it; equally what is “discrimination” in this context? Which ethnic minority groups are affected? Which ethnic minority groups will the study cover?) (d) contribute to the background theory in the field (eg: How does our empirical work on possible discrimination in medical school applications fit into the wider debates about discrimination in the professions?).
 - *In which Order do I work?* There is no absolute order to follow. You may develop specific research questions before or after you formulate your hypothesis. The important thing is that you arrive at a clear research design where you know the problem you want to research, you have a hypothesis to test and you have identified all the relevant research questions you need to answer in order to comment on your hypothesis.
 - *Does it matter whether I prove or disprove my hypothesis?* No it does not. A valid piece of research may either show a hypothesis to be correct or to be incorrect. The real issue is what does the outcome of your research say about the specific issues you are examining and, in addition, about the wider issues of which these are a part?
4. *Do a Work Plan*: This may take a number of forms. The suggested plans in Wield’s chapter are for PhD students, but you may want to devise a plan for your eight month period of research (February to September) that follows a similar pattern. You should bear in mind that the plan will need to be revised as you work. You will not always meet

every goal you set. Equally you must not treat a plan as a finished piece of work and then sit back until the last moment! You must work steadily throughout the eight months. Furthermore, remember the details of supervision arrangements stated in the *KLS Student Guide for ICL, European Law and Environmental Law and Policy* namely:

- Topic to be chosen in consultation with possible supervisor.
- Supervision meeting to take place by mutual arrangement between student and supervisor from the middle of the Lent Term to the end of the Trinity Term.
- A first complete draft of the dissertation, typed and footnoted with an appended bibliography, to be shown to the supervisor by the end of the Trinity Term. This draft will be discussed at the final supervision meeting at the end of the Trinity Term.
- Final submission of the revised draft by the September deadline.

(ii) The Research Process

The following activities comprise the research process required to complete your dissertation:

1. *The Literature or Topic Review:*

Read: Stephen Potter “Undertaking a Topic Review” in Potter (Ed) ch.5.

It is necessary that you place your research in the context of (a) the wider literature on your subject – the *background theory* which will have been done in part by following the relevant taught modules on your course (b) the specific literature that covers your particular research topic – the *focal theory*. (On “background” and “focal” theory see further Estelle Phillips and Derek Pugh *How to Get a PhD*, Open University Press, 3rd Ed, 2000 ch.6. Though covering a PhD, this chapter is of use to any student undertaking a postgraduate dissertation).

Clearly you cannot read everything on your subject. Not even a PhD student could do that, let alone a leading professional scholar in the field!

You must read all the major primary legal sources and academic works relevant to your research topic, and be aware of the major controversies in your field that will impact on the development of your dissertation.

It is the purpose of the literature review to arm you with the required knowledge of the field to be able to create a critical piece of work. Needless to say you may require some guidance over reading from your supervisor, though you should also bear in mind that he or she is not there to do the research for you. You must find the literature for yourself and do the initial evaluation. In addition you must avoid writing a simplistic summary of what you have read. You must offer a well structured, analytical and critical appraisal of the relevant literature and legal sources.

2. *Collecting and Analysing Data:*

This part of your research will involve collecting and analysing the primary and secondary sources that cover the specific focal case-study of your dissertation, as opposed to the background and focal theory. Thus all the relevant cases, statutes, and other primary materials that deal with

the case-study have to be found and analysed. Equally, any books or academic articles that contain relevant information must also be found and analysed.

The process of analysis will involve, in essence, a linking up of the case-study with the focal and background theory that you have considered in your literature review.

3. Writing Up:

Read: Andrew Ward “The Writing Process” in Potter (Ed) ch.4.

Writing is something you should do all through the time you work on your dissertation. You should be doing draft chapters, sections and background notes while you read. However, the most intense period of writing will come as you produce the first full draft for your final supervision at the end of the Trinity Term.

You must use a word processor when writing. Hand written drafts are no longer acceptable.

Ward’s chapter offers much helpful and practical advice on the mechanics of writing and, in particular, how to get over “writer’s block”.