



Universidad  
Carlos III de Madrid

## **TRANSNATIONAL LAW**

**May 17- 20 2016**

**Aula nº PT.0.A.01. Campus Puerta de Toledo**

**ALFRED C. AMAN, Jr.**  
*Roscoe C. O'Byrne Professor of Law*  
*Indiana University*

*(Curso organizado por el Máster Universitario en Derecho Público y el Instituto Pascual Madoz)*

*(Reconocimiento de 1 crédito de Optatividad para los alumnos de Grado y 1 crédito de Libre Elección para los alumnos de las Diplomaturas, Licenciaturas, Ingenierías Técnicas e Ingenierías)*

### **COURSE ABSTRACT**

In the late 20th and 21st centuries, all domestic legal fields, as well as the fields of international law have been reshaped to some degree by developments in the transnational legal sector. In this course, we examine the effects of transnationalism on traditional areas of domestic law (such as administrative, environmental and labor law) as well as on public and private international law. Some of these effects are found wholly within domestic institutions; other examples involve various gray zones blurring the traditional boundaries of international and domestic law; still others involve law making outside and in the shadow of the state – such as best practice standards in the areas of corporate governance; we also take into account human rights in state and non-state frameworks. The core conceptual contention of transnational law as a field of study is that many of the legislative, adjudicatory and judicial structures pertaining to global capitalism and other aspects of globalization escape the traditional binary categories of public/private, international/domestic and state /market. In practical terms, then, transnational law expands the arenas for addressing legal problems, and enriches our analytical skills for doing so.

Some of the materials in this course will consist of a new early draft of a casebook by Professors Aman and Carol Greenhouse. These materials will focus on the transnational dimensions of a number of important domestic and international law cases, emphasizing the various interrelationships between and among international and domestic law as well as private ordering. We shall focus in particular on the Supreme Court of the United States and the lower federal courts. The materials will also present key case studies, including Child labor in Liberia, Apple in China and Global Climate



Change. Other materials will consist of journal articles and Supreme Court cases that we shall provide.

## **COURSE SCHEDULE AND DESCRIPTION**

**Class 1.- May 17<sup>th</sup>, 17:00-19:30 h (Aula PT.0.A.01. Campus Puerta de Toledo).**

### **1. An introduction: what is transnational law?**

Assignment: Aman Jr., A.C., 2015. *Globalization: Legal Aspects*. In: James D. Wright (editor-in-chief), *International Encyclopedia of the Social & Behavioral Sciences*, 2nd edition, Vol 10. Oxford: Elsevier. pp. 254–261.

### **2. Relationships: borders, jurisdiction, territory and scale.**

Assignment: Saskia Sassen: *Expulsions: Brutality and Complexity in the Global Economy*, Harvard Univ.Press, 2014, pps 1-11 and 211-222, (Introduction and Conclusion)

**Class 2.- May 18<sup>th</sup>, 17:00-19:30 h (Aula PT.0.A.01. Campus Puerta de Toledo)**

### **1. Governance through states: The Environment and Trade**

Assignment (read and prepare for discussion):

- The Montreal Protocol: Comparing Climate Change with Ozone Depletion Aman and Greenhouse, Chapter TBA.
- Trade: Nafta and later developments, Aman and Greenhouse, Chapter TBA.

**Class 3.- May 19<sup>th</sup>, 17:00-19:30 h (Aula PT.0.A.01. Campus Puerta de Toledo)**

### **1. Governance Outside of and in the shadow of states**

Assignments (read and prepare for discussion):



- Roe v. Bridgestone—Liberia and Child Labor, Aman and Greenhouse, pps.
- Apple in China, Aman and Greenhouse, pps.
- Textiles in Bangladesh, Aman and Greenhouse, pps.

**Class 4.- May 20<sup>th</sup>, 17:00-19:30 h (Aula PT.0.A.01. Campus Puerta de Toledo)**

**1. Globalization from the Ground-Up: The Domestic Face of Globalization**

- Assignment (read and prepare for discussion): Aman and Dugan, *The Human Side of Public-Private Partnerships: From New Deal Regulation to Administrative Law Management* (work in progress)

**2. Transnational law and judicial review**

- Assignment (read and prepare for discussion): Aman and Greenhouse, Chapter 8.

**READINGS**

Listed below are some readings students may find useful over and above those we will cover in the course.

1. Alfred C. Aman, Jr., *The Democracy Deficit, Taming Globalization through Law Reform*, NYU Press (2004).
2. Stephen Breyer, *Courts and the World*
3. James Ferguson, *Global Shadows: Africa in the Neoliberal World Order*. Duke (2006)
4. Carol J. Greenhouse, ed. *Ethnographies of Neoliberalism*. University of Pennsylvania Press (2009)
5. David Harvey, *Cosmopolitanism and the Geographies of Freedom*. Columbia (2009)
6. Walter Mattli and Ngaire Woods, eds. *The Politics of Global Regulation*. Princeton (2009)
7. James H. Mittelman, *The Globalization Syndrome: Transformation and Resistance*. Princeton (2000)
8. Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time*. Beacon Press (2001 [1947])
9. Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements and Third World Resistance*. Cambridge (2003)



10. Annelise Riles, *Collateral Knowledge: Legal Reasoning in the Global Financial Markets*. Chicago (2011)
11. Dani Rodrik, *The Globalization Paradox: Democracy and the Future of the World Economy*. Norton (2011)
12. Boaventura de Sousa Santos and Cesar A. Rodriguez-Garavito, eds. *Law and Globalization from Below: Towards a Cosmopolitan Legality*. Cambridge (2005)
13. Saskia Sassen, *Expulsions: Brutality and Complexity in the Global Economy*, Harvard Univ.Press, 2014

## **FACULTY**

**Alfred C. Aman, Jr.:** Prof. Aman is a well-known professor of administrative law, Globalization and Law, Transnational Law and is the editor and founder of the student and faculty edited, peer reviewed journal, the *Indiana Journal of Global Legal Studies*. He is the author of four books and has written extensively in Administrative Law and especially as that and other areas of domestic law are affected by global processes and the global economy. He is the former Dean of Indiana University Maurer School of Law – Bloomington (1991-2002) and Suffolk University Law School in Boston, Massachusetts (2007-2009). He stepped down as Dean of Suffolk in 2009 to return to Indiana University as the Roscoe C. O'Byrne Professor of Law.

Prof. Aman graduated from the University of Rochester in 1967 and the University of Chicago in 1970, where he was executive editor of *University of Chicago Law Review*. Aman then served as a clerk to Elbert P. Tuttle, on the U.S. Court of Appeals, 11th Circuit from 1970-72. After completing his clerkship, Aman became an associate attorney at Sutherland Asbill & Brennan, in Atlanta and Washington, D.C. In 1977 he became a faculty member at Cornell Law School, and taught there until 1991 when he took the position of dean of the Indiana University Maurer School of Law – Bloomington.. Aman served as a Distinguished Fulbright Chair in Trento, Italy, and has held visiting professorships in England, France, and Italy as well as Spain.

## **ADMISSION AND APLICATION**

This course **is open** to:

- a) Faculty and law students of the University Carlos III de Madrid,
- b) Faculty and law students of other universities,
- c) Government officials charged with responsibilities in public services,
- d) Attorneys in private practice seeking to develop or deepen their expertise.

This course **is free** (no tuition fees).

The course will be taught **in English**, so applicants must be fluent.



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The course **requires** preparing **background reading** every day and writing a **final essay** (2-3 pages) on a topic related to the course subject.

Those who complete the course will get a **certificate**.

To apply for the course you will need to complete the **application form** (see below) and **email it to Esther Torrecilla: metorrec@pa.uc3m.es**. Please specify in your email “Regulation in the US Course” as its subject line. The course application **deadline is May 13<sup>th</sup>**.



## TRANSNATIONAL LAW

### APPLICATION FORM

(Send to: [metorrec@pa.uc3m.es](mailto:metorrec@pa.uc3m.es) before May 13<sup>th</sup>)

I would like to enrol in the Transnational Law Course; therefore, I agree to prepare the requirements (daily assignments and write a final essay on the course content).

### PERSONAL DETAILS

Last Name /Apellidos.....

First Name /Nombre.....

Male \_\_\_ / Female \_\_\_

Date of Birth (DD/MM/YY) / Fecha de nacimiento (DD/MM/AA).....

Degree            Program            (Students)/            Grado            que            cursan  
(estudiantes).....

Occupation (otros) / Profesión (otros).....

Home Address / Dirección particular:

Street / Calle.....

City / Ciudad..... ZIP Code / Código Postal.....

Country / País.....

Email Address:

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Date:

Signature:

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