



## Master Law, Specialization Transnational Legal Studies

VU University Amsterdam - Faculteit der Rechtsgeleerdheid - Master of Laws - 2017-2018

## Subsidiary subjects and minors

The Master's degree programme in Law, specialization Transnational Legal Studies has a study load of 60 credits, 1 academic year.

The 2017-2018 academic programme consists of:

- 4 compulsory courses:  
European and International Law (12 EC)  
Transnational Law in Social Context (6 EC)  
Legal Methodology (Methoden van Rechtswetenschap) (6 EC)  
Thesis (Scriptie) (12 EC)
- 1 integration course (6 EC), choose from the list below
- 1 elective course of the specialization (6 EC), choose from the list below
- 2 elective courses, from the lists below or not specifically related to this specialization (total of 12 EC), or 1 elective course (6 EC) + an internship (min. 6 EC).

To consult the year planning of the programme please visit:

[www.law.vu.nl](http://www.law.vu.nl) > Students > Schedules and Courses > Course and programme schedules or VuNet.

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## Master's programme Law - Specialization Transnational Legal Studies - Compulsory and Advanced courses

Courses:

Name	Period	Credits	Code
<a href="#">European and International Law</a>	Period 1+2	12.0	R_EuIntL
<a href="#">Legal Methodology</a>	Period 2	6.0	R_Legmet
<a href="#">Master's Thesis Law</a>	Ac. Year (September)	12.0	R_ScripRe
<a href="#">Transnational Law in Social Context</a>	Period 2	6.0	R_TLSocM

## Master's programme Law - Specialization Transnational Legal Studies - Electives of the Specialisation

Courses:

Name	Period	Credits	Code
<a href="#">EU Anti-Discrimination Law</a>	Period 5	6.0	R_EUADL
<a href="#">EU Internal Market Law</a>	Period 1	6.0	R_EUIML
<a href="#">International Humanitarian Law</a>	Period 2	6.0	R_Int.hum.l
<a href="#">The Politics of International Law</a>	Period 4	6.0	R_PoIIL

## Master's programme Law - Specialization Transnational Legal Studies - Integration Courses

Courses:

Name	Period	Credits	Code
<a href="#">Competition Law</a>	Period 4	6.0	R_Eur.comp.l
<a href="#">Human Rights Protection in Europe</a>	Period 4	6.0	R_Hum.ri.pro
<a href="#">Irregular Migration</a>	Period 4	6.0	R_IrMig

### Competition Law

<b>Course code</b>	R_Eur.comp.l (200943)
<b>Period</b>	Period 4
<b>Credits</b>	6.0
<b>Language of tuition</b>	English

<b>Faculty</b>	Faculteit der Rechtsgeleerdheid
<b>Coordinator</b>	C. Kaupa
<b>Examinator</b>	C. Kaupa
<b>Teaching method(s)</b>	Reading
<b>Level</b>	400

### Course objective

The course provides an introduction to European competition law. By the end of the course, students will be able to analyze and discuss European competition law on a highly advanced level.

### Course content

The course deals with all central aspects of competition law: horizontal agreements, the abuse of a dominant position, and merger control. Additionally, the course will address important economic aspects of competition law and draw comparisons to the US-American system.

### Form of tuition

The class includes lectures, discussions, student presentations, a moot court and guest speakers.

### Type of assessment

Final paper, oral assignments and class participation

### Course reading

To be announced on Canvas

### Target group

Apart from regular students, the course is also available for:

Students from other universities/faculties

Exchange students

Contractor (students who pay for one course)

## EU Anti-Discrimination Law

<b>Course code</b>	R_EUADL ()
<b>Period</b>	Period 5
<b>Credits</b>	6.0
<b>Language of tuition</b>	English
<b>Faculty</b>	Faculteit der Rechtsgeleerdheid
<b>Coordinator</b>	prof. dr. G.T. Davies
<b>Examinator</b>	prof. dr. G.T. Davies
<b>Teaching staff</b>	prof. dr. G.T. Davies
<b>Teaching method(s)</b>	Lecture, Tutorial
<b>Level</b>	400

### Course objective

This course contributes particularly to the goals numbered 1,3,8,11 and 14 of the LLM in Law. It also helps students achieve goals 2,4,6,7 and 14.

### Course content

This course covers the EU law prohibitions on discrimination on grounds of e.g. sex, race, religion, ethnicity, sexuality, age and disability. Students learn the meaning and definition of discrimination, the scope of the prohibition, evidential requirements, and the extent to which positive action in favour of underrepresented groups is permitted or required.

This law is contained in a series of EU directives, and in the case law of the European Court of Justice. It is directly applicable in national courts, and provides the framework for national non-discrimination law in these fields. It is therefore relevant for national labour law and social law students, as well as EU law students.

#### **Form of tuition**

Classes will be interactive, with a mixture of lectures, discussion and exercises.

#### **Type of assessment**

Written papers.

#### **Course reading**

Reading will be notified via Canvas nearer the time. The core textbook is expected to be Ellis and Watson, EU anti-discrimination law (OUP, 2nd edn, 2012)

#### **Recommended background knowledge**

some knowledge of basic EU law is desirable

#### **Target group**

Apart from regular students, the course is also available for:  
Students from other universities/faculties  
Exchange students  
Contractor (students who pay for one course).

Students taking this course will need to be familiar with the core elements of EU law, such as found in a typical introductory EU law course.

## **EU Internal Market Law**

<b>Course code</b>	R_EUIML ()
<b>Period</b>	Period 1
<b>Credits</b>	6.0
<b>Language of tuition</b>	English
<b>Faculty</b>	Faculteit der Rechtsgeleerdheid
<b>Coordinator</b>	prof. dr. G.T. Davies
<b>Examinator</b>	prof. dr. G.T. Davies
<b>Teaching staff</b>	prof. dr. G.T. Davies, C. Kaupa
<b>Teaching method(s)</b>	Lecture
<b>Level</b>	400

#### **Course objective**

This course equips students to understand and criticize the law which allows goods, services, companies, citizens and their families, and investment capital to freely move within the EU. A particular emphasis

is on the case law of the European Court of Justice and:

1. how this relates to the written law of the Treaties, and to national law and institutions,
2. How it has developed over time, and the internal logic of that development,
3. what the social, legal and economic consequences of that case law have been,
4. which theories and ideas have been used to criticise and understand it, and whether these provide an adequate explanation, and
5. how the law can/should develop in the light of the current situation in the EU.

These goals are primarily achieved by reading the judgments themselves, and a certain amount of academic literature, and discussing them in the light of the points above. This contributes in particular to the goals selected from the lists above.

### **Course content**

The EU law providing for the free movement of goods, persons, services, companies and capital between the Member States of the EU. This includes the law relating to EU citizens and their family members, including family members from outside the EU. Particular topics addressed include:

market law and the welfare state; product deregulation and its consequences; regulatory competition; EU citizens and migration of family members to the EU; the rights of EU citizens to work and live in other states; migration of non-economically active citizens and inter-state solidarity; the effect of free movement law on private organizations, including insurers, trade unions and sports regulators; the internal market and cross-border investment.

The consequences of Brexit will be considered.

### **Type of assessment**

Written exam

### **Course reading**

Chalmers, Davies and Monti, EU Law, (CUP, 3rd edn, 2014)

### **Recommended background knowledge**

Exchange - Some basic EU law concepts, or willingness to do some extra background reading and sufficient academic ability to cope with this.

### **Target group**

Apart from regular students, the course is also available for:

Students from other universities/faculties

Exchange students

Contractor (students who pay for one course)

### **Remarks**

IBL

Degree programme objectives International Business Law

The Master's graduate has thorough knowledge and understanding of the main areas of international business law.

The Master's graduate understands the relationships between the main areas of international business law and recognizes which legal issues

are involved and how these influence each other.

The Master's graduate knows who the actors of the international business law environment are and how they interact with each other, while acknowledging legal and cultural differences. The Master's graduate understands the role of governments and the horizontal economic relationships between them, the vertical relationship between them and private business and, finally, the horizontal relationships between private companies. Consequently, the graduate discerns the legal position of various parties and understands how the conduct of these parties can influence legal positions.

The Master's graduate possesses analytical skills to apply acquired knowledge and insights to concrete problems in the area of IBL.

The Master's graduate 'translates' practical problems into legally manageable problems.

The Master's graduate shows evidence of an independent, critical attitude with regard to existing theories and knowledge.

The Master's graduate should be able to analyse complex issues in relation to international business and make useful legal recommendations. A Master's graduate can formulate an independent and well-substantiated opinion on complex legal issues and take a substantiated position within the existing debates on various international business law topics.

The Master's graduate has a self-critical attitude that enables them to independently acquire new knowledge and to improve their analytical, research and communicative skills.

## RECHTSGELEERHDEID

The following course objectives are only available in Dutch:

Eindtermen master Rechtsgeleerdheid

De afgestudeerde master beschikt over een academisch werk- en denkniveau;

heeft diepgaande en specialistische kennis van en inzicht in minimaal één deelgebied van het recht

heeft inzicht in de samenhang tussen verschillende onderdelen van het recht, met inbegrip van het nationale en internationale recht

De afgestudeerde master beschikt over de volgende (juridische) vaardigheden:

Analytische vaardigheden:

de juridische en maatschappelijke aspecten van een vraagstuk in hun onderlinge samenhang beoordelen en daarover kritisch nadenken/oordelen

zich inzicht verschaffen in de problemen die zich bij rechtsvorming op het gekozen deelgebied voordoen en een bijdrage leveren aan oplossing daarvan

Probleemoplossende vaardigheden:



complexe casus diepgaand analyseren en interpreteren en zelfstandig juridische oplossingen aandragen

complexe juridische problemen onderkennen, analyseren en oplossen

Onderzoeks- en presentatievaardigheden:

met argumenten onderbouwde mening formuleren over een complex juridisch probleem of een nieuwe ontwikkeling

actief deelnemen aan een wetenschappelijk debat op het deelgebied dat het masterprogramma beslaat

## European and International Law

<b>Course code</b>	R_EuIntL ()
<b>Period</b>	Period 1+2
<b>Credits</b>	12.0
<b>Language of tuition</b>	English
<b>Faculty</b>	Faculteit der Rechtsgeleerdheid
<b>Coordinator</b>	C. Kaupa
<b>Examinator</b>	C. Kaupa
<b>Teaching staff</b>	C. Kaupa
<b>Teaching method(s)</b>	Lecture
<b>Level</b>	400

### Course objective

Students will be able to critically engage with international and European law on an advanced scholarly level, learn to employ it professionally, and understand its relevance from a societal perspective.

### Course content

The course provides an in-depth understanding of international law and of European law. The first part of the course addresses central issues of international law, focusing on the role of international organizations such as the United Nations and the International Criminal Court. We will challenge the traditional, state-centered understanding in international law, discuss alternative analytical approaches, and look at examples of informal law-making and transnational legal arrangements. The second part of the course focuses on the European Union. We will look at its legal structure, critically reflect on the Union's self-understanding as a constitutional entity, and discuss its role within the global sphere. We provide an understanding of the Union as an arena for political, economic and social conflicts, and discuss examples of how public and private actors attempt to mobilize European law to their advantage. Throughout the course we will set international and European law into relation to each other, and discuss transnational legal phenomena such as terrorism blacklisting from both angles.

### Form of tuition

The course is based on lectures, class discussions, presentations by guest speakers as well as an excursion.

**Type of assessment**

Two papers, oral presentation and class participation.

**Course reading**

To be announced on Canvas.

**Target group**

Apart from regular students, the course is also available for:

Students from other universities/faculties

Exchange students

Contractor (students who pay for one course)

## Human Rights Protection in Europe

<b>Course code</b>	R_Hum.ri.pro (200933)
<b>Period</b>	Period 4
<b>Credits</b>	6.0
<b>Language of tuition</b>	English
<b>Faculty</b>	Faculteit der Rechtsgeleerdheid
<b>Coordinator</b>	mr. M. Kuijer
<b>Teaching staff</b>	mr. M. Kuijer
<b>Teaching method(s)</b>	Lecture
<b>Level</b>	400

**Course objective**

This course deals with human rights law in Europe, both institutionally as well as substantially. The main focus is on the ECHR and its significance in European society for various areas of law (criminal law, administrative law and family/private law). The course also highlights the development of human rights law within the European Union.

**Course content**

The course will deal with the historic development of human rights law and the implementation of international human rights law into domestic legal orders. Attention is also paid to the procedure before the European Court of Human Rights and the interpretative methods of the Court. Subsequently, the most important case-law of the Court is discussed in respect of Articles 2 (right to life), 3 (prohibition of torture), 5 (right to liberty), 6 (right to a fair trial), 8 (privacy and family life), 9 (freedom of religion) and 10 (freedom of expression). During the course reference is made to other international human rights instruments including those in the EU legal order and mechanisms such as the CPT and the Venice Commission.

**Form of tuition**

lectures

**Type of assessment**

Written exam

**Course reading**

A collection of academic articles from law journals, handouts of the lectures and specified judgments of the EctHR.

## Target group

Apart from regular students, the course is also available for:  
Students from other universities/faculties  
Exchange students (level: third bachelor year and master)  
Contractor (students who pay for one course)

## Remarks

Remark: Students may either take the course 'Human Rights Protection in Europe' or the course 'Mensenrechten en Strafrecht'.

## International Humanitarian Law

<b>Course code</b>	R_Int.hum.I ()
<b>Period</b>	Period 2
<b>Credits</b>	6.0
<b>Language of tuition</b>	English
<b>Faculty</b>	Faculteit der Rechtsgeleerdheid
<b>Coordinator</b>	prof. dr. W.G. Werner
<b>Examinator</b>	prof. dr. W.G. Werner
<b>Teaching staff</b>	prof. dr. W.G. Werner
<b>Teaching method(s)</b>	Lecture
<b>Level</b>	500

## Course objective

The course conveys

- knowledge and understanding of international conflict and security law, including jus ad bellum, jus in bello and jus post bellum;
- the capability to identify and apply theoretical approaches from international law and political science;
- a critical, creative and innovative attitude with regard to the way in which problems in the area of international conflict and security are framed in academic, legal and policy debates;
- a critical, creative and innovative attitude with regard to the existing legal framework in the field of international conflict and security;
- a critical, creative and innovative attitude with regard to academic research as well as research results.

## Course content

The course provides a systematic treatment of the basic rules and principles of international humanitarian law.

It examines the practice and law related to international humanitarian law and in particular the qualification of conflicts, the distinction between combatants and non combatants, the methods and means of warfare, the protection of civilians and prisoners of war, the law of neutrality and war crimes.

It also considers current problems in international humanitarian law, including the challenges pose by new form of conflicts and violence, the interplay between international humnaitarian law and human rights law, the regulation of private military companies.

## Form of tuition

The module will be delivered through lectures. Students are expected to read beforehand the required materials beforehand and to actively

participate in the discussion. Students are also invited to make a 10-minute informal presentation starting with week 2.

Lectures:

1. Nature and scope of IHL;
2. Sources of IHL;
3. Qualification of armed conflicts;
4. Combatants and non-combatants;
5. Persons hors de combat and prisoners of war;
6. Conduct of hostilities I;
7. Conduct of hostilities II;
8. Law of occupation;
9. Implementation of IHL;
10. Private military companies;
11. Case study: Eritrea – Ethiopia Claims Commission;
12. Case study: Eritrea – Ethiopia Claims Commission.

The course will be completed by a role play exercise.

### **Type of assessment**

The course will be assessed by:

- A paper.

### **Course reading**

Required materials:

- R. Kolb, R. Hyde, An Introduction to the International Law of Armed Conflicts, Hart Publishing, Oxford, 2008.
- Literature, documents and cases indicated in the reading list for each lecture, which will be available on Canvas.

Recommended materials:

- L. Green, Contemporary Law of Armed Conflict, Manchester University Press, 2000.
- F. Kalshoven, L. Zegveld, Constraints on the waging of war, CICR, Geneva, 2001 (available at [www.icrc.org](http://www.icrc.org)).
- Y. Dinstein, The Conduct of Hostilities under the Law of International Armed Conflict, 2nd ed. Cambridge University Press, 2010.
- M. Sassoli, A. Bouvier, How Does Law Protect in War, Geneva, ICRC, Second edition, 2006.

### **Target group**

This course is not open for exchange students.

## **Irregular Migration**

<b>Course code</b>	R_IrMig ()
<b>Period</b>	Period 4
<b>Credits</b>	6.0
<b>Language of tuition</b>	English
<b>Faculty</b>	Faculteit der Rechtsgeleerdheid
<b>Coordinator</b>	T.K. Last
<b>Examinator</b>	T.K. Last
<b>Teaching staff</b>	prof. mr. T.P. Spijkerboer, C.H. Slingenberg, dr. G.N. Cornelisse
<b>Teaching method(s)</b>	Lecture

**Course objective**

After this course, the student will be able to:

- Map the most important legal sources in international and EU law concerning irregular migration;
- Map the diversity of legal contexts in which states and irregular migrants seek to achieve their aims, including criminal law, private law, international law, human rights law, and maritime law;
- Apply the variety of sources and legal doctrines to concrete cases where states seek to regulate irregular migration and where migrants seek to counter such regulations;
- Analyse how these various fields of law interact at the domestic, the European and the international level in the field of irregular migration; and
- To write a well-structured and argued legal analysis from different perspectives

**Course content**

One of the consequences of the regulation of migration is the existence of migration that is considered to be 'irregular'. In the past 25 years, law and policy have increasingly focused on preventing irregular entry, on making irregular presence more difficult, and on return and removal of irregular migrants.

In this course, law and irregular migration will be the focus of attention. This field has been characterized by conceptual innovations. In addition to the classical administrative law approach to migration, criminal and private law have been added to the arsenal of migration policies. In addition, migration controls do not only take place upon entry but have been delocalized. They now take place at foreign airports during check-in, on the high seas or in the territorial waters of third countries, or by third states (forms of externalization). But they also take place throughout the territory of the state concerned by requiring legal residence for entering into a labour contract, renting a house, opening a bank account, and marriage (forms of internalization). Both internalization and externalization often involve private parties as 'deputy sheriffs'.

In these ways, law has been used as an instrument of states to govern irregular migration. However, law has also been used in order to counter state prohibition of irregular migration. For example, undocumented migrants have campaigned for their basic rights in the USA as well as in Europe. They have sought to regain some of the rights which have been deprived by the conceptual and legal innovations sanctioning irregular migration. They have done so in the fields of immigration detention, pushbacks, shelter, racial profiling, border deaths, and labour rights. This course focuses on the tensions and ambiguities that arise in the process where both states and migrants seek to recruit the law for their purposes. This course will include reading materials containing empirical information about the social realities in which these legal strategies are deployed.

**Form of tuition**

The course will be taught in weekly 3 hour classes, wherein obligatory reading will be discussed and in-class assignments will be made. Students should prepare themselves thoroughly for each class by studying the required readings.

### **Type of assessment**

Students have to write three assignments during the course, including a case-note.

### **Course reading**

To be announced via Canvas

### **Entry requirements**

The general admission requirements for the IMRL master track apply:

- Applicants should have at least a Bachelor's degree in Law.
- Applicants who do not have a Bachelor in Law but in another subject are still encouraged to apply, provided that they have completed at least 60 ECT credits worth (one year) of law subjects, including some international and European Law. This may be relevant for people with e.g. political science or liberal arts degrees and 'Law and (..)' degrees.
- Applicants who do not meet the abovementioned requirement can exceptionally be admitted as well, provided that they have a sound academic background and considerable experience in the field of law.

### **Target group**

This course is available for exchange students also.

Exchange students should have knowledge of EU and International Law and must have followed 30 ec of law courses.

## **Legal Methodology**

<b>Course code</b>	R_Legmet ()
<b>Period</b>	Period 2
<b>Credits</b>	6.0
<b>Language of tuition</b>	English
<b>Faculty</b>	Faculteit der Rechtsgeleerdheid
<b>Coordinator</b>	C. Kaupa
<b>Examinator</b>	C. Kaupa
<b>Teaching staff</b>	prof. dr. G.T. Davies, C. Kaupa
<b>Teaching method(s)</b>	Seminar
<b>Level</b>	400

### **Course objective**

This course prepares students for independent legal research. They will learn how to prepare and critically assess research plans, and about the different methods, styles and approaches to legal research.

The particular skills developed are: independent analysis of a legal or social problem; understanding of different methods of approaching the problem; independent investigation of legal sources; critical reading of legal and interdisciplinary literature; formulation of written arguments; critique of existing arguments; understanding of the relationship between legal and non-legal questions and sources; participation in a current academic debate.

### **Course content**

The nature of legal research and legal science  
Different methods of legal research  
Interdisciplinary research  
Judging research: how to criticize and assess

There will be a particular emphasis on methods, sources and perspectives which are especially relevant for international legal research, and examples will usually be drawn from the international and/or European sphere.

#### **Form of tuition**

There will be weekly seminars, and students will receive assignments and reading.

#### **Type of assessment**

Take home exam

#### **Course reading**

Literature will be indicated on Canvas before the course starts.

#### **Remarks**

This course is the English language version of the masters course in "Methoden van rechtswetenschap". It is compulsory for students taking the English language master specialisations "Transnational legal studies" and "International Migration and Refugee Law"

### Master's Thesis Law

<b>Course code</b>	R_ScripRe ()
<b>Period</b>	Ac. Year (September)
<b>Credits</b>	12.0
<b>Language of tuition</b>	Dutch
<b>Faculty</b>	Faculteit der Rechtsgeleerdheid
<b>Level</b>	600

### The Politics of International Law

<b>Course code</b>	R_PoIL ()
<b>Period</b>	Period 4
<b>Credits</b>	6.0
<b>Language of tuition</b>	English
<b>Faculty</b>	Faculteit der Rechtsgeleerdheid
<b>Coordinator</b>	dr. L.J.M. Boer LLM
<b>Examinator</b>	dr. L.J.M. Boer LLM
<b>Teaching method(s)</b>	Lecture
<b>Level</b>	500

#### **Course objective**

This course takes international law as its object of study. In seven seminars, we consider different manifestations of international law and scrutinize its politics. For example, how is knowledge produced in international legal scholarship? What makes an argument into a specific international legal one? Who benefits from international law, and who is structurally left behind? The attempt here is to open up the 'black box' of international law and not take it as a given. What I'd like you to leave with at the end of this course, is a sense of the tools available

to you when you want to critique different aspects of international law. The point is not that you agree with these criticisms, but to understand what it means to look at international law through the lens of these different critiques, and what lights up as a result. In other words, the aim is to question the self-evident nature of international law: its rules, its application, the law-appliers and the legal knowledge producers. What we try to grasp, is the contingency as well as the fixedness of this 'thing' that is international law.

### **Course content**

For the 2018 course, the 7 seminars are provisionally titled as follows:

The politics of international legal argument  
Cyberwar and the politics of international legal scholarship  
Repetition and representation  
The politics of expertise: the rule and role of legal experts  
(Humanitarian) intervention and postcolonial critiques of international law  
Nuclear weapons and the politics of adjudication  
Conclusion: The politics of interdisciplinarity: the shared (?) research agenda of international law and international relations

### **Form of tuition**

The course consists of 7, three hour interactive seminars. Group discussion (and thus, student preparation) is at the core of this course.

### **Type of assessment**

Papers

### **Course reading**

Subject to change, the literature is as follows:

Seminar 1:

- (1) Martti Koskenniemi, *From Apology to Utopia*, CUP 2005, chapter 1 (available as e-book via the University Library)
- (2) Nuclear Tests Case, ICJ 1970

Seminar 2:

- (1) Oscar Schachter, 'The Invisible College of International Lawyers', 72 *Northwestern University Law Review* 217 (1977)
- (2) Lianne Boer, 'The greater part of jurisconsults', 29 *Leiden Journal of International Law* 1021 (2016)
- (3) Ken Hyland, 'Authority and Identity', 34 *Journal of Pragmatics* 1091 (2002)
- (4) Michael Schmitt (ed.), *Tallinn Manual on the International Law applicable to Cyber Warfare*, Cambridge University Press (available via the University Library), introduction

Seminar 3:

- (1) Wouter Werner, 'Justice On Screen, A Study of Four Documentary Films on the International Criminal Court', 29 *Leiden Journal of International Law* 1043 (2016)
- (2) Wouter Werner, 'Recall it Again, Sam: Practices of Repetition in the



Security Council' (published on Canvas)

Seminar 4:

(1) Anna Leander and Tanja Aalberts, The Co-Constitution of Legal Expertise and International Security, 26 Leiden Journal of International Law 783 (2013)

(2) David Kennedy, 'The Politics of the Invisible College: International

Governance and the Politics of Expertise', European Human Rights Law Review 463 (2001)

Seminar 5:

(1) Antony Anghie, 'The evolution of international law',

<http://www.tandfonline.com/doi/abs/10.1080/01436590600780011>

(2) Sundhya Pahuja, 'The Postcoloniality of International Law', 46 Harvard International Law Journal 459 (2005)

(3) Anne Orford, Reading Humanitarian Intervention, CUP 2003, chapter 5, available as ebook via the University Library

Seminar 6:

(1) Judith Shklar, Legalism, HUP 1964, Introduction, extract available on Canvas

(2) ICJ, Nuclear Weapons Advisory Opinion, available at <http://www.icj-cij.org/docket/files/95/7495.pdf>

(3) Judge Weeramantry, Dissenting Opinion to the ICJ's Nuclear Weapons

Advisory Opinion, extract published on Canvas (full opinion available at <http://www.icj-cij.org/docket/files/95/7521.pdf>)

Seminar 7:

(1) Tanja Aalberts and Ingo Venzke, Moving beyond Interdisciplinary Turf

Wars, available at

[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2619642](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2619642)

(2) Anne-Marie Slaughter, 'International Law and International Relations

Theory: A Dual Agenda', 87 American Journal of International Law 205 (1993)

(3) Jan Klabbers, The Bridge Crack'd: A Critical Look at Interdisciplinary Relations, available at

<http://ire.sagepub.com/content/23/1/119.full.pdf>

**Entry requirements**

A Public International Law course at LL.B./LL.M. level; if you do not fulfil this requirement but wish to follow the course anyway, send me an email

**Target group**

The course is aimed at Master's students, and is one of the core courses of the LPIS master programme. TLS students have participated in the past, and are very welcome, other interested students are also welcome, including a maximum of 5 exchange students

## Transnational Law in Social Context

<b>Course code</b>	R_TLSocM ()
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<b>Period</b>	Period 2
<b>Credits</b>	6.0
<b>Language of tuition</b>	English
<b>Faculty</b>	Faculteit der Rechtsgeleerdheid
<b>Coordinator</b>	dr. G.N. Cornelisse
<b>Examinator</b>	dr. G.N. Cornelisse
<b>Teaching staff</b>	dr. G.N. Cornelisse
<b>Teaching method(s)</b>	Lecture, Study Group
<b>Level</b>	500

### Course objective

Transnational phenomena such as climate change, cross-border crime, social and global injustice, migration and human mobility, and multinational corporations exemplify that contemporary social reality is ever less determined by national borders. As a result, the legal regulation of these issues increasingly occurs on a transnational level as well. This course focuses on transnational law and its relationship with social reality.

The contextual approach of the course entails that students are not merely taught about the development and application of specific legal regimes in European and/or international law, but that they are encouraged to explore the ways in which these laws operate transnationally, and interact with social reality. By addressing the institutional, social and political factors that shape transnational law, and vice versa, the course contributes to a fuller understanding of the implications of a multilevel legal order. It does so by taking three lines of inquiry as its starting point: (1) the implications of globalization for law; (2) transnational law's relationship to the state; and (3) the theories and concepts by which scholars have tried to make sense of transnational law.

The course will apply these lines of inquiry to five case studies:

- Migration and Citizenship
- Multinational Corporations
- Social Justice and Human Rights
- Transnational Criminal Law
- Global Health Law

After following the course, students are expected to be able to explain the implications of globalization for transnational legal regulation in these five areas. They are also able to reflect on the social, political or symbolic context of these forms of transnational legal regulation.

The course will also focus on carrying out research in transnational law, in order to prepare students for the writing of the LL.M thesis. As such, students are expected to be able to formulate a well-defined research question after following the course, and select a methodology and use of data that fits with this particular research question. In addition, they should be able to write a coherent and well-structured paper.

### Course content

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### **Form of tuition**

The course consists of one seminar each week. Students are expected to prepare for the seminars by reading the assigned readings published in the reader (articles, legislation and/or case law), and by preparing written answers to the questions that are published on BB and/or the reader. Attendance is mandatory.

### **Type of assessment**

Paper

### **Course reading**

To be announced on Canvas.

### **Target group**

Apart from regular students, the course is also available for:

Students from other universities/faculties

Exchange students

Contractor (students who pay for one course)

### **Remarks**

The following course objectives are only available in Dutch:

De afgestudeerde master beschikt over een academisch werk- en denkniveau;

heeft inzicht in de samenhang tussen verschillende onderdelen van het recht, met inbegrip van het nationale en internationale recht

De afgestudeerde master beschikt over de volgende (juridische)

vaardigheden:

Analytische vaardigheden:

de juridische en maatschappelijke aspecten van een vraagstuk in hun onderlinge samenhang beoordelen en daarover kritisch nadenken/oordelen

zich inzicht verschaffen in de problemen die zich bij rechtsvorming op het gekozen deelgebied voordoen en een bijdrage leveren aan oplossing daarvan

een probleem vanuit verschillende deelgebieden op een integratieve manier benaderen

literatuur en juridische bronnen diepgaand analyseren en interpreteren en kritisch beschouwen (waar relevant ook in de Engelse taal, waar relevant ook op nieuwe rechtsgebieden)

Probleemoplossende vaardigheden:

complexe casus diepgaand analyseren en interpreteren en zelfstandig juridische oplossingen aandragen

complexe juridische problemen onderkennen, analyseren en oplossen

Onderzoeks- en presentatievaardigheden:

individueel een rechtswetenschappelijk onderzoek op academisch niveau voorbereiden en uitvoeren (probleemstelling formuleren en afbakenen, informatie verzamelen, gegevens interpreteren, conclusies trekken, evalueren en aanbevelingen en suggesties doen voor verder onderzoek)

schriftelijk presenteren van een wetenschappelijk juridisch betoog

schriftelijk verslag doen van een rechtswetenschappelijk onderzoek

met argumenten onderbouwde mening formuleren over een complex juridisch probleem of een nieuwe ontwikkeling

actief deelnemen aan een wetenschappelijk debat op het deelgebied dat het masterprogramma beslaat