**YEARLONG**

**Seminar: Labor Approach to Human Trafficking**

**Dr. Hila Shamir - TAU**

**Credits: 4**

**Course number: 1411745101**

**Time: YEARLONG**

**Course description:**

Human trafficking has attracted unprecedented attention in the past decade and has been subject to extensive academic inquiry. Despite this, the diverse legal instruments developed to combat human trafficking, as well as the large body of scholarship dedicated to its research, have generally come short in identifying, elucidating, and targeting the profound institutional structures that enable trafficking and that turn this phenomenon into one of the pressing moral and political challenges of today’s global economy. Common anti-trafficking approaches focus on criminalization of trafficking, strict border controls, and ex-post measures to assist and protect the human rights of victims of trafficking. The assistance provided through these tools reaches an alarmingly small number of individuals, leaving the rest of the traffickers and trafficked population largely unaffected.

In this seminar we will study, explore and develop a complementary anti-trafficking approach: a labor approach to trafficking. The labor approach focuses on market inequalities between employers and employees, and seeks to devise ways to transform the bargaining playing field. Such transformations can occur through traditional unionization of workers or through other means that address structural causes of inequality and worker vulnerability such as regulation of recruiters, migration regime reforms, encouraging corporate responsibility to severe forms of exploitation, and guaranteeing rights of workers in labor sectors vulnerable to trafficking through effective application and enforcement of protective legislation.

In this seminar students will be introduced to the legal concept of human trafficking in international law and the history that led to its current legal formulation, study the most common anti-trafficking approaches and best practices around the world, and focus on a labor responses to human trafficking. Students will be required to submit response papers, actively participate in class, develop a research project and write a final seminar paper that builds on the theoretical tools and concepts acquired in the class. The first term to will be dedicate to in-class lectures and discussions, and the second term will be dedicated to guest lectures and to students presentations. The course is

informed by the research of the TraffLab (www.trafflab.org) research project (ERC), and some of the guest lectures are by TraffLab affiliates.

**Prerequisite:** Labor Law

**Grade:** 70% Final Research paper, 10% Response papers, 10% In Class Presentation,

10% In Class Participation.

**FALL SEMESTER**

**Seminar: Information Technology Law**

**Prof. Michael Birnhack - TAU**

**Credits: 4**

**Course number: 1493102401**

**Time: FALL SEMESTER**

**Course Description:**

The law regulates, or attempts to regulate information flows in various ways. When we commodify it, it is intellectual property. When the government or others limit the flow, it is a matter of freedom of expression. When we wish to control the data about ourselves, it is a matter of privacy. The seminar will discuss various issues related to the complex intersection of law and information technology. We will not discuss IP, which is discussed in other courses. We will focus on issues such as freedom of speech, the rise of new intermediaries, ISP liability, privacy and data protection. The seminar has two goals. First, to better understand the relationship between law and technology by exploring several case studies, on the topics mentioned above. Second, to practice academic legal research and writing. We shall meet for 12 classes during the fall semester, each of 2 hours and 30 minutes (with a break). Students will be required to submit a one page proposal within a month. Towards the end of the term students will present their research.

**Grade Components:** 80% Final Paper, 20% active participation and presentation of work

**Workshop: Law & Technology**

**Prof. Michael Birnhack - TAU & Prof. Assaf Jacob - IDC**

**Credits: 3**

**Course number: 1411700501**

**Time: FALL SEMESTER**

**Course Description:**

Digital networks have an almost infinite number of speech opportunities, communications, commerce and more, but also posed substantial challenges of copyright infringement, privacy violations, harm to one's reputation, terrorist activity, scams and more. What is the relationship between law and information technologies? This is the topic of the workshop. We will discuss these issues by way of critically reading yet-unpublished works in progress on cutting-edge topics, written by leading scholars in Israel and abroad, and discussions the papers with the authors.

This is an advanced seminar, and assumes prior familiarity with the general themes of law and technology (please see pre-requisites). The workshop invites experts from Israel and abroad to present their current work, from law and other relevant disciplines. Students will be required to read papers in advance, comment in writing, participate in classes, and comment in the workshop itself.

**Prerequisites:** For foreign / exchange students: students in the Law & Technology track of the International LL.M program are expected to take the workshop. Exchange and other foreign students should meet the prerequisite of having studied at least one course on internet law / cyberlaw / intellectual property / digital privacy. In case of doubt, please contact Prof. Birnhack prior to registration.

**Grade Components:** 70% written comments, 20% active participation, 10% oral comments.

**FALL SEMESTER - FIRST QUARTER**

**Course: Animal Rights Jurisprudence**

**Adv. Steve Wise - Nonhuman Rights Project**

**Credits: 2**

**Course number: 1411749250**

**Time: FIRST QUARTER**

**Course Description:**

We will discuss what personhood and rights are, their sources, what criteria have been used to deprive humans of them, obstacles that have faced advocates for the personhood and rights of humans and nonhuman animals, what arguments exist for nonhuman animals’ personhood and rights, how the common law can be used to obtain nonhuman animal personhood and rights, the Nonhuman Rights Project’s litigation for nonhuman animal personhood and rights in the United States and the obstacles it has faced, as well as the litigation of others in such countries as India and Argentina and the obstacles they have faced.

**Grade Components:** 95 % Final Paper, 5% Class Participation (To be confirmed)

**Course: EU Data Protection Law: Fundamentals, Flaws, and Futures**

**Prof. Lee Andrew Bygrave - University of Oslo**

**Credits: 2**

**Course number: 1411748950**

**Time: FIRST QUARTER**

**Course Description:**

The course provides an introduction to the core aspects of the European Union’s (EU) legal framework for the protection of personal data, focusing primarily on the EU General Data Protection Regulation (GDPR), which has become the global benchmark for legal standards in this field of law. In addition to elucidating the GDPR’s origins, rationale, and logic, the course poses critical questions about the sensibility of some the ideals and assumptions embodied by the GDPR and related norms.

**Prerequisites:** Very basic knowledge of the EU political and legal system

**Grade Components:** 100% Take Home Exam

**Course: Mergers and Acquisitions - A Real Life Experience**

**Adv. David Friedman – Skadden, Arps, Slate, Meagher & Flom LLP**

**Credits: 2**

**Course number: 1411749050**

**Time: FIRST QUARTER**

**Course Description :**

This course is designed for those students interested in learning the practical skills needed to be a mergers and acquisitions (M&A) lawyer and will be taught by three M&A practitioners -- one trained at the international law firm of Skadden, Arps, Slate, Meagher & Flom LLP and two from the Israeli law firm of Meitar Liquornik Geva Lesham Tal. The course aims to give students hands-on experience in drafting and negotiating M&A transactional documents, while at the same time providing students with an understanding of contract architecture, corporate law and other topics that are relevant to M&A transactions. The focus will be on a US styled transaction, although different customs from other jurisdictions will be noted.

The course will begin with a quick overview of the objectives of the respective parties, a review of the legal rules typically governing transactions of this type and an identification of the ancillary agreements required to get the transaction started. The course will quickly turn to the key elements of the transaction and how the provisions of the various agreements interrelate in an effort to maximize value, enhance deal certainty and allocate risk between the parties. The remainder of the course will focus on illustrative agreements, with students being given the opportunity to analyze, revise and, thereafter, negotiate the key provisions. To facilitate the foregoing, at an appropriate point, the class will be split into two, with a different professor acting as a mentor to each of the groups, allowing active negotiations between a buyer and a seller to take place.

The classes are broken down into two groups. The “Instruction Days” will focus on the rules of the road and the way agreements are structured and operate. The “negotiation days” will focus on an actual agreement and simulate the negotiations that could take place between a buyer and a seller.

Classes will generally be taught based on the required readings and written assignments. In addition to the written assignments, class participation is required from all students and will constitute a meaningful part of a student's grade.

**Prerequisites:** Corporate Law

**Grade Components:** 60% Papers, 40% Active Class Participation

**Course: Price, cost and value: essential economics for lawyers**

**Dr. Boaz Moselle - Compass Lexecon, London**

**Credits: 2**

**Course number: 1411749150**

**Time: FIRST QUARTER**

**Course Description:**

In this course we will review conceptual and practical tools from economics that are central to competition law and economic regulation, and that are also routinely applied in the assessment of damages in commercial and investor-state disputes. They are used to set fair market prices, to assess monopolistic pricing, and to value contracts, assets and quantum of damage. We will examine the relationship between cost and price, the value of long-lived assets, and the impact of uncertainty. We will use examples and case studies from energy markets (natural gas and LNG, power, renewables), utilities and infrastructure.

**Grade Components:**  100% Take Home Exam

**Course: The International Law of Work**

**Prof. Guy Mundlak - TAU**

**Credits: 2**

**Course number: 1411674950**

**Time: FIRST QUARTER**

**Course Description:**

Young women labor stitching jeans in Bangladesh; fishermen in Southern United States losing their jobs to Vietnam; care live-ins work around the clock; construction workers in Germany remain unemployed at the time Polish workers are being posted in Germany; consumers boycott Nike, but hesitate before paying premium prices for fair trade coffee; trade unions around the world support their fellow dock-workers in the Liverpool port. What do we make of these examples?

As labor and capital markets transcend domestic borders, the objectives of labor law can no longer be confined solely to actions within the nation state. The purpose of this course is twofold. First, to identify the diverse components of international employment and labour law, the institutions, the claims and the methods for advancing social protection to workers world-wide. This inquiry spans beyond traditional instruments that are associated with labor law, and includes trade law, private international law, international human rights and corporate social responsibility. It further seeks to embed the study of legal instruments in the broader economic and sociological debates on globalization. The second goal is to critically assess how international developments affect domestic labor law and our perception of the ethical and economic values that underscore this body of law.

**Course Objectives**

* To understand the debates about globalization
* To embed legal dilemmas in social and economic context
* To test our moral intuitions about dilemmas of global justice
* To piece together the various components of the loose body of law that we designate as international labor law.
* To start from the local premises of labor law we are familiar with and to test them in the move from the national to the international

**Prerequisites:** **Students must have taken a course in employment or labour law**

**Grade Components:** (To be determined)

**Course: Antitrust Policy**

**Prof. David Gilo - TAU**

**Credits: 2**

**Course number: 1411729801**

**Time: FIRST QUARTER**

**Course Description:**

The course will give an overview of antitrust policy. We will study how to analyze oligopolistic markets and harm to competition from various practices, including cross ownership among rivals, most favored consumer clauses, price matching practices, vertical restraints, loyalty discounts, excessive pricing by dominant firms and vertical mergers.

Gr**ade Components:** The course’s grade will consist of 20% protective grade for attendance in class and 80% for the exam (that is, if the grade for attending classes is higher than the grade in the exam, then the final grade will be 80% the grade of the exam and 20% the grade for attendance in class and if the grade for attendance is not higher than the grade in the exam, then the final grade will be the grade of the exam). The meaning of attendance: if the student will attend all classes but three, the student will receive a grade of 100 for attendance and then attendance can be a protective grade as mentioned above. For a student who will not attend this number of classes the grade will be determined solely by the exam. Due to the bonus-like nature of the protective grade for attendance, it will not be relevant if absence from class is justified by any kind of justification.

**Course: Criminal Justice in Israel**

**Prof. Kenneth Mann**

**Credits: 2**

**Course number: 1411704401**

**Time: FIRST QUARTER**

**Course Description:**

This course will focus on central characteristics of the criminal legal process in Israel.  We will look at Israeli legal process in comparative perspective, using United States case law as a backdrop for identifying critical issues in criminal justice.  The course will give special emphasis to a “downside-up” empirical view of how the legal process actually operates in police stations, prosecutors’ offices, the courts and in prisons.  We will develop an empirical model of criminal justice, and compare it with law-in-the books. Emphasis will be given to the important differences in criminal justice for the poor as compared to the rich, and how those differences become evident at different stages of the criminal process, such as in plea bargaining, the conduct of criminal trials, sentencing and in appeals. Special attention will also be given to lawyers’ ethics in criminal defense representation and prosecutorial advocacy. We will also look at use of administrative detention in matters related to national security offenses, refugee entry and illegal immigration. Overall we will try to identify distinctive aspects of the Israeli legal process as compared to the American legal process. **Class participation is a prerequisite for taking the exam.**

**Grade Components:** 90% Take Home Exam, 10% Papers.

**Course: Risk Derivatives and Financial Crises**

**Adv. Menachem Feder**

**Credits: 2**

**Course number: 1411660401**

**Time: FIRST QUARTER**

**Course Description:**

Derivatives are financial instruments that are used by sophisticated market players to manage financial risks.  Derivatives are a crucial component of today’s markets, but often are considered exotic or are misunderstood.

This course will explore the concept of financial risk and how, financially and contractually, that risk is controlled though the use of derivatives.  Specifically, the course will examine the risks addressed by derivatives, the design and nature of derivatives, the differences between exchange-traded and off-exchange traded derivatives, the use of derivatives for hedging, speculation and arbitrage, the risks generated by derivatives, the legal architecture of derivative transactions and the legal and regulatory treatment of derivative trades.  Finally, the course will explore the concept that derivatives cause, or at least contribute significantly, to financial crises and will review the ongoing policy debates over the use and oversight of derivatives around the world.  This course will consider a number of past, including recent, financial crises and will touch on various areas of commercial law, including banking, bankruptcy, corporations and insurance.

**Grade Components:** 100% In Class Exam, with limited open books

**Course: Introduction to Intellectual Property**

**Adv. Tony Greenman & Adv. Sarit Erez**

**Credits: 2**

**Course number: 1493100701**

**Time: FIRST QUARTER**

**Course Description:**

Intellectual property is a key driver of the modern economy. The course will introduce the student to the theoretical basis and the legal foundations of intellectual property protection. We will examine the fundamentals of the laws of the traditional forms of intellectual property: copyright and related rights, patents, designs, trademarks and trade secrets. We will explore the subject matter, scope and term of protection, as well as questions of ownership and infringement. We will also discuss the balancing of IP rights with the public interest, such as the right of free speech and the free flow of information, and on the influence of advances in technology on that balance. Additionally, we will discuss the international regimes of protection and different approaches to the subject matter in various jurisdictions. **Mandatory for International LL.M. - Technology Track students without a prior background in IP.**

**Grade Components:** 100% Take Home Exam

**Course: Jurisprudence and Political Economy**

**Dr. Ioannis Kampourakis**

**Credits: 2**

**Course number: 1411750901**

**Time: FIRST QUARTER**

**Course Description:**

This course aims to provide an insight into the overlap between jurisprudence and political economy. While jurisprudence poses fundamental questions about the nature of law and its role in society, it is often thought in abstraction of questions and theoretical debates around the political economy of the societies in which law is embedded. This course will attempt to bridge this gap, highlighting the parallels in the development of legal and economic thought. The material examined covers a broad range of theories: It starts from classical jurisprudence, the foundational emphasis it placed on private property rights, and the significance of that for free-market economics. It then continues with the major challenge classical jurisprudence faced in the nineteenth century, Marxist political economy and its theory of law and the state. In the context of these classes, students will also be acquainted with the major progeny of Marxist theories of law in the twentieth century, namely Critical Legal Studies. The classes of Week 3 will be devoted to American Legal Realism and Institutional Economics, discussing their contribution in undermining the idea of self-regulating market systems and in highlighting the artificiality and constructed nature of markets. Week 4 will focus, first, on the highly influential work of Friedrich Hayek and his defence of the Rule of Law as opposed to the substantive, partial law of the welfare state and, second, on the economic analysis of law and its support of free-market economics based on different principles, the most important of which being that of ‘efficiency’. Week 5 will turn to the global dimension of jurisprudence and the aspirations of theories of justice to achieve global economic justice. Students will be familiarised with current debates around law and development and the relationship of human rights to socio-economic inequality. Finally, the course will end with a discussion of feminist legal theory, its radically transformative potential, and the debate around the co-option of feminism by neoliberalism.

The course does not aspire to delve into a very deep and detailed analysis of each current of thought, but instead to function as an introduction to key theoretical concepts and an inspiration for students interested in jurisprudence, history of economic thought, and law and society more broadly. By covering a relatively broad surface of intellectual history, students are invited to see debates around law and legal development itself as intrinsic parts of broader social, political, and economic transformations. Such a contextualisation of legal thought with questions of political economy seeks to shed new light into contemporary questions about the connection of law to economic

inequality. Is the law neutral? Does it reproduce social and economic inequality? Can it be used as an instrument for social change? The course will help students see these contemporary concerns into their historical dimension, as a recurrent pattern of questioning the role of law in society.

**Grade Components:** 50% Take Home Exam, 40% Reaction Papers, 10% In-class Participation

**FALL SEMESTER - SECOND QUARTER**

**Course: “The End of Nature”: Law, Science, and the Environment on a Warming Planet**

**Prof. Irus Braverman – The University at Buffalo, The State University of New York**

**Credits: 2**

**Course number: 1411749450**

**Time: SECOND QUARTER**

**Course Description:**

Have we reached the end of nature? Are the dire predictions of a human-inflicted apocalypse something we need to worry about, or are they exaggerated? And what does the end of nature even mean—for humans, nonhumans, and our environments? Proclaiming that the natural world is disappearing is nothing new. As far back as Plato, people have complained about humans altering nature beyond repair. Is there anything that sets the period we are living through, newly referred to as the Anthropocene, apart from those earlier times? And does this situation really “change everything”—as Naomi Klein argues in her book about climate change? Finally, how do our scientific and legal systems account for this change? These questions are particularly acute in light of the assaults by the current political administration in the United States on the EPA, national parks, and efforts to mitigate climate change.

This interdisciplinary course will draw on legal, scientific, and cultural perspectives to discuss climate change, species extinction, biodiversity loss, capitalism, and the Anthropocene. We will read books and articles from various disciplines, watch documentaries, and discuss the great ecological changes and challenges of our time, emphasizing the interconnections between law, science, and society.

**Grade Components:** 100% Final Paper

**Course: Introduction to U.S. Tort Law**

**Prof. Shahar Dillbary – University of Alabama**

**Credits: 2**

**Course number: 1411749550**

**Time: SECOND QUARTER**

**Course Description:**

The objectives of this concentrated course are to introduce the students to the basic principles of the common law of tort as applied in U.S. jurisdictions with an emphasis on economic and business considerations. The course will further explore the extent to which economics can be used to explain and analyze the tort system and offer, when appropriate, alternatives. Special attention will be given to alternative liability rules (e.g., strict liability, no liability and negligence) and the efficiency of certain defenses (e.g., comparative versus contributory negligence). Time permitting, we will cover apportionment rules, tort-based evidentiary rules (e.g., res ipsa) and causation theories. Concepts from game theory will be introduced throughout the course.

**Grade Components:** 100%In-Class exam (with open books)

**Course: Law and Human Nature**

**Dr. Inbar Levy – The University of Melbourne**

**Credits: 2**

**Course number: 1411749650**

**Time: SECOND QUARTER**

**Course Description:**

The course will provide an interdisciplinary framework to discuss various aspects of the intersection between law, human behaviour and justice. The first part of the course will be dedicated to developing a basic familiarity with the relevant principles of psychology and law and discuss the ways in which they interrelate. In the second part of the course we will discuss different real life examples, involving judicial decision making, witness reliability, negotiations and more, in which the study of psychological concepts in the legal world plays out.

**Grade Components:** 100% Final Paper (+ bonus for participation)

**Course: Matrimonial Property Regimes in a Comparative Perspective**

**Prof. Ekaterina Tyagay - Kutafin Moscow State Law University (MSAL)**

**Credits: 2**

**Course number: 1411749850**

**Time: SECOND QUARTER**

**Course Description:**

The course will introduce Israeli and international students to the system of matrimonial property regimes which would be analyzed in a comparative perspective. The course examines various legislative and judicial approaches to the definition and regulation of matrimonial property regimes in the civil law and common law countries. We will focus on regimes such as community property and separate property of spouses, and consider the features of marriage agreements in various jurisdictions, including, in particular, Russia and the United States.

**Grade Components:** 100% Final Paper

**Course: Start-Up Law**

**Dr. Ayal Shenhav & Adv. Gal Hoffman**

**Credits: 2**

**Course number: 1493102201**

**Time: SECOND QUARTER**

**Course Description:**

Israel is known as "Start Up Nation". During the course Start Up Law we will review the Israeli Start Up Eco System and the major legal and financial events of a start up from formation until exit.

We will discuss the following topics:

1. Israeli Start Up Eco-System – how Israel became "Startup Nation" (key policy decisions)
2. Founder Agreements
3. Incorporation of the company - Key corporate and tax aspects
4. Venture Capital Funds- Structure and operations
5. Venture Capital Funds – Investment Transactions
6. Raising funds through Crowd Funding Platforms
7. Commercialization of Technology – Licensing Agreements, Distribution Agreements, Software as a Service ("SAAS") and more.
8. Employment Law Issues for Start Ups (Non-Compete, Employee Inventions)
9. Stock Option Plans.
10. M&A Transactions
11. The IPO process
12. Government Support and Incentives for Start Ups – The Israeli Innovation Authority.

**Grade Components**: 90% Take Home Exam, 10% Paper.

**Course: The ICJ between International Law and Geopolitics**

**Prof. Achilles Skordas – Max Planck Institute**

**Credits: 2**

**Course number: 1411749750**

**Time: SECOND QUARTER**

**Course Description:**

The course will discuss the jurisprudence of the International Court of Justice (ICJ) in the context of international law and geopolitics. Its purpose is to explore first, how the global distribution of power determines the conceptual horizon of the Court, and second, how the Court specifically frames and constructs international law in view of steering the conduct of powerful actors and preserving peace. Thus, we will reflect on three levels of tensions: first, between international law and diplomacy, second, between international law and international order, and third, between adaptation and resistance to geopolitical power from the perspective of the ICJ.

**Prerequisites:** Basic knowledge of international law

**Grade Components:** 100% Take Home Exam

**Course: Critical Perspectives on Law**

**Prof. Mitchel Lasser and Prof. Elizabeth Anker – Cornell University**

**Credits: 2**

**Course number: 1411749350**

**Time: SECOND QUARTER**

**Course Description:**

Over the last few decades, numerous strains of legal scholarship have leveled sweeping critiques of law. Scholars have criticized law for deep-seated failures involving class, gender, sexual orientation, race, citizenship, etc. This course explores the history of these critique-based movements and approaches, while also examining their contemporary status. It focuses on Critical Race Theory, Critical Legal Studies, the Law and Economics Movement, and Feminist and LGBTQ Jurisprudence. Many of those movements also arose alongside new interdisciplinary junctures, including the Legal Storytelling and Law & Literature Movements. Our goals in this course will be not only to understand the genesis of these important grounds for critiquing law and to consider how they may intersect, but also to question the potential limitations confronting such critique-based perspectives on law.

**Grade Components:** 90% Take Home Exam

**SPRING SEMESTER**

**Workshop: International Law**

**Dr. Eliav Lieblich & Dr. Tamar Meggido - TAU**

**Credits: 3**

**Course number: 1411739601**

**Time: SPRING SEMESTER**

**Course Description:**

Tel Aviv University International Law Workshop serves as a forum in which leading international law scholars, from Israel and abroad, present their works in progress and address past and contemporary challenges to international law. The workshop also provides TAU students (including LL.M. and Ph.D students) with the opportunity to read and comment on presented and classic texts.  Students are assigned to write eight reaction papers and engage with the authors during the workshop's sessions.

**Prerequisites:** International Law

**Grade Components:** 90% Reaction Papers, 10% Active Participation.

**Workshop: Private Law Theory**

**Prof. Hanoch Dagan & Prof. Avihay Dorfman - TAU**

**Credits: 3**

**Course number: 1411746001**

**Time: SPRING SEMESTER**

**Course Description:**

The Private Law Theory Workshop is a forum for ongoing scholarly research in private law and a Law Faculty course. The Workshop presents new scholarship on topics in and around private law, broadly conceived to include contract, torts, property, remedies, labor and employment, family, and private international law. Students who take the workshop for credit submit written comments on subset of the papers presented. Sessions include a brief presentation followed by an open discussion (q. & a.) with the participation of students and faculty. The discussions will proceed under the assumption that the presented paper has been read carefully by all the participants.

**Grade Components:** 80% Reaction Papers, 20% high quality participation.

**Workshop: Economic Analysis of Law**

**Prof. Avraham Tabbach & Dr. Shay N. Lavie - TAU**

**Credits: 3**

**Course number: 1411746201**

**Time: SPRING SEMESTER**

**Course Description:**

This workshop will provide students the opportunity to engage with ongoing research in the economic analysis of law, written by leading worldwide scholars. At most of the meetings, invited speakers will present works in progress, and an in-class discussion will follow. Students are required to read, before sessions, the papers to be presented and to submit brief written comments on eight papers throughout the semester. Grades will be based on the written comments’ quality as well as class presentations and participation. Enrollment is permitted to students who have completed their first year in law school; as topics change, students may take the workshop multiple times.

**Grade Components:** 85% Papers, 15% in-class participation.

**Seminar Business Law: Transnational Perspectives**

**Dr. Ido Baum - ICA**

**Credits: 3**

**Course number: 1493102001**

**Time: SPRING SEMESTER**

**Course Description:**

Diversification is the first rule of good investment. It therefore follows that capital often seeks transnational investment opportunities. In this seminar we will discuss the implications of globalization on corporate law, corporate governance, securities regulation, competition (AKA antitrust) law and business formation. We will do so by considering how different norms influence cross-border business activity.

Students are expected to actively participate in the discussions and contribute insights from their own legal systems. While significant parts of the class discussions will inevitably focus on corporate law and tangent areas of law, students may write their seminar dissertation on a wider variety of business law topics.

**Prerequisites:** the seminar is available to students enrolled to the business law track. Other students with relevant academic or professional background may apply after consulting with the Dr. Baum.

**Grade Components:** 80% dissertation, 20% Class Participation and Presentation.

**SPRING SEMESTER – THIRD QUARTER**

**Course: Property Theory**

**Prof. Gregory Alexander – Cornell University; University of California-Berkeley**

**Credits: 2**

**Course number: 1411749950**

**Time: THIRD QUARTER**

**Course Description:**

This course covers both the familiar classical theories of Property (Locke, utilitarianism, Kant) as well as recent theories, notably including law-and-economics and the human flourishing theory. The materials will be eclectic and interdisciplinary, including excerpts from philosophy, political theory, and economics, as well as law and legal theory. Contemporary topics include the home, body parts, inheritance, intellectual property, and reparations. The materials are two books: Alexander and Penalver, An Introduction to Property Theory, and Alexander and Dagan, Properties of Property.

**Grade Components**:100% Final Paper

**Course: Comparative Constitutional Law**

**Prof. Francesco Biagi – University of Bologna School of Law**

**Credits: 2**

**Course number: 1411750050**

**Time: THIRD QUARTER**

**Course Description:**

Employing both the diachronic and synchronic methods of analysis typical of comparative constitutional law, this course will tackle a series of topics arising in the comparative study of constitutional systems, namely:

• “Constitutions and constitutionalism,” which analyses issues such as written v. unwritten constitutions, major types of contemporary constitutional systems, illiberal constitutions, constitutional amendments, constitution v. constitutionalism.

• “Constitution-building,” which treats fundamental subjects such as transitions to democracy, constitution-making processes, actors and factors of the transitions, and constitutional implementation processes.

• “The Division of Governmental Powers,” which explores the ways in which limitations on governmental powers have been pursued in different constitutional systems.

• “Fundamental Rights and their Protection,” which provides a comparative framework for discussion of fundamental rights and principles such as free speech, freedom of religion, privacy, dignity, autonomy, and equality.

**Grade Components**: 100% In-Class Exam with Books

**Course: Intellectual Property as a Toolkit for Technology Transfer**

**Prof. Laurent Manderieux – Bocconi University**

**Credits: 2**

**Course number: 1411750250**

**Time: THIRD QUARTER**

**Course Description:**

The Course is intended to detail how Intellectual Property Rights (mostly patents and copyright) are permitting in practice efficient and profitable technology transfer (for Licensors and Licensees, respectively), and the role of Intellectual Property in the practical functioning of TTOs. Both theoretical questions and hands on aspects will be covered.

**Prerequisites**: Having studied an IP course (including a specific course on copyright or patents).

**Grade Components**: 100% Take Home Exam

**Course: The American Approach to Religious Freedom: History and Law**

**Prof. Jack Rakove - Stanford University**

**Credits: 2**

**Course number: 1411750350**

**Time: THIRD QUARTER**

**Course Description:**

The vitality of American religious life depends upon a constitutional settlement worked out in the late 18th century, which involved the effective disestablishment of religion and a broad recognition of the rights of individual conscience and the free exercise of religion. That settlement placed the U.S. at the far (or radical) end of modern approaches to the toleration of religious diversity. Yet difficult questions about the legal regulation of disestablishment and free exercise continue to vex American courts. This course will examine both the historical origins of the American approach to religious freedom and the leading cases that illustrate why the pursuit of religious freedom remains a contested and confusing realm of American law.

**Grade Components:** 100% Final Paper

**Course: Human Rights and their Critics**

**Prof. Patrick Macklem – University of Toronto**

**Credits: 2**

**Course number: 1411750150**

**Time: THIRD QUARTER**

**Course Description:**

Scholarship and jurisprudence on human rights is burgeoning at a time when the discourse of human rights is assuming an increasingly powerful role in comprehending relations between citizens and states, competing conceptions of global justice, global economic inequality, processes of economic globalization, and new forms of nationalism that challenge liberal conceptions of domestic and international justice. The multi-level production and borrowing of human rights norms often occur without critical reflection on the normative, political and material consequences of these processes. Focusing primarily on academic literature from law, political theory and moral philosophy, this course will provide an introduction to debates among those supportive and those critical of human rights

**Grade Components:** 95% Final Paper, 5% Participation

**Course: Intellectual Property in a Digital Age**

**Prof. Yang Sun - China University of Political Science and Law**

**Credits: 2**

**Course number: 1411750450**

**Time: THIRD QUARTER**

**Course Description:**

This Course surveys how technological advancements in the field of digital technology may demand reconsideration on existing rules and policies with respect to intellectual property law. The course would like to provide students with the opportunity to reassess the relationship between law and technology, and figure out a potential framework for a better regulation. Topics for discussion include but not limited to the platform liability with latest development, the copyright eligibility and protection of Artificial intelligence, IP infringement analysis to newly digital technologies, the keyword advertising with trademark misuse, the trademark boundary with DNS system, technology neutrality and regulation. The course would provide students with the introduction to the technologies discussed in class, hence no technology expertise is needed. In general, this course serves to trigger students’ curiosity and interest to the ongoing interaction between technology and IP law.

**Prerequisites:** Technical expertise in information technology (computer science, digital infrastructure) are not required. There are no prerequisites for this course, yet a general perception on intellectual property is recommended.

**Grade Components**: 95% Take Home Exam, 5% Class Attendance

**Course: International Intellectual Property Law**

**Prof. Amir Khoury - TAU**

**Credits: 2**

**Course number: 1411656901**

**Time: THIRD QUARTER**

**Course Description:**

Unlike many fields in law, the national laws dealing with intellectual property protection are substantially affected by international agreements and conventions pertaining to the protection of IP rights. This course follows the development of these agreements namely how they were conceived and how they have evolved over time.

The course reflects on the changes that have occurred within the international IP régime namely with the advent of the World Trade Organization. It also considers the "trade-off" which leads countries to adopt that régime. The course also devotes attention to the "North-South" debate between Developed and Developing countries ("have"s & "have-not"s, respectively) and considers how this has been (and is being) resolved.

**Grade Components:** 100% In Class Exam with open books

**Course: Welfare State: Philosophy, Politics and Law**

**Dr. Rachel Friedman**

**Credits: 2**

**Course number: 1411744501**

**Time: THIRD QUARTER**

**Course Description:**

Over the past few decades, the welfare state has become the subject of considerable controversy.  While many disputes concern the financial viability of welfare programs, it is the question of their rightful objectives and scope that has generated the most serious debate.  This course will situate such debates in their historical and philosophical contexts, introducing students to the ideas that have shaped the welfare state since its inception.  We will read classic works in distributive theory and analyze selected case studies in welfare policy and law.  Participants will emerge with a deeper understanding of the aspirations and conflicts animating various welfare policies in Europe, the United States, and Israel.  Grades for the course will be based mostly on an open-book, take-home exam.  Regular attendance, active participation, and three short ungraded response papers are also required.

**Grade Components:** 90% Take Home Exam, 10% Participation.

**Course: International Legal Perspectives on the Israeli-Palestinian Conflict**

**Dr. Daphna Shraga - UN**

**Credits: 2**

**Course number: 1411707101**

**Time: FIRST QUARTER**

**Course Description:**

The course will examine the Israeli-Palestinian conflict in both its external and internal dimensions: the conflict between Israel and its Arab neighbors, between Israel and Palestinians of the occupied territories, and, within Israel, the status of the Arab-Israelis. In focusing on selected legal issues at the core of the conflict, this course will examine the origin and chronology of the conflict, the claims for a title to the land and their relevancy to present-day discourse; the peace agreements with Egypt and Jordan; the legal status of the West Bank and the Gaza Strip in a perspective of time, and the questions of the applicability of the laws of occupation and human rights law, the Israeli settlements and Jerusalem; the Camp David Accords, the Oslo Accords and other peace initiatives not pursued; the status of Palestine in the UN and in the region; the problem of the Palestinian refugees, its origin and scope; The Arab-Israelis and their claim to civil, economic and political equality; the road to reconciliation: transitional justice, or are Israelis and Palestinians ready for a Truth Commission?

**Prerequisites:** International Law.

**Grade Components:** 100% In Class Exam with open books

**Course: Licensing of Intellectual Property**

**Adv. David Mirchin - Meitar Liquornik Geva Leshem Tal**

**Credits: 2**

**Course number: 1493101101**

**Time: THIRD QUARTER**

**Course Description:**

The focus will be practical rather than theoretical, and the course will address real-world business and legal scenarios faced by technology companies. The purpose of the course is to familiarize students with a wide range of licensing issues and ways to address divergent interests. We will cover in-depth licensing of software, content, trademarks and patents, as well as open source software and creative commons. We will review the purpose of various key terms in licensing agreements, the interests of each party, and a variety of fallback and alternative solutions which could serve your client and "make the deal happen." Students will also learn about various forms of agreement related to intellectual property licenses, such as Software-as-a-Service (SaaS) agreements, software maintenance agreements, Service Level Agreements, and software escrow agreements.

**Prerequisites:** This is an advanced licensing class for students who already have a foundation in intellectual property law and contract law**.**

**Grade Components:** 100% Take Home Exam

**Course: The History of English Law**

**Dr. David Schorr - TAU**

**Credits: 2**

**Course number: 1411670001**

**Time: THIRD QUARTER**

**Course Description:**

The course is an introduction to the history of English (and to some extent, British) law, including not only such fundamentals such as the common law, the law of equity and constitutional law, but also secondary elements such as ecclesiastical law, the law merchant, and colonial law. Readings will be taken primarily from historical sources.

Beyond the function of any comparative-law course in helping the student gain a deeper understanding of his or her own legal system, English law has particular importance for appreciating a number of important historical and theoretical issues that cut across time and place, including legal pluralism and the relationship between law and religion.

The course will focus on specific historical issues and developments from various periods that highlight central topics in the history of English law. Basic knowledge of the English legal system and its central institutions in their historical context will help develop participants’ skills in using and evaluating claims based on English law. The exposure to various types of historical primary sources will also help students make intelligent use of English legal sources in their professional lives.

**Grade Components:** 80% In Class Exam without books, 20% papers.

**Course: The Role of Religion in War and PeaceBuilding**

**Prof. Suzanne Stone -** **Yeshiva University, NY**

**Credits: 2**

**Course number: 1411751001**

**Time: THIRD QUARTER**

**Course Description:**

The religious-ethnic-nationalist conflicts in the Middle East and elsewhere have given rise to a dramatic re-examination of the role of religion in both promoting and preventing conflict. This course examines how diverse religious traditions view world order, the morality of and norms governing war, and post-war reconciliation. We will explore these topics from a variety of disciplinary perspectives: comparative law, sociology of religion, political theory, and religious studies. The course will combine theory with case studies drawn from the contemporary Middle East, including Israel.

**Grade Components:** 100% Take Home Exam

**SPRING SEMESTER – FOURTH QUARTER**

**Course: Development, Inequality and Human Rights**

**Prof. Lucie White & Prof. Jeremy Perelman - Harvard Law School / SciencesPo Law School**

**Credits: 2**

**Course number: 1411750750**

**Time: FOURTH QUARTER**

**Course Description:**

We will explore through a seminar-style course the linkages between development, human rights and inequality. The course’s departure point ins the emergence of a “human rights and development” over the last two decades, both in academia and policy, partly as a result of the combined failure of development economics and the human rights movement to effectively address the challenge of global poverty and inequality. The course will examine this trend from a historical, theoretical, institutional and policy-making perspective.

We will focus on the following questions, which have both shaped and risen from this field: is development too often conducive to human rights violations, or is it a means to realize human rights? Does a focus on realizing human rights hinder development, or does it help generate more, and “better”, development? Is Development a human right? Do Economic, Social and Cultural Rights promote basic sufficiency or can they help generate substantive equality? What are the consequences of “developmentalizing” human rights? The seminar will use a multidisciplinary lens to address these questions, to introduce some of the key policy debates in the field, and to examine recent trends in rights-based advocacy practices.

**Prerequisites:** The course is designed for students interested in social and economic development, global poverty, inequality, globalization and human rights issues. There is no prerequisite.

**Grade Components:** 70% In-Class Exam (without books), 30% active class participation through oral and written exercises. (To be confirmed)

**Course: Punishment and Modern Society: an Introduction**

**Prof. Jonathan Simon - University of California, Berkeley**

**Credits: 2**

**Course number: 1411750850**

**Time: FOURTH QUARTER**

**Course Description :**

There is evidence from archeology and evolutionary biology to suggest that punishment is a near human universal. Yet historians and sociologists have documented broad variation in the means, manner, and motives of punishment. Since the early modern period, punishment has played a significant role in the formation of political sovereignty and in governing populations. Durkheim, the founder of modern punishment and society research theorized a long arc of moderation in the penal evolution but in the late 20 century, the United States, perhaps the most economically advanced country in the world launched a prolonged punitive turn that saw the scale and severity of punishment reach unprecedented levels, and leading to a new penal form that has been called “mass incarceration.” On a more modest scale other countries, including Spain, Brazil, and Chile have followed suit. This course will develop a series of productive theoretical frameworks for studying penal change and stability before turning to international comparisons in an effort to identify the most salient determinants of punitive turns in contemporary societies.

**Grade Components:** 100% Final Paper

**Course: Corporate Innovation and Legal Policy**

**Prof. Orly Lobel – University of San Diego**

**Credits: 2**

**Course number: 1411695250**

**Time: FOURTH QUARTER**

**Course Description:**

What are the optimal policy ingredients, legal and business strategies for managing innovation? Are intellectual property, antitrust, employment laws and other regulatory policies achieving their intended goals? How can business leaders, inventors, lawyers, and policymakers enhance corporate success, creativity, inventiveness and human capital? The course will connect management strategies to intellectual property law and employment practices (i.e., employment intellectual property law, or what I term human capital law). We will examine corporate policies and disputes over the control of ideas, secrets, skill, patent and copyright ownership. In particular, we will analyze non-compete contracts, trade secrets and non-disclosures, information privacy, economic espionage, employee duties of loyalty, including prohibitions on customer and co-worker solicitation and raiding for competitive endeavors; and employer ownership over inventions and artistic work, including pre-invention patent assignment agreements and work-for-hire disputes. We will also consider the special role of entrepreneurship and start-ups in a healthy economy. To this end, we will examine the rise of digital platforms that challenge established business models and the role law can play to either encourage or limit these developments.

**Grade Components: 100%** In-Class Exam without books

**Course: Introduction to Empirical Legal Studies**

**Prof. Eric Helland - Claremont McKenna College**

**Credits: 2**

**Course number: 1411750650**

**Time: FOURTH QUARTER**

**Course Description:**

This course is aimed at law students with little or no background in mathematics and statistics. The class will provide an overview of the tools needed for critically assess empirical legal research as well as designing and conducting original studies. The course will cover: research design and identification/causal inference; dataset construction and cleaning; survey design and analysis; data visualizations; summary statistics; hypothesis testing and estimation and regression analysis. There will be regular (ungraded) exercises a paper of approximately 2500-3500 words which provides either a) a plan for an empirical study or b) a review/referee type report of an existing empirical study

**Grade Components:** 100% Final Paper

**Course: Contemporary Critical Legal Thought: Perspectives from the Periphery**

**Prof. Helena Alviar - Universidad de los Andes**

**Credits: 2**

**Course number: 1411750550**

**Time: FOURTH QUARTER**

**Course Description:**

This course explores a range of critical insights about law, legal theory and practice, which have been produced by scholars writing geographically or intellectually at the periphery. The work of all of these schobiagilars is framed within broader discussions about the distribution and use of power, political economy, sexuality and the family. The course will explore the mapping out of the critical endeavor, the porous limits between orthodoxy and heterodoxy as well as the contribution of the authors to radical political projects. Previous reading and class participation are mandatory.

**Grade Components:** 100% Final Paper (+ bonus for class participation)

**Course: Visual Arts & the Law**

**Prof. Kurt Siehr - Max Planck Institute**

**Credits: 2**

**Course number: 1411558850**

**Time: FOURTH QUARTER**

**Course Description:**

The course "Visual Arts and the Law" introduces into public international law, private international law and national law on the matter of protection of cultural objects and the cultural heritage. Also the law of the European Union is considered. The course touches, i.a., export prohibitions, stolen property, cultural property in times of war and times of peace and holocaust art.

**Prerequisites:** It may be of some advantage if students had some knowledge in public and private international law.

**Grade Components:** 100% In Class Exam with books.

**Course: Health and Human Rights**

**Dr. Melanie Levy - TAU**

**Credits: 2**

**Course number: 1411744401**

**Time: FOURTH QUARTER**

**Course Description:**

This course provides an opportunity to explore ways in which human health is interrelated with human rights. It will study and assess the basic components of governmental obligations related to health under international human rights law. The course begins by examining the emergence of health and human rights as a distinct field. Following this, it will consider the meaning of the international right to health, stressing the differences between civil and political rights, on the one hand, and economic, social, and cultural rights, on the other. Although the course will focus broadly on health and human rights issues, special consideration will be given to the right to health as enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR). Beyond the ICESCR, the course will also refer to other international instruments (e.g., Convention on the Elimination of all Forms of Discrimination Against Women) and regional instruments (e.g., European Convention on Human Rights), national constitutions and legislation, as well as relevant case law.

After exploring a series of foundational themes and issues (Part I – The field of health and human rights), the course will critically analyze the human rights dimensions of a variety of health challenges through in-depth case studies, such as the AIDS pandemic, neglected diseases, tobacco control, female genital mutilation, access to abortion services, and force-feeding of hunger strikers (Part II – Applying the health and human rights framework to different health topics). Finally, the course will identify ways in which a human rights approach can be used as an advocacy tool to improve the policies that shape the public’s health. It will also debate current critiques of the rights’ discourse and analyze future directions of health and human rights (Part III – Beyond the rights’ discourse).

**Grade Components:** 90% In Class Exam with open books, 10% Participation.