HUMR 5191: Research Methodology and Thesis Development

- L 1/ Ekern: Course presentation: Structure, goals. Definitions: What is Research?
- L 2/ Zyberi: Doing a Legal Investigation. What is Legal Interpretation?
- L 4/ Ekern and Zyberi: Formulating a research question v formulating a legal problem.
- L 4/ Fuglestved: Library Sources
- L 5/ Ekern: Research in the Humanities and the Social Sciences. Anthropological method.
- L 6/ Andreassen: Comparative method
- L 7/ Andreassen and Ekern: Case studies. Researcher's own research.
- L 8/ Zyberi: Legal Method in International Law
- L 9/ Zyberi: Legal Reasoning
- L 10/ Nygaard: Workshop in Academic Writing
- L 11/ Andreassen, Ekern and Zyberi: Group work preparations and Exam preparations

Learning goals

- You will know how to translate a human rights issue into a researchable question

- You will know the difference between different types of research

- You will know how to design and carry out a research plan

- You will know how to write an academic work (thesis, report, article)

'Human Rights' as an Object of Research (vs as Law)

- Some typical questions:
  - Why so many violations? / Why so few violations?
  - Why so successful? / Why so little success?
  - Why this variation?
  - Why this specific violation? (Vs: Is this a HR violation, and why?)
  - Where do HR come from?
  - Are HR Western?
  - How to promote HR?
  - How to realise HR?
  - What must be done?

  I.e., some are historical, some factual, some are philosophical, and some are practical;

  some answers are 'out there to be discovered', some are 'in there' to be determined.

Defining Our Work

- Research: systematic investigation to discover facts and reach new conclusions; the formal work undertaken systematically to increase knowledge

- Inquiry: any process with the aim of augmenting knowledge or solving a problem

- Investigation: a systematic inquiry; a careful study in order to discover the facts

- Science: the branch of knowledge involving systematised observations and experiments

From Question to Answer

- Research Question: A hypothesis or proposition about how a situation has come about, and that can be investigated or subjected to inquiry.

- Method: … is what establishes a direct connection between a research question, the theory used to provide possible answers, the proposition (or hypothesis or model) that is to be investigated, and the collection of evidence that may or may not support the proposition.

- Theory: System of ideas formulated to explain or understand something; frequently a set of lawlike generalisations or a model showing purported directions of causality. (A deductive system.)

- Answer / Explanation: A verified (non-falsified) hypothesis demonstrating causality.

- Answer / Understanding: A meaningful interpretation inferred from processes of sound reasoning.

HR Research in the Social Sciences: Fundamental Problems

- Disagreement about philosophical status; but as an object of inquiry HR is comparable to 'democracy' and 'development'

- What is 'causality'?

- Few, if any, general rules or 'laws' in the social sciences because its 'facts' are normative rather than empirical; 'social' or 'institutional' rather than 'brute' or 'natural', the social sciences deal with cultural rather than natural phenomena

- Human behaviour is social behaviour: Understandable rather than explainable

- Choice of method: Qualitative or quantitative?

- Uncovering causes , (re-)constructing meaning

Fundamental Problems: Cause or Correlation?

- Beyond Correlation: Dessler's discussion of the epistemological limitations of the 'Causes of War' project

- Classes of 'facts': existential, correlational, explanatory

- Correlates of thunderstorms: cold fronts, solar heating, mountains
- Correlates of war: borders, arms races, power concentration
- What sort of 'facts'?

- What sort of relations?
- Causes are generative mechanisms
- Correlations are …

- The behavioural turn (positivism)
- The interpretative turn (post-modernism)

Fundamental Problems: Explanation v Understanding

- Window Logic: Trachtenberg's question-led method of historical inquiry

- Classes of 'facts': natural and social facts (Searle)

- Positivist history (Hempel): Events as instances of general law (all is structure)
- Idealistic history (Collingwood): History writing is the reenactment of original reasoning (all is agency)
- Constructivist history (White): Writing history is a poetic act (all is invention)

- Neither objectivism nor subjectivism: there is a reality, it is possible to communicate our representations of it

- History the product of strategic considerations, Pearl Harbour a window of opportunity

- The 'element of necessity'; the logic that links the general with the specific

Situation: Legal Pluralism in Guatemala

- Description of situation

- Statement of problem: conflict, lack of cooperation

- Formulation of hypotheses
    - Conceptual distance (method?)
    - Lack of will / disincentives(method?)
    - Power assymetries