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Desmond Manderson
Macquarie University

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FAQ: INITIAL QUESTIONS ABOUT THESIS SUPERVISION IN LAW

DESMOND MANDERSON*

INTRODUCTION: FAQ

I am sitting in a plane, unslept and unkempt. Way below me stretches the creased pepper-and-salt cloth of the Canadian Rockies in winter. Around me the passengers doze, or read, or wait to be fed. Breakfast? Who knows? It is four o'clock in the morning Sydney time; seven a.m. Honolulu time; maybe about noon down there. Truth to tell, I am between times, between days. Ten kilometres up, in limbo.

I am between states too. Six years ago I first took this journey, in the late summer, as I ventured to Montreal to begin what became a doctorate in law. It is a trip I now treat with the mannered ennui of a veteran. Now I am returning once again, to complete the *viva* for my thesis, and to punctuate that long journey with a degree. It is a rite of passage in which I present my work to my friends and colleagues — so important for so long — for their formal approval. It is a ritual which marks the passage of time, and a change in status. It is a departure and an arrival: in a world through which we hasten from one moment to the next, consuming the future as we flee the past, it feels good, from time to time, to stop and see just where we are. Ten thousand metres up.

The initials — LLM or DCL or PhD — don't mean much. But the experience of writing that thesis was one of the most important of my life: adventurous, delicious, painful. It changed me as a writer and a person in ways I cannot begin to catalogue. It gave me the time, and the space, to think and to read, and perhaps even to

grow up (a little). Writing a thesis is like living in limbo: as I stare down on the distant snowy wastes below, I can see what a privileged position that can sometimes be.

The importance of the experience and the privilege of the position comes about because writing a thesis is a licence to ask questions: questioning what the field of law is and offers, questioning how things have been approached and how they might be changed, questioning one's own thinking, assumptions, and expectations. The dialectic of questions would be familiar, with its Socratic overtones, to many law students. But now and perhaps for the first time, it is the student who gets to ask them, and the answers are not so pat. And it is through this constant interrogation — of the material, of the discipline, and of oneself — that one learns about genuine scholarship. This approach is very different from most students' experience of undergraduate legal education. For those who succeed, undergraduate education is a system of constant reward. In particular it rewards certainty and confidence and "right answers" to given questions. Through the process of questioning, on the other hand, higher-degree studies aims to transform students from consumers into producers of legal knowledge.[1] Post-graduate legal education is a journey, not a system. It does not reward but enrich, and the complex enrichment it offers is the "negative capability" of doubt.

The success or failure of this process is, of course, profoundly influenced by the kind of supervision the student receives, and here too, particularly in the earliest stages, the student is plagued by questions: who should supervise me, how should they supervise me, what problems am I having? Because the relationship of supervision is so important, these questions often loom over the more substantive and personal questions which the writing of a thesis entails. But students' Frequently Asked Questions (FAQ) often betray a misunderstanding as to the nature of that relationship. In this essay, four "bad questions" (section A) are transposed into four better ones (section B) which may help form the basis of students' reflections on their experience. These questions are organised around four different aspects of thesis writing, (I) the beginning stages of supervision, and (II) the student's choice of an appropriate supervisor, (III) a consideration of appropriate expectations of supervision and (IV) an acknowledgement of the problems of supervision, and how students

can try to address them.

I. BEGINNING

A. Why do I Need a Supervisor?

Our first "bad question" betrays the general scepticism of graduate study in law which has often characterised legal scholarship. Yet the last several years have witnessed a flowering of legal writing which treats the study of law as an intellectual rather than just a professional pursuit. Interdisciplinary studies flourish, specialised academic journals blossom. This places new strains on legal academics. A legal academic is not simply a lawyer who happens to work in a university — she is an educator and a scholar. Both these aspects require special training. In legal education, the Legal Education *Review* itself operates on the assumption that, to succeed in this task, a teacher requires particular skills and methods. Likewise, competent academic research and writing therefore requires experience in particular skills and methods which the LLB does not address.

In Australia, therefore, teachers in a law faculty almost invariably now have a higher degree in law, and doctoral degrees are also increasingly common. There has been a great proliferation of Master's degrees in law throughout the world. Many of them, however, especially in the US, require only the completion of a year's course-work. This gives the student, in whatever discipline, a tremendous grounding and breadth of knowledge. In contrast, PhD students in Australia have typically been required to complete little or no course-work before working on their dissertation. But, while providing the student with additional bodies of knowledge, course-work by itself does little to teach the student special skills either in research or writing. A combination of the two approaches is therefore required. This mixed approach — course-work plus thesis — is characteristic of most Australian higher degrees in law, PhD or LLM.[2]

Not much has been written on the subject of thesis supervision, at least within the field of law.[3] To begin to redress this silence, I want to start from the point of view of the student, unsure what to expect from supervision, or how to proceed. Whether at masters or doctoral level — and indeed, even in Honours programs which

normally require a major research project — the production of a substantial piece of research provides the student with a very new kind of educational experience. The student has the opportunity here to think about the field of law generally, to read widely, and to develop new interests, to an extent that may never be possible again. Furthermore, it is by working on a thesis that one learns how to develop a research project, and see it through to a conclusion; how to use and develop appropriate methodologies; how to struggle with the demons of writing and hold them at bay.

Therefore, the preliminary question that needs to be addressed, at Honours or at post-graduate level, is surely whether one should commit to such a major research project at all. Many students drift into this work out of a misplaced credentialism, or determined only to get it done as quickly as possible. But the decision is not one to be taken lightly. The real gains I got from my years of extra study were the love of learning instilled in me, and the time and adventures bestowed along the way. I gained from the process most of all, and I would not want anyone to undertake a major research project who was not actually looking forward to the process. No-one should embark upon a thesis if all they really want to do is have it over and done with. Limbo is not purgatory: it is a suspension in the clouds, a privileged position of distance and transition. It should be entered into only by those who want to be there.

B. *What is Supervision?*

What is supervision? Students and teachers often embark on a research project without either discussing or thinking about this, perhaps because the word suggests a power dynamic which forecloses discussion. Super-vision, after all, means over-sight, and an overseer is a slave driver. There are, moreover, connotations of surveillance here, and, as Michel Foucault says, it is through *surveillance* that modern society — visual in its orientation and capillary in its organisation — practices the multiple and diverse strategies of social control. In schools and industries, hospitals and prisons, we are disciplined and become self-disciplined through constant supervision. Finally, Foucault argues, we internalise these practices of regulation and turn the unyielding searchlight of judgment on ourselves.[4]

There is a power dynamic which operates in a relationship of supervision, but it is better to expose it than ignore it. Power is inescapable and to acknowledge its existence is not to deny that it may take many different, and indeed productive, forms. Supervision, in a thesis as elsewhere, is social control: it acculturates the student into the practices of the academy; it shows, by talk and by practice, how things are done within the constraints of a discipline. Although there is an element of indoctrination in this, there is also, in good supervision, an exploration 'of the potential for resistance and change which exists within any discipline. By asking questions, a supervisor can encourage the freedom that comes through immersion in a series of discursive — and therefore contested — traditions. Three features deserve emphasis.

(i) Power itself on Foucault's analysis is relational. The word *"relationship"* is key. It is a flexible concept. Supervision does not describe a power which the supervisor simply exercises over the supervisee, but rather embraces the relationship between them. Supervision, like an apprenticeship which it resembles, is personal and infinitely variable. On the other hand, however, it is not a relationship which the parties are free to develop exactly as they choose. (No relationship ever is.) Supervision is structured around a particular project — set in advance by mutual agreement. And it is structured around particular roles — set in advance by conventional or institutional understanding. The structured form is intended to provide a scaffolding which stimulates the development of the relationship in certain directions precisely by establishing specific parameters. Accordingly, although supervisor and supervisee both have something to gain from their relationship, and therefore both have responsibilities to oversee its development, such responsibility, as we will see, takes different forms according the different roles each are called upon to play.

(ii) This relationship is developed through a particular process — the process of researching and writing about a specific project. Undoubtedly supervision requires attention to the specifics of this task, and it is part of the supervisor's responsibility to ensure that the student is aware of the relevant literature, appropriate methodologies, and so forth.

But it must always be borne in mind that it is the process and not the substantive subject which is central. It is neither the goal of the supervisee to acquire knowledge, nor of the supervisor to transmit it. The supervisor's role is to help students learn how to learn. The role of the student is to ask questions, therefore, but it is not the role of a supervisor to answer them. On the contrary, their purpose is to help students ask those questions, and to guide them in their inquiry.

(iii) The third important aspect of supervision, its mutuality, derives from its relational character. It is a means by which both parties learn. Now the idea of learning often provokes an image of a teacher transmitting knowledge to a waiting student. Ironically, in the case of a thesis, exactly the opposite is the case. It is the student who must finally surpass the supervisor in particular knowledge of the subject-matter of the thesis. Beyond this, however, supervision provides an opportunity for both parties to share something of themselves and their minds. A student is no lesser being in this exchange. This exchange — like everything about the thesis — is not limited to particular moments or purposes. It is rather an ongoing process of dialogue and relationship.

II. CHOOSING

A. Who is a Good Supervisor?

The question of a "good supervisor" cannot be answered in the abstract. A student embarks on a thesis with particular strengths and weaknesses. In order to make the most of her studies, she has to find a supervisor who can address those weaknesses and help her overcome them. The starting point, then, has to be the needs of the student, honestly and openly considered. One chooses a supervisor firstly by looking at *oneself.* I am, of course, treating the question of supervision as one in which the student simply "chooses": in many places, it is not that simple. Popular supervisors often have to say no to new students; sometimes there is an administrative structure involved in assigning students to teachers. But there is always an important role for the student in deciding what kind of supervision they need: and it is to this question that I turn.

By the same token, there is no perfect supervisor, and it is very

important that students realise that their supervisors, too, also have weaknesses, and areas in which help will have to be sought elsewhere. The question of choosing a supervisor, then, demands a two-sided honesty: a sincere assessment of the student's own needs — a fair appreciation of her potential supervisors' capacities.

Naturally, no supervisor belongs in only one "category". And students, too, have many different needs at once. In the typology that follows, I mean only to draw attention to the kinds of characteristics that students should be thinking about in assessing their *own* intellectual needs from time to time, and in evaluating, in relation to those needs, those who may be available to help them. For if students themselves are unsure how to answer the question *"what help do I need?,"* how can they ever obtain it?

B. What Help do I Need?

(i) Many students — particularly at the level of a Master's degree or Honours thesis — have from the outset a project clearly in mind. If this project is already well formed, the student's difficulties will often be quite detailed and concerned with very specific legal or research issues. They need, in short, *an expert.* Sad to say, many students assume that this is *always* the kind of supervisor they need. This is a serious mistake. It is important for a supervisor to have competence in the field of scholarship that the student wishes to pursue. A supervisor must be familiar with the literature and academic issues which arise in the relevant area, whether it is equity or international business law or legal philosophy. And a supervisor must be able to direct the student to relevant sources of information. But there is a great distinction between a thorough and general familiarity, on the one hand, which is necessary, and specific expertise, on the other, which is not. Choosing "the expert" in the field may be a mistake. In the first place, they may be blind to the broader questions which a student wants to pursue. Secondly, the aim of a thesis is to make the *student* the expert on a particular subject. A supervisor who is *too* close, intellectually, to the subject matter of the thesis often has a powerful vested interest in a particular approach or argument. If a student is *not* strong enough to stand up to this pressure, she will either lose

confidence entirely, or become a willing acolyte under the expert's influence. Either way, the potential for intellectual change and growth will have been subverted. Of course, everybody needs expert advice from time to time, but it is important to remember that supervision is not serfdom. It is almost always desirable to seek help from other academics, within the institution and outside of it, as the need arises. And often, this selective approach to expertise is the best approach.[5]

(ii) Some people need help in the process of writing: they need encouragement to organise their work, to set and keep deadlines, to press on with the painful tasks of preparing, writing, rewriting. The supervisor who will help them in this is someone who is prepared to be involved in these aspects, who can help the student set short-term goals, and who can demand compliance. She is someone who sees her role as quite "hands on", but in a structural as much as an intellectual way. She is, in other words, a *manager*. I do not mean, of course, that the supervisor should actually manage the student's time or organise their schedule. But the demand that students agree to complete certain stages on time, and do so, plan a research timetable and keep to it, and so forth, is often a very important way in which the supervisor can help their students, who will gain from their supervisor's involvement, drive, and unyielding expectations of them.

(iii) Still other students see problems arising in the process of research. They have often approached their thesis after an undergraduate education that has provided them with little background or experience in it. The question of how to go about research generally, how to find and marshal relevant and interesting material, is uppermost in their minds. Furthermore, some topic areas present particular methodological problems: historical research requires familiarity with archival materials, sociological research may sometimes require a knowledge of statistical techniques, medical research may require a sensitivity to ethical issues. A student with these or related needs is looking for a *scholar,* who can throw light on a new problem using their long-standing research experience. If I wanted to work on the historical development of strict liability regimes, for example,

I think I would find a legal historian more valuable than any expert in tort law.

(iv) At the doctoral level, a student's perceived needs may be more difficult to pin down. Some people are mw of the direction in which they want to go: they have a vague idea for a topic, perhaps, or at least a belief that real research is something they want to engage in. Beyond that, they find themselves rudderless. I am writing about myself. Often, at the start of my degree, I felt I was behind schedule, adrift in a sea in knowledge and without a port in sight. There was a long period that involved for me the abandonment of expectations and the expansion of horizons, before some moment of intellectual crystallisation took place. In that journey, I was lucky enough to find, as a supervisor, *a teacher:* someone with patience and tolerance, someone able to help students develop their ideas without imposing their own perspective too forcefully, someone with a broad range of interests and knowledge rather than the narrow focus of the expert.

(v) Some students on the other hand look for companionship in a process which is often beset by isolation, and they choose, therefore, the teacher with whom they get on best. They have chosen not a supervisor but *a fiend.* This is dangerous. Supervision is a relationship defined by specific roles, and the roles of adviser and friend are very different. On the one hand, there is a power dynamic between student and supervisor which makes a friendship difficult to achieve. On the other hand, a supervisor must sometimes be demanding, blunt, or critical. Friendship may make real supervision impossible, or lead to the sundering of both.

The incursion of emotional or sexual considerations into this relationship must in particular be approached with the greatest of caution. The development of sexual relationships between students and their supervisors, for example, is not uncommon. For the duration of supervision, such a relationship can never be appropriate. University codes of conduct typically emphasise the point, and insist that once an emotional relationship develops, the supervision should be forthwith terminated. This would appear to be an absolute minimum. But whether these relationships are consummated

during the actual supervision process, or merely develop out of them, there are serious perils, particularly for the student. Occasionally these relationships may work (ask Hannah Arendt) but far more frequently the outcome is catastrophic: the submersion of the student's identity, the loss of her self-esteem, and the destruction of her capacity for independent work. Often the end of the attachment leaves the student with both her life and her career in ruins.

Both supervision and friendship are personal, even intimate, relationships, then, but they ought never be confused. No doubt, rapport is vital to any relationship of supervision. It requires an intellectual meeting of the minds, which as I have indicated, is flexible rather than formal. But at the point of choosing a supervisor, in particular, students should pay attention to their specific intellectual needs, rather than their personal ones.

One would hope that the respect and enthusiasm which develops between supervisor and student would last a lifetime. Often, the role of mentor continues throughout the career of the ex-student. So too, one would expect that as the power imbalance between the two changes over time, supervisors and their charges can and do become colleagues and friends. There are no rules as to how, when, or if it should take place. The relationship of supervision, however, cannot begin as a friendship or with the expectation of friendship. It must instead begin with a clear understanding of the important roles each party needs to perform.

III. EXPECTATIONS

A. *What Are My Rights?*

The relational aspect of supervision has been central to this article. Students, however, tend to approach the development of the relationship of supervision from one of two perspectives — fight or flight. Both are framed by the idea of rights. Either they assume that they are entitled to certain rights, in the performance of which their supervisor is (invariably) inadequate; or they assume that they have no rights and that any assistance they receive from their supervisor is manna from heaven. Clearly the language of rights generates a posture of conflict calculated to create winners and

losers. It is a posture, as the sociological literature on "rights talk" demonstrates, which destroys the very possibility of a continuing relationship.

To explore the question of supervision through the language of rights is unhelpful. In order to foster the mutual and relational aspects of supervision, one must think instead about how to give effect to the responsibilities of each to the other.[6] In section B, I canvas three kinds of responsibilities — (i) time, (ii) respect, and (iii) guidance — from the point of view of the mutual obligations they imply. Each of these three sections has three steps to it. In the first place, it is very important to give voice to the reasonable expectations of students. Secondly, a supervisor's failure to meet these expectations is usually concealed by some kind of deception.[7] Thirdly, for every responsibility of a supervisor there is a converse responsibility laid upon her students.

B. What Should Students and Supervisors Expect from Each Other?

(i) A student can expect her supervisor to give generously of her time. Let us be clear about this: supervision is a part of the job description of an academic as basic as teaching, research, or publication. Furthermore, universities rely on their graduate students: they pay fees and attract funding.[8] Above all, the supervision of students is not a chore but a privilege. Our ideas about education owe much to Socrates, who saw intellectual development as a personal dialogue. The relationship of supervision is the best structure we have for the realisation of that ideal.

Most failures by academics to meet this expectation are manifested in deception. One of the commonest is the acceptance of supervision itself, which implies a commitment of time and energy of which the academic may in actual fact be resistant or resentful. A teacher can always refuse to supervise a student if she does not have the time or the interest. Once accepted, however, supervision is time intensive. This is its nature, not its problem.

Conversely, it is the student's obligation to engage her supervisor and show her why her work matters. A student who feels inadequate may make little effort to communicate

her ideas or enthusiasms to her supervisor. The result is a distant relationship which the student has done little to improve. A supervisor who is interested in her student's research will be much more helpful and generous of her time. Moreover, persuading those in positions of influence — interview panels, colleagues, funding agencies, conferences, readers — of the importance and relevance of your work, is a central element of academic life. This persuasion begins when a student tries to enlist a supervisor, and continues throughout the research project.

(ii) A student can expect her supervisor to treat her with respect. The most important thing for supervisors to remember is that their student's work ought not replicate their own. It is likewise important for the student to re- member that the work in question is *her work,* and her judgment as to what is appropriate must finally prevail. Now the obligation of respect requires a vigorous and critical reading of the structure and content of the student's argument. No matter how sincerely and tactfully managed, this challenge may prove difficult. But it is certainly both possible and important to encourage such intellectual effort without either demanding conformity or displaying disrespect.

At times, a failure to meet this expectation may result in conflict, and even to a complete rupture of the relationship. But as serious as such conflict undoubtedly is, *insufficient* individuation between student and supervisor may lead to even more grave academic problems. If the student is seen as a mere appendage to her teacher, there is a danger that the ownership and autonomy of her ideas will be seriously compromised. There are, unfortunately, too many cases in which students' work has been plagiarised. Obviously, the ideas and work in a student's thesis belong to her alone. But grey areas abound, especially in circumstances in which the student is also working for her supervisor, for example as a research assistant on another project.

Even the most conscientious of academics needs to carefully delineate the line between a student's work and her own. In this case, two steps are important. First, ownership of the student's research work — whether a report or data — should be clear from the start, and an appropriate

understanding reached as to the credit to be given for that work. If the student is to be acknowledged other than as a joint author, this should always be made clear to the student, and should accord with the university's publication guidelines. Secondly, there needs to be a clear distinction drawn between the thesis and other work.

The respect and attention owed by one scholar to another is reciprocal. A student should not always expect her supervisor to agree with her, and indeed should welcome the opportunities afforded by disagreement. It is easy to take criticism personally; but writers *must* be able to accept criticism, incorporate what is useful and leave the rest behind. Admittedly, for many students from other countries, there are great cultural barriers to the development of a genuine dialogue between teacher and student. The cross-cultural problems here are significant, and increasingly so as Australian law schools reach out towards Asia. Supervisors need to be particularly sensitive to these problems and recognise that, here in particular, the development of a dialogue with their student may be a slow process.

Fear of intellectual disagreement is not just cultural. It is part of a more general feeling of inadequacy confronted by many students. But getting over this difficulty is crucial to the student's progress. Undergraduates learn to value themselves through the approval of others: they are other-directed. A truly effective educator and scholar, on the other hand, must find their motivation and their worth within themselves: they must become self-directed. There could be no such thing as independent thought otherwise.

(iii) A student can expect from her supervisor guidance. It is a word which covers a multitude of virtues, and can be best thought of as comprising two aspects. The more *immediate* aspect involves a range of ways in which the supervisor can help the student as they think about their work, including suggesting appropriate readings and other people to talk to, giving advice on methodology and research, and so on. The more *indirect* aspect of this guidance involves mentoring which helps the student become more fully a part of the academic community. There are a variety of ways in which this takes place: ensuring that the student gets to know other

members of the faculty and other graduate students, providing her with opportunities for valuable teaching experience, encouraging her to present her work at conferences and workshops, writing references, advising her on publication. For doctoral students in particular, the question of publication is important, and supervisors should encourage their students to publish aspects of their research as early as possible — even on matters not directly connected to their thesis.[9] Not only is publication of central importance to a future academic career, but writing is simply a matter of constant practice, and publication encourages students to write early and often.[10] This kind of guidance and acculturation is not limited to a certain time or place: it is a subtle and varied process, and occurs best when it occurs spontaneously, in informal settings as well as formal ones.[11]

Ironically, deception comes from the same characteristics of guidance which make it so special: it is ongoing, and individual. In circumstances in which the supervisor comes to find her student threatening, the selfish interests of the supervisor may appear disguised as sincere advice. This is a particular danger if the relationship of supervision has been confused with friendship or love, but not always. Someone I know, in the course of an enduring and unendurable supervision, was summoned to her supervisor's home as he lay seriously ill. When she arrived, she found him too weak to see her. Outside the darkened room, the door ajar, she spoke to his wife, who in hushed tones informed her that the cause of this illness was the student's demands on her husband's time, and her intrusion into "his" field of study. If my friend did not give up her doctorate now it would kill him, and his death would rest on her conscience.[12]

More often than such melodramas, however, students suffer from an absence of guidance — the supervisor's engagement with the student is limited to their periodic meetings and extends no further. The difficulty with the art of guidance, then, lies in the fact that it must be both committed, on the one hand, and unselfish, on the other. Between the two extremes of entanglement and disinterest lies the golden mean.

The converse of guidance is initiative, and it is always the

student's responsibility to take the initiative.

Guidance is very important, but there are some things a student has to do herself. *Write* the damn thing, for one. Students have a responsibility to do their own work, to make and keep appointments and deadlines, to define their project, to devise a research strategy and carry it out. The purpose of a supervisor is to guide students as *they* do all these things. The transition from other-direction to self-direction is painful, but at the other end lies a strength worth seeking. It is a strength which will finally enable the graduate not only to receive, but to give, that measure of respect and attention which one scholar owes another.

IV. TROUBLESHOOTING

A. *What's Wrong with my Supervisor?*

I need hardly point out at this stage that this is a very bad question, although one frequently met — if not whispered in halls of academia, then at least muttered in halls of residence. No-one would suggest that supervisors are perfect. I have known my friends and colleagues to have experienced every one of the deceptive practices mentioned above. By reconstituting this question, we can stop thinking about what's wrong with the relationship and start thinking about *what can be done about it.*

B. *What Can I Do About It?*

(i) The first step in effective troubleshooting is to sit down and *identify* exactly what problems the student is experiencing. Secondly, identification sometimes helps by isolating what might be characterised as personality problems. A supervisor who tends to find fault all the time; or who does not tolerate disagreement well; or who insists on a very formal relationship. There is probably nothing that can be done about these situations, and normally they can be tolerated if the process of supervision is providing the student with other benefits. But it helps to identify where the problems in the relationship lie, and it reassures the student to know if they are not at fault.

(ii) The next step is *action.* The problems that one is left with

may take a wide variety of forms, as I have already indicated, ranging from the most minor deception to the most serious. Students often seem paralysed by inaction in the face of unsatisfactory supervision, but once it is understood that supervision is a relationship, then it is apparent that students can often do something about it themselves.

It is first important for students to make their concerns explicit. If the problems within the relationship are not too severe, a simple conversation may help, and if the supervisor herself cannot, for example, advise her on how to deal with particular research problems, she may well be able to put the student in contact with someone who can. Students need a little sensitivity in how they approach these matters: a conversation is better than an ultimatum. But the general approach is sound. Communication can work wonders.

More serious problems require a more formal articulation. If students feel they are being treated dishonestly, or without respect, they should always report their complaints to the Head of Department or some other appropriate person. It is important to put these complaints on record, both to protect the student's interests, and to ensure that the university can take remedial action if necessary. If a supervision really goes wrong, there will be a specific mechanism to allow the student to change supervisors. This is a serious step, an intellectual divorce, but sometimes it is the only solution. At this point, if the relationship has broken down, the student should ensure that she acts through the department and using their processes, and does not deal directly with the supervisor. Formality is a protection here, a shield of civility, to be used and valued accordingly.

Secondly, even in less serious cases, a student can find help elsewhere. Students who are having specific problems, most typically in areas requiring particular expertise, ought always seek out other people to advise them. They should always have other academics within their school or faculty to whom they can talk about their work. They may often gain, especially in the advanced stages of writing, from sending chapters of their work away to academics in other institutions, whose work has been important to the student. Academics who are too busy to deal with unsolicited manuscripts will

just ignore the interruption, while on the other hand, many academics are both interested to learn about related work and happy to help.

Thirdly, fellow students are the most valuable source of counsel and help in dealing with a whole host of problems. Of course, they provide each other with ears to listen and shoulders to cry on, and they take the essential role of sympathetic friendship — unlike supervisors. But they can offer much more in the realm of practical assistance: discussing issues in common, of course, but also providing references, passing on information, helping with proof-reading and editing, and so forth. The student body is an extraordinarily flexible resource.

It is crucial to enhance this network. In this, too, the student population ought take the initiative while academics provide guidance and, if appropriate, resources. So, for example,[13] students can establish a work-in progress series to provide each other with feedback. They might organise seminars on aspects of research and writing. They may want to attend a conference together, and liaise with the university with respect to funding. They can organise a summer school or conference of their own, on issues, for example, relating to post-graduate study in law. The list of potential ways in which communication and collaboration could be encouraged, is endless. In all these ways, and many more besides, students can take the initiative to overcome their isolation, and create a genuine community. It is an example of collegial responsibility which might even provide a model to inspire scholarly relationships and the academic community as a whole.

CONCLUSION: Q&A

Supervision is a relationship, geared to the asking of questions. These have been the central themes of this article. As I have argued, the aim of supervision is not to provide students with answers but to encourage better questions. But the kinds of questions that are frequently asked about the relationship itself tend to focus on the unilateral allocation of blame and responsibility. This is not helpful. Questions which focus on the relationship at

issue, and which therefore import mutual responsibilities and capacities, are truer to the expectations of supervision as I have envisaged them, and offer greater scope for changing and improving the quality of that relationship. The questions I have proposed therefore represent only a starting point for discussion, and it is to be hoped that students and supervisors will themselves sit down and make explicit their relationship, and their expectations of it. Bad questions can yield to better ones, and with good will, effort, and self-confidence, a relationship of supervision, whether good bad or indifferent, can always be improved.

Landing time. The plane falls through the clouds, down to earth, a scarcely-controlled surrender to gravity. Local time takes on a hard edge. The snow outside suddenly looks real again. Ah well, you can't stay in limbo forever. Sometimes, however, the lessons that you learn up there can continue to help you on the ground. If a student is lucky, supervision begins a relationship which will last the rest of her life. As partners in that conversation, her supervisor may be joined, at some later date, by her own students, to whom she stands in turn as supervisor. It is a chain, a tradition, in which we are all implicated as heirs and progenitors.

* Senior Lecturer, School of Law, Macquarie University New South Wales. I write on the basis of many years experience as a student in the doctoral program at McGill University Faculty of Law, and also some experience as a supervisor; and based on the varied supervision experiences of virtually my entire circle of friends and colleagues. I suspect that this all goes to show what a sheltered life I've led. I do, however, particularly want to dedicate this to Professor Rod A. Macdonald, my own supervisor, who has been over many years an enormous source of help and encouragement, inspiration and insight in the process of my academic acculturation. I also want to thank Professors Lenore Manderson, Jeremy Webber, and Jack Goldring, who kindly gave me the benefit of their great experience and success in the field of supervision as I wrote this paper. An earlier version of this paper appeared in (1996) 46 *J Legal Educ* 407.
©1997. (1997) 8 *Legal Educ Rev* 121.

1 I am indebted to Professor Jeremy Webber, Associate Dean of Graduate Studies, McGill Faculty of Law, for this particularly helpful formulation.

2 See Postgraduate Degrees, in National Conference on Legal Education in Australia, *Legal Education in Australia: Proceedings of the National Conference* (Sydney: Law Foundation, 1976) 515–30.

3 There is a considerable literature on supervision as it relates to postgraduate degrees generally: see EM Phillip, & DS Pugh, *How to get a Ph.D.* (Buckingham: Open University Press, 1987) 93–112, 147–70; D Cullen, *Establishing Effective Ph.D. Supervision* (Canberra: AGPS, 1994); and A Lee, & W Green eds, Feature: Postgraduate Studies/Postgraduate Pedagogy (1995) 2 *Austl U Rev* 1–8 and articles therein.

4 M Foucault, *Discipline* and *Punish* (London: Allen Lane, 1975); M Foucault, *Power/Knowledge: Selected Interviews and Other Writings 1972–1977* (C Gordon ed, New York: Pantheon, 1980) particularly explore these themes,

prevalent throughout his body of work.

[5] There is of course another, and important, reason, why students frequently choose an “expert” or “name” in the field; that is, they hope to use them to make contacts and advance their career. Of course, this too can be either a sensible or a perilous course of action. Students who are taking this view of the situation need to be aware of its costs, which may be that their supervisor has very little time to spend on them and may be unconcerned about what counts as good supervision. A student with this kind of supervisor needs to be particularly confident and self-directed.

[6] A preliminary point: most universities have a document which sets out the requirements of supervision, and many even require the, submission of periodic reports. Both students and their supervisors should be given a copy of this document, for although here too, the terms and conditions tend to be insensitive to the mutuality of interests which supervision should strive to develop, there is at least a starting point for a discussion of their shared expectations.

[7] I am indebted, for this framework of analysis, to my conversations with Professor Nicholas Kasirer, of the McGill University Faculty of Law.

[8] In return for their fees, post-graduate law students take few courses, receive few special benefits, and — unlike a graduate student in science, for example — require almost no extra or specialized equipment.

[9] Faculties normally have rules or guidelines as to the proportion of a thesis which can be published in advance of submission, and it is important to clarify the position if this may be a problem.

[10] For a discussion of the importance of the dialectic of writing in legal education, even at an undergraduate level, see M Weisberg, Learning to Trust Your Own Mind & Other Stories About (Legal) Education [l992] *Queen’s LJ* 304.

[11] For his rich understanding of the politics and culture of universities, which I have learnt both from his writings and — naturally enough — in many other contexts, I am indebted to Professor Rod A. Macdonald of McGill University: see RA Macdonald, Office Politics (1990) 40 *U Toronto LJ* 419; RA Macdonald, Les Vielles Gardes, in J-G Belley ed, *Le Droit Soluble* (Paris: LGDJ, 1996); RA Macdonald, Academic Questions (1992) 3 *Legal Educ Rev* 61.

[12] Personal conversation. The source naturally remains confidential, but I should add that this story did not occur at any university with which I have ever been associated.

[13] For many of the ideas and practices that follow, I am indebted to my discussion with Professor Lenore Manderson, Tropical Health Program, University of Queensland Medical School. The particular examples are culled from McGill University Institute of Comparative Law; the Tropical Health Program, University of Queensland Medical School; and the Division of Philosophy and Law, Research School of Social Sciences, Australian National University.