

# Why Transnational Legal Education?

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## INTRODUCTION

# Why Transnational Legal Education?

CORNELIA T. L. PILLARD

*“The interplay between diverse traditions offers one of the few opportunities for the creation of truly new ideas, ideas that arise outside the scope of one tradition’s particular experience.”*

RICHARD HYLAND, BABEL: A SHE’UR,

DECONSTRUCTION AND THE POSSIBILITY OF JUSTICE,

11 CARDOZO L. REV. 1585 (1990)

This introduction explains briefly some of the thinking behind the Center for Transnational Legal Studies (CTLIS) that we established in London in 2008. The planning for CTLIS began in the mid 2000s, and the Center that has resulted reflects the insights and aspirations of many people from the dozen or so founding partner schools and beyond. The CTLIS is still a work in progress. Many more partners from around the globe have joined since we opened for students in autumn 2008. Benefits that we had not even anticipated have come to fruition, and hurdles have arisen that require innovations and adjustments.

CTLIS is unique in establishing a truly transnational program that is a joint enterprise of students and faculty from around the world, not housed within nor culturally dominated by any one nation’s law school. Its distinctive features allow the Center to generate deeper transnational legal learning than is typically possible in existing university settings. The diversity that is structured into CTLIS keeps all of its participants from succumbing to the temptation to see our respective systems—at the level of legal education, or of national law—as somehow natural, neutral or inevitable. I am confident that the experience and innovations of CTLIS will inform transnational legal education for years to come.

CTLIS works with a vast terrain of legal diversity and difference. At CTLIS, that variety was not only reflected in books and articles, but was operative in our everyday life, represented by students and faculty from around

the world in a context in which nobody could retreat—physically, intellectually, socially—to the comforts of “home.” Diversity and difference are not necessarily virtues in and of themselves, nor, by the same token, is transnational legal education. They can be sources of confusion and gridlock, of superficiality and stereotyping, of an overwhelming and disorienting mass of information impossible to synthesize. Why, then, should we be committed to a form of legal education that deliberately and emphatically exposes us to these forces? Why transnational legal education? Why CTLS?

The comments in this booklet, based on the panel Global Legal Education: Reflections from the Faculty of the Center for Transnational Legal Studies held in London at the CTLS Grand Opening in the autumn of 2008, offer responses from early CTLS participants to that question. Professor Andrea Biondi and his student, Naomi Igra, reflect on analogies between the EU’s and CTLS’s aspirations to draw on varied perspectives and shape joint solutions to problems that transcend boundaries. Professor Kerry Rittich places CTLS in the context of an emerging trend toward internationalization and inter-disciplinarity of legal education, and gives the example of the law of work as a CTLS subject that engages those trends and challenges our conceptions of the boundaries of our relevant communities. Professor Muthucumaraswamy Sornarajah cautions that, to the extent that studying transnational law refers to an instrumental spreading of legal norms to promote the interests of U.S. or European economic benefit or military dominance, we should not, in fact, promote it; worthy transnational legal studies instead would seek fairer and more environmentally sustainable economic development. Professor Franz Werro sees promise in transnational legal education that teaches close reading, careful translation, and communication by negotiation, not imposition, and thereby fosters genuine respect for the diversity of successful legal regimes around the globe.

Unlike my panel colleagues in this volume, I did not come to transnational legal education already an internationalist. That is, however, part of what makes me an advocate for transnational legal education. Like most lawyers and law professors, and like most of our CTLS students, I was steeped in my own legal system in a world that now requires more.

Global influences had become evident in the domestic-law subjects about which I teach and write. In civil procedure classes at home at Georgetown, questions about jurisdiction, discovery, and dispute settlement have become increasingly transnational. In my courses on U.S. domestic employment law, international mobility of capital and goods together with comparatively restricted human mobility has redistributed various types of jobs around the world, with enormous impact on development, labor standards, and the organization of firms. The spectacle of consumers in wealthier nations buying goods produced in working conditions that would be considered substandard

in those consumers' own countries raises questions about the scope of both firms' and governments' regulatory reach and responsibility. Capital mobility raises challenges for the national social insurance laws upon which workers (thus far principally in developed nations) have relied for retirement, health and unemployment benefits. Meanwhile, legal theory classes hit upon transnational questions as well: Are human rights really universal? What, if anything, do we owe to fellow nationals that we don't owe to others around the globe? If national governments are less and less a source of governance and locus of community, what fills the void? Is governmental power still the principal threat to human liberty?

More generally, the integration of the global economy, the rise of transnational problems like climate change and terrorism, the need for governments to collaborate to regulate increasingly mobile people, money and goods all point toward legal transnationalism. Legal problems increasingly reach beyond our national borders, and we need to know how to deal with them.

In short, transnational developments pose a challenge to the domestic model of legal education. This is not the first time that law schools have recognized that, due to major expansions of technology, transportation and commerce, we need to extend the context in which we think about law. United States legal education shifted in the middle of the 20th Century from state-centric to nationally oriented; law schools in New York, Illinois or California moved from stressing their own states' laws to also looking at state law comparatively and conceptually. They turned their principal focus toward national law and the training of versatile lawyers able to choose any state as their professional home, and able to work with laws of multiple states. Responding analogously to its own, newer realities of regional integration, Europe has adopted the Erasmus Programme, allowing EU students to study in other EU countries' schools without paying additional tuition and bring credits home toward their diplomas. CTLS pushes further, based on recognition that now we need to make some shifts from nation- or region-centric to a more broadly transnational, even global, orientation.

Many of the students who will graduate from our law schools will be international and transnational practitioners—whether in small or large private firms, NGOs, internationally focused offices of home governments, international organizations, or academia. For them, the utility of CTLS is obvious. At CTLS, they will engage with top students and be taught by leading faculty from around the world in a thoroughly transnational setting. The viewpoints and people they are exposed to will, we expect, orient them to their future practice like no domestic program can.

Other students may consider themselves primarily headed to a nationally or locally oriented practice, such as family law, criminal law, government contracting or a general litigation practice. Even they, however, must

now be transnationalists. One of the motivating convictions behind CTLS is that no legal system or culture exists in isolation. What we do in our home legal systems has implications, directly and indirectly, for norms and practices elsewhere, and vice versa. We all—even those of us who practice primarily domestic law—need to appreciate the diversity of systems and sensibilities around the world, and we stand to benefit enormously from thinking comparatively, internationally and transnationally. CTLS is distinctively positioned to help all kinds of young lawyers-to-be to embrace and thrive within our current transnational reality.

### THE CTLS PROGRAM

CTLS's founders envisioned a highly participatory, plural method of teaching and learning that would be distinctive to CTLS. Every aspect of the curriculum would focus on transnational, international and/or comparative law. The Center would not grant a degree, but would provide a semester program where students could earn credits toward their home institution's degree. During the planning process, we felt very ambitious and idealistic, but were also aware of the risks of building our own Tower of Babel by mixing up too much, too fast. And we knew that CTLS, like any transnational undertaking, would be an evolving project.

Some of CTLS's key elements include the following:

1. **All “Equally Outsiders.”** Faculty and students drawn from the participating schools come together in one geographic location where no single nationality dominates, whether in teaching or learning. Instead, every class is composed of people schooled in different legal traditions, and everyone is equally an outsider.
2. **Advanced Students.** Participating students at CTLS are successful at an advanced level of legal study in their own home schools, able to reflect on their domestic legal systems and prepared to help to explain their basic aspects and assumptions to others. The program works best with students who are mature enough intellectually and personally to participate actively and to bring to the table thoughtful insights on readings and problems.
3. **Interactive Learning.** Exchange between and among faculty and students is maximized by small class size and an interactive rather than lecture-based format. Class discussions, debates, moots and exercises allow students to articulate and test their own views and assumptions against those of students from very different systems.

4. **Transnational Co-Teaching.** Faculty are encouraged, as much as practicable, to co-teach with colleagues from other legal systems. Co-teaching enhances the learning of students and faculty alike, and is a valuable transnational exercise in itself.
5. **Varied Curricular Elements.** The curriculum offers a range of different types of courses and learning experiences, fostering a range of legal knowledge at “micro” and “macro” levels.
  - (a) **Global Practice Exercise.** To orient students and faculty to one another and to the program, each semester begins with a transnational introductory unit: the Global Practice Exercise (GPE). The GPE involves all the students and faculty working together in multi-national groups over a period of days before other classes have begun. The first GPE was based on an international arbitration over a high-level executive’s employment dispute arising out of his discharge allegedly for whistle blowing over corporate environmental and labor activities overseas. The GPE required the students to meet in small teams to negotiate the “terms of reference” of the matter to the arbitrators (triggering a comparative procedural discussion), and on a separate day required every student to do an oral argument (a first for many) addressing whether the arbitration award should be enforced in court.
  - (b) **Core Course.** We sought to provide a “lingua franca,” or at least shared dialogue, over some of the important theoretical issues of transnational law by designing a Core Course required of all students. The notion was to introduce some common concepts that would help students and faculty think about the “big picture” issues, and make those issues salient in the range of more narrowly topical courses. Some issues that the Core Course has addressed include pluralism and harmonization of law; soft vs. hard law; comparisons between civil and common law; legal fragmentation; the international democratic deficit and alternative sources of legitimacy of international law.
  - (c) **Colloquium.** The faculty colloquium, also attended by all students and faculty (and open to others in the London legal and academic community) serves two purposes: First, it supports the scholarly (as distinct from curricular) mission of CTLS by providing a forum for CTLS faculty and other scholars to foster exchange over work in progress or recently completed work in transnational, comparative or international law. The second pur-

pose is to expose students to an additional range of cutting-edge issues and to give them a chance to participate in the workshop discussions.

- (d) Electives. The CTLS elective curriculum consists of an ever-changing kaleidoscope of courses (typically 8-10 each semester), each of which deals with international, transnational and/or comparative law.

In framing (and constantly re-framing) CTLS substantively, we were—and are—omnivores. We chose to call it a Center for Transnational Legal Studies in an effort to encompass public and private international law (traditionally, the law among sovereign states and the choice of applicable law, respectively) as well as comparative law (understanding the diversity of legal systems), and a variety of other courses that touch upon more than one nation's laws.

Courses offered thus far include globalization, law and governance; international business transactions; world trade law; comparative contract theory; human rights and national security in transnational perspective; transnational corporate governance; transnational civil procedure; European Union law; labor and employment in the global economy; international humanitarian law; international refugee law; international criminal law; comparative professional responsibility; international capital markets law and regulation, and many more.

6. **London location.** London is a fitting location for CTLS because it is home to a vibrant transnational legal practice, is highly cosmopolitan and culturally diverse, and is an attractive destination for students and faculty of the partner schools. (The planners discussed at some length other locales before selecting London.) Several curricular features seek to benefit from the London location. Some courses take field trips to legal institutions. Classes have visited the Law Lords (to hear a high-profile appeal of a control order keeping an alleged terrorist under house arrest), the Office of Fair Trading to talk with government officials about competition law; and the London Court of International Arbitration. The London location also raises many opportunities to hear from extraordinary speakers from the rich and varied international legal world in London itself, and from elsewhere. Invited guests participate in the colloquium, and a few are featured in a public series of CTLS Lectures in Transnational Justice. Lecture speakers have included Lord Thomas Bing-

ham, Burt Neuborne, Pierre Legrand, James Forman Jr., Baroness Helena Kennedy, Ugo Mattei and William Twining, among many others.

7. **CTLS Community.** In planning CTLS, we understood that a great deal of learning about other peoples' cultures and assumptions takes place informally and in unplanned ways. Creating opportunities for CTLS participants to be together and have fun outside of class is part of the CTLS mission because it helps to build the kind of community in which personal bonds and cultural exchange can flourish. Students who work, eat, play and travel together become friends and share their values, concerns and aspirations. Each semester's students have commented very favorably on the transnational bonds they have formed at CTLS.

## LOOKING TO THE FUTURE

This is all just a start. A raft of new partner schools have recently joined, amplifying CTLS's global diversity, and we are eager to engage with them. Several ideas that were mentioned in the founding discussions still wait in the wings. There is talk of introducing a module or working group for bilingual faculty and students to study problems of legal translation, a CTLS public interest service component, expanding the experiential and skills curriculum, incorporating or linking with LL.M. studies, and formalizing support for CTLS faculty scholarship. The evolving content of the transnational and comparative legal theory core course remains a subject of much discussion. The partners' joint governance, administration and support for the Center continue to evolve. CTLS, like the global legal context, is a work in progress.

It is already clear, however, that CTLS has distinctive and profound educational value. First, exposure to a persistent plurality of legal regimes around the world creates many learning opportunities, both suggestive and cautionary, for law students and faculty. As Richard Hyland has noted, "[d]iversity expands the limits of intelligibility." Gaining recognition of the range of different national legal systems' responses to very similar problems expands the limits of what we think the law can do. Studying other systems also can make us careful of what we wish for. We may strive for certain legal institutions or doctrines, but in seeing them in practice elsewhere in the world we may also learn of unattractive consequences. And, more generally, seeing the ways other systems, and even other families of systems (such as common law versus civil law), deal with common problems can help us to reflect critically on the choices reflected in our own.

Second, CTLS shows the benefit of "live" cultural diversity in legal

education, in contrast to a more abstract, text-dependent version. Simplistic dismissal of another legal system's response to a common problem, and remaining smug in one's own perspective, is very much harder when faced with smart and likable peers elaborating in sustained discussion on the rationales and realities of those "other" responses. The presence at CTLS, not of a myriad of atomized individuals, but of groups of students and faculty from the partner schools, has also had a wonderful pedagogical benefit that I had not anticipated. We need to understand culture to understand law. Engaging with foreign legal thinkers in groups rather than with a single, readily pigeon-holed "representative" gives a fuller and more and nuanced picture of other nations' cultures.

Third, the benefits and challenges of law on a global scale are somewhat reflected in microcosm in the experience of building and participating in a global legal studies program like CTLS. CTLS itself is an ongoing transnational legal exercise in ways that are both invigorating and chastening. The sustained international encounter of working or studying at CTLS can be a tremendous affirmation of our human sociability and our deep commonalities across cultures. At the same time, teaching and learning law with students and faculty colleagues from so many different successful legal and educational systems is not easy. It is hard to make sure we are being explicit in our assumptions when sometimes we do not even realize we are making them. And it is difficult to communicate clearly against the backdrop of entire webs of differing assumptions. At CTLS, we sometimes had a feeling of understanding one another that was illusory; at other times we thought we differed and did not. I found those challenges both humbling and liberating: Humbling because I realized that, no matter how much I learn, it will be dwarfed by what I don't know, and liberating because we still have so much knowledge and common concern to offer one another even in the face of that reality.

At CTLS, we strove to collaborate across national boundaries with people who have expertise we lack. We learned to question, listen carefully, and share ideas in an atmosphere of trust. We helped to instill in our students, and to acquire for ourselves, an appreciation of what we know and an appetite to learn more. And, in the end, we sought to come to grips with an irreducible complexity and uncertainty in our transnational, international and comparative legal work.

# Transnational Legal Studies and the European Experience

ANDREA BIONDI AND NAOMI IGRA

*This essay is jointly written by Prof Andrea Biondi of King's College London, who taught EU law at the CTLS in the spring semester 2009, and by Naomi Igra, a Georgetown Law student who studied in that course.*

## **FIRST, THE PROFESSOR'S VIEW:**

Transnational legal studies are like time. You know what it is, but is it not easy to define. Even without referring to Saint Augustine, it is a simple fact that, as any academic knows, it is impossible not to be exposed in any given area of the law to 'other' dimensions than purely national ones. This is especially so for those of us who study the process of European integration. Such a process—at the risk of oversimplification- consists in the duty of the participating nation states to 'denationalize' their policies and decision-making so as to ensure that out-of-state interests are adequately taken into account and that the virtual representation of European citizens in the national political process is guaranteed.

This integration has an impact across a vast range of national regulatory competence, most obviously trade, intellectual property, subsidies, and antitrust, but also taxation, criminal law, social security systems and external relations policies. In exercising those powers the national authorities must strive to integrate not only enterprises but citizens, workers, students, unemployed and patients from other states. It should also be clear that the European goal is not to replace national powers but to facilitate coexistence and integration within national frameworks. The 'Community'—a word that I prefer to the newer 'Union'—operates on the constitutional principle of attributed powers, with the acknowledgment that there must be simultaneous national and supra-national regulation, a fair balancing of conflicting interests, and involvement of all the different political and economic institutions. In short the European Community is very much a transnational legal system

in formation, and therefore an extremely fruitful object of inquiry in transnational legal studies.

The development of transnational legal systems has already had a major impact on domestic legal education. It has led to the establishment of CTLS, a transnational venture of eleven law schools from eleven countries, inspired by the vision and energy of Georgetown Law Dean Alex Aleinikoff. But it is not alone. Whether at CTLS or elsewhere, there will increasingly be legal education programmes transcending national boundaries, with students studying for an extended period of time in different jurisdictions and obtaining legal qualification in each of them. Some universities already have double degree programmes with other countries. Indeed, in Europe students can acquire a “European Lawyer” qualification through studies at Paris II, Humboldt Berlin and King’s College London.

CTLS offers a unique opportunity to “test” on some very qualified students coming from different jurisdictions a hypothesis—drawing on the success of the EU as a legal system—that the transnational perspective is critical if we are to resolve conflicts between different legal systems and different concepts of law. Of course, transnational systems are not perfect and take time to evolve. There are often tensions between national and transnational norms on a wide range of issues, such as taxation, state subsidies and immigration. CTLS provides a forum for debate, the exchange of ideas and new theories as to how we can carry forward the ideology of transnational legal norms that we hope will make the world a better place.

#### **AND HERE’S THE STUDENT’S EXPERIENCE:**

EU Law is offered at many law schools, but in the spring of 2009, students from Singapore, Brazil, Germany, Switzerland, Australia, and the United States decided to take EU Law not at their home schools, but at the Center for Transnational Legal Studies in London. Why? What’s special about studying EU Law at CTLS? It’s more than the intimate class size and the communal coffee breaks half-way through the class period; it’s the intellectually charged atmosphere created when law students with diverse perspectives study something new together, not simply as a subject unto itself, but as part of a broader endeavour to understand and envision transnational law as it is, as it could be, and as it might become, if we shape it together.

On the first day of class, students learn that Europe is a pioneer in transnational law. As the European Court of Justice (ECJ) proclaimed in *van Gend en Loos*, the European Economic Community created a new legal order in Europe. From the strong and sometimes conflicting traditions of countries that were at war with each other just decades ago, a new body of law has emerged, separate and distinct from any the world has ever known.

At CTLS, faculty and students are pioneering their own transnational project. The Center's goals are modest compared to those of the EU, but they reflect the same core belief that we can achieve more together than we can in isolation. Faculty and students bring the best of themselves to the classroom: intellectual initiative, curiosity, enthusiasm, and innovative thinking. They arrive from top law schools around the world, with high expectations, open minds, and mutual respect. They enrich each other's education with their unique contributions and perspectives. Through the exchange of ideas across legal traditions, they create a classroom dynamic unlike any they've experienced before.

The interconnected elements of the CTLS curriculum enable students to conceptualize EU Law on many levels of abstraction. For CTLS students, themes in transnational law cross boundaries between classrooms just as law crosses borders between nation-states. In 2009, EU Law was slated in the period after the CTLS Core Course on Transnational Legal Theory. In the Core Course, students tackled a variety of philosophical problems in transnational law. We wrestled with the relevance of the nation-state to the concept of justice, and confronted complex questions about the harmonization of laws, what harms it may cause, what benefits it may bring, and to whom. Then, on the short walk between classrooms, those of us enrolled in EU Law crossed the great divide between theory and practice. For us, EU Law presented one of the great case studies in transnational law; an experiment testing the hypotheses we encountered in our Core Course.

Like the founders of the EU itself, CTLS founders are part of a joint venture that serves a practical purpose while advancing lofty ideals. The Center responds to the market demand for law school graduates who can advise clients on economic transactions, legal claims, and public policies that cross diverse jurisdictions. At the same time, CTLS promotes a compelling vision for the future of legal education—a vision in which a community of outstanding scholars and students from all over the world assemble in an intellectual environment that cultivates fluid and nimble thinking, deepens the level of learning for all participants, and creates a spirit of cooperative pluralism within the legal community.

In *van Gend en Loos*, the ECJ announced the birth of a new legal order in Europe. At CTLS, students engage in a new way to study that legal order. More than that, we become part of a bold and multi-faceted transnational learning project: a new order in legal education now in its genesis at CTLS.

In conclusion... for once students and teachers seem to agree on something!

# Global Legal Education: Reflections from the Faculty

KERRY RITTICH

## WHY TRANSNATIONAL LEGAL EDUCATION?

The internationalization of legal education has been well underway in North America for the last 10 to 15 years. Virtually every law school is now giving expanded attention to international law as a field of study. Some boast a multiplicity of new course offerings on topics ranging from international arbitration, law and development and international institutions to international criminal, humanitarian, environmental, labor and human rights law. Many schools are either contemplating or have recently introduced into the first year curriculum an international legal studies elective or component, such as an introduction to transnational legal process or globalization and the law. Students are driving the internationalization of legal education as well, launching new student-run law journals devoted to globalization and transnational issues and undertaking human rights internships and other legal activities abroad. Within the legal subjects that form the 'core' of the curriculum, there is greater interest in comparative legal analysis, as well as greater attention to how global developments and international actors and institutions affect the operation of domestic law. All of these developments have affected legal education in institutional as well as substantive ways. Law schools are now routinely populated by visiting professors from other jurisdictions (my own law school, for example, has an established program of intensive courses given by visitors) while students increasingly spend time on exchanges or study abroad which, in addition to its other attractions and benefits, inevitably results in intense exposure to at least one other legal tradition.

These and myriad other changes—including more contacts between law schools and firms across jurisdictional lines—reflect an unsettling of the old paradigm. If there is a link among all of these changes, it might be the sense that we are in the midst of a transformation so foundational that we can neither continue to deliver nor undergo legal education on a 'business as usual' basis. The Center for Transnational Legal Studies, which draws to-

gether students and faculty from across the world and is designed to provide a legal education that is to some degree independent of the legal traditions of any particular jurisdiction, might be regarded as the next stage in the process of transnational legal education: it ‘institutionalizes’ some of these changes, while providing an environment to take them further.

The effect of globalization on legal scholarship has been similarly transformative. It is only a slight exaggeration to say that “we are all internationalists now.” In virtually every field of study, there is greater interest in comparative legal study, greater cross-border collaboration among academics, and more extensive engagement in projects abroad. One reason for these developments is that the global integration of the economy, technological innovation, and new ideas about regulation and governance are creating similar pressures on domestic legal regimes and producing similar social problems to which legal regimes must respond. However, we are also in the midst of a cultural shift in which social and political issues are more globally interconnected and law itself has enhanced significance. Questions that we used to think of as primarily issues of politics, policy, culture or economics, for example, are increasingly ‘juridified’, that is, conceived as legal matters, discussed in terms of rights, and litigated before courts and other tribunals. Such developments make the current efforts to transnationalize legal education both more important and more productive.

While we are only beginning to figure out what a transnational legal education should look like, certain things are already clear. First, an array of different frameworks is likely to be needed to analyze social and political issues in a transnational world; for this reason, myriad forms of legal analyses—economic, socio-legal, critical, feminist, third-world, for example—may provide useful tools to illuminate different facets of these problems. Second, legal rules and institutions can operate in both similar and remarkably varied ways in different places. In order to calculate the effects of legal rules on different groups, different interests, and different values in contexts that are both similar and dissimilar to those at home, we need to consider how economic, historical, and cultural factors all affect the design and operation of legal rules and institutions. For these reasons, there is a parallel move underway toward greater interdisciplinarity in law teaching and legal scholarship, one that is likely to become stronger in tandem with the internationalization of legal education and legal practice.

## **GLOBALIZATION AND THE LAW OF WORK**

As an example of how internationalization affects the existence of legal study, consider the subject of labor and employment law in a globally integrated economy. Labor and employment law, both domestic and international,

increasingly must consider the effects of transactions across borders, including the consequences for those on the ground when work is delocalized.

Perhaps because of the push of events ‘on the ground’, labor and employment law is one of the fields in which international and comparative teaching and scholarship is most advanced. For the most part, labor and employment law scholars have already deeply internalized the transnational dimensions of their field. We are, in addition, already disposed to be legal pluralists. Private law, whether property, contract or tort; administrative law; the public laws that regulate collective bargaining and employment standards; constitutional law and human rights law; international norms; and of course the ‘local’ law of the individual workplace itself are all part of our stock in trade.

The deep interest in transnational regulatory experiments, legal pluralism and comparative law in this field can be attributed to three factors: the centrality of globalization to the world of work; the increasing impact of global forces, and global regulatory imperatives, on the design of labor and employment policy; and the reality that, even when labor disputes are experienced at the local level, workers, unions and the lawyers who assist them now must often ‘go transnational’ in response.

Labor and employment scholars in virtually every jurisdiction are working on some piece of the following puzzle: the transformation of work in the global economy and what it means for the regulation of work and the rights of workers. It is well recognized – among labor law scholars, economists, unions, workers, and employers – that at the present moment workers and unions are, compared to their employers, on their back foot. A relatively small number of highly skilled and mobile workers aside, workers are in a weak bargaining position when it comes to labor contracts, and the terms and conditions of work increasingly reflect this reality. But firms too, especially small ones and those in the service sector, may have little room to maneuver on their own; hence, easy solutions to workplace problems are not always at hand.

What matters for our purposes is that these puzzles cannot be attributed to social or economic factors alone; it turns out that labor and employment law has something important to do with it as well. For these and other reasons, there has been a veritable explosion of new books and articles on comparative labor law, including the first set of cases and materials on international labor law. Comparative work on the ‘law of work’—a field encompassing collective bargaining law, employment law, equality and discrimination law, as well as arguably the wider field of social welfare law—is greatly enhanced by the fact that states now face a set of common pressures: the flexibilization, feminization and fragmentation of work.

States are under pressure to make labor markets more flexible as employers seek greater room to maneuver in a world of dynamic and competitive production. However, the downward pressure on employment security, as

well as other work and social benefits, also emanates from the belief, dominant among technocrats and policy-makers at least until the recent crisis, that 'deregulated' labor markets generate more jobs and higher levels of economic growth and that social benefits, including risk-sharing instruments such as unemployment insurance, should be minimized in order to induce greater labor market participation.

States are also grappling with the implications of a 'feminized' work force. The massive entry of women into the paid workforce—a global trend deeply connected to other trends, including the rise of transnational production chains, the growth of the service economy, and the decline in male wages—has highlighted the always uneasy fit between the spheres of work and family, making it clear that obligations of care can no longer be simply excluded from the world of work. For reasons of both equity and efficiency, gender equality is not only an issue of interest to women but something to be factored into the redesign of labor market rules and standards.

For related reasons, states are trying to reconstruct the social contract. More specifically, they are trying to figure out how best to ensure adequate wages, restructure employment insurance and redesign social benefits in a fragmented world of work, where full-time, long term employment with a single, or very few, stable employers is increasingly displaced by serial contractual relationships in which many people work on a contingent, casual, or part-time basis and many other others, including many self-employed workers, are in a state of chronic economic insecurity. In most places, this transformation is linked to the displacement of manufacturing work—long a source of well-paying jobs in the industrialized world—by a service-based economy. In addition, the bifurcation of service work between skilled jobs offering relatively high mobility and wages and poorly paid work that provides little chance of training and/or economic mobility means that many workers have uncertain economic futures and unstable social connections.

The law of work is in a state of upheaval as the organization of work, the type of work, and the identity of workers all change. Rules that were designed for a world of work that is passing away are becoming increasingly ineffective. Fewer workers benefit from labor standards, pensions, and health coverage, while policy makers worry about how to balance the pressure to maintain, and improve, regulatory and protective standards with the countervailing pressure to ensure that businesses remain competitive.

It seems clear that collective action, often on a transnational basis, will be part of the solution. States alone and workers and unions operating exclusively within their own states cannot secure better terms and conditions of work; but they may be able to do so if they act together across national lines. For this reason, labor and employment scholars are exploring the role that international law can play in responding to problems that are no longer under

the exclusive control of any state. But we are also tracking myriad new developments in the world of transnational labor organizing, as both traditional unions and newer broad-based worker organizations (some of which promote other social justice concerns such as environmental protection and immigrants' rights) increasingly collaborate across borders. In both arenas, there is renewed interest in the promotion of workers' rights as human rights, as well as in the exploration of non-state based, decentralized norm generation by private actors. It is a thrilling time to be working on these issues, and to teach them as well—especially in a setting like the Center for Transnational Legal Studies, which permits, indeed compels, transnational collaboration.

### **CHANGING THE GEOGRAPHY OF COMMUNITY**

The law of work is destined to move more and more into the public eye as the problems of precarious work and the lack of worker voice that so preoccupy labor and employment scholars become more visibly linked to other critical policy debates, including those surrounding the current financial crisis. The global competition for work; the migration of workers and jobs; the extraterritorial effects of production decisions; and the specter of winners and losers among workers and sometimes among entire towns, regions and economies all raise fundamental questions about justice. Among those questions are whether it is enough just to think about our own workers and citizens anymore and whether, for all practical purposes, it is even possible to do so. In my view, the answer to both questions is no.

The current revolution in the world of work raises squarely the question of the geography of community: the community with whom we converse and tell and hear stories; the community within which we establish norms; the community within which we negotiate solutions and balance interests; the community to whom we owe obligations; the community within which we distribute resources and allocate power. One of the most profound effects of an exercise in transnational legal education is simply a changed perception of the boundaries of this community and, by extension, a changed sense of how to think about problems such as those that arise at work.

Whether we are teaching or learning or, ideally both, it is hard to overstate how much it matters who is in the room. No matter which side of the podium we are on, each of us has had the shock of hearing a comment that makes us realize that things we safely take for granted at home, things that we think everyone knows and accepts, have to be looked at anew. However, the enlarged community that the Center represents has the paradoxical consequence of also highlighting who is missing. I often have found myself thinking: what would a student from Kenya or Nigeria have said, or how would someone familiar with the informal markets of India or the massive

internal labor migration in China respond to this issue. Whatever the answer, I'll bet it would be different and important to hear.

It is hard to overstate how illuminating, how challenging, and how much fun it is to teach and study with people who may have completely different starting assumptions about how to approach common problems and sometimes even radically different perceptions of what the problem itself is. It brings home the fact that we are all in this together and that there is, quite literally, a world of regulatory possibilities out there.

# Why “No” to Transnational Legal Studies

M. SORNARAJAH

I assume that other contributors to this volume have written in praise of the project of studying and teaching transnational law. One must know what one is praising. The discipline is so amorphous that one can subjectively imagine the subject and write in praise of that imagined subject. If the beholder can construct his own beauty, he should be qualified to sing in fulsome praise.

But the Center for Transnational Legal Studies itself does not offer a singular definition of transnational legal studies. The first group of teachers and students, of which I was one, started with little common understanding of what the Center was about except that it seemed a good idea that various law schools from around the world should come together to teach international and comparative legal subjects in a transnational setting, where no one country would be a majority presence. The ongoing search for the meaning of transnational legal studies is itself a worthwhile adventure. Any venture that brings together young law students from various parts of the world to be taught by scholars from various law schools around the world itself is an attractive idea even without a shared understanding of the scope of transnational legal studies. This does not mean, however, that the question of why transnational legal studies necessarily resists any answer. I, like my colleagues, must search for that elusive answer.

To begin, I contend that transnational legal studies is different from the study of law in a transnational setting. One cannot object to legal studies in a transnational setting. This is just a fancy name for comparative law — legal concepts and principles taught in a comparative manner using a particular technique so that certain objectives such as reform of the law or its harmonization are furthered.<sup>1</sup> Clearly this is not new and is to be excluded from the definition of transnational legal studies, for otherwise the Center may as well be more recognizably named the Center for Comparative Law. It is not so named. Yet the courses we teach often involve the study of specific areas

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1. The classic definition of comparative law still remains HC Gutteridge, *Comparative Law* (1958)

of law from a comparative or transnational perspective. The staples of the Center are such courses as contracts, intellectual property law or terrorism in a transnational setting. Such courses essentially involve comparative studies of approaches to distinct areas of the law. As I said, such techniques of study are already captured within courses on comparative law. Transnational legal studies must mean something different. The challenge is to isolate this difference and see whether there can be such a transnational law and whether its study is worthwhile.

Another situation is also to be distinguished. It relates to how legal concepts work when transplanted in other legal systems. The study of legal transplants is also an old one. Though in its modern form it is attributed to the work of Alan Watson, there are more ancient examples of such study. Bracton, the earliest of the commentators on the common law, faced the problem of adopting French and Roman concepts into Saxon law. The evolution of the law of homicide in England, for example, involved accommodating Norman interests within Saxon law. Murder was when a lowly Saxon ambushed a Norman knight, with “malie prepense”, later malice aforethought, on which the distinction between murder and manslaughter rested. Such effects of transplants and adjustments have been common when legal systems are borrowed or imposed. In the British colonies, the common law underwent significant modifications. Bentham anticipated such changes in his study, the *Principles of Morals and Legislation*. The Indian Penal Code, the product of Benthamite thinking, reflects the adaptation of the English criminal law to the circumstances of India.<sup>2</sup> Studying legal transplants is also not transnational law. The very notion that transnational law is novel dispels such a meaning.

The first and yet the best definition of transnational law is that which Philip Jessup gave in his 1949 book, *Transnational Law*.<sup>3</sup> Jessup taught at Columbia as did Wolfgang Friedmann who began the *Columbia Journal of Transnational Law*. Their conception of the discipline as a body of rules that stands at the interstices between domestic law and public international law and regulates trans-border relations may be an apt definition. There are candidates for a much older definition which takes it as meaning a law constructed through interaction among traders in ancient commerce who used practices that had prevailed among them down the ages and settled disputes according to these customary rules that had so grown. This body of law is referred to as *lex mercatoria* and there is a considerable legal debate on whether such a system can properly be regarded as law. *Lex mercatoria* is also not a novelty but the debates it has sparked are the most relevant to the ones concerning the modern notions of transnational law. But, clearly, the reason for contemporary interest in transnational legal studies is more urgent and more sweeping.

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2. Eric Stokes, *The English Utilitarians in India* (1963)

3. Philip Jessup, *Transnational Law* (1949)

In my view, the rise of the modern notion of transnational law parallels the trends towards globalization that came about in the 1990s and the articulation of new philosophies that accompanied the rise of the single hegemonic power that drives or drove such globalization. Globalization is central to the modern movement for transnational legal studies. The 1990s were, according to Joseph Stiglitz, the greediest decade in history. Anthony Kronman, then Dean of the Yale Law School, wrote *The Lost Lawyer*, in which he argued that the modern lawyer had begun to lose his moorings in the ideals and ethics which had characterized the legal profession and produced the great lawyers and leaders of the past. The age of greed, however, may have ended in the catastrophic global economic crisis of 2008-09. In turn, the crisis is likely to lead to dramatic changes in not only the law but the global balance of power. It will give new dimensions to the study of transnational law.

During the decade of greed, a law was spawned that did have global reach and could truly be called transnational law. This law was made through the use of hegemonic power in order to cater to the interests of the few—namely the rich groups within society and the large transnational corporations—to the detriment of many, both in the developing world and the Western world (which concurrently saw a widening gap between the rich and the poor). It goes without saying that the law so created was maintained by the might of the single hegemonic power that had emerged at the end of the Cold War. This hegemonic power had a theory to advance. On the economic front, it sought to advance the organization of the domestic and global economies on the basis of market principles. On the political front, the aim was to advance democracy. The guiding philosophy, for want of a better term, could be described as neo-conservatism.

During the 1990s, law was used as an instrument to advance the interests of United States power on several fronts. This instrumental law, I believe, is what is called transnational law in its present form. It consists of the global law that was shaped in the decade of US dominance. A neo-liberal commitment to the “free market” drove international economic law. The World Trade Organisation was founded with its mission of liberalizing international trade. Its new instruments, the Trade Related Intellectual Property Measures and the General Agreement on Trade in Services, impose American preferences, or rather, as Susan Sell has argued, the preferences of American pharmaceutical and services corporations, on the rest of the world. In the area of foreign direct investment, liberalizing treaties were made, resulting in a proliferation of arbitration awards further expanding norms of investment protection so that multinational corporations could traverse the world under their protective norms. Some claim that these developments led to a global constitutional law and global administrative law that came to supersede constitutions of states. Law practice was globalized, using common standard

forms and precedents. The global expansion of the major American and European, principally English, firms risked the re-creation of a kind of legal imperialism. In the economic sphere, it is these developments that in my view constitute transnational law.

Many transactions became harmonized either through imitation or through efforts at uniform global codes. What thus became universal were those practices of the developed world passed off as neutral principles. So, rules of international commercial arbitration highly favourable to business came to be adopted. But when it came to application, developing country courts rebelled. A good example is the response of the Indian Supreme Court to the UNCITRAL Model Law.<sup>4</sup> The Indian Supreme Court has exercised substantive review over awards, though the Model Law sought to negate such judicial review. The study of such phenomena, examining the role of power in law and resistance to such power, should be the focus of transnational legal studies. If this is the focus, then transnational legal studies should be embraced wholeheartedly. But if the aim is only to spread the norms devised in the West to the rest of the world, then one must say “no” to transnational legal studies.

On the political front, transnational law has also been used to promote a predominantly Western agenda. The war on terror, which probably had some tenuous links with globalization, threatened to change the structure of human rights in a fundamental manner. It sometimes labeled all uses of violence, whether targeted at civilians or military targets, as terrorism, so that freedom fighters pursuing secession in Chechnya, Tamil Eelam, Darfur and elsewhere, were tainted with the same brush as the Taliban and al Qaeda. Those who fought to establish rights from Washington to Mandela used violence, and would be branded as terrorists under this crude formula. In the “war on terror,” there was selective condemnation of violators of human rights who were “against us,” while turning a blind eye to the violations of those seen as “with us.” The detention of those alleged to be terrorists involved gross violations of human rights standards but were justified by neo-conservatives on seemingly legal grounds. Torture of terrorists was similarly regarded as lawful in certain circumstances, despite its absolute prohibition in international law. The invasion of Iraq was justified on several grounds, finally on the need to promote democracy. The notion of preventive war undermined the prohibition on the use of force in the United Nations Charter. Some prominent American lawyers argued that international law was binding on the United States only to the extent it furthered its national interests. But perhaps in a sign of the strength of international law these adven-

4. The United Nations Commission on International Trade Law (UNCITRAL) seeks harmonization of the laws applicable to different areas of international trade. The UNCITRAL Model Law on Arbitration was intended to provide a model for drafting legislation on arbitration. Today, it forms the basis of the arbitration laws of many states, including Canada, Singapore, Germany, Nigeria, India and some American states.

tures sapped the United States of its legitimacy. American unilateralism has now apparently been brought to an end, with change both within the United States and in the rest of the world. A retreat had to take place, and the resurrection of a more just order is promised.

It is such “instrumental law”—its development and retreat, its ebb and flow—that merits study under the rubric of transnational legal studies. The “instrumental law” of the “war on terror” may be in retreat, but the process of its retreat itself will raise new ideas and demand new changes, deserving of critical attention. Resistance to hegemonic law will also come from global forces using instrumental arguments so that law will continue to play an instrumental role in the period of resistance and retreat. Thus, TRIPS, a document of absolute protection of intellectual property, is undergoing change in light of the AIDS crisis and the clamour of developing countries for cheaper drugs. Changing patterns of investment will likewise change the structure of international investment law, with China, Brazil and India becoming large exporters of capital and the United States and Europe changing roles to become recipients of capital. Such processes will be accelerated by the economic crisis, which requires Chinese capital to rescue the US and Europe. These are exciting times. Transnational legal studies is about the study of such law in rapid change brought about by a global clash between competing philosophies and interests.

There is much theorizing to be done about this law. Its creation had a lot to do with private power. As a result its legitimacy is suspect. In 1929, an English Court of Appeal (with Lords Banks, Scrutton and Atkins, reputedly the strongest commercial court in history) stated in the *Czarnikow Case*<sup>5</sup> that “there shall be no Alsatia in England.” Alsatia was not a foreign land but was the name for the area of London close to St. Paul’s where thieves congregated. Redfern and Hunter argue that it is now populated by a new breed of thieves, the large multinational law firms.<sup>6</sup> What the Court of Appeal meant was that as much as it was not permissible for a subculture of thieves to make their own law, so too, commercial arbitrators could not make their own laws in competition with the laws made by agencies of the state. The same objection applies to modern transnational law. According to Anne Marie Slaughter, who lauds the process, much of modern law—obviously she means transnational law—is made through transnational actors, such as bureaucrats and bankers who meet at conferences and take decisions back home and quietly transfer them into law. Likewise, arbitrators and other regulatory bodies make laws in a similarly invisible fashion. The process of such law-making has to be discussed. The theories of transnational law must arise from the processes of argument about such lawmaking.

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5. *Czarnikow Ltdv Roth Schmidt & Co* (1922) 2 KB 478

6. Redfern and Hunter, *International Commercial Arbitration*, (Fourth Edition, 2004) p.15 This juicy piece of information has been left out in the fifth edition (2009).

A Third World international lawyer must say “no” to transnational law that favors the privileged over the oppressed, the developed over the developing, the rich over the poor. When he does so, he also contributes to the theoretical debate. The goal is not to see transnational law ended, but to transform it in other, more just, directions. He might criticize the law so long as it remains a tool to ensure and justify what Ugo Mattei and Laura Nader describe as a new form of plunder on the part of the advantaged.<sup>7</sup> He would want to see the formation of a law that would contribute to the development of the poorer societies, the eradication of hunger and the protection of the environment. Yes, then, to transnational legal studies as seen by lawyers with a vision for the betterment of the world, and no to transnational legal studies that perpetuates the greed of lost lawyers.

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7. Ugo Mattei and Laura Nader, *Plunder: When the Rule of Law is Illegal* (Blackwell, 2008).

# Comparative Studies in a Center for Transnational Legal Studies: Why and How?

FRANZ WERRO

Why should law students today engage in comparative studies? With respect to the Center for Transnational Legal Studies, the question might be phrased in the following terms: What benefits are to be gained from gathering students from a variety of legal and cultural backgrounds in one place, exposing them to a multiplicity of legal systems, and having them utilize multiple legal and cultural points of view to craft solutions to common legal problems? Why is it worthwhile to create an institute devoted to transnational legal education in a place foreign to most participants and to expose them to law professors from different countries and different legal backgrounds to engage in comparative legal study? While the prospect of engaging in the comparative study of law may seem immediately attractive to many, the difficulties and challenges one faces when teaching and learning comparatively are considerable. There is increasing disagreement within the legal academy about what constitutes an effective method for teaching comparative law. Perhaps paradoxically, the disagreement has grown (or at least become more evident) as the world has become increasingly interrelated.

First, why should we teach law in a comparative way in a multicultural setting such as the Center for Transnational Studies? From an academic point of view—and this is perhaps the most important one—the conventional answer suggests that comparative studies and an exposure to foreign law help students sharpen their understanding and critical questioning of their own legal systems, doctrines, and conceptions. As George Fletcher puts it, comparative legal studies are a subversive tool, a tool that helps reveal what our own legal culture does not let us see about ourselves.<sup>1</sup> Broad and interesting questions naturally arise in such studies. For example, why do Europeans reject the concept of punitive damages in tort suits? Why do Americans engage in plea bargaining? Why do certain democracies reject or restrict

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1. See G. P. Fletcher, "Comparative Law as a Subversive Discipline," 46 *American Journal of Comparative Law* 683 (1998).

judicial review of legislative acts? Is there an inherent value to a jury system? What do we learn from legal systems that lack a jury system? How do we explain the different ways legal systems approach freedom of the press? What links are there between capitalism and the way in which one thinks of the role of lawyers? Why are human rights claims made against State action rather than against private actors? Is commerce linked to culture? In a multiple world, comparative legal studies in an international center of education should provide students not only with the tools to generate these questions and create informed responses, but should also leave them with an awareness of the great diversity of answers to these questions.

From a more political point of view, comparative legal studies should help shape a generation of lawyers who respect legal diversity rather than act solely as the instruments of a franchised and standardized legal servicing throughout the world. In helping law students relate to the complexity and respectability of different legal systems, comparative legal studies should be a tool for strengthening the rule of law in international exchanges, a rule of law principle that inherently implies a reciprocal respect for the law of the other. In an interrelated and otherwise diverse world, respect for other legal cultures is what should distinguish the transnational lawyer. Teaching law comparatively promotes the idea that international exchanges are not based on power and force, but rather on law and respect of difference. Indeed, one could very well imagine a better and stronger network of international exchanges if such exchanges were based on openness to other legal and cultural viewpoints rather than the naive and parochial assumption that what is good for one culture is also good for the rest of the world. Comparative legal studies could be one of the most efficient and effective tools in promoting a spirit that helps students and future practitioners to do away with universalism, exceptionalism and chauvinism.

If we aim to be true to these principles, the Center for Transnational Legal Studies should be a place where students learn how to fight exceptionalism and provincialism and learn instead to cultivate an attitude of openness and international collaboration. More than ever in a plural world, this is important for all the students called upon to practice international law, and especially for those inclined to think that they've figured it all out and that everybody else should follow their lead.

The next important question is how we should pursue the comparative study of law in a transnational setting. I am not going to tackle this question in general terms: this is a famous and difficult problem that has triggered many debates that remain largely unresolved. What I will do instead is try to sketch what can be done with the Center for Transnational Legal Studies as a platform from which to pursue the answers, taking note at the outset that the very existence of the Center provides a unique opportunity to gather

people from different backgrounds while at the same time avoiding some of the difficulties one traditionally encounters when teaching comparative law in a conventional law school environment.

In my view, the Center should seek to challenge dominant Western centrism and the notion, often attached to this worldview, that the West's values are universally shared. No less than others, comparative lawyers often tend not to resist the temptation of assuming a mission to civilize. In 1900, when the Society of Comparative Law was founded in Paris, its hope was that comparative knowledge would enable the foundation and formulation of one universal law.<sup>2</sup> Later, with the rise of capitalism and globalization, some have again begun to believe in the possibility of one transnational law of merchants that would have a universal character based on common sense and rationality. This view, coupled with private ordering and the decline of State power, is at best naïve, and at worst a cynical way of catering to powerful corporate interests ultimately in the hands of the wealthy part of the planet. It seems to me that the current financial crisis should reveal once more the limits of this kind of approach.

Gathering law students and law professors from different parts of the world should help us learn from one another and engage in the pursuit of a study of law based on humility, openness, allegiance to multiculturalism and respect for diversity. In this Center, we should aim at teaching the students to speak to a foreign audience. We should provide the students with linguistic and rhetorical abilities to translate their laws and legal concepts into the languages of other nations, as we have to acculturate law when it is to be applied by a foreign judge. We should teach the students how to limit the damage of translation and make them aware that translating legal language is in some sense a betrayal, just as writing down oral customs may kill them.<sup>3</sup>

We need to alert students to the difficulties of legal transplants.<sup>4</sup> We should seek to make them understand that the concept of private property, as it is understood in the Northern Western hemisphere, may not work, for example, in an African community that still counts the number of its inhabitants by including its ancestors.<sup>5</sup> Colonialism has had tremendous costs, and we can no longer blindly believe that developed nations bring growth and prosperity where they export their own views wholesale rather than seeking out a shared sense of rationality and common good.

Another intriguing transnational problem concerns our different

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2. See Konrad Zweigert and Hein Kötz, *Einführung in die Rechtsvergleichung*, 2nd ed., Tübingen 1984 2 ff.

3. See Jacques Vanderlinden, "What Kind of Law Making in a Global World? The Case of Africa," 67 *Louisiana Law Review* 1043, 1065 (2007).

4. See Michele Graziadei, "Comparative Law as the Study of Transplants and Receptions," in *The Oxford Handbook of Comparative Law* 441 (Mathias Reimann and Reinhard Zimmermann, eds. 2007). For a radical position, see Pierre Legrand, "The Impossibility of Legal Transplants," 4 *Maastricht Journal of European and Comparative Law*, 111 ff (1997).

5. I borrow this from Ugo Mattei and Betta Grande's movie: *Le bon élève: Le Mali et Nous*, Paolo Quaregno, 2006.

relations to and conceptions of privacy. We should recognize that the freedom to inform, as some define it in some of the West, may be perceived as a tool of alienation in other parts of the world.<sup>6</sup> We will need, for instance, to bring U.S. lawyers to an understanding of why a European citizen may feel his dignity violated when Google keeps embarrassing information about him available long after such information has lost its relevance. Should we accept Google's de facto mission of informing the world, or should we insist on legal restrictions that protect individual dignity and privacy? The answers to these and other questions are far from clear, but comparative analysis can help reveal just how complex they really are.

At the Center, we should hope to be able to pursue comparative legal studies in a way that triggers a sense of the multiplicity, complexity, and diversity of the world. We do this by reading texts closely, by avoiding poor translations, by fighting stereotypes, and by paying attention to theories of interpretation that show that communication is based on negotiation, and not on imposition.

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6. See James Q. Whitman, "The Two Western Cultures of Privacy: Dignity Versus Liberty," 113 *Yale L.J.* 1151, 1204 (2004).

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Muthucumaraswamy Sornarajah was a member of the CTLS faculty in London during its inaugural year in 2008-2009. He has been arbitrator or counsel in several leading investment arbitrations and has published extensively in the areas of international commercial arbitration, public international law and international investment law. He is an Advocate of the Supreme Court of Ceylon, an Advocate and Solicitor of the High Court of Singapore and a Solicitor of the High Court of England and Wales. He is an Honorary Member of the Indian Society of International Law.



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# CTLS

## A GLOBAL PARTNERSHIP

The London-based Center for Transnational Legal Studies, launched in 2008 and administered by Georgetown Law Center staff, is a global partnership currently encompassing over 20 schools from almost as many countries around the world. The initiative is premised on a belief that, as legal practice becomes increasingly “transnational,” the best legal education must include exposure to ideas, faculty, and fellow students from many different legal systems.

## ACADEMIC EXCELLENCE

The Center for Transnational Legal Studies offers students from around the world a unique global education in the law. Housed in the heart of legal London, CTLS brings together students and faculty from five continents to study international, transnational, and comparative law. The result is a new kind of learning space, preparing a new generation of global leaders for the legal profession.

## STUDENT BODY

The target size for the Center in its first three years is about 60-80 students per semester. It is anticipated that Georgetown will provide approximately 15-20 students per semester and that each of the founding schools will provide 5 to 7 students per semester. The affiliate schools will send students to CTLS as well. All CTLS students must be fluent in English.

## CURRICULUM

The curriculum of the CTLS has been developed under the direction of an Academic Council comprised of leading faculty from all the founding schools, and coordinated by the Center’s Academic Directors. Information about the CTLS faculty and courses for the 2008-2009, 2009-2010 and 2010-2011 academic years is available from the main page. International Law I is a recommended prerequisite for enrollment at CTLS. In certain cases, courses at the Center may be mutually exclusive with courses at students’ home institutions.

## LOCATION AND RESOURCES IN LONDON

The Center is located in the Swan House building at 37-39 High Holborn at the head of Chancery Lane in the heart of London’s legal quarter. A few minutes walk south on Chancery Lane, students and faculty will have privileges at the King’s College Law Library.

## ADMISSION

Admission to CTLS is competitive, regardless of whether a candidate is nominated by a Founder or Affiliate Partner, or applies on an independent basis. In all cases, the Center should be viewed as an “honors” program for particularly focused and capable individuals.

Prospective students from CTLS partner schools may obtain information about nomination procedures and financial requirements from administrators at their home schools. Prospective independent students may obtain information about application procedures by writing to [transnational@law.georgetown.edu](mailto:transnational@law.georgetown.edu).

## FOUNDERS

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## AFFILIATES\*

Bucerius Law School (Germany)  
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College of Management Academic Studies  
Law School (Israel)  
Diego Portales University (Chile)  
Moscow State University (Russia)  
National Law School of India  
University (India)  
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\*As of December, 2009

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