



The Russian Federation Government
Higher School of Economics
National Research University

Faculty of Law

Private International Law Department

Private International Law Masters' Degree

First Year Curriculum

**Master Degree training within the educational field
40.04.01 «Jurisprudence»**

LEGAL CONCEPTS

IN PRIVATE INTERNATIONAL RELATIONS

RESEARCH SEMINAR

COURSE PROFILE

Faculty: Law

Academic Year: 2014/15

Course Title: Legal Concepts in Private International Relations

Level: Masters students, 1-st year

Language of Instruction: English

Course type: Mandatory

Period: Modules 1 - IV

Credits: 10

Course Instructor – Contact Details

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Course Description

This Course aims at exploring both for commonalities and discords across the overall field of the private international law making more transparent and evident the cross-linguistic correspondences of the major notions used for defining and regulating private international relations. The latter among others comprise conceptual discrepancies available in different jurisdictions which may prompt complex legal

rationale for justifiable legal decision-making. Enhancing critical reviewing of nation-specific legal concepts used globally in legal communication abundant in private international law-related technicalities constitute the core learning objective.

Private international relations can be attributed to one of the most challenging legal fields inasmuch as they require legal scholars and legal practitioners to be knowledgeable and expertly alert. This follows from the nature of this field which is multidisciplinary within the legal profession and the concepts generated, used, reviewed, and applied in this field are highly technical and sophisticated.

The Course is underlying significant components of analytical thinking making it instrumental for expanding knowledge needed for studying other legal courses, such as: international banking and investment law, international commercial arbitration, international civil procedure, and the EU contract law. Hence, an inclusive analytical approach makes itself conspicuous allowing for mastering the law-and-language combination and more elaborate knowledge of professional conceptual fields.

Prerequisites

The Course draws on students' knowledge acquired during their preceding years of university bachelor degree training in law or other social sciences, as well as skills developed through the accomplishment of syllabi taught over their prior university studies as necessitated by academic curricula including, specifically, academic skills of critical thinking, critical reading, critical writing and reviewing, proficiency in general English and legal English.

The syllabus follows the comprehensive curricula designed for preparing university masters students at the NRU HSE Faculty of Law in consistency with the Russian Federation National Educational Standard for Higher Learning Establishments (FGOS VPO) "Jurisprudence" endorsed by the RF Education and Science Ministry Ordinance No.1763 as of 14 December 2010, rev. as of 31 May 2011; Educational Curricular 030900 "Jurisprudence" for masters' degree in law, LL.M; NRU HSE Curriculum 030900.68 "Jurisprudence" for masters' degree in Private International Law endorsed in 2014.

The course syllabus includes the following theoretical and practical dimensions:

Theoretical dimensions:

- Profiling legal knowledge domains covering international property law, international contract law, international IP law, international labor law, international procedure, international arbitration, etc.
- Identifying commonalities in conceptual frameworks nationally and institutionally; conceptual frameworks and terminological systems; terminological clusters; terminological abbreviations and connotations;
- Terminological data mining; electronic legal lexicography; encyclopedic and terminological databases
- Extending the students' knowledge of relevant linguistic devices for analyzing conceptual frameworks and efficiency in their reviewing for purposes of legal reasoning;
- Critical reviewing and discussing certain types of legal concepts representative of the relevant Anglo-Saxon legal concepts as compared to Russian legal concepts; conventionalities and irregularities of terminologies; solecisms;
- Legal conceptology as an interdisciplinary subject; major notions as applicable for analyzing private international relations; national legal nomenclatures: commonalities and limitations of profiling legal concepts.

Practical dimensions:

- Profiling legal knowledge domains covering international property law, international contract law, international IP law, international labor law, international procedure, international arbitration, etc.
- Identifying commonalities in conceptual frameworks nationally and institutionally; conceptual frameworks and terminological systems; terminological clusters; terminological abbreviations and connotations;
- Extending the students' knowledge of relevant linguistic devices for analyzing conceptual frameworks and efficiency in their reviewing for purposes of legal reasoning;

- Critical reviewing and discussing certain types of legal concepts representative of the relevant Anglo-Saxon legal concepts as compared to Russian legal concepts; conventionalities and irregularities of terminologies; solecisms;
- Legal conceptology as an interdisciplinary subject; major notions as applicable for analyzing private international relations; national legal nomenclatures: commonalities and limitations of profiling legal concepts

Course Objectives

The Course is multipart and based on conceptual frameworks related to defining and classifying conceptual matters in law. It has been tailored for masters' students enabling them to define legal concepts in terms of functionality in and applicability for legal discourse-specific technicalities. A composite structure of the Course allows for exploring currently topical problems areas in legal scholarship, judicial practices, and lawyering.

The Course major objectives comprise:

- ensuring the English-speaking proficiency within a wide range of legally relevant academic and professional issues regardless of the subject-matter complexities;
- improving students' capabilities for communicating across the international professional communities, legal academic communities, law practitioners, and related professional milieu;
- enhancing students' skills of academic writing and legal research in a subject-specific legal fields or related fields of law;
- delivering pertinent knowledge accumulated in the applied and legal linguistics, as well as other linguistic branches for ensuring masters students' professionalism in legal scholarship and/or law practices (counselling, consulting, advisory, etc.);
- facilitating skills development required for conducting legal research and essay writing based on the academic writing conventions as a prerequisite of employability.

Total class hours: 360

Students' self-work (extramural) in hours: 216

Method of Instruction

The Course is structured in the way which allows for the legal knowledge sharing where masters' students learn from the instructor, each other, i.e. knowledge-sharing training methodology, as well as in-class via the peer-reviewing and peer-learning methods enabling students to effectively achieve the learning objectives.

Research seminars are aimed at developing and polishing students skills in making micro-research on specific concepts within the private international law domain and respective subdomains through delivering their critiques at regular seminars and more fully-fledged research at mid-term (module-final) or end-term (academic year final) sessions. Also, research seminars draw primarily on the critical thinking and critical reading skills which further enable students' critical writing and reviewing skills.

As such, research seminars are fundamental in shaping the professional decision-making whereby a strong skill of legal reasoning in English appears one of the major end-product of training. Apart from that, research seminars combine an interactive and spontaneous opinion-sharing in individual or group debates on specified problem areas. Such interactive tutoring mode is based on both prepared and spontaneous types of interaction.

Classes are conducted as research seminars designed largely in the interactive mode with the focus on the feedback from masters students to the instructor's and each other's standpoints, thus shaping dialogue-oriented and polylogue-driven interaction. Research seminars' major focus is placed on developing the skills of critical reading of and critical thinking over legal scholarship and judicial practices for further comments in the form of analytical processing of training materials studied.

Students are expected to get prepared for the upcoming seminars and, in so doing, to prepare subject-specific tasks for better comprehension of the subject-matter delivered by the Course Instructor. Home assignments are intended for reviewing and analyzing English concepts on a case-specific basis, using judicial rulings in the original, as well as preparing to the multitasking format of exercising during in-class teamwork.

Types of knowledge control

- Current control:
 - Essay on a selected topic as agreed with the Course Instructor;
 - In-betweeners: regular quizzes during seminar classes lasting 15 minutes for checking the level of memorizing key conceptology notions and expected skills proficiency
- Intermediate control:
 - Exam – graded assessment of the level of acquired knowledge and developed skills during the Course; includes written questions covering syllabus material, i.e. theoretical and practical dimensions, as well as discussion with the Course Instructor of selected problematic issues relevant for the Course acquisition assessment.

Assessment method

- Seminar attendance / participation – 10%
- Self-study – 10%
- Essay – 30%
- Examination (test) – 50%

Reading

Basic Sourcebooks

1. Researching Language and the Law. Frankfurt am Main, Berlin: Peter Lang, 2010.
2. Legal Discourse Across Languages and Cultures. Peter Lang, 2010.
3. Vlasenko, Svetlana. Stance-Taking in Legal Matters. Moscow: Omega-L, 2013.

Essential Reading

1. Clarkson C.M.V., Hill J. The Conflict of Law. 4-th ed. Oxford: Oxford University Press, 2011.
2. Philosophical Foundations of Language in the Law. Oxford : New York Oxford University Press, 2013.

3. Vlasenko, Svetlana. Minimal Unit of Legal Translation vs. Minimal Unit of Thought, in: *The Ashgate Handbook of Legal Translation / Le Cheng, King Kui Sin, and Anne Wagner (Eds.)*. Farnham, UK: Ashgate Publishing Group, 2014. P. 89–120.

Further Reading

1. Doherty, M. *Language Processing in Discourse*. London; New York: Routledge, 2012.
2. Elhauge, Einer. *Statutory Default Rules. How to Interpret Unclear Legislation*. Cambridge, Massachusetts, and London, England: Harvard University Press, 2008.
3. Gilman, Martin G. *No Precedent, No Plan: Inside Russia's 1998 Default*. Cambridge, Mass.; London: MIT Press, 2010.
4. McKendrick, E. *Contract Law : Text, Cases, and Materials*. – Oxford: Oxford University Press, 2012.
5. Russell, F. *English Law and Language*. New York : Phoenix ELT, 1995.
6. Stiglitz, Joseph E. *The Price of Inequality*. London: Penguin Books, 2013.
7. Stiglitz, Joseph E. *The Stiglitz Report Reforming the International Monetary and Financial Systems in the Wake of the Global Crisis / With a Foreword by Miguel d'Escoto Brockmann*. New York, London: New Press, 2010.
8. Tiersma, Peter M. *Legal Language*. Chicago and London: The University of Chicago Press, 2000.
9. Vlasenko, Svetlana. *Contract Law: Professional Translation Practices in the English–Russian Language Pair : Sourcebook for students of law & linguistics*. Moscow: Wolters Kluwer, 2006.
10. Winkler, E.G. *Understanding Language*. London and New York : Continuum, 2012.

Reference Books, Dictionaries and Encyclopedias

1. *Black's Law Dictionary / Garner B.A. et al. (eds.) 9-th ed.* Thomson–West, USA, 2009.
2. *Dictionary of Business and Economics Terms / J.P. Freidman (Gen. Ed.)*. 5th ed. N.Y. : Barron's Educational Series Inc., USA, 2012.
3. *Dictionary of Finance and Investment Terms / Downes, John, Goodman, Jordan Elliot*. 8th ed. N.Y. : Barron's Educational Series, Inc., USA, 2010.

4. Dictionary of Law. Oxford; New York : Oxford University Press, 2009.
5. English–Russian Comprehensive Law Dictionary / A.S. Mamulyan, S.Yu. Kashkin. Moscow: Eksmo, 2008.
6. Law Dictionary / S.H. Gifis. 5-th ed. N.Y. : Barron’s Legal Guides Inc., USA, 2003.
7. Legal Dictionary of Civil and International Private Law / Renkvist T. et al. Moscow : Mir, pravo, informacija, 2002.
8. Legal Glossary: Law and Business (Russian–English, English–Russian) / By Baskakova M.A. 8-th ed., rev. & amend. Moscow: Finansy i statistika, 2009.
9. Merriam-Webster’s Dictionary of Law. Merriam-Webster, USA, 1996.
10. The Oxford Handbook of the History of International Law. Oxford; New York : Oxford University Press, 2012.
11. Research Handbook on the Economics of European Union Law. Cheltenham; Northampton : Edward Elgar, 2012.
12. Research Handbook on the Economics of Property Law. Cheltenham; Northampton : Edward Elgar, 2011.
13. Research Handbook on International Insurance Law and Regulation. Cheltenham; Northampton : Edward Elgar, 2011.
14. Research Handbook on the Theory and History of International Law. Cheltenham; Northampton : Edward Elgar, 2011.
15. The Routledge Handbook of World Englishes / Ed. by A. Kirkpatrick. London; New York: Routledge, 2010.
16. Law Dictionary: <http://dictionary.lp.findlaw.com/>
17. Latin Phrases:
http://www.freebase.com/view/language/views/latin_phrases
18. Oxford Online Dictionaries. URL: oxforddictionaries.com.

Author of the Course / Course Instructor:

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