



**RIGA
GRADUATE
SCHOOL OF
LAW**

Course Outline

Course number	RMC101				
Course title	Foundation				
Credit points	3 ECTS				
Total hours	24 Contact Hours				
Contact hours	24				
Independent studies	Masters				
Course level	RMC101				
Prerequisites					
Category	Mandatory		Restricted elective		Free elective

COURSE RESPONSIBLE

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Ineta Ziemele	Ph.D. (Cantab.)	Professor

COURSE TEACHERS

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Artis Svece	Dr. phil.	Asst. prof., UL
Kristaps Tamuzs	LL.M	Visiting Lecturer
Arina Melse	Ph.D	Visiting Lecturer
Francesco Luigi Gatta	Ph.D	Visiting Lecturer

COURSE ABSTRACT

The Course consists of four inter-related parts. First, it addresses the notions of State and order of rules from the perspective of political thought. Second, it introduces the notions of law and power from a

legal perspective. Third, it examines the emergence of the State centred world order. Finally, it looks at ever closer integration between States and asks the question of the way forward for civilization. More specifically the course will explore the foundations of world order and law.

COURSE OBJECTIVES

This is a foundation course which aims to ensure that all students of the Master Programme at the RGSL have same basic understanding of the notions and institutions that will be referred to repeatedly during their studies at the RGSL. The course assists in making the studies more effective and coherent. Current times are characterized by rather narrow and in-depth specializations in different areas of law and that is offered also as a possibility by the Master Programme of the RGSL. The foundation course recalls the broader ideas of a society, events and studies that are at the basis of law and legal systems. It is important that, while being specialized in a particular field we are able to relate to the sources and evolution of law and relevant concepts, such as State, sovereignty, public order, separation of powers, legitimacy of rules, etc. It is considered that such a foundation course should be interdisciplinary. It is therefore that the students are offered an overview of main historical events and development of political thought leading to the ideas of law and order. Students are offered elements of legal political theory, theory of international law and European integration.

GRADING CRITERIA

<i>Criteria</i>	<i>Weighting</i>
Course Essay	100%

COURSE PLAN – MAIN SUBJECTS

<i>No.</i>	<i>Main subjects</i>	<i>Planned hours</i>
1	The Rise of the Nation State	6
2	Sources of Law and Power within a State	6
3	International Law: Past, Present and Future	6
4	EU Law – a New Mode of Societies' Thinking	6

COURSE PLAN – SESSIONS

<i>Session</i>	<i>Session subjects and readings</i>	<i>Lecture/ Seminar</i>
1	<p>What Is the State</p> <p>To establish some kind of non-arbitrary order is one of the main functions of societies. History demonstrates a variety of ways how societies have tried to achieve this order and stability. One of them is the state. What is it? And what makes the state so strong and so fragile at the same time?</p> <p>Dunleavy, P. <i>The State</i> // Goodin, R. E., Pettit, P., Pogge, T., eds. <i>A Companion to Contemporary Political Philosophy</i>. Oxford: Blackwell, 2007. Pp. 793-803.</p>	Artis Svece
2	<p>Justification of the State Power</p> <p>The idea that there are laws which do not depend on human conventions has a long history in the so-called Western culture. It was introduced to solve certain puzzles about the justification of the state and law, but unfortunately it also created new theoretical and practical difficulties that have political consequences. So, many have wondered whether this idea makes sense at all.</p> <p>Canovan, M. <i>The People</i> // Dryzek, J. S., Hobig, B., Phillips, A., eds. <i>The Oxford Handbook of Political Theory</i>. Oxford: Oxford Up, 2006. Pp. 349-362.</p>	Artis Svece
3	<p>State and Power</p> <p>Many philosophers and legal thinkers have claimed that a good society and just law must be based on reason. On the other hand, there is a tradition that claims that law and order are based on power, and the sovereign as the supreme power. Even the question of a legitimate power is ultimately the question of power. Unfortunately, power is so unstable “substance” that any attempts to pin it down run into trouble.</p> <p>Foucault, M. <i>Lecture Two: 14 January 1976</i> // Foucault, M. <i>Power/Knowledge: Selected Interviews and Other Writings 1972-1977</i>. Ed. by C. Gordon. New York: Pantheon Books, 1980. Pp. 92-108.</p>	Artis Svece
4	<p>Sovereign and Basic Norm</p> <p>How the legal arrangement is created – the notion of the sovereign; the concept of the basic norm; the consequences of a legal system being premised on the basic norm: i) for the legal arrangement; ii) for the sovereign itself.</p> <p>Readings:</p> <p>Compulsory: Hans Kelsen “On the Basic Norm” 47 <i>Calif. L. Rev.</i> 107 (1959) – 5 pages</p> <p>Supplementary: Joseph Raz “Kelsen's Theory of the Basic Norm” <i>American Journal of Jurisprudence</i>: Vol. 19: Issue 1, Article 6 (1974) – 18 pages</p>	Kristaps Tamužs

<i>Session</i>	<i>Session subjects and readings</i>	<i>Lecture/ Seminar</i>
5	<p>Unwritten Legal Norms</p> <p>Natural rights – unwritten legal norms existing as a valid and directly applicable legal norms as a consequence of the natural law thinking. Their formation, identification and impact on the legal system.</p> <p>Supplementary reading: Daiga Rezevska “Axiological and functional aspects of the general principles of law in the transition of the legal arrangement of Latvia. Summary of the promotion paper”, Riga, University of Latvia (2003) – 35 pages</p>	Kristaps Tamužs
6	<p>Legal System: Sources of Law, Legal Hierarchy, Methods of Interpretation and Conflict Resolution</p> <p>The sources of law, their hierarchy; legal methods of how the contents of these sources can be found, interpreted, further developed. What happens in the case of a contradiction between various sources of law?</p> <p>Reading: Daiga Rezevska “Legal methods in Latvia’s legal arrangement and European integration”, Riga, University of Latvia, 2011 – 11 pages</p>	Kristaps Tamužs
7	<p>Formation of Modern World Order: History of International Law</p> <p>One way to look at theory of international law is to accept that history of international law is part of theory. In this context, one needs to know the characteristics of pre-Westphalian international actors and their relations, keep in mind the 1648 Treaty of Westphalia and introduce the post-Westphalian development of international legal order where the abstract notion of State was placed in the centre of that order and the separation between national and international spheres and laws came into existence. Next important development is the formation of international organizations. Why did people <i>qua</i> States decide that such co-operation is important? (This question is the basis for the final part in the course on European integration).</p> <p>Reading: James Crawford, Brownlie’s Principles of Public International Law, 9th ed., OUP, 2019. Chapter: Introduction.</p>	Ineta Ziemele
8	<p>State Consent as a Source of International Law</p> <p>The notion of State consent as the source of rules in international law. What is it? How does State consent relate to State sovereignty? How do we establish State consent? Can it be the ultimate source for the entire legal system or should we look elsewhere?</p> <p>Reading: same as above and pp. 431 – 436.</p>	Ineta Ziemele
9	<p>Is International Law a Law?</p>	Arina Melse

<i>Session</i>	<i>Session subjects and readings</i>	<i>Lecture/ Seminar</i>
	<p>The criticism of international law as political and serving self-interest of the powerful states will be addressed as the final theme. Rules of International Law: their legitimacy, validity and enforcement.</p> <p>Treaties, custom, general principles, judicial decisions and soft law. Looking at the use and enforcement of the rules of international law, do we believe we need such legal order.</p> <p>Reading: Article 38, the Statute of the International Court of Justice; the Charter of the United Nations</p>	
10	<p>EU law, supranational order and constitutions. Fundamental principles of EU law</p> <p>The development and effect of the EU law. The sources, supremacy, basic rule, direct applicability and direct effect – the core of the effect of EU law to national legal order.</p>	Francesco Gatta
11	<p>Future of European Integration</p> <p>The European integration starting from “a new legal order” to the current #FutureofEurope debate.</p>	Francesco Gatta
12	<p>Public Lecture on EU Law “Europe of values and synergies: European courts”.</p>	Ineta Ziemele

COURSE LEARNING OUTCOMES

This course has the following main learning outcomes:

Knowledge:

Upon successful completion of the course students will have gained theoretical knowledge on the formation and functioning of systems of organization of societies. They will also become aware of ever growing importance of international law and gain background information of the past and future challenges of the European Union.

Skills:

Upon successful completion of the course the students will be able to formulate analytical positions on complex legal issues encountered in three different legal systems. The students will be able to identify and tackle cross-cutting trends, instead of narrowly focusing on specific legal issues.

Competencies:

The information received during the course will enable the students to fully immerse themselves in the study of a wide range of legal issues. As the title of the course suggests, the students will receive a tool-kit that will allow them to see specific legal issues against the broader background of three systems of law – domestic, international and EU.

By completing the study course and successfully passing examination, the student will be able to:

<i>Learning outcomes</i>	<i>Evaluation criteria</i>		
	<i>(40-69%)</i>	<i>(70-89%)</i>	<i>(90-100%)</i>
<i>Knowledge</i>	The student has acquired only basic knowledge of the course subject. The student lacks understanding of some of the core issues of the course subject.	Overall, the student's knowledge complies with the expectations. However, there are issues that the student does not fully understand.	The student has demonstrated in-depth knowledge and understanding of the issues related to the course subject.
<i>Skills</i>	The student has demonstrated only basic level of skills.	The student has demonstrated good skills.	The student has demonstrated excellent skills.
<i>Competences</i>	The student can apply the knowledge only at a basic level. The student struggles with assessment and evaluation of legal issues. The student can identify the relevant legal norms. However, the student cannot correctly apply them.	The student can apply the knowledge at a reasonably good level. However, the student does not have the necessary level to be able to fully apply the acquired knowledge independently. The student has some problems to correctly apply the legal norms.	The student is able to apply the knowledge independently and correctly. The student can assess and evaluate legal issues, identify the relevant legal norms, and correctly apply them.

Please analyse the contribution of defined grading criteria to learning outcomes. Number of grading criteria and learning outcomes should correspond to previously defined one.

<i>Grading criteria</i>	<i>Learning outcomes</i>					
	1.	2.	3.	4.	5.	6.
Exam (essay)	X	X	X	X	X	X

COURSE LITERATURE

Compulsory literature

<i>No.</i>	<i>Author, year, title, publisher</i>
1	Dunleavy, P. The State // Goodin, R. E., Pettit, P., Pogge, T., eds. A Companion to Contemporary Political Philosophy. Oxford: Blackwell, 2007. Pp. 793-803.
2	Canovan, M. The People // Dryzek, J. S., Hobig, B., Phillips, A., eds. The Oxford Handbook of Political Theory. Oxford: Oxford Up, 2006. Pp. 349-362.

3	Foucault, M. Lecture Two: 14 January 1976 // Foucault, M. Power/Knowledge: Selected Interviews and Other Writings 1972-1977. Ed. by C. Gordon. New York: Pantheon Books, 1980. Pp. 92-108.
4	van Creveld, M. The Rise and Decline of the State. Cambridge: Cambridge UP, 1999.
5	J. Crawford, Brownlie's Principles of Public International Law (9 th ed., Oxford University Press, 2019).
6	Samantha Besson et al (eds) The Philosophy of International Law, Oxford University Press, 2010. pp. 163-186.
7	Arnall, A. (2016) The Effect of EU Law, in A Companion to European Union Law and International Law (eds D. Patterson and A. Södersten), John Wiley & Sons, Inc, Hoboken, NJ. doi: 10.1002/9781119037712.ch5
8	Opinion 2/13 of the Court of Justice, 18 December 2014 http://curia.europa.eu/juris/document/document.jsf?docid=160882&doclang=EN
9	Statute of the International Court of Justice, http://www.icj-cij.org/en/statute Charter of the United Nations, https://www.un.org/en/about-us/un-charter
10	White Paper on the Future of Europe https://ec.europa.eu/commission/sites/beta-political/files/white_paper_on_the_future_of_europe_en.pdf
11	J. Crawford, Chance, Order, Change: The Course of International Law (The Hague Academy of International Law, 2014) pp. 86 – 114, 439-467.
12	Three visions, one direction. Plans for future of Europe. https://ec.europa.eu/epsc/sites/epsc/files/epsc_-_three_visions_one_direction_-_plans_for_the_future_of_europe.pdf
13	For core principles: Case-law of the Court of Justice of the European Union: Case 6/64 Costa v ENEL; C-106/77 Simmenthal; C-26/62 Van Gend & Loos.
14	Klaus-Dieter Borchardt, The ABC of EU Law. European Commission, 2016