

## **Options for MAEP & MACES students, Spring 2011.**

**Please note that not all options are offered in any given year, depending on availability of faculty and student numbers. The options which have run consistently every year and are most likely to continue to be offered in Spring 2012 are highlighted below.**

### **EU SINGLE MARKET LAW**

**Tutors: Dr. Yuri Borgmann-Prebil/ Professor Susan Millns**

#### **COURSE DESCRIPTION:**

The 'single' or 'internal' market, defined by reference to the 'four freedoms', lies at the very heart of the European Union with policies on the free movement of goods, persons, services and capital destined to ensure an ever closer economic, monetary and political union. This module examines the legal foundations of the single market tracing the deployment of both 'negative' and 'positive' integration mechanisms together with the use of various legal techniques destined to achieve completion of the internal market. While concentrating particularly on the free movement regimes applicable to goods, persons and services, the module will investigate the interaction of these key policy areas with other issues such as social welfare provision, the rights and responsibilities of private actors and the protection of fundamental rights. The module explores not only the substantive rules and their application, but also the constitutional significance of the removal of obstacles to movement. We study closely the pertinent case law of the Court of Justice and its deep inroads into national sovereignty.

#### **LEARNING OUTCOMES:**

The aim of the module is to provide an introduction to the basic principles of European legal integration in the context of the law and policy governing the Single Market. In so doing the module provides students with a sound understanding of the basic concepts, rules and principles of EC free movement law.

By the end of the course, a successful student should be able to:

1. compare the characteristics of the rules relating to goods, services and persons;
2. explain the concepts and values which have shaped the single market;
3. evaluate the extent to which a single market has genuinely been achieved;
4. link the single market to wider constitutional and governance questions in the EU.

#### **SEMINAR TOPICS:**

There are nine seminars in the course; the provisional list of topics is as follows:

1. Introduction to the single market
2. The single market and processes of harmonisation
3. Free movement of goods
4. Free movement of persons
5. Freedom of establishment - individuals
6. Freedom of establishment - companies
7. Freedom to provide and receive services

8. The external dimension of the single market: The Common Commercial Policy
9. The single market, European citizenship and fundamental rights

### **COURSE TEXTS:**

*C Barnard: The Substantive Law of the EU – the Four Freedoms* (OUP, 3<sup>rd</sup> ed. 2010). You would also find it useful to have a copy of relevant legislation such as N Foster, *Blackstone's EU Treaties and Legislation 2010/11* 21<sup>st</sup> ed. (Oxford, 2010).

## **LAW AND CITIZENSHIP IN THE EUROPEAN UNION**

**Tutors: Dr. Yuri Borgmann-Prebil/ Professor Susan Millns**

Citizenship of the European Union was first established by the Treaty of Maastricht in the early 1990s. This course examines how far this concept has been developed and fleshed out by the Court of Justice and the extent to which it adds to the bundle of rights already in existence for individuals in Member States. We trace the contested nature of citizenship in the wider theoretical literature before examining the particular scope and impact of the EU concept under Articles 20 and 21 TFEU. We also examine the relationship of citizenship to other legal principles such as non-discrimination and the protection of fundamental rights. In short, the scope and content of citizenship tells us much about what kind of Europe is being created beyond its market-oriented origins.

### **LEARNING OUTCOMES**

By the end of the course, a successful student should be able to:

- explain why citizenship is a contested concept;
- understand the legal meaning of citizenship developed in case law;
- compare and contrast citizenship with the legal protection of fundamental rights and principles of non-discrimination and equality;
- identify the relevance of citizenship to debates about governance and democracy in the EU

### **SEMINAR TOPICS**

There are nine seminars in the course; the provisional list of topics is as follows:

1. Citizenship as a contested concept: the wider theoretical literature
2. Citizenship in the EU – issues of identity and nationality
3. Citizenship in the EU – the Court's case law: providing additional rights?
4. A rule of reason in citizenship? Mirroring the single market?
5. Civic citizenship and the EU's 'democratic deficit'
6. Non-discrimination as a fundamental principle of EU law
7. Fundamental rights protection in the EU – the jurisprudence
8. Citizens and non-citizens: 'irregular' migrants in the EU
9. Citizenship and solidarity: new paradigms for EU law?

### **READING**

There is no single text that is appropriate for this course as a whole, but there is an abundance of available secondary literature. The course is therefore built around the guided reading lists for each seminar.

## **EU COMPETITION LAW**

**Tutor: Prof. Malcolm Ross**

### **COURSE DESCRIPTION:**

Competition law is about the regulation of how businesses (private and public) behave in the market place. It covers a wide range of issues, including: price-fixing or market-sharing cartels, unfair trading practices, mergers, state subsidies that distort competition and the provision or funding of public services. Competition Law is a lively topic at the moment as its fundamental goals and enforcement processes have undergone significant reappraisal in recent years. Moreover, the recession has tested the robustness of EU-level rules in the face of Member State bail-outs of banks and other businesses. There is also a strong international dimension to EU competition law because of its extraterritorial application and the ways in which some of its policies (eg merger control) may conflict with those of other jurisdictions.

### **LEARNING OUTCOMES:**

By the end of the course, a successful student should be able to:

1. understand the EU rules governing market structures and behaviour of firms;
2. explain the concepts and values which underpin competition regulation;
3. evaluate critically the decisions taken by judicial and administrative institutions in the areas of the syllabus;
4. discuss the role of the State as market participant and regulator;
5. compare the enforcement of private trading rights and protection of the public interest

### **SEMINAR TOPICS:**

There are nine seminars in the course; the provisional list of topics is as follows:

1. Introduction to competition law: themes and issues
2. Goals and policies of EU law
3. Restrictive practices and collusion between firms: Art 101 TFEU
4. Art 102 TFEU: the measurement of dominance and the obligations of dominant firms
5. Art 102 TFEU: abuses of a dominant position
6. Services of general economic interest: Art 106 TFEU
7. State aid: Arts 107-109 TFEU
8. Public and private enforcement of the competition rules
9. Extraterritoriality and globalisation of competition law

### **COURSE TEXT:**

I recommend A.Jones and B.Sufrin, *EU Competition Law Text, Cases and Materials* (4th ed OUP, 2010). More specialist monographs include W Sauter & H Schepel, *State and Market in European Union Law* (Cambridge Studies in European Law and Policy, 2010).

# Energy and Environmental Security in Europe

Course Tutor: Francis McGowan

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## Course Overview

This course addresses the growing importance of security as an issue for energy and environmental policy within the EU and beyond, analysing the way in which different concepts of security have emerged (or re-emerged) to redefine policy priorities in both areas. The course draws upon old and new arguments on the nature of security and securitization and the way in which energy – and its environmental consequences - has been incorporated into these debates. The course also provides an overview of international energy markets and of global environmental conditions, assessing the position of the EU in each. The core of the course is an analysis of the EU's own attempts to develop a coordinated response to questions of energy and climate security and its role as a protagonist in international negotiations (whether bilateral, regional or multilateral).

## Course Structure

1. Contextualising European Energy and Environmental Policies: Europe as an International Actor/Security, Securitization and Risk
2. The Energy and Environment Endowment
3. The Evolution of the Energy Security Debate
4. The Evolution of the Environmental Security Debate
5. Contemporary EU Energy & Climate Policy
6. Energy Diplomacy: the role of the EU
7. Environmental Diplomacy: the role of the EU
8. Solving the Security Challenges without Security? Technical and Policy Fixes
9. Prospects for Energy and Climate Security in Europe and Beyond.

## **Territorial Politics**

**Tutor: Dan Hough**

This course analyses the influence of territory on political processes and political outcomes. Since the 1960s European political systems have all - to greater or lesser extents - been forced to adapt to demands for a 'territorialisation' of political affairs. Indeed, more or less every nation-state has been by affected by processes of federalisation, regionalisation and/or devolution. In short, territory matters in understanding how politics functions in democratic states more than at any time in living memory. This course subsequently explores how this territorial challenge came about, why it matters and whether further territorialisation is to be expected.

The course analyses both how territorial governance (i.e. multi-level governance, federalism, regionalism etc.) functions, and what the nature of the territorial challenge is. It analyses how elections to new or reinvigorated territorial institutions (i.e. the Scottish Parliament, the Spanish Autonomous Communities, the German Laender and so forth) matter and how voters perceive them. It analyses how state-wide politics has been affected by increasingly powerful sub-state administrations. The course also analyses whether there has been a much vaunted hollowing out of the nation-state as well as analysing particular sets of policy challenges posed by contemporary territorial politics.

### **International Relations of the European Union (934M9)**

**Dr Adrian Treacher (A.H.Treacher@sussex.ac.uk)**

The course commences with an analysis of the Union's initial emergence as an international actor. It then analyses the political context of various different, but nevertheless inter-related, aspects of the EU's external relations; these include: Foreign and Security Policy, Security and Defence Policy, conflict prevention and international development/humanitarian action. Over three weeks, the course then assesses the Union's relations with its peripheries to the East and South and to the West. Throughout, we will be critiquing the EU as an international actor and engaging with concepts like 'civilian actor', 'normative power' and 'hard' and 'soft power'.

### **European Political Integration (808M9)**

**Prof Jorg Monar (J.Monar@sussex.ac.uk)**

This course examines the development trends and the institutional set-up of the European Union, including the trend towards differentiation and the most recent reform perspectives offered by the Treaty of Lisbon. The objectives are: (a) to explain the political and legal dynamics of EC/EU integration and of the specificities of the institutional order it has generated, (b) to analyse and evaluate the internal organisation and functioning of the main EU institutions, (c) to offer substantial insights into practice of decision-making in the EU system, (d) to identify specific strengths and weaknesses of the EU in terms of policy formulation and implementation, (e) to assess the many ways of national influence within the EU's institutional system, (f) to familiarise participants with the use of official EU sources.

## **EU Justice and Home Affairs (962M9)**

**Prof Jorg Monar ([J.Monar@sussex.ac.uk](mailto:J.Monar@sussex.ac.uk))**

With an average of more than 10 texts adopted every month EU justice and home affairs belongs to the fastest growing policy-making domain of the European Union. Covering issues such as migration control, border security and fight against major forms of international crime it also deals with some of the most sensitive issues from the perspective of national sovereignty and protection of fundamental rights. Specific governance phenomena such as the extensive use of special agencies such as Europol, Eurojust and Frontex and a high degree of differentiation (Schengen, opt-outs) add to the interest of this domain as a field of research. This course provides an analysis of the main challenges, instruments and trends of EU justice and home affairs policy-making, offering thereby also some insights into the potential and the limits of the EU as a provider of security to European citizens.

## **The Politics of Citizenship and Immigration (980M9)**

**Dr James Hampshire ([J.A.Hampshire@sussex.ac.uk](mailto:J.A.Hampshire@sussex.ac.uk))**  
(On leave 2011 : not offered)

Immigration is one of the most controversial political issues in Europe, posing a challenge to received ideas about citizenship and national identity across the continent. This course considers current debates about citizenship and immigration from a variety of perspectives, both empirical and normative, and aims to provide students with an understanding of how European countries have responded to immigration and how their different understandings of citizenship have conditioned these responses. Accordingly, the social and cultural dimensions of immigration will be addressed – including issues surrounding ethnic diversity, racism, multiculturalism, and national identity - and their impact on political debates will be analysed. By the end of the course students will have developed an understanding of the conceptual issues associated with citizenship and immigration, and they will have acquired a sound knowledge of the historical background to contemporary debates. Students will be able to explain and interpret the various citizenship traditions of Europe, analyse the range of political responses to immigration in the post-war period, and assess normative arguments for and against immigration controls.

**The Domestic Politics of European Integration (992M9)**  
(Not offered 2011)

**Prof Paul Taggart ([P.A.Taggart@sussex.ac.uk](mailto:P.A.Taggart@sussex.ac.uk))**

The course examines the impact of the European integration process, politics and institutions on the domestic politics of European states. The course looks at the impact of the European issue on political parties, party systems, referendums and public opinion. The course is designed explicitly to link the fields of European Union studies and Comparative European Politics. The course addresses both the theoretical literature (in asking what different approaches to European integration have to say about the domestic politics of member states) and the empirical literature looking at a number of specific areas. The idea is that students examine either one or a number of country cases throughout the course in relation to each topic through the weekly papers.

The course is specifically designed as a complement to the European Political Integration course (see above.)

### **Political Economy of EC Integration (814M9)**

**Prof Jim Rollo (J.Rollo@sussex.ac.uk) & Prof Peter Holmes (P.Holmes@sussex.ac.uk)**

This course will examine the process and economic consequences of economic integration in the EU. It will use some economic theory to analyse the positive and normative aspects of integration, but the course requires an interest in economic issues rather than any formal training. You will be expected to acquire an understanding of basic economics: supply and demand, comparative advantage, the balance of payments, Keynesian vs Monetarist notions of the determination of employment and inflation. It will place emphasis on the external as well as the internal dimensions of EU integration in order to show both the development of EU relations with trading partners and also the way in which the need for a common response to external challenges has influenced the strategy of EU development. Students should aim to be able to understand at least the non technical parts of the recommended textbook which is R. Baldwin & C. Wyplosz (2<sup>nd</sup> edition), the Economics of European Integration.

### **Political Economy of EU Enlargement & Neighbourhood Policy (963M9)**

**Prof Jim Rollo (J.Rollo@sussex.ac.uk) and Prof Alan Mayhew (A.Mayhew@sussex.ac.uk)**

This course aims to help students understand and analyse the processes of third-country integration with the European Union. We will analyse in depth the

enlargement of the European Union and accession to the EU. We will look at the implication of enlargement for the Union and the impact on acceding countries. We will also consider the integration of countries in the EU's neighbourhood, which at present do not have an accession perspective.

The approach is primarily an economic one, concentrating on the major economic implications of integration with the EU but will also investigate the political economy aspects of enlargement and integration. The course will both analyse the experience of the fifth enlargement of the Union and look forward to the future of enlargement and the development of Neighbourhood Policy. The course, while mixing some theory with a lot of practice, does not however require an economics background. Students will be expected to use primary sources as well as the growing body of secondary literature

### **Human Rights in Europe (810M9)**

**Mr Zdenek Kavan (Z.Kavan@sussex.ac.uk)**

This course examines the process of internationalisation of human rights and the main factors that underpin that process, e.g., the nature of the international order, the relationship between human rights and sovereignty of states, and the problematic of intervention and redistribution. The use of human rights as instruments of foreign policy will be contrasted with the involvement of international non-governmental organizations. Both the global and the regional legal frameworks will be examined.

Questions of cultural hegemony will be contrasted with those that claim legitimate cultural autonomy.

### **Migration under the ECHR (871M3) (On leave 2011 & 2012: not to be offered)**

**Prof Marie Benedicte-Dembour (M.Dembour@sussex.ac.uk)**

The European Convention on Human Rights is not directly concerned with migration. Nonetheless hundreds if not thousands of migrants have applied to the European Commission and/or Court of Human Rights. They have made claims under virtually all articles of the Convention. They have complained, inter alia, that their deportation would expose them to torture or cut them from their family, of not having had a fair trial or having been deprived of their liberty illegally.

The course explores how migrant cases have fared at Strasbourg. It asks which cases have a chance to be successful, and which have not, in respect to both legal arguments and broader social factors. It questions why racial discrimination hardly comes up in the Strasbourg case law and how post-11/9 national measures might be regarded at Strasbourg. It seeks to uncover the premises that underlie the reasoning of the Court. The overall aim of the course is thus to provide a sound legal understanding of the way the European

human rights system of protection represented by the Convention works at the same time as it paints a socio-legal sketch of the Strasbourg migration record.

**Idea of Europe (993M9)**  
**(Not offered in 2011)**

**Prof Gerard Delanty (G.Delanty@sussex.ac.uk)**

The idea of Europe is invoked in many debates and documents relating to the European Union and more generally with regard to major social change in Europe. There is also a long history of writing on the meaning of Europe and how its cultural and political heritage should be assessed. In the present day such considerations as to the cultural significance of Europe and whether there is a political identity beyond national identities has become increasingly salient. As the European Union ceases to be exclusively defined in terms of market objectives, cultural considerations have come to the fore, such as those of memory, identity and loyalty. Whether there is an idea that underlies the multiplicities of its forms has perplexed a wide range of scholars. Is European identity defined by reference to an external other? Does post-national political community require an underlying cultural identity? What traditions of political community are relevant today in light of the formation of a European polity that has gone far beyond the earlier designs. These are among the many questions that are now being asked. The approach adopted is largely critical in that contemporary debates on the identity of Europe provide the main interpretations on what are in many cases much older controversies.

**The Politics of Eastern Europe in Transition (935M9)**

**Prof Aleks Szczerbiak (A.A.Szczerbiak)**

The objective of the course is to use the analytical frameworks normally employed for the study of more established Western democracies to examine the characteristics and features of post-communist politics in the newly democratic states of Central and Eastern Europe.

The central question that the course seeks to address is: *what kind of democracy is developing in post-communist Central and Eastern Europe?* A second (and linked) question is: *what (if any) is the impact of integration into Western international structures on politics in these countries?* If you take this course then, by the end, you should have answers to these questions!

I take a very broad approach to defining to include all the post-communist states. For my case studies, I tend to focus mainly on the ten post-communist states that have recently joined the EU and NATO. But this is for practical rather than intellectual reasons and it is really just to keep things manageable.

During the last ten years teaching this course, it has been particularly interesting for me to see students from post-communist states that are not EU/NATO members – such as Albania, Belarus, Croatia, Kosova, Macedonia and Russia (to name a few) - taking and applying the analytical frameworks used here to try and make sense of politics in their own countries.

### **What does the course cover?**

- What kind of legacies did the communist period leave behind?
- Institutional choices: Does Eastern Europe need strong or weak presidents?
- Parties and elections: Why did communist successor parties return to government?
- The politics of retributive justice: How should East European states deal with the communist past?
- The politics of economic reform: Are democratisation and radical economic reform incompatible?
- Democratisation and ethnicity: Has there been a nationalist upsurge?
- The politics of European integration (I): EU enlargement
- The politics of European integration (II): NATO enlargement
- Taking stock and looking ahead: What kind of democracy is developing in Eastern Europe?

## **MAEP/MACES OPTION 2010/11 POLITICAL PARTIES & PARTY SYSTEMS IN COMPARATIVE PERSPECTIVE**

Convenor: Prof. Paul Webb

Whatever their effect on public policy, and notwithstanding the challenges they face, parties are still one of the main representative linkages between citizens and the state in liberal democracies. As such, they continue to attract as much attention from those interested in comparative politics as they do in the media. Academics continue to cite American political scientist EE Schattsneider to the effect that ‘modern democracy is unthinkable save in terms of political parties’ – an assertion he made over half a century ago. But is it still true? To support or contest it we need to start with a few questions. Where did parties – and party systems – come from? Are they all the same underneath or do they differ systematically? What are they supposed to do and what do they actually do? How have they changed? And where are they going?

This course offers students an understanding of the development of political parties and party systems and their importance in contemporary European democracies. Although the primary empirical focus is on the development of parties and party systems in Western Europe, the course is designed primarily as a tool rather than a survey, in order to allow students to get to grips with the classical and cutting edge material on political parties. Thus, the course is structured in such a way as to give

students the opportunity to use theoretical and analytical models to study specific parties and party systems in particular countries. As a secondary aim, the course also serves to illustrate the possibilities and problems of contemporary comparative political inquiry.