



Master's programme Law, Specialisation Transnational Legal Studies  
VU University Amsterdam - Faculteit der Rechtsgeleerdheid - Master of Laws - 2015-2016

The LLM track in Transnational Legal Studies is a full-time, one-year graduate programme (60 EC). The 2015 - 2016 academic programme encompasses the following elements:

*4 compulsory parts:*

1. European and International Law (12 EC)
2. Transnational Law in Social Context (6 EC)
3. Legal Method (6 EC)
4. Master's thesis (12 EC)

*At least 1 course chosen from this list (6 EC):*

1. International humanitarian law
2. Politics of international law
3. EU internal market law
4. EU anti-discrimination law

*At least 1 course chosen from this list (6 EC):*

1. Law and religion in Europe
2. Competition law
3. Irregular migration
4. Human rights protection in Europe

*And 2 courses chosen freely from the masters courses offered by the faculty of law, including those on the lists above (12 EC in total).*

[Here you'll find all 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 2015-2016 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+3	6.0	R_Int.hum.l
<a href="#">The Politics of International Law</a>	Period 4	6.0	R_PoIL

## 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
<a href="#">Law and Religion in Europe</a>	Period 4	6.0	R_LRINEU

### 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, assignments and class participation

### Course reading

To be announced on Blackboard

### 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 LL.M. 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, and some guest speakers.

**Type of assessment**

written papers

**Course reading**

reading will be notified via blackboard nearer the time

**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.

### **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.

## RECHTSGELEERDHEID

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 on a professional level, 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 and class participation.

**Course reading**

To be announced on Blackboard.

**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>Examinator</b>	mr. H.M. van Stein Callenfels
<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 the ECHR and its implementation into domestic legal orders, with procedural aspects before the European Court of Human Rights, with general doctrine and interpretation methods developed in the Strasbourg case-law, with the most important case-law of the Court 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), 10 (freedom of expression), 11 (freedom of assembly) ECHR.

**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'.

## OBJECTIVES

Knowledge of and insight into:

- Recent approaches, theories and insights from various disciplines in international crimes;
- Legal issues concerning international crimes.

Being capable of:

- Identifying and applying theoretical approaches from various disciplines;

Show evidence of:

- An independent, critical attitude with regard to existing theories and knowledge;

The following course objectives are only available in Dutch:

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
- 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)
- rechtsregels afleiden uit concrete gevallen (inductie)

Probleemoplossende vaardigheden:

- complexe juridische problemen onderkennen, analyseren en oplossen

Onderzoeks- en presentatievaardigheden:

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

## International Humanitarian Law

<b>Course code</b>	R_Int.hum.I ()
<b>Period</b>	Period 2+3
<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 method(s)</b>	Lecture
<b>Level</b>	500

### Course objective

On successful completion of the module students will be able:

1. to demonstrate deep and systematic understanding of humanitarian law within the framework of international law;
2. to apply humanitarian law to address the protection of combatants and non-combatants in situations of both internal and international armed conflicts;
3. to critically analyze key concepts of humanitarian law, including prisoners of war, protected persons, war crimes, neutrality, belligerent occupation;
4. to define and critically assess the role of the United Nations, individual States and non-governmental organizations, particularly the International Committee of the Red Cross, in the development and implementation of humanitarian norms;
5. to critically assess the role and function of international criminal tribunals and domestic courts in applying and developing the relevant law.

### 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 posed by new forms of conflicts and violence, the interplay between international humanitarian 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:

- D. Fleck (ed.), *The Handbook of International Humanitarian Law*, 2nd ed., Oxford: Oxford University Press, 2009; or
- 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 Blackboard.

Recommended materials:

- L. Green, *Contemporary Law of Armed Conflict*, Manchester University Press, 2000.
- F. Kalshoven, L. Zegveld, *Constraints on the waging of war*, ICRC, 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.

## **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>	prof. mr. T.P. Spijkerboer
<b>Examinator</b>	prof. mr. T.P. Spijkerboer
<b>Teaching method(s)</b>	Study Group, Lecture
<b>Level</b>	400

### **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

### **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.

## Law and Religion in Europe

<b>Course code</b>	R_LRINEU ()
<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>	prof. dr. J.W. Sap
<b>Examinator</b>	prof. dr. J.W. Sap
<b>Teaching method(s)</b>	Lecture, Study Group
<b>Level</b>	500

### Course objective

After completion of the course, students should

- Have a broad understanding of insights into the interrelationships of law and religion in Europe
- Understand the laws of religion in their national, EU, ECHR and international contexts
- Understand the principles of law on religion common to the states of Europe and the EU and ECHR

### Course content

States in Europe all have their own specific national laws on religion that are subject to debate. This course offers a comparative analyses to the laws of religion in Europe. What are their origins and underlying principles? What is the relationship between Church and State? What are the main similarities between states, and what are the main differences? Is it possible to articulate principles on law and religion common to the states of Europe and how are these reflected in the EU and ECHR?

### Type of assessment

Written exam and paper

### Course reading

Norman Doe, Law and religion in Europe. Oxford: University Press, latest edition

### 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 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

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)

rechtsregels afleiden uit concrete gevallen (inductie)

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

## 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 blackboard 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>	G.M. Gordon
<b>Examinator</b>	G.M. Gordon
<b>Teaching method(s)</b>	Lecture
<b>Level</b>	500

## Course objective

After completion of the course, students should:

- Have a broad understanding of insights from international relations, legal and political theory into the core interrelationship of politics and law in international relations.
  - Have thorough knowledge of the principles used and problems raised in distinguishing political from legal issues in international adjudication.
  - Understand the political dimensions of legal decision-making in actual international legal practice.
  - Understand the challenges of institutional solutions to international problems of a mixed political and legal character.
- Be able to reflect critically on the articulation and separation of political and juridical claims in practice.

## Course content

Classical & structural realism  
Institutionalism & liberal theory  
Constructivism  
Critical legal theory & counterdisciplinarity  
Post-Marxist and post-colonial theories of international law

## Type of assessment

Paper, assignments, attendance

## Course reading

Literature is subject to change. Reading will be drawn from materials such as the following:

- Jack Goldsmith, Sovereignty, International Relations Theory, and International Law, *Stanford Law Review*, v. 52, pp. 959-986 (2000)
- Robert Keohane, International Relations and International Law: Two Optics, *Harvard International Law Journal*, vol. 38, pp. 487-502 (1997)
  - o Hans Morgenthau, Positivism, Functionalism, and International Law, *American Journal of International Law*, v. 34, pp. 260-284 (1940)
  - o Dunoff & Trachtman, The Law and Economics of Humanitarian Law Violations in Internal Conflict, *American Journal of International Law*, v. 93, pp. 394-409 (1999)
  - o John Mearsheimer, The False Promise of International Institutions, *International Security*, v. 19, pp. 5-49 (1995)
- Christian Reus-Smit, The Politics of International Law, pp. 14-44, in

- C. Reus-Smit (ed.), *The Politics of International Law* (2004) [chapter 2: available electronically via VU library catalog, as ebook]
- Nicholas Onuf, *Sovereignty: Outline of a Conceptual History, Alternatives*, v. 16, pp. 425-446 (1991)
    - o Anthony Clark Arend, *Do Legal Rules Matter? International Law and International Politics*, *Virginia Journal of International Law*, vol. 38 (1998)
    - o Martha Finnemore, *Are Legal Norms Distinctive?* *NYU Journal of International Law & Policy*, v. 32, pp. 699-705 (2000)
    - o Finnemore & Toope, *Alternatives to "Legalization": Richer Views of Law and Politics*, *International Organization*, v.55, pp. 743 – 758 (2001)
  - Susan Marks, *International Judicial Activism and the Commodity-Form Theory of International Law*, *European Journal of International Law*, v. 18, pp. 199-211 (2007)
  - Antony Anghie, *The Evolution of International Law: colonial and postcolonial realities*, *Third World Quarterly*, v. 27, pp. 739-753 (2006)
    - o Makau Mutua, 'What is TWAIL?', *American Society of Int'l Law Proceedings*, vol. 94, pp. 31-38 (2000)
    - o Susan Marks, *Big Brother is Bleeping Us—With the Message that Ideology Doesn't Matter*, *European Journal of International Law*, v. 12, pp. 109-123 (2001)
    - o Robert Knox, *Marxism, International Law, and Political Strategy*, *Leiden Journal of International Law*, v. 22, pp. 413-436 (2009)
  - Jan Klabbers, *The Relative Autonomy of International Law or The Forgotten Politics of Interdisciplinarity*, *Journal of Int'l Law & Int'l Relations*, v.1, pp. 35-48 (2005)
  - Martti Koskenniemi, *Law, Teleology and International Relations: An Essay in Counterdisciplinarity*, *International Relations*, v. 26, pp. 3-34 (2012)
    - o Jan Klabbers, *The Bridge Crack'd: A Critical look at Interdisciplinary Relations*, *International Relations*, v. 23, pp. 119-125 (2009)
    - o Nikolas Rajkovic, *Rules, Lawyering, and the Politics of Legality: Critical Sociology and International law's Rule*, *Leiden Journal of International Law*, v. 27, pp. 331-352 (2014)
    - o Jeffrey Dunoff, *From Interdisciplinarity to Counterdisciplinarity: Is There Madness in Martti's Method?* *Temple Int'l & Comparative Law Journal*, v. 27, pp. 309-337 (2013).
  - Martti Koskenniemi, *The fate of public international law: Between technique and politics*, *The Modern Law Review*, v. 70, pp. 1-30 (2007)
  - Arnulf Becker Lorca, *International Law in Latin America or Latin American International Law? Rise, Fall, and Retrieval of a Tradition of Legal Thinking and Political Imagination*,
    - o David Kennedy, *A New Stream of International Law Scholarship*, *Wisconsin International Law Journal*, v. 7, pp. 1-49 (1989)
    - o Sundhya Pahuja, *The Postcoloniality of International Law*, *Harvard Int'l Law Journal*, v. 46, pp. 459-469 (2005)
    - o Philip Allott, *The international lawyer in government service: Ontology and deontology*, *Wisconsin International Law Journal*, v. 23, pp. 13-23 (2005)
  - David Kennedy, *Challenging Expert Rule: The Politics of Global Governance*, *Sydney Law Review*, v. 27 pp. 5-28 (2005)
  - Luis Eslava & Sundhya Pahuja, *Beyond the (Post)Colonial: TWAIL and the Everyday Life of International Law*, *Journal of Law and Politics in Africa, Asia and Latin America*, v. 45, pp. 195-221 (2012) [also available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2034228](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2034228)]
  - o Susan Marks, *Empire's Law*, *Indiana Journal of Global Legal Studies*, v. 10, pp. 449-466 (2003)
  - o Balakrishnan Rajagopal, *International Law and Social Movements:*

Challenges of Theorizing Resistance, *Columbia Journal of Transnational Law*, vol. 41, pp. 397-433 (2003)

o Ruth Buchanan, Writing Resistance Into International Law, *International Community Law Review*, v. 10, pp. 445-454 (2008)

• Philip Allott, International Law and the Idea of History, *Journal of the History of International Law*, v. 1, pp. 1-21 (1999)

• Maria Drakopoulou, Clio's Forgotten Consciousness: History and the Question of Feminist Critique in Law, *Australian Feminist Law Journal*, v. 38, pp. 3-21 (2013)

o Susan Marks, False Contingency, *Current Legal Problems*, v. 62, pp. 1-21 (2009)

o BS Chimni, The Past, Present and Future of Int'l Law: A Critical Third World Approach, *Melbourne Journal of International Law*, vol. 8, pp. 499-515 (2007)

o Fritz Kratochwil, History, Action and Identity: Revisiting the 'Second' Great Debate and Assessing its Importance for Social Theory, *European Journal of International Relations*, vol. 12, pp. 5-29 (2006)

### Target group

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

Exchange students

5 maximum exchange students; must already have taken public international law

### Remarks

This course is intended for LPIS students. Any other students who wish to take the course should contact me.

The student graduating with a Master's degree will have the following knowledge and understanding:

-International conflict and security law, including jus ad bellum, jus in bello and jus post bellum;

-The nature and development of contemporary armed conflicts;

-Contemporary theories of international security, as developed in political science (especially IR theory);

-The overlaps and differences between the legal and political science approaches to international security;

-The interrelationship between international law and international politics in the area of international security;

-The difficulties involved in the application of 'traditional' legal and political science concepts to contemporary armed conflicts.

Being capable of:

-The student graduating with a Master's degree will have a capability to: Identify and apply theoretical approaches from international law and political science;

-Identify the differences and overlaps between the various methodologies used in law and political science;

-Independently set up a legal and political arguments in the area of international conflict and security law;

-Independently apply research methods and interpret results;

-Independently set up, carry out and report the result of research projects;

-Critically reflect on research results and relating those results to theoretical debates within the selected domains.

Show evidence of:

-The student graduating with a Master's degree will have 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;

-The existing legal framework in the field of international conflict and

- security;
- Existing policy solutions in the field of international conflict and security;
- Existing scientific theories in the area of international security;
- Academic research as well as research results.

## Transnational Law in Social Context

<b>Course code</b>	R_TLSocM ()
<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 method(s)</b>	Lecture, Study Group
<b>Level</b>	500

### Course objective

This course focuses on transnational law in its broader social context. The contextual approach of the course entails that students are not merely taught about the development and application of specific legal regimes in European or international law, but that they are also encouraged to explore the ways in which these laws interact and in which these laws shape 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 implications of a multilevel legal order. As such, this course requires students to reflect upon law in a broader social context, and will be particularly useful for anyone who aspires a career in academia, research, litigation, or as a policy maker, judge, civil servant, or with an NGO at the national, European, and international levels. The course will also focus strongly on carrying out research in transnational law, in order to prepare students for the writing of the LL.M thesis, specialization TLS.

### Course content

Transnational phenomena such as climate change, cross-border crime and terrorism, social and global injustice, migration, and the Worldwide Web 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 this multilevel legal configuration and its relationship with social reality. It does so by taking three (strongly interrelated) 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 in a social context. The course will apply these lines of inquiry to five case studies in which transnational legal regulation plays a significant role (terrorism, migration, internet, multinational corporations, gender and sexuality).

### Type of assessment

Paper

## **Course reading**

To be announced on Blackboard

## **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