

***Educación Superior en Derecho sin fronteras:
“Transnational Legal Studies: Word Wide
Study. Higher Education for international
students and international Instructors”***

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“Teaching Transnational law”: it could have been nothing else than an oxymoron until the early 1980s. In those days law was generally perceived as a national phenomenon, and the curricula that were taught mirrored that perception. A space was left, obviously, to “international matters”, such as public international law, conflicts of law, maritime and shipping law, and the like. But this was the exception to a standard that had to be 90% domestic law. Here and there, particularly within the old Europe, philosophical and historical approaches to the law were considered.

The standard has changed, and today, after an initial period of experimentation, we find that all over the world transnational law has become a pillar in the field of legal education. Several law schools have launched master and summer programmes to introduce graduate lawyers into the field of what is, somewhat vaguely, defined as “transnational law”. Increasingly, law reviews show in their titles the vocation to transnational legal studies.

Among the new educational programmes, I would like to mention here the Centre of Transnational Legal Studies, better known as CTLS, a school established in 2008 by a pool of eleven law schools from the 5 different continents that answered a call by Dean Alex Aleinikoff (now in Geneva with the UN) to jointly design a place where both students and teachers could share a transnational legal education. The school, which is housed in the heart of legal London, brings together some of the most prestigious names in legal education. Founding schools include Georgetown at Washington

DC, the Free University of Berlin, the Hebrew University of Jerusalem, King's College London, the National University of Singapore, the University of Fribourg, the University of Melbourne, the University of São Paulo, the University of Torino and the University of Toronto.

Unlike most international programs, such as the Socrates-Erasmus, where exchange students are “visitors” to a school which has its own customs and tradition, at CTLS each founding school sends one or two professors and between 5 and 10 students per semester, for a total enrolment of approximately 50 per semester. Students earn credits toward graduation from their home institutions, and many classes are co-taught.

What makes CTLS so remarkable is that, apart from the British students, everyone is living abroad. At CTLS, every faculty member is visiting, on the same foot as the students. Nobody is “at home”, and everyone has more time to - and interest in - meeting colleagues and exchanging views on the methodology of teaching. CTLS has become, in other words, a place where not only students, but also teachers, learn from the experience of being abroad.

The Centre is now entering its third year, which is the last of a three-year pilot programme. The agreement that was signed by the founding schools is in effect until June 2011. After that date many developments are expected; for instance, the number of partners will very likely grow, as many schools have in the meantime joined the Centre: some schools, including Sciences Po in France, Bucerius in Germany and ESADE in Barcelona, have become affiliated members of CTLS and send up to three students per semester who pay the Centre directly for their tuition.

The temporary nature of the faculty has an effect on the curriculum, which changes every year, with the exception of a “core course”, designed to provide the students with a shared global perspective.

Here is a sample of the matters taught during the very first year:

- Global Practice Exercise
- Core Course: Transnational Legal Theory
- Transnational Law Colloquium
- The Law of Work in the Global Economy
- Transnational Issues in Art, Culture and Law
- The Theory and Practice of Copyright Law: Comparative and Transnational Aspects
- International Investment Law
- Globalization, Governance and Justice

- Contract Theory in Comparative Perspective
- World Trade Law
- Dimensions of Private Law
- European Union Law I
- Comparative Legal Traditions: Sustainable Diversity in Law
- National Security and Human Rights in Transnational and Comparative Perspective
- Commercial Contracts in a Global Economy: From National to Transnational and International
- Law
- European Consumer Law: Denationalization in the Field of Consumer Protection
- International Legal Institutions
- International Humanitarian Law
- Regulation and Development
- International Criminal Law
- Comparative Privacy Law
- European Union Antitrust Law

The CTLS website provides more information on the curriculum that has been offered on the second and the third year. I believe that while reading this list of topics one very clearly perceives how both public law and private law related issues are taken into account. In fact, there is no focus, nor was there ever the intention to have one, on training a specific kind of global lawyer. On the contrary, students are required to see how much transnational business issues and global rights matters interplay. In other words, the attempt is to overcome a misleading specialization within the wide spectrum of transnational legal studies.

Notwithstanding the travelling nature of its Faculty, experiencing CTLS is not limited to the one or two semesters spent in London. In fact, the peculiarity of teaching (and co-teaching) transnational-centred courses to a class of students coming from the four corners of the world, demands more research on the methodology of teaching law.

This is why in May 2010; the Faculty of Law at the University of Torino has hosted the first Colloquium of CTLS, devoted to: “Teaching Transnational Law”. Panellists included many former, or actual, instructors at the Centre, who undertook the task of contributing with a paper on four major issues: - **What is Transnational Law?** (Chaired by Franz Werro, papers by Muthucumaraswamy Sornarajah, Margit Cohn, Christian Armbruster, Christiana Fountoulakis, Ugo Pagallo, Iris Canor); - **Why Teach Transnational Law ?** (chaired by Carrie Menkel-Meadow, papers by Cesar Arjona, Satvinder Juss, Edoardo Greppi); - **How Do We Teach Transnational Law ?** (chaired by Gianmaria Ajani, papers by Roberta Aluffi, Kent Roach, Pascal Pichonnaz, Alberto Oddenino); - **Where Are we Going in Transnational Legal Education ?** (Chaired by Nina Pillard and Vicotr Ramraj, papers by Cally Jordan, Victor Ramraj and Denise Réaume).

There is no space here to sum up the results of the Colloquium, which will be published shortly. It is, however, relevant to mention that the language matter has appeared as recurrent in many of the speeches given by contributors and delegates. In fact, while we all share the need of a common vehicular language to understand each other, many have questioned whether English has to be the only practiced option, particularly due to the fact that it recreates an unbalance between the group of native speakers (teachers and students from US, Australia, Canada, Singapore, UK) and those from the rest of the world.