

Editors:  
Aalt Willem  
Heringa  
Bram Akkermans

# Educating European Lawyers



Ius Commune Europaeum

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Bram Akkermans

Educating European Lawyers

Intersentia Ltd  
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mail@intersentia.co.uk

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## CONTENTS

List of Authors .....	xi
List of Abbreviations .....	xiii
<b>Bram Akkermans &amp; Aalt Willem Heringa</b>	
Introduction .....	xvii
<b>PART I – LEGAL EDUCATION</b>	
<b>Aalt Willem Heringa</b>	
Towards a Truly European Legal Education. An Agenda for the Future .....	3
1. Introduction .....	3
2. The Bologna Declaration .....	4
3. Development of ‘European’ Law .....	6
4. Law School Curricula .....	9
5. Labour Market and Intake; Tuition and Funding .....	11
6. Research and Journals .....	12
7. Maastricht European Law School: Its Start in 1992 .....	12
8. The Modern-Day European Law School LL.B. and LL.M. ....	13
9. Labour Market for these New Lawyers .....	14
10. Conclusion and Agenda .....	15
Bibliography .....	18
<b>Bruno De Witte</b>	
European Union Law: A Common Core of a Fragmented Academic Discipline? ....	19
1. Introduction .....	19
2. The Unity Hypothesis .....	20
3. Fragmentation through Legal Education .....	23
4. Fragmentation in the Production of Legal Scholarship .....	28

4.1.	National/Linguistic Fragmentation .....	28
4.2.	Disciplinary Fragmentation.....	31
	Bibliography .....	38
<b>Jan Smits</b>		
	European Legal Education, or: How to prepare Students for Global Citizenship? ..	43
1.	Introduction .....	43
2.	Why A European Legal Education? Towards A Dialogue With Otherness .....	44
3.	What Should We Teach? On Doctrines, Arguments and Principles .....	49
4.	How Should We Teach? No Comfort of the Familiar .....	52
5.	Concluding Remarks. On the Law School of the Future .....	56
	Bibliography .....	59
<b>Jaap Hage</b>		
	Comparative Law and Legal Science.....	65
1.	Introduction .....	65
2.	Method .....	66
3.	Heuristics and Comparative Law .....	69
4.	Legal Sciences .....	70
4.1.	Explanation.....	70
4.2.	Evaluation .....	71
4.3.	Description of the Law .....	72
5.	Conclusion .....	74
	Bibliography .....	75
<b>Sjef van Erp</b>		
	Teaching Law in Europe: From an Intra-systemic, via a Trans-systemic to a Supra-systemic Approach.....	79
1.	Introductory Remarks .....	79
2.	Teaching Comparative Law: the Classical Approach .....	81
3.	Trans-systemic and Supra-systemic Comparative Law.....	85
4.	Concluding Remarks .....	92
	Bibliography .....	96

**Nicole Kornet**

Building a European-Oriented Law Curriculum.....	101
1. Introduction.....	101
2. Europeanisation of Law, Legal Practice and Legal Education: The Need for European Law Graduates .....	102
3. Building Blocks of a European-Oriented Law Curriculum.....	105
4. Case Study: The European Law School .....	110
5. Conclusion .....	115
Bibliography .....	116

**Sjoerd Claessens & Hildegard Schneider**

Legal Education and Free Movement of Lawyers in the European Union .....	121
1. Introduction.....	121
2. Identifying the Problem .....	122
3. Application of European Law? .....	126
3.1. The Morgenbesser Case: A First Step towards Academic Recognition? ....	128
3.2. The Pešla Decision: in dubio pro mobilitate? .....	134
3.3. The Koller Case: Right to Recognition or Abuse of Law? .....	139
4. Possibilities in the Bologna System?.....	141
5. How to Proceed? .....	144
6. Concluding Remarks .....	152
Bibliography .....	154

## PART II - EDUCATING EUROPEAN LAWYERS IN MAASTRICHT

**Bram Akkermans**

The Development of European Private Law and its Challenges on the Law School Curriculum.....	159
1. Introduction.....	159
2. Challenges in European Private Law .....	160
2.1. Cooperation as the Key-solution to Move Forward.....	161
2.2. European Union Developments and Private Law .....	162
2.3. Multi-disciplinary Research.....	166
3. Translating the Challenges into Teaching .....	168
3.1. Changing Focus.....	169
3.2. Teaching Materials.....	172
4. Perspectives for the Future .....	173
Bibliography .....	174

**Mieke Olaerts**

Teaching European and Comparative Company Law ..... 179

1. Introduction ..... 179
2. Developments and Characteristics of EU Company Law: Its Hybrid Nature ..... 180
3. Why a Comparative Approach? ..... 182
4. The Role of Comparative Company Law in Teaching ..... 185
- 4.1. Comparative Company Law as Part of Domestic Law ..... 186
- 4.2. Comparative and European Company Law as a Separate Subject at Bachelor and Master Level ..... 186
- 4.2.1. Introduction to European Company Law at Bachelor Level ..... 186
- 4.2.2. European and Comparative Company Law at Master Level ..... 188
5. Challenges ..... 190
6. Conclusion ..... 192

Bibliography ..... 193

**Remme Verkerk & Remco van Rhee**

Teaching Comparative Civil Procedure ..... 195

1. Introduction ..... 195
2. What is Civil Procedure? ..... 195
3. Teaching Civil Procedure ..... 196
4. Comparative Civil Litigation: History and Categories ..... 198
5. Comparative Civil Litigation: the Ordinary Course of a Lawsuit and Court Structures ..... 199
6. Comparative Civil Litigation: Trends and Challenges ..... 201
7. Civil Litigation in Europe, the greater Europe and beyond ..... 202
8. Concluding Remarks ..... 204

Bibliography ..... 205

**Philipp Kiiver & Mariolina Eliantonio**

Teaching European and Comparative Constitutional Law ..... 209

1. Introduction ..... 209
2. Constitutional Comparison and Europeanization ..... 210
3. The Teaching of Comparative Constitutional Law ..... 212
- 3.1. Comparative Constitutional Law as a Separate Subject ..... 212
- 3.2. Choice of Literature ..... 213
4. Conclusion ..... 214

Bibliography ..... 216

**André Klip**

Teaching Criminal Law in English ..... 219

1. Why English?..... 219
2. No National Legal System and no Suitable Teaching Material ..... 221
3. Three Development Phases of English-language Education ..... 221
4. Consequences of English-language Education for Course Content..... 224
5. Personal Experiences in South Africa..... 226
6. Conclusion ..... 227

Bibliography ..... 229

**Ellen Vos**

EU Law after Lisbon: Some Challenges Ahead..... 231

1. Introduction ..... 231
2. The Level of European Integration ..... 232
3. The Legitimacy of the EU..... 234
4. The Global Setting of the EU ..... 237
5. Challenging the Teaching and Teaching the Challenges..... 239

Bibliography ..... 241

**Remco van Rhee & Tanja van der Meer**

Teaching European Legal History ..... 247

1. Introduction ..... 247
2. General Introduction to Legal History in Year 1 of the Bachelor's Programme ..... 248
  - 2.1. Lectures ..... 248
  - 2.2. CALI Modules ..... 249
  - 2.3. Seminars ..... 252
  - 2.4. Individual Student Paper ..... 255
3. Legal History in other Courses of the Bachelor's Programme..... 257
4. Legal History in the Master's Programmes ..... 258
5. Final Remarks ..... 258

Bibliography ..... 260

**Bram Akkermans & Aalt Willem Heringa**

Conclusion: Towards a Coalition for European Legal Education (CELE)..... 261

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## LIST OF AUTHORS

### **Bram Akkermans**

Assistant Professor of European Private Law, Maastricht University, the Netherlands

### **Sjoerd Claessens**

Lecturer in European Law, Maastricht University, the Netherlands

### **Mariolina Eliantonio**

Assistant Professor of European Administrative Law, Maastricht University, the Netherlands

### **Sjef van Erp**

Professor of Civil Law and European Private Law, Maastricht University, the Netherlands. Deputy Justice Court of Appeal 's-Hertogenbosch, the Netherlands

### **Jaap Hage**

Professor of Contract Law and Law of Obligations in General, Maastricht University, the Netherlands

### **Aalt Willem Heringa**

Dean, Faculty of Law, Maastricht University; Professor of Comparative Constitutional and Administrative Law; <[www.maastrichtuniversity.nl/law](http://www.maastrichtuniversity.nl/law)>

### **Philipp Kiiver**

Associate Professor of European and Comparative Constitutional Law, Maastricht University, the Netherlands

### **André Klip**

Professor of Criminal Law, Criminal Procedure and Transnational Criminal Law, Maastricht University, the Netherlands



**Nicole Kornet**

Dr. Nicole Kornet BA LL.B.(Hons) LL.M. is Assistant Professor of Commercial Law, Maastricht University, the Netherlands

**Tanja van der Meer**

Lecturer in Legal History, Maastricht University, the Netherlands

**Mieke Olaerts**

Assistant Professor Company Law, Maastricht University, the Netherlands

**Jan M. Smits**

Professor of European Private Law, Maastricht University, the Netherlands and Research professor of Comparative Legal Studies in the University of Helsinki (Finland).

**C.H. (Remco) van Rhee**

Professor of European Legal History, Maastricht University, the Netherlands

**Hildegard Schneider**

Professor of European Union Law, Maastricht University, the Netherlands

**Remme R. Verkerk**

Assistant Professor at Maastricht University until September 2010. He currently practices law at Houthoff Buruma

**Ellen Vos**

Professor of European Union Law, Maastricht University, the Netherlands

**Bruno De Witte**

Professor of European Union Law, Maastricht University, the Netherlands

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## LIST OF ABBREVIATIONS

AD	Anno Domini
ADR	Alternative Dispute Resolution
A.G.	Advocate General
ALI	American Law Institute
Art.	Article
BC	Before Christ
BCL	Bachelor of Civil Law
BGBI.	Bundesgesetzblatt
BGH	Bundesgerichtshof
BSE	Boviene spongiforme encefalopathie
CCBE	Conseil des barreaux européens (Council of Bars and Law Societies of Europe)
CDE	Cahiers de Droit Européen
CELE	Coalition for European Legal Education
CETS	Classroom Educational Technology Services
CFR	Common Frame of Reference
CFSP	Common Foreign and Security Policy
CJEU	Court of Justice of the European Union
CMLR	Common Market Law Review
CoPECL	Common Principles of European Contract Law
CPE	Common Professional Education
DCFR	Draft Common Frame of Reference
DRiG	Deutsches Richtergesetz
DUE	Diritto dell'Unione Europea
EC	European Commission
ECHR	European Court of Human Rights
ECJ	European Court of Justice
ECR	European Court Reports
ECtHR	European Court of Human Rights

List of Abbreviations

ECTS	European Credit Transfer System
ELI	European Law Institute
ELR	European Law Review
ELS	European Law School
ELS-ET	European Law School – English Track
ELS-ELT	European Law School – English Language Track
EPC	European Private Company
EPR	Europarecht
EU	European Union
EUI	European University Institute
FEMM	Droits de la Femme et Égalité des Genres (Women’s Rights and Gender Equality) Committee European Parliament
HRG	Hochschulrahmengesetz
Id.	Idem
IGC	Intergovernmental Conference
JOR	Jurisprudentie Onderneming & Recht
JORF	Journal Officiel de la République Française
JURI	Legal Affairs Committee European Parliament
LIBE	Civil Liberties, Justice and Home Affairs Committee European Parliament
LL.B	<i>Legum Baccalaureus</i> , Bachelor of Laws, Bachelor of Common Law
LL.D.	Doctor of Laws
LL.M.	<i>Legum Magister</i> , Master of Laws
MIC	Magister Iuris Communis
MJ	Maastricht Journal of European and Comparative Law
NGO	Non-Governmental Organisation
OJ	Official Journal
OLG	Oberlandesgericht
PBL	Problem-Based Learning
PECL	Principles of European Contract Law
PhD	Philosophiæ Doctor
RDUE	Revue du Droit de l’Union Européenne
REDE	Revista Española de Derecho Europeo
ROA	Research Centre for Education and the Labour Market
RTDE	Revue Trimestrielle de Droit Européen

SE	Societas Europaea
SE	Statute for a European Company
SPE	Societas Privata Europaea
SPE	Statute for a European Private Company
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UK	United Kingdom
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNIDROIT	International Institute for the Unification of Private Law
US/U.S.	United States

Aalt Willem  
Heringa  
Bram Akkermans

## INTRODUCTION

The reasons to make this book were manifold. Legal education, although constantly evolving remains a predominantly national domain. Witnessing the growth of Europeanization, multi-level governance, rule making, the increasing internationalisation of the legal domain and the workplace of lawyers, we feel the need to start a discussion about a proper European legal education. Are we right in thinking that it is time to reflect upon a model of truly European legal education? How to cope with questions about the proper curriculum, the links with the labour market, the existence of teaching materials and academic output?

A primary reason was found in our own (maybe preliminary) answers to the foregoing questions. In 1995 we set up a European Law School programme, in 2006 we set up a bachelor program taught in English, the European Law School English Track, as well as a master program with the same name. Four years of law studies in English, not so much (and sometimes not at all) focused on a domestic legal system, but about European law, comparative law and the common law of Europe (*ius Commune*), with evidently also a substantial doses of international law and globalization trends. This program is, we humbly submit an academic challenge as well as a pioneering endeavour to work towards a truly European legal education and perhaps can serve as the basis for the development of other programmes.

Evidently we have stumbled upon many issues, some major ones to be analysed and described in this book. Some relate to the language of instruction; the existence of teaching materials; the relationship with legal professions; and didactical aspects, to name but a few.

So, basically we aim at achieving two things with this book. Starting and bringing forward the discussion about European legal education, and secondly bring into that debate our internal discussion, attempts, achievements and obstacles as well as our belief, founded upon the qualities we believe our European Law School programme possesses, that the proper way forward is to construct a truly European legal education for a selected group of future European lawyers. This project is not finished with this book and will be ongoing and we seek advice and comments as well as also solicit support from other schools and professors who have a similar vision of a future European legal education model. We seek support from politics on the domestic and European level to enable a European legal

education model to come into being and be recognized by national legislatures, bar organizations and European decision makers.

This book's title *Educating European Lawyers* is inspired by the US Carnegie Foundation for the Advancement of Teaching publication 'Educating Lawyers: Preparation for the Profession of Law', that proposes reform of US law schools.<sup>1</sup> In this book the authors propose to rethink the methodology underlying the curriculum in American Law Schools, adapting the methods to the needs of our current time.

The book before you is divided into two parts. The first part deals with general aspects of European Legal Education and offers general insights into European legal education. The second part deals with subject specific aspects. In this part challenges in a specific field of law will be dealt with. The book concludes with an outlook and a proposal where to go next.

Maastricht, May 2011

Bram Akkermans & Aalt Willem Heringa

<sup>1</sup> See <<http://www.carnegiefoundation.org/publications/educating-lawyers-preparation-profession-law>>.