

Winter Term 2023–2024

Department 06

Law

Lecture: Transnational Law II – Constitutional Issues

Prof. Dr. Lars Viellechner, LL.M. (Yale)

Subject

According to a traditional understanding, law is made by or between states. Under conditions of globalisation, however, the state-centred paradigm of law reaches its limits. Individual states can hardly regulate cross-border affairs effectively, while there is often no consensus or time for international law-making. World society therefore brings about novel forms of ordering and dispute resolution. Examples can be found in many issue-areas including commerce and sports, the internet and the environment. The lecture approaches this transformation of law from different perspectives. From an empirical perspective, it explores the emergence and functioning of the phenomena. From an analytical perspective, it determines their legal status with regard to the conventional distinctions between national and international as well as public and private law. From a normative perspective, it addresses the question of legitimacy. Finally, from a doctrinal perspective, it develops constitutional standards within positive law.

Professor of Public Law,
in particular Constitutional Law,
Constitutional Theory, Legal Philosophy
and Transnational Law

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Organisation

The lecture is held on Tuesdays from 4 to 6 p.m. in building GW1, room HS H1000. All information and materials are available on Stud.IP.

Credit

The lecture is offered as a compulsory course for the master degree in “Transnational Law”. Students from the field of specialisation may choose it as an elective course. Credits according to paragraph 31 sect. 2 no. 4, 5 of the examination rules or 6 ECTS can be obtained.

Bibliography

- Gunther Teubner, *Constitutional Fragments: Societal Constitutionalism and Globalization*, Oxford: Oxford University Press, 2012.
- Lars Viellechner, *The Transnational Dimension of Constitutional Rights: Framing and Taming “Private” Governance Beyond the State*, in: *Global Constitutionalism* 8 (2019), pp. 639–661.
- Peer Zumbansen (ed.), *The Oxford Handbook of Transnational Law*, Oxford: Oxford University Press 2021.