

# An interview with Professor Bar-Siman-Tov of the Bar-Ilan University Faculty of Law



Ittai Bar-Siman-Tov has been an associate professor at Bar-Ilan University Faculty of Law since 2011. His research includes established fields and cutting-edge ideas related to big data. We met with Professor Bar-Siman-Tov to learn more about his research focus and also hear how he uses SSRN to support his research.



Ittai Bar-Siman-Tov has been an Associate Professor at Bar-Ilan University Faculty of Law since 2011. He joined the faculty after working as an associate at Columbia Law School. His research interests include more established fields like constitutional law, constitutional theory, legislation and jurisprudence, but he is also working on cutting-edge ideas at the intersection of law and big data.

“Pre-publishing is important in the legal sciences, as it can take a very long time from acceptance of a manuscript to publication.”

—Professor Ittai Bar-Siman-Tov, Bar-Ilan University Faculty of Law

## Research focus

**Professor Bar-Siman-Tov, we'd like to begin by asking if you see yourself primarily as a researcher or as an educator.**

I see myself as both equally, because both roles are important to me. Research and education look to the future of the field in different ways — expanding and spreading knowledge. If I was forced to choose, I'd admit that research plays a larger role.

**What are your main areas of study?**

I mostly focus on national and comparative law, with most projects addressing jurisdictions in the U.S., Israel and Europe. Some of my articles focus on a single jurisdiction, but the majority take a broader comparative view. A personal goal is to broaden my knowledge to include additional jurisdictions.

My main areas of study have traditionally been constitutional law, legislation and jurisprudence. The study of the intersection of law and big data, or more accurately, data science, is a more recent addition to my interests. Most of my studies fall within these three broad areas, and quite often, at the intersection of two or three of these areas.

For example, my research into the impact of judicial review on legislative behavior is at the intersection of constitutional law and legislation, while also employing data science methods.

**May we ask what you're currently researching?**

I'm currently working on an empirical research project on omnibus legislation, including a study of the impact of judicial review of the legislative process on parliamentary behavior in employing omnibus legislation. This project was presented in a major international conference on omnibus legislation, which we hosted at Bar-Ilan University in January 2019.

I'm also doing an interdisciplinary research project with data scientists to develop cutting-edge methods to automatically analyze privacy policies and terms of service agreements. The purpose is to develop a better understanding of this field, then create tools that empower both consumers and regulators, promoting privacy protection and ethics in this area.

A third ongoing project is an empirical and normative study of temporary or “sunset” legislation.



# The law and big data

## How would you sum up the relationship between the law and big data?

This is a huge, burgeoning field, so it is difficult to sum up briefly — the answer would inevitably be crude and simplistic. With this disclaimer in mind, I'd say that I see three main interactions in the relationship between the law and big data.

One is the role of law in promoting better data governance and regulation, as developments of big data and data analytics raise a host of legal, ethical and regulatory challenges. A second is the use of data science methodologies to study the law, mostly in the form of innovative and promising tools in empirical legal research. The third intersection is the ways that developments in big data and data analytics are transforming the legal profession.

My own research focuses on the first two intersections. With several of my colleagues at Bar-Ilan Law Faculty, we're leading multiple fruitful collaborations between our faculty and the University's [Data Science Institute](#). We also established the [BIU Innovation Lab for Law, Data-Science and Data Governance](#). Naturally, we are also mindful of the third intersection, and are therefore updating the way we teach law, including introducing a new data science course for legal students.

## Publications

### Which papers would you recommend for someone wanting to gain insight into your research?

In the areas of constitutional law and legislation, I think the following would be the most important ones:

1. [Legislative supremacy in the United States: rethinking the enrolled bill doctrine](#). 2009. *Georgetown Law Journal* 97: 323
2. [Lawmakers as lawbreakers](#). 2010. *William and Mary Law Review* 52: 805
3. [The puzzling resistance to judicial review of the legislative process](#). 2011. *Boston University Law Review* 91: 1915
4. [Semiprocedural judicial review](#). 2012. *Legisprudence* 6: 271
5. [The dual meaning of evidence-based judicial review of legislation](#). 2016. *The Theory and Practice of Legislation* 4: 107
6. [Temporary legislation, better regulation and experimental governance: an empirical study](#). 2018. *Regulation and Governance* 12: 192

In law and data science, a recent example is one co-authored with David Sarne, Jonathan Schler, Alon Singer and Ayelet Sela:

7. [Unsupervised topic extraction from privacy policies](#). 2019. *WWW'19 Companion*: 563



## Using SSRN

### Why is SSRN important to you?

SSRN provides a very important and useful tool for two things: the early, pre-publication dissemination of scholarship; and free access to scholarship. I use SSRN for legal research because it helps me remain aware of the most recent scholarship. I also use it to make my publications widely available, particularly before their official publication in legal journals and books. It is also an excellent platform to showcase Bar-Ilan Law Faculty's diverse and first-rate scholarship, which you can find through our [SSRN Research Paper Series](#).

### Is pre-publishing important in the legal sciences?

Pre-publishing is certainly important in the legal sciences, as some books and journals take a very long time from acceptance of a manuscript to publication. I've had accepted articles available on SSRN for about a year before they were finally published in the journals.

### Is SSRN a useful resource for students getting a sense of a given field or discipline?

I think SSRN is very useful for students to get the most up-to-date sense of a given subject or field.

### Would you like to share any other thoughts on SSRN?

I found SSRN's staff to be very helpful and kind. It's a real pleasure working with them on Bar-Ilan University's [Public Law & Legal Theory Research Paper Series](#).

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