

CTLS Course Descriptions - Spring 2021

Cyber Law

Marta Baylina Melé, ESADE Law School

Cyberlaw examines the effect of the Internet on the law and of the law on the Internet. In other words, how technology interacts with and impacts and brings order as well as chaos to the law. While privacy, security, and freedom of speech issues may arise, the main focus of this course will be on intellectual property issues in cyberspace. The course is divided in three parts or modules. Module One will focus on online identity and conflicts between trademarks and domain names, Module Two will address current copyright issues on the Internet and finally, we will devote Module Three to the cutting-edge area of Artificial Intelligence (AI).

2 Credits. Evaluation: Class participation & three hypotheticals to be solved by students during the course.

Ethics and the Law in China: A Comparative Approach

Simona Novaretti, University of Torino

The course defines the complex relationship between ethics and legality, comparing Euro-American and Asian models and attitudes. In particular, it focuses on the Chinese legal context, examined both from the diachronic and synchronic point of view, from the imperial era to the release of the “Outline for Implementing the Moral Construction of Citizens in the New Era” (2019), and the enactment of the first People’s Republic of China’s Civil Code (2020). Having clarified the impact of moral principles on Chinese laws’ shaping and evolution, the course will explore specific current issues, such as gestational surrogacy, animal testing, human genetic experimentation and euthanasia.

2 Credits. Evaluation: Class participation & a final paper.

International and Comparative Cultural Heritage Law

J. Peter Byrne, Georgetown Law

Every nation has enacted laws to protect and preserve elements of their cultural heritage from destruction or loss. Yet the meaning and importance of cultural heritage differ from nation to nation and are often contested domestically. International legal regimes for supporting protection of cultural heritage are both very popular and engender strong controversy. In this course, students will learn and share insights into domestic laws regarding historic preservation, the transfer of iconic works of art across national borders, and distinctive elements of intangible culture, as well as international law efforts to protect sites of cultural significance from destruction from armed conflict, to support domestic preservation efforts, and to stimulate and constrain tourism. Throughout, conceptual conflict between the universal value and the culturally specific significance of cultural heritage will be examined.

2 Credits. Evaluation: Class participation & several small writing assignments during the course.

International Investment Law: A New Global Constitutional Order?

David Schneiderman, University of Toronto

This course examines the basic structure, substantive norms, and numerous controversies concerning the global law to protect and promote foreign investment. This is a new legal regime, made up of over 3,000 bilateral and regional treaties entered into between most states in the world, and that intersects with many conventional legal fields (including administrative law, constitutional law, international law, and commercial arbitration). The regime is enforced by a contingent of international investment lawyers, operating under a system of privatized justice, in which states are held to account for their misbehavior by awarding damages to harmed individuals and corporations. All of which prompts the question: does this new regime of international investment law institutionalize global standards for 'good governance' or amount to a new global constitutional order for the protection of powerful economic interests? Much of the course will be taken up with learning the doctrine associated with this new legal order, its historical background, and future prospects. We also will assess numerous controversies that have arisen around the regime including: the problem of transparency, appellate review mechanisms, shrinking of policy space for developing and less-developed countries, the utility of human rights norms, and associated legitimacy problems.

2 Credits. Evaluation: A research paper on an approved topic, written during the term and submitted on the deadline date for written work.

Law meets Film

Walter Stoffel, University of Fribourg and Lucie Bader, film and media expert, Bern (Switzerland)

For a brief introduction to the course, watch the [video](#).

The course confronts law as a form of scientific analysis of the society with film as one form of artistic expression. Participants will watch and discuss films in which law and legal protagonists play or should play a role, analyse the narration of the film as well as the legal problems involved. They will reflect on the function of the law in the society and the role of the professionals that they are about to become.

The stories of many movies have an untold background relating to the *role of law and lawyers* that the course shall try to uncover. The course will deal with fundamental topics in an international perspective, in particular with the functioning of competition in global markets, with access to justice and international jurisdiction, enforcement and recognition, multinational corporations, director's liability and corporate social responsibility.

The films will include *BlackKlansman* (Spike Lee, USA, 2018, 135'), *Denial*, (Mick Jackson, United Kingdom, 2015, 109'); *The Cleaners* (*The Cleaners*, Hans Block/Moritz Rieseewieck, Germany 2018, 90'); *Three Billboards outside Ebbing, Missouri* (Marin McDonagh, Great Britain/USA 2017, 115'); *The People vs. Fritz Bauer* (*Der Staat gegen Fritz Bauer*, Lars Kraume, Germany 2015, 105'); *Two Days, One Night* (*Deux jours, une nuit* (Jean-Pierre and Luc Dardenne, Belgium/France 2014, 95'), *The Secret in Their Eyes* (*El secreto de sus ojos*, Juan José Campanella, Argentina/Spain 2009, 205').

"Law meets film" is a 2-credits course, including an introduction into the topics and in film narration (4 hours) as well as a sample of cinematic and legal analysis of the films and the issues they raise (9 blocks of 2 hours).

2 Credits. Evaluation: A research paper on a film and a topic, written during the term and presented in class.