



Lectures conducted in English – Fall Semester 2021

Title of Lecture/Module	ECTS	Lecturer(s)	Content/Link
Ancient Legal History Link	6	José Luis Alonso	Roman law, which through the Corpus Iuris Civilis constitutes the foundation of all continental European legal systems, is often regarded as an isolated legal tradition from which much of our own legal thinking derives. Unlike this idealised Roman Law of the romanistic tradition, the actual Roman law of History arose and evolved in the context through other legal traditions. The course "Ancient Legal History" aims to explore these "other" legal traditions and their interplay with Roman law. Through examples taken from the Mesopotamic, Egyptian and Greek legal traditions, this course will focus on the actual legal practice of these ancient cultures, handed down to us through innumerable documents, particularly papyri from Greek and Roman Egypt. In addition, the course will also look at problems that arose as a result of Roman expansion: In particular, how the Roman jurists, the Roman courts and the Imperial bureaucracy addressed a legal practice that, unlike in Italy, was in the provinces often still dominated by non-Roman legal traditions.
Children's Rights Link	6	Alexandra Dufresne	This class explores the most pressing legal and policy dilemmas in the field of children's rights. We will take an international human rights and comparative law approach to major topics, including: protection from child abuse and neglect, child labor, the right to education, juvenile justice, the rights of refugee and immigrant children, the right to a sustainable environment, and issues of "child voice," including children's rights to participate in the political process. The class will combine theory with practice and teach students the real world skills they need to be effective lawyers and advocates for children.



Although we will explore children's rights in an international human rights and comparative law context, a significant number of the cases we study will come from the U.S. and other English-speaking jurisdictions.

Comparative Administrative Law

[Link](#)

6

Felix Uhlmann

The course is devoted to comparing the set of rules and principles governing both the internal sphere of the "machinery of government" and its relation to private subjects ("Administrative Law"). The study of Comparative Administrative Law has gained considerable importance in both legal practice and in legal scholarship in the course of the last two decades due to the global diffusion of a wide array of policies ranging from market liberalization and banking regulation to human rights promotion and standard-setting in primary education by a number of international actors such as the OECD, the IMF or the Council of Europe. These trends result in partial convergence of specific principles of both Administrative Law and the structure of Public Administrations while other features of the different administrative traditions remain virtually untouched. The course seeks to provide an advanced understanding of these opposing trends touching upon selected topics ranging from common functions of Administrative Law to Internationalization of Administrative Law and Judicial Review of Administrative Action. Cases and materials of different jurisdictions will be read, discussed and analysed in order to gain an advanced understanding of the subject matter as both a preparation for legal practice and a basis for further legal research.

Comparative Constitutional Law

[Link](#)

6

Johannes Reich

What is a constitution? How are constitutions made? What is constitutional review? How are fundamental rights protected in the constitution? How is power distributed among different branches of government? This lecture presents the principles and structures of constitutional review, fundamental rights and government of selected constitutional states (including France, Germany, South Africa, Switzerland, the United Kingdom and the United States) in a comparative perspective. In addition, selected topical issues will be explored (empirical comparative constitutional law, emergency regimes, the role of international law in constitutional law, constitutional transplants, decline of liberal constitutionalism). Participants are ex-



			pected to read and discuss case law from the selected jurisdictions as well as research literature provided in the lecture materials. Language of materials, lectures and examination will be English.
Comparative Corporate Law Link	6	Samuel Kern Alexander David Bertrand Roth	In the course Company Law (Master) the fundamental theories of the company, the role of the board of directors, the role of shareholders, the minority shareholder rights, investor protection, the EU Company Law, Corporate Governance, insider dealing and market abuse, etc will be discussed. All the issues are dealt with using an international and comparative perspective. Please consult the website of the chair of Prof. Alexander to get a comprehensive overview.
Comparative Private Law Link	6	José Luis Alonso Ulrike Babusiaux Helmut Heiss Natasa Hadzimanovic	The course will introduce students to contemporary concepts and methods of comparative law. It will illustrate the functions of comparative law by examples taken from various systems of law as well as sources of uniform law.
Contract Design I Link	6	Alexander Stremitzer	This course applies economic concepts to the practice of structuring contracts. It consists in discussing the economics underlying business transactions and applying those concepts to focused case studies that illustrate the economic concepts that we study. Transactions are agreements between two or more parties to work together to create and allocate value. They can take a range of forms that include: the sale of an asset; forming of alliances, gas and oil production contracts, the formation and running of a business; initial public offerings (IPOs); debt financings; buyouts; construction contracts, movie distribution deals, etc. Deals occur, and value is created, when deal professionals design structures that make value more ascertainable, constrain future misbehavior by participants and limit the potential costs of long-term commitment by preventing the parties from taking advantage of counterparty's sunk



			<p>investments. If problems like these are not adequately addressed, the deal may not happen. But if the terms of the deal can be designed to respond to such problems, the transaction is more likely to be viable and the potential gains from it achievable.</p> <p>The Class consists of 2 Modules:</p> <p>Module 1: Contract Theory & Contract Design: The first part of the class consists in theoretical lectures aimed at equipping you with heuristic tools on how to design contracts. To this end, you are made familiar with key concepts of economic and behavioral contract theory. As part of this module, you will be also be assigned short case studies. You will turn in written answers before the beginning of the next class period.</p> <p>Module 2: Drafting Contracts: In the second part of the class, you will apply the tools learnt in Module 1 by analyzing and marking up real world contracts. These contracts will be more substantive than those covered in Module 1. You will turn in written answers before the beginning of the next class period.</p>
Criminology Link	6	Nora Markwalder	<p>The course aims to introduce students to the basic concepts of criminology and a selection of specific research areas. The following topics will be covered:</p> <ul style="list-style-type: none">- theory and methodology (criminological theories, data collection, evaluations and experiments, national and international databases)- crime prevention (crime mapping, hotspot-analysis and problem- oriented policing)- white-collar crime and organized crime - violent offenses and homicides- victimology- juvenile delinquency- comparative criminological research- effects of sanctioning
Current Issues in International Law: Digitalisation and International Law Link	6	Christine Kaufmann	<p>Digitalisation brings new challenges for which international law is only partially prepared. In this lecture, we will discuss in particular the impact on human rights and international economic law as well as the role of new actors such as Google, Facebook, etc.</p>



European Criminal Law Link	6	Frank Meyer	The course offers a systematic introduction to the field of European Criminal Law combining European Union Law and Council of Europe Law. The course will cover substantive criminal law (e.g. money laundering, terrorism) as well as criminal procedure (most importantly mutual legal assistance and law enforcement institutions). In the first part, particular attention will be paid to the structures and constitutional foundations of European Criminal Law and its fundamental rights framework. The powers and limits of law- and policy-makers in the European realm will be subjected to critical analysis. The second part of this course continues with an overview of the main substantial and procedural issues in the field of European criminal law before turning to more in-depth explorations of selected up-to-date topics. Among others, innovations in the EU will be studied (EPPO, mutual recognition, e-evidence) and discussed in terms of their compatibility with human rights, traditional tenets of criminal procedure and basic concepts of justice. Finally, the delicate position and options of Non-EU-countries will be addressed.
European Tax Law Link	6	Madeleine Simonek	The course European Tax Law is divided into three parts and begins with an introduction into the general principles of EU law looked at from a tax perspective and an overview of the tax relevant aspects of the relationship between Switzerland and the EU. In Part two, the ECJ jurisdiction on the fundamental freedoms in tax matters and its impact on the domestic tax laws of the EU member states will be discussed. Part III deals with the tax directives and the EU state aid rules with a focus on direct taxes. Part II and Part III will consist of presentations of the students.
History of Business Law Link	6	Andreas Thier	The course examines the foundations of the normative framework of the economy, market order and the organizational structures of market participants from the perspective of legal history. It focuses on the connections between legal structures, developments in economic history and cultural change.



Human Rights and Business Link	6	Christine Kaufmann Ron Popper	The module Human Rights and Business will discuss the impact of business activity on different aspects of society and the environment. The course responsible business conduct is part of this module.
International Organisations Link	6	Urs Saxer	The course addresses the role of international organizations in public international law. It will start with a general part addressing the basics of the law and the theory of international organizations. Then the UN, the EU as example of a supranational organization, regional organizations such as the OSCE and the Council of Europe, the WTO, the Bretton Woods Institutions, humanitarian organizations such as the ICRC, and the role of NGOs will be discussed.
Internationals Sales Law (CISG) Link	6	Yesim M. Atamer	This course is designed to introduce students to the theoretical and practical problems of international sales law and the legal solutions served by the United Nations Convention on Contracts for the International Sale of Goods (CISG), which entered into force in 1988 and counts today more than ninety contracting states. The course focuses mainly on the scope of application of the CISG, the hierarchy between the CISG and national sales law provisions, formation of the contract under the CISG, obligations of the parties and remedies in case of non-performance, and the liability regime of the CISG. The course aims also to use the CISG as a base to discuss differing approaches in Civil Law and Common Law jurisdictions, thereby facilitating students with international background to scrutinize their own national sales law system.
International Trade Regulation Link	6	Charlotte Sieber-Gasser	This course deals with the two central developments in the field of international trade regulation since the end of the Second World War, namely multilateralism and regionalism. With respect to the former, the focus lies primarily on the law and policy of the World Trade Organisation (WTO). Topics include the principles of non-discrimination and transparency, the pursuance of legitimate policy objectives other than trade liberalisation (such as the protection of the environment and human and animal life and health), non-tariff measures (such as rules on technical regulations and subsidies), the relationship to human rights and current



developments (such as the recent trade-restrictive measures imposed by the United States). Special attention is given to the case law of WTO panels and the Appellate Body. With respect to regionalism, the course focuses on the law and policy of free trade agreements. Here, a particular focus will be put on selected free agreements which the US, the EU and Switzerland have concluded with partners all over the globe. Moreover, the relevance of "mega regionals", such as the planned TTIP and TPP, is discussed. With respect to both WTO law and free trade agreements, the relationship between international trade regulation and domestic law and policy is examined, in particular with a view to EU and Swiss law.

<p>Introduction to Swiss Law</p> <p>Link</p>	<p>6</p>	<p>José Luis Alonso</p> <p>Tanja Domej</p> <p>Christoph B. Graber</p> <p>Matthias Mahlmann</p> <p>Matthias Oesch</p> <p>Madeleine Simonek</p> <p>Andreas Thier</p> <p>Marc Thommen</p> <p>Felix Uhlmann</p> <p>Elisabetta Fiocchi Malaspina</p>	<p>1. Swiss Constitutional Law: The main features of Swiss constitutional law: Rule of law (fundamental and procedural rights), democracy (initiative, referendum), government (federal assembly, federal council, federal courts), federalism (federal government and cantons), international relations (European Convention on Human Rights, Switzerland and the European Union).</p> <p>2. Swiss Administrative Law: The introduction to Swiss Administrative Law covers the general principles and forms of administrative action. Students also get to know the organization of Swiss administrative authorities, namely the competences of federal and cantonal administrative courts.</p> <p>3. Swiss Tax Law: Overview of the Swiss tax system and introduction to the income and corporate tax on the federal and cantonal level.</p> <p>4. Swiss Private Law: Introduction to the /Swiss civil code of 10 December 1907 which covers the law of persons, family law, inheritance law and property law.</p> <p>5. Swiss Contract/Company Law: The course provides an introduction to the Swiss contract and company law, called «Obligationenrecht OR» (fifth part of the Swiss Private Law Code). The first part covers the general rules of the Swiss contract law and gives an overview about the different codified and non-codified contractual relationships. The second part is dedicated to an introduction to the different legal forms of Swiss companies.</p> <p>6. Swiss Criminal Law and Criminal Procedure: This introduction to Criminal Law and Criminal Procedure Law provides an essential understanding of the criminal justice system in Switzerland, with special emphasis on some contemporary issues. The lecture covers the applicable codes, the practice resources, and the agencies specific to criminal procedure.</p>
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<p>Law and Economics</p> <p>Link</p>	<p>6</p>	<p>Adrian Künzler</p> <p>Mark Steiner</p>	<p>Introduction to the basics of Law & Economics by going through the legal fields of fundamental rights, criminal law, property, tort, contract, corporate, competition and intellectual property law.</p>



<p>Legal Theory (MLaw):</p> <p>Law between Neuroscience, Psychology and Behavioral Economics</p> <p>Link</p>	6	Matthias Mahlmann	<p>The module offers an outline of key issues of a theoretical reflection of law and justice. It will discuss some historical examples of the evolving theoretical reflection of law and its ethical foundations. In addition, central analytical and normative problems will be considered concerning the structure and content of law and its relation to ethical thought. A special focus of attention will be contemporary cognitive science and its impact on the understanding and conceptualisation of law, including the structure and origin of moral cognition and the problem of free will. The course will offer a critical assessment of these approaches that form one of the most important issues in the contemporary reflection about law. Serious thought on these matters, it will be argued, leads to central problems of our human self-understanding that are of foundational importance for our concept of law. The theoretical reflection and its results will be exemplified by concrete cases including target killings, torture and other issues of civil, criminal, public law and the adjudication of human rights.</p>
<p>Principles of Common Law</p> <p>Link</p>	3	Samuel Kern Alexander Elisabetta Fiocchi Malaspina	<p>The course will cover the general principles of common law and their applications to commercial and financial markets.</p>
<p>Recent Case Law of International Courts</p> <p>Link</p>	6	Daniel Moeckli	<p>Cases before international courts and tribunals raise fascinating, often highly political issues and shape the future development of international law. In this course we will critically analyse some of the most important judgments issued in recent years by the International Court of Justice as well as other international and regional courts and tribunals, such as the European Court of Human Rights. The course will be based on a reader of recent international case law. Each lesson will be devoted to the thorough analysis of one or two cases decided by an international court or tribunal.</p> <p>The number of participants is limited to 24. The first 24 students to book the module and, in addition, to send an email to the Chair (to confirm their interest and secure a presentation slot) will be able to participate. Mobility students who cannot access the module booking tool will have to contact the Mobility Office for booking modules. If you would like to participate in</p>



			the course but the module is fully booked, please still state your interest, since it is possible that some spots become available again in the first weeks of the semester.
Regulation Without Law? Law and the Technologies of the Twenty-First Century Link	6	Christoph Beat Graber	The rapid evolution of technology in the twenty-first century has changed our everyday experience. Every time we connect to the online world we are faced with filtering technologies that determine what we can or cannot view. More and more we are tied into technology-driven regimes that tether us to manufacturers able to control our experience through locked-in systems and "updates", such as with the iPhone. Dependency-creating technologies are being developed, such as "terminator seeds" that self-destruct after one use, forcing farmers to buy seeds anew every season. These technologies exclude people in a manner analogous to state-enacted property regimes, or make them dependent on their manufacturers raising issues of power balance. But, how is it that we should understand these technologies and the fact that they have law-like effects? Should we understand them as law or as part of the legal system? At the same time, how do these new technologies affect the way we conceive law? The course is going to take a primarily theoretical approach to reflect on the relationship between law and new technologies of the twenty-first century and how the concepts of "law" and "regulation" evolve under these new technological conditions.
The Art and Science of Negotiations Link	6	Felix Addor	To be effective in negotiations is of crucial importance in every profession. The negotiation process is an extensive strategy, based on abilities that can be acquired, experienced and applied to solve conflicts of interest in a sustainable way. This is a practice-oriented, interactive, 'out-of-the-box' course focusing on the basic skills of negotiation. It might change participants' view on how negotiations should be planned, structured and conducted. The course involves negotiation theory and concepts as well as preparation readings, combined with role-play exercises, moot negotiations, case analyses, in-class discussions, and self-assessment instruments. The course is for those, who are eager to learn and reflect on how to solve conflicts of interest in a sustainable way, who are interested to apply newly learnt knowledge in various exercises and, in consequence, who are willing to actively participate in all modules of the course. It is the first time that this course will be offered at the University of Zurich. The



lecturer has taught similar courses successfully at the University of Bern since 2000 and at the Global Health Centre of the Graduate Institute Geneva.

Participants are asked to organize themselves in a way that they can follow the whole program without exceptions, i.e. they need to follow all six course days. The number of participants is limited to 24 students. Places will be given on a first come first serve basis. Interested students can join the first course module of 24 September 2021. Students who want to visit the whole course, are obliged to definitely register until Monday 4 October 2021. Note: only registered students will be able to access the course as from course day 2 (15 October 2021).

Transnational Organised Crime - The UN Perspective

3

Andreas Schloenhardt

Contemporary Crime and Criminal Justice are increasingly characterised by the globalisation of criminal activities and international efforts to combat transnational crime. This course explores the international legal framework and best practice guidelines to prevent and suppress transnational organised crime, including drug trafficking, trafficking in persons, and the smuggling of migrants. The course outlines and examines the criminalisation of these activities and analyses national and international efforts to investigate such crime and prosecute offenders. The course is designed to give students a comprehensive understanding of contemporary patterns and characteristics of transnational organised crime and relevant international conventions in this field. The seminars, individual and team-based exercises, and assessment in this course invite students to gain insight into the levels and characteristics of various types of organized crime and critically reflect on international, regional, and domestic laws and policies designed to combat these phenomena. The course enhances students' abilities to engage with and research policy documents and legal material, critically analyse legislation, case studies and scholarly writing, present research findings to academic audiences, and elaborate practical recommendations for law reform and policy change relevant to the subject area.

[Link](#)

Places available: 24 Bachelor, no Master students. Enrollment: Interested students should email their expression of interest to andreas.schloenhardt@univie.ac.at no later than 1 October 2021.



<p>Workshop and Lecture Series on the Law and Economics of Innovation</p> <p>Link</p>	<p>6</p>	<p>Andreas Heine- mann</p> <p>Peter Georg Picht</p> <p>Stefan Bechtold</p>	<p>The Workshop & Lecture Series is a joint project of ETH Zurich and the Universities of St. Gallen and Zurich. The series provides an overview of current interdisciplinary research on innovation, intellectual property, antitrust, privacy and technology policy. Scholars from law, economics, management, computer science, psychology and related fields give a lecture and/or present their current research. All speakers are internationally well-known experts from Europe, the U.S., and beyond.</p>
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