

INTRODUCTION TO SCIENTIFIC LEGAL RESEARCH
- a practical and methodological instruction for doctoral students -

§ 4 Formal standards for a scientific thesis

I. Introduction

- note: regarding the formal standards, there are no differences between the different types of scientific theses (classical doctoral thesis, advanced doctoral thesis, habilitation thesis)
- 1) *The reasons for formal standards in scientific work*
 - not an end in itself but required by the principles of intellectual honesty, accuracy and precision
- 2) *The principles guiding the formal standards in scientific work*
 - allowing easy orientation, avoiding misunderstandings
 - providing quick and easy access to available informations
 - allowing quick and easy verification of the correct understanding and use of informations
 - presenting the positions of others in any context as accurate as possible
- 3) *Variations in formal standards depending on the scientific discipline and the national scientific culture*
 - a) The existence of variations in formal scientific standards
 - b) The need to justify variations in formal scientific standards
 - universality or relativity of scientific standards?
 - scientific standards as part of cultural heritage?
 - c) The necessary limits to variations in scientific standards
- 4) *How to meet formal standards easily*
 - in particular: learning and meeting the standards *from the beginning*
 - in particular: using carefully preformulated templates and text blocks

II. The formal structure of the thesis

- 1) *The general structure of the thesis*
 - in particular: outline table of contents, table of contents, comprehensive bibliography, list of abbreviations, *multi-lingual summary* (at least in English), *appendix* with materials difficult to access
 - more and more essential: the **index**
 - entries at two or three levels, following both a systematic and an associative concept
 - recommended: separated indexes for quoted jurisprudence (table of cases) and important legal norms (table of statutes, table of treaties etc.)
- 2) *Formal standards for structuring*
 - see also the (intellectual) standards presented above (§ 3 II.2)
 - in particular: well-balanced structuring
 - not too many subdivisions (→ makes the reading of the text difficult)
 - no long sections without subdivisions (→ makes an easy orientation impossible)

III. The scientific style of writing

- 1) *An objective and precise style of writing*
 - in particular: neutral formulations without subjective elements
 - in particular: precise and exact formulations, exact linking of thoughts by carefully chosen prepositions, conjunctions or other logical connections
- 2) *A structured, purposeful style of writing*
 - following the concept of structured scientific research in every detail: outlining the problem, unfolding the possible solutions, presenting the views in jurisprudence and literature, presenting one's own decision, giving reasons for one's own decision and recapitulating
 - discussing theories and presenting the views of others always in the context and from the perspective of the own specific questions (a scientific thesis is not a textbook!)
- 3) *A concise style of writing*
 - a scientific thesis is not an essay! In Europe, scientific texts are expected to be short, compact and concentrated
 - recommended: frequent review of the text in order to shorten it without losing substance
- 4) *But nonetheless a fluent and gripping style of writing*
 - as far as possible with regard to one's own qualities as a writer...
 - trying to use a simple terminology and to avoid complicated involved sentences
 - trying to apply active voice instead of passive voice (→ more precise)

IV. The art of scientific quoting

- 1) *The importance of scientific quoting*
- 2) *Precision and accuracy as guiding principles of scientific quoting*
 - Where exactly? What exactly? What exactly in the concrete context of one's specific question?
 - besides the content, the exact place of a footnote can be decisive for correct quoting (behind the paragraph, sentence, part of the sentence, a single word?)
 - note: it is normal if the correct formulation of a footnote takes a long time
- 3) *Scientific quoting of jurisprudence and literature*
 - in particular: no quoting of long passages in direct speech without a special, justifying reason
 - in particular: specifying, if necessary, the exact sense in the given context with a special linking phrase like "see", "see also", "with the same conclusion", "aptly", "who is right in so far as..." etc.
- 4) *Scientific quoting of other sources*
 - in particular: most precise specification of the relevant part of the norm (article, section, subsection, phrase, part of the phrase, number etc.)
 - in particular: no copying of large excerpts of statutes!

V. The formatting of the scientific text

VI. Other formal standards

More informations on this course contribution at www.lanet.lv/~tschmit1. For any questions, suggestions and criticism please contact me via e-mail at tschmit1@gwdg.de.