

Global Law Program Fall and Spring semester 2017

Fall

Lecturer		Time	Course	Number of the course	
Prof. Jürgen Neyer	Europa-Universität Viadrina Germany	30/10, 1/11, 5/11, 7/11, 9/11 - 16:00-19:30 3/11 - 09:00-12:30	Global Responsibility Theory and Practice in Law and Politics	4792 2 credits	Responsibility is an important norm in all contexts of policy-making. In a growing number of policy contexts it must be understood as a cosmopolitan principle reaching out to affected parties independent of their nationality, and giving them voice in own decision-making processes. The principle entails the obligation to re-draw the boundaries of the demos and to reconceptualize the notion of political community. It is already institutionalized in a number of international, supranational and transnational contexts. Comparing these contexts provides important insides into the opportunities and limitations of putting it into practice. The comparison also highlights that cosmopolitan responsibility is an intrinsically contested principle, which will find it difficult to become globally accepted as a legally binding norm. The class is divided in three parts. In its first part, we will discuss different understandings of the concept and situate them in the global political and legal discourse. The second part of the class introduces an understanding of responsibility as a practice of justification and details its institutional implications. The final part of the class analyses the real-world practices of global responsibility in European, international and transnational contexts.
Prof. Malcolm Feeley	Berkley USA	22/11, 23/11, 26/11, 28/11, 30/11, 04/12 - 16:00-19:30	Courts and Social Policy	4693 2 credits	This course examines the role of courts in formulating and implementing social policy. Courts lack both sword and purse (as do executives and legislatures). Nevertheless they are important institutions in both formulating and implementing social policy. This course explores the role of this "least dangerous branch" in both formulating and implementing social policy. It will explore the basis of judicial power, case studies of the exercise of judicial power, studies of courts' effectiveness in implementing its rulings, and new forms of courts that explicitly set out to

					"solve" problems (e.g. "problem solving courts"). Readings will be drawn from materials on the United States, Europe, and Israel.
Prof. Wojciech Sadurski	University of Sydney Australia	27/11, 29/11, 03/12, 05/12 - 16:00-19:30 01/12 - 09:00-12:30 04/12 - 12:00-15:30	Philosophy of Rights	4257 2 credits	This course will examine philosophical presuppositions and rationales behind the very idea of rights, and also behind the most significant rights acknowledged and protected in liberal-democratic states. The emphasis will be on class discussion based on prior reading of assigned texts. A set of questions/comments regarding the readings will be circulated prior to each class in order to help students navigate through the texts, and identify the most important points . There will be the following topics discussed in the course: The Concept of Rights, Types of Rights, and Conflicts of Rights; Liberty Rights and the Harm Principle; Paternalism and Liberty; Equality and the Principle of Non-Discrimination; A Right to Civil Disobedience and the Duty to Obey the Law; A Test Case: A Right to Freedom of Speech.
Prof. Stephen F. Ross	PennState USA	10/12, 12/12, 14/12, 18/12, 20/12, 21/12 - 16:00-19:30	The Constitutional Right to Human Dignity in Four Western Democracies	4597 2 credits	The course adopts a contextual approach to comparative constitutional law, focusing on the legal and political institutions, history, and current values in the US, Canada, Australia, and South Africa to explain how each country protects human dignity. It examines why countries need any judicial review, and whether there need to be any limits on judicial review. These foreign cases will then be compared, where appropriate, to Israel Supreme Court cases interpreting the Basic Law: Human Dignity
Prof. Lilla' Montagnani	Bocconi University	03/01, 07/01, 09/01, 11/01 - 16:00-19:30 05/01, 12/01 - 09:00- 12:30	Intellectual property law and cultural industries: a EU perspective	4297 2 credits	The course illustrates the international framework for intellectual property law, in particular the international and European dimension of copyright law, as this stays at the core of the creative and cultural industries, e.g.: those industries (also known as "creative industries") that combine the creation, production, and distribution of goods and services that are cultural in nature and usually protected under IP law. In doing this, the course considers both the off-line and on-line dimensions of copyright, as well as the changes in its licensing practices. For each of the specific topics covered, the course will pair a theoretical class with the discussion of leading decisions in various jurisdictions (mostly

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Prof. Catherine Sharkey	NYU USA	7/03, 11/03, 12/03, 14/03, 20/03, 26/03 - 16:00-19:30	Dignitary and Business Torts: Defamation, Privacy and Economic Harms	4772 2 credits	This course will focus on the business and commercial aspects of torts that arise from non-physical harms to a person: defamation, invasion of privacy, negligent misrepresentation, and economic harms. We will explore the modern development of defamation law in the context of the internet as well as the constitutional complications that have arisen in the modern era, and the closely related issue of privacy rights, including the right to resist intrusion from the external world as well as control and commercial exploitation of one's own name and likeness. We will then delve into more traditional economic relationships with our study of negligent misrepresentation and various economic harms, including the pure economic loss rule, interference with business relations, and unfair competition. The course will deal with American law.
Prof. Oreste Pollicino Prof. Shulamit Almog	Bocconi Italy University of Haifa Israel	22/04, 30/04, 07/05 - 16:00-19:30 25/05 - 14:00-19:30 27/04 - 09:00-14:00	Law and Culture in Israel and Europe	4905 2 credits	The Course will focus on the difference and similarities between the ways in which, in Israeli and Europe, especially Italy, cultural representations (literature, cinema, TV and internet media) and the law participate in the organization, communication, generation, and regeneration of common cultural perceptions and legal changes. We will explore how in Israeli on the one hand, and in Europe on the other, legal cases and legal dilemmas interact (and correspond) with conceptualizing narratives revealed in cultural representations. Such investigation is highly pertinent in an age of rapid fundamental developments, like escalating technological progresses and unprecedented political situations, when Israel and Italy, like many other nations are required to reexamine traditional and societal assumptions that shaped the legal regimes. As the course will demonstrate, cultural representations often predict and lead legal changes.

Prof. Oreste Pollicino	Bocconi Italy	23/04, 24/04, 26/04, 29/04, 01/05, 02/05 – 16:00-19:30	Free Speech and Privacy in the Transition from the World of Atoms to the World of Bits	4889 2 credits	Following the advent and spread of communication and information technology, this course has a double aim: in the first part, to examine the statute law, case law and legal theory related to free speech and privacy in the world of atoms and, in the second part, to look at the protection of free speech and data protection in the world of bit. More precisely, the main purpose of the course is to explore the added value of the “new” technological environment with regard to the standard of protection of the fundamental rights involved, the methods of judicial interpretation (and manipulation) and the advent and the role of new crucial players (Internet service providers and Internet platforms).
Prof. Avishalom Tor	University of Haifa Israel	09/05, 13/5, 15/5, 24/5, 28/5, 30/5 - 16:00-19:30	Behavioral Law and Economics	4474 2 credits	This course introduces students to the behavioral analysis of law. A behavioral approach to legal analysis asserts that the efficacy of the law depends on its understanding of relevant patterns of human behavior. We will review the ways in which the scientific study of human judgment and decision making can inform the positive and normative analysis of legal rules and institutions. The behavioral approach differs from both its economic counterpart and traditional legal scholarship: From the former, in recognizing that decision makers are not strictly rational; from the latter, in proposing an empirically based view of human behavior, instead of an intuitive one, as a foundation for law. We will examine critically how behavioral findings on systematic patterns of behavior that deviates from strictly rational utility maximization are applied to the law, recognizing the unique promise of this approach as well as the limitations of its methodology.

Prof. Alan Miller	University of Haifa Israel	March – June 2018 ימי ג' 14:00-16:00	Colloquium in Law and Economics	4751 2 credits	This research colloquium is aimed at deepening students' understanding of economic analysis of law and to improve their ability to critically review current studies in the field. It does so by bringing scholars from all over the world to present cutting edge law and economics research to the students. Several classes will be devoted to scholars presenting their papers to the students. In the remaining classes, participants will critically discuss the research presented in the previous classes, and the instructors will give introductory comments about the paper which will be presented in the following meetings. Students will be required to submit written comments for the papers presented in the colloquium and will also be asked to prepare brief presentations to facilitate class discussion during the sessions in which we will not have guest speakers. The class will be conducted in English.
Prof. Julian Roberts	Oxford	01/05, 03/05, 06/05, 08/05, 10/05, 13/05 - 12:00-15:30	SENTENCING: Law, Policy and Practice	4340 2 credits	Sentencing lies at the heart of the criminal justice system. The decisions of judges attract considerable public interest and the sentencing process has become considerably politicized in recent years. This is true in the U.S., the U.K., as well as other common law jurisdictions. In this seminar we shall explore the sentencing process beginning with the most basic question: Why Punish? Many justifications have been offered for the imposition of legal punishments, and multiple sentencing objectives have recently been placed on a statutory footing in a number of common law jurisdictions. The focus is on common law, adversarial sentencing but we shall also consider the differences between common and civil law sentencing procedures. Throughout this seminar we shall explore a number of key policy issues, the most important of which pertains to the structuring of discretion at sentencing. We shall also attempt to place penal policy developments in an international context since the problems confronting the sentencing process also exist in other countries. Many of the required readings for the seminar are found in von Hirsch, Ashworth and Roberts (eds.) "Principled Sentencing" (2009; Third Edition) published by Hart Publishing. Each session of the course is divided into two topics.

					<p>Format of Seminar :</p> <p>At the beginning of each seminar the instructor will provide an introduction to the topic, and an overview of the key issues in the area. This will be followed by discussion of the specific seminar questions, and general discussion among all participants. Questions for discussion will be distributed to participants in the first session. we shall also discuss several appellate judgments; copies of the cases will be provided by the instructor in the first class. The instructor will also supply copies of relevant statutory provisions discussed during the course of the seminar.</p>
Prof. Sarah Lawsky	Northwestern USA	14/05, 16/05, 21/05, 23/05, 27/05 - 16:00-19:30 18/05 – 09:00-12:30	Foundations of Tax Theory	4698 2 credits	In this seminar, we will explore fundamental policy issues that influence our choice of tax law. We will not focus on the mechanics of the tax law currently in effect. Rather, we will spend our time thinking about what the tax law could be and should be. Specific topics we may discuss include: (i) theories of distributive justice and progressivity; (ii) income versus consumption taxation; (iii) tax compliance and enforcement; and (iv) corporate tax incidence, integration and abuse.
Prof. Anne Coughlin	Virginia University USA	22/05, 24/05, 29/05, 31/05, 3/06, 04/06 - - 16:00-19:30	Sex and Guilt: The Criminal Regulation of Sexuality	4116 2 credits	The course will examine the criminal regulation of sexuality in the United States. Now that the Supreme Court of the United States has invalidated statutes punishing homosexual sex, many people have the impression that the criminal law rarely intervenes in the realm of sexuality. In fact, the criminal law continues to play a significant role in that realm, and this field of regulation raises fascinating and excruciating questions, ranging from the conceptual to the theoretical to the political to the ethical to the doctrinal. We will devote time to the history (really, histories) and functions of the criminal regulation of sex, exploring the ways in which the traditional prohibitions on non-marital sexuality shaped the contemporary law of sexual assault, as well as the justifications and models for punishing rape, sex with minors, incest, commercial sex, and obscenity.

				<p>Readings will focus on United States sources and will include case law, statutes, scholarly articles, and literary texts. We will weigh competing political perspectives, including those from feminist theory, gay legal theory, and critical race theory. To the extent possible, we also will do some comparative legal work, with students encouraged to bring comparative perspectives to the table in each unit of discussion</p>
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