

Title

Transnational Law – Theories and Research Methods

Time/place

12-13 January 2016 / Aarhus University, Department of Law

Purpose

Law can be either national (prescribed by national legislators and applied within geographical boundaries of the particular state) or international (agreed upon by states and applied on states). Is that really so? While the distinction between national and international law, based on the Westphalian model, represents the basic model to understand and explain current legal orders, the idea of transnational law has been emerging for decades now. We all have a certain understanding of the term. But what is it really? How well does it fit within our current legal systems? Or is it a new legal system altogether? And how do we conduct research in transnational topics and law, or use it to explain the development of our legal orders?

The purpose of this course is to offer PhD students and researchers an overview of *transnational law*

- *as a distinct group of legal theories,*
- *as a method of research into how law develops and how different legal systems affect each other, and*
- *as a field of research.*

Learning objectives

After participating in the course, the students will be able to:

- critically read and assess literature on transnational law;
- explain and apply transnational law theories in their research projects;
- design a theoretically sound research enquiry in transnational law issues; and
- choose appropriate methods for conducting research in transnational law or choose transnational law as a tool to investigate related topics.

Programme

DAY 1 - "Theoretical aspects of transnational law"

Morning session

The morning consists of three lectures on the history and the leading theories of transnational law. After the lectures, we will discuss the relevance of transnational law theories, their validity and applicability to explain developments of legal orders.

The discussed theories and topics will include:

- distinction between national/transnational/international law, public/private law and hard/soft law;
- legal pluralism;
- law beyond states;
- the concept of legalization in international relations and norms creation;
- global governance; and

- applicability of transnational law in national courts' rulings.

The lectures and the following discussions provide the background for linking the participants' own research with the topics of the course.

Afternoon session

Four participants will present their work on transnational law. Each presenter will have an assigned discussant from the lecturers. There will be 30 minutes time for presentation followed by questions and discussion about the project and transnational law in general. (The students, who present at this session get an extra ECTS point.)

Day 2 - "Methodological aspects of transnational law".

Morning session

The morning session of the second day will be devoted to research methods in transnational law and transnational law as a method. The session will start by a lecture, which will be followed by workshops, where the participants will be divided into 2-3 groups based on their own research topic. Each workshop will be led by one of the lecturers and will deal with the methodology of research in transnational topics and with the use of transnational law as a method of analyzes. The participants will receive concrete feedback on their research both from the lecturers and the peers.

Afternoon session

The final session will deal with critical approaches to transnational law. Here the participants will have the chance to reflect on each other's research projects, the assigned readings and to transnational law in general. As the basis for this session students will prepare answers to specific questions related to some of the assigned readings.

Preparation

The participants are required to send a 3 page summary of their research project (or eventually a chapter they are working on) by 4th January 2016. They should specifically focus on answering the question how do they approach and use transnational law in their project: as a theory, as a method, as a field of research?

Those participants that will present on the first day should send a 5-7 pages summary of their project, a chapter of their thesis or any other work in progress they want to discuss.

Furthermore, there will be assigned reading material for the course (ca. 200 pages) with specific questions to some of the readings that will be discussed in the different sessions.

The students are required to read all the project summaries and the selected articles.

ECTS

2 ECTS for participation / 3 ECTS for participation with presentation during the first day

Registration

Please register with Cita Kristensen by e-mail cita@law.au.dk before 10 December 2015.

If you want to present during the first day, please, mark that in the registration. If we have more than four students, who want to present, we will give priority to those who signed up earlier.

Course organizers

International and Transnational Tendencies in Law (INTRALaw), Department of Law, Aarhus University (<http://law.au.dk/forskning/forskergrupper/intralaw/>)

Corporate Social Responsibility Legal Research Network
(<http://law.au.dk/forskning/projekter/csr-lrn/>)

Course coordinators:

Katerina Peterkova, Postdoctoral fellow, INTRALaw, katpe@law.au.dk

Amin Alavi, Associate professor, INTRALaw, amal@law.au.dk

Lecturers and workshop leaders include:

Professor Ellen Margrethe Basse, AU

Professor Karin Buhmann, CBS

Professor Jens Vedsted Hansen, AU

Associate professor Amin Alavi, AU

Postdoctoral fellow Katerina Peterkova, AU