

Diploma / Doctoral Theses Guidelines for candidates

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Introduction

Thank you for your interest in our subject and our research and for considering those for your planned diploma or doctoral thesis. Please note some basic requirements to ensure success.

General requirements

Public International Law (henceforth PIL) requires students to have a working knowledge of one of the mainstream languages of the subject, as academic work requires dealing with original sources which more often than not are not authentic in the German language. This is why we teach PIL in English, and expect our students to be proficient in legal English, demonstrated either by having successfully attended our Precourse Legal English and having followed the lecture on PIL, or by producing credits earned for comparable and equal classes as part of a legal curriculum (e.g. during an ERASMUS exchange).

Substantive requirements

Writing a diploma or doctoral thesis must be based on, and hence requires, an in-depth knowledge of the subject PIL in its full width. Consequently, we expect you to have chosen (diploma thesis) or completed (doctoral thesis) our specialisation branch (*Studienschwerpunkt*) "International Law". Should you as a candidate for a doctoral thesis have graduated from another university we expect you to produce evidence of classes and exams in PIL of a comparable bandwidth.

PIL is not much different from other areas of law in terms of methodology, but is very different in terms of sources. This is why we have decided to offer, as far as practicable (=funded), special workshops and seminars for candidates writing a diploma or doctoral thesis respectively, both in order to refresh your general knowledge of legal methodology and to familiarise you with the main sources and databases of our trade. We require candidates to attend these classes, as well as a seminar held by your personal supervisor, so that we are able to assess your approach to academic work and the progress of your draft thesis. This is a matter between student and supervisor

which cannot be replaced by “crediting” similar classes taken elsewhere. Please note that books on academic writing and work techniques are available on the market which may help you to “find your way” into academic work.

Selection of topics

We appreciate proposals submitted by candidates for a diploma thesis (see § 10 of the curriculum for diploma studies). Candidates for a doctoral thesis must be presumed to be familiar with the subject as a whole including its mainstream views and current problems; hence they are expected to present and defend their own proposal and concept of work before a committee (see § 4 of the curriculum for doctoral studies). Please note that at both levels, diploma as well as doctoral, proper supervision requires your topics to come under one of the research focuses of our institute. You can easily find out about those by looking at our current activities on our homepage, and by looking at our current publications in the research documentation database FODOK of JKU. In addition to your own proposals the institute may issue from time to time a list of potential topics whenever current developments or problems invite an in-depth research.

Goal: Diploma thesis and Mag.iur.

We assume that you are already familiar with your own curriculum of studies (it is available for download on the homepage of JKU) In § 10 the curriculum provides

§ 10. (1) Die Diplomarbeit ist eine wissenschaftliche Hausarbeit, welche die diskursive Erörterung einer theoretischen Fragestellung, die Analyse einer oder mehrerer Gerichts- oder Behördenentscheidungen oder ein Fallgutachten aus einem der an der rechtswissenschaftlichen Fakultät der JKU in Lehre und Forschung vertretenen Fächer zum Inhalt hat. Bei entsprechendem akademischen Aufwand ist auch eine Kombination aus einem nachgestellten Gerichts- oder Behördenverfahren (Moot Court) oder einem Praktikum und einer darauf aufbauenden wissenschaftlichen Arbeit mit entsprechend geringerem Umfang zulässig.

The goal here is to demonstrate your ability to use „a lawyer’s toolbox“ according to academic standards.

Goal: Doctoral thesis und Dr.iur.

At this level expectations run higher: You have learned and demonstrated how to use a lawyer’s toolbox by writing a diploma thesis during your undergraduate studies (that was the very purpose of the diploma thesis). Now the focus lies on your independent academic

results (achieved, of course, by skilful use of that very toolbox) The curriculum for doctoral studies (again we presume that you are familiar with it) provides:

§ 1 (1) Ziel des Doktoratsstudiums der Rechtswissenschaften an der Rechtswissenschaftlichen Fakultät der JKU Linz ist der Erwerb der Fähigkeit, durch selbständige Forschung zur Entwicklung der Wissenschaften beizutragen. Die AbsolventInnen des Doktoratsstudiums der Rechtswissenschaften erlangen die Befähigung zur vertieften eigenständigen wissenschaftlichen Arbeit auf hohem Niveau. Sie verfügen über eine breite Basis ebenso wie über eine vertiefte Spezialisierung und sind in der Lage, die wissenschaftlichen Kenntnisse in den verschiedenen Rechtsbereichen zu erweitern sowie in der forschungsgeleiteten Analyse abstrahierter rechtswissenschaftlicher Fragestellungen umzusetzen.

This requires **you** (rather than your supervisor!) to explore the topic, also to limit the scope as necessary, to identify and select appropriate methods and sources and to identify and argue (and also defend against other academic positions on the issue) your solution for an academic problem.

A word of warning to those who come from a practical background and wish to „carry over“ items from their work experience into a doctoral thesis: A merely descriptive collection of facts and phenomena, however long and comprehensive, is a collection of material, but not (yet) a doctoral thesis. Work on your thesis must begin with such a collection, but must not end there, because

§ 6 (1) Die Kandidatin / der Kandidat hat durch die Dissertation über die an eine Diplom- oder Masterarbeit zu stellenden Anforderungen hinaus auch darzutun, dass sie / er die Befähigung zur selbständigen Bewältigung wissenschaftlicher Probleme erworben hat.

This requires you to identify the problem (or, more often than not, the problems), to review and evaluate (not merely to refer!) the academic debate in legal writing on the subject, and to argue and ultimately defend your proposed solution(s) against other positions advocated on the subject in the final *defensio*. In assessing a doctoral thesis **your** arguments count (rather than those quoted, from Grotius all the way down to your own supervisor) The fact that you will most likely be a part-time doctoral student working for your living may result in more time required to achieve this; however, it can never serve as an argument for compromises concerning the quality of research, or for the substitution of academic quality by superficial “practical relevance”. Should you wish to focus primarily on practical relevance instead of

academic standards please consider postgraduate programmes tailored to the needs of practitioners, crediting their professional achievements. Such a programme might be better suited for your needs than a purely academic one, such as doctoral studies.

Methods

Use every opportunity (classes, workshops, seminars, ...) to practise academic work. Proper quotation (“proper” meaning an appropriate reference to your sources so that readers may follow and verify your arguments), exploration and delimitation of your topic, research into sources, structure, tables (content, cases, literature etc) all influence, together with the content, our final assessment of your doctoral thesis. And remember: You must show how good **you** are at it, unaided.

Language

Given the sources of, and academic writing on, PIL, it might be useful to write your diploma or doctoral thesis in English. While taking the exam in PIL during your diploma studies does not yet require a degree of language proficiency equal to a native speaker, diploma and doctoral theses must be written at such a level, since they will be published (see below) and hence available to the whole academic community. You should venture to write in English only after postgraduate studies abroad in English and/or comparable legal work experience in an English-speaking environment. In any case, have a native speaker do a language check before submitting your thesis. Should you already need help in writing in English, take our advice and write in German – after all, you need to solemnly declare that you wrote your thesis yourself and unaided.

Supervision in general

We see our role as supervisors in line with the old saying (probably of Navajo-Indian origin) once quoted by Martin Luther King: *Give a man a fish, and you feed him for a day. Teach a man to fish, and you feed him for a lifetime.* We expect you to exhaust your research options provided by databases and the many sources available through our faculty library, both on paper and by electronic means (the latter largely render redundant any excuses such as “I have to work during the day” etc), before you approach us. We shall happily provide hints on fish, bait and fishing rod. At the end of the day, however, **you** must catch the fish.

Supervision of doctoral theses

At this level we regard ourselves mainly as your partners in academic discussion of problems or advantages and disadvantages of a particular methodic approach. The initiative must come from your side. Do not ask us „how should I...“ but rather „I intend to ... because ...; what do you think?“ Write your thesis as **you** believe it should be written *lege artis*, not as your supervisor might have written it. For at the end of the day we must assess how well **you** have done.

Procedure

For a **diploma thesis** project we expect you to submit a „Daten- und Dispositionsblatt“ which is available at our homepage (in German only). As your project progresses, a structure will develop which you should submit and discuss with us. Recent experience has shown that you should submit to your supervisor at least a major part of your thesis which we shall read and discuss with you, in order to avoid (mutual) frustration after officially submitting a suboptimal thesis.

For a **doctoral thesis** the curriculum provides for a formal procedure of submitting and presenting a doctoral thesis project to a selection committee. Only after your project has been approved as “dissertation-worthy” by this committee your supervisor will come into play. Please refer to the current curriculum for details.

Submission

Please submit your work according to the standards published by the „Lehr- und Studienorganisation“ of JKU; moreover, registration forms and a sample cover sheet for diploma theses are also available at our homepage. Your work must be submitted on paper and in electronic format. Prior to assessment an automated plagiarism check will be performed and properly taken into account by those assessing your work (the machine can only detect identical text, and cannot distinguish between proper quotations and copy-paste text).

Assessment

The requirements to pass are set by your respective curriculum as quoted and discussed above. For **diploma theses** we focus on handling the „toolbox“, while **doctoral theses**, in addition to methodical soundness, are evaluated with a view to their original character and their contribution to the academic debate.

Publication

Please note that JKU publishes all diploma and doctoral theses, both on paper for consultation in the library and on the Internet. This is JKU's contribution to good academic practice which requires an open public discourse of the results of academic research.

Finally...

Please understand that the assessment in particular of a doctoral thesis takes time, as it must include not only a thorough review of the content but also of your sources, footnotes, tables etc., all this parallel to the day-to-day business of classes, exams, conferences and publications. When looking at a particular date for graduation you must allow for a reasonable period of time for assessing your work plus time for applying, arranging for (minimum 3 weeks) and conducting the final *defensio*, and submit your thesis accordingly. We cannot recover time you have lost.

We look forward to receiving your theses!

Linz, in June 2018

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