



EMLE 2022-2023

Introduction to Law

Term/location: First Term (Haifa)

Credits: 2

Language: English

COURSE DESCRIPTION (and learning goals)

The course aims at providing a general introduction to law. It seeks to: Harmonize levels of understanding of law among lawyers and economists in the EMLE program; facilitate among lawyers from various countries an understanding of basic legal concepts and doctrines across legal systems and introduce both lawyers & economists to legal concepts and methods that are instrumental in the field of law and economics.

The course has three main parts. The first part discusses the elements of law. In this part we will discuss legal theory concepts, and place economic analysis of the law within the greater context of legal scholarship. The second part and third parts will examine basic concepts in public and private laws, and the third and last part is designed to improve legal research skills, with students making presentations

METHODOLOGY

As opposed to other courses in the Program, this is not a law & economics course. We shall learn about the place of law and economics as a legal theory, but we shall not use law & economics to analyze the different legal subjects (criminal law, contract law etc.).

Rather, we shall explain the basic legal concepts using examples and cases. These will be taken mostly from common law countries, since law and economics was developed in common law countries.



TOPICS/SESSION

1. Theories of Law

- Mapping the law - the function of the law and the different branches of the law
- Natural v. Positive Law
- Realism v. Formalism
- Normative law theories – placing L&E in a broader spectrum

Recommended Reading – JAAP HAGE, ANTONIA WALTERMANN AND BRAM AKKERMANS, INTRODUCTION TO LAW, 2nd ed. (2017) (Hereinafter: "Hage") Chaps. 3 and 15

2. Introduction to criminal law

- Guiding concepts of criminal law (Fair Trial, non bis in idem, legality, formality, etc.)
- Goals and theories of punishments
- Elements of criminal liability
- Structure of criminal trials

Recommended readings: Hage Chap. 7

3. Introduction to Private Law

3.1. Contract law –

- formation
- execution
- remedies

3.2. Tort law (Negligence)

- What are the different torts
- The tort of negligence
- Remedies

3.3. Property law

Recommended Reading: Hage Chap. 4, 5 and 6



TOPIC/SESSION (Continued)

4. Introduction to procedural law and enforcement

- 4.1 Public & private enforcement
- 4.2 Collective enforcement of rights

Recommended Readings:

- Tyler T., 'Procedural Justice Research', Social Justice Research, 1987
- Willman, 'The end of the absence? The growing body of EU legislation on private enforcement and the main remedies it provides for', Com. Market Law Review, 53, 2016
- EU Communication, A New Deal for Consumers, <https://eur-lex.europa.eu/legalcontent/EN/TXT/?qid=1523866913149&uri=COM:2018:183:FIN>
- EU Commission, Proposal for a directive on representative actions for the protection of collective interests of consumers, 11 April 2018, available at: https://ec.europa.eu/info/sites/info/files/proposal_for_a_directive_on_representative_actions_for_the_protection_of_the_collective_interests_of_consumers_0.pdf

ASSIGNMENT

Assignment - Oral Presentations –

In the last meeting students are expected to make a short presentation in class (15 minutes max) on one of the topics below -

TOPIC 1: “Better Regulation” Agenda - Please discuss and illustrate with examples.

TOPIC 2: “For the rational study of the law, the blackletter man may be the man of the present, but the man of the future is the man of statistics and the master of economics” (O.W. Holmes) – Please discuss and illustrate with an example.

TOPIC 3: How the digital reality changes or should change the law.

TOPIC 4: Law in the book vs. law in action - discuss and illustrate with examples.

TOPIC 5: Law is as strong as its enforcement system –discuss and provide an idea to improve the enforcement of law.

TOPIC 6: Sustainable Development Goals (SDGs) - discuss and give examples.



You should divide into pairs. Teamwork is important and you should both work on the research and present (each for at least 5 min.). Your presentation should be structured (clear, concise), contained, original, and should include examples and sources. Notify by e-mail to ilanvlaw@gmail.com until 16/10/21 the topic (pending approval) and names of students working together

EVALUATION OF LEARNING GOALS

The evaluation of the learning goals will be conducted as follows –

- Class participation (10 percent)
- Oral Assignment (15 percent)
- Exam (75 percent)

The exam will be comprised of cases and open questions.

Cases are short stories which involves several characters. At the end of the story the characters sue each other in court, and, based on the materials taught in class, you should elaborate on all possible claims the characters can raise in court.

The open question are questions on the materials taught in class.

A sample exam will be handed and solved towards the end of the course.