

The David Berg Institute for Law and History

Year Three Annual Report
2011-2012 Academic Year

Submitted by

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The David Berg Institute for Law and History at Tel Aviv University
Year 3 Annual Report for 2011-2012

We are delighted to submit the progress report for the third year of the David Berg Institute for Law and History.

The Institute's activity continued and increased. It organized or supported seven international and local conferences and events, including the 3rd Berg Conference, which was a great success. It supported research projects of a number of graduate students and faculty, and also enabled several key academic activities related to legal history including the TAU law and history workshop and the annual meeting of the Israeli History and Law Association. We are now working on several conferences and other events planned for next year, with the continued support of the Berg Foundation, for which we are, of course, extremely grateful.

CONFERENCES, LECTURES AND SYMPOSIA

1. **3rd Berg International Conference: "The Declaration of Independence Revisited"**
December 11-12, 2011 | *See Appendix A*

This was the third international conference organized by the David Berg Institute for Law and History. It was the first attempt to dedicate a whole conference to Israel's Declaration of Independence. Among the participants were internationally renowned researchers, five Israel Prize recipients, legal scholars, historians, philosophers and artists.

Among the topics discussed were the tensions embodied and reflected in the Declaration: the international justification versus the historical one, the Jewish nature versus the democratic nature of the State of Israel, the Zionist and the Jewish narratives as fundamental justifications for the establishment of Israel, American influences versus local attempts to influence the wording of the Declaration, the role of legal scholars and diplomats in the drafting process, its place in Israel's collective memory and its legal and political status in the public sphere.

Organizers Prof. Ron Harris, Tel Aviv University Buchmann Faculty of Law
 Prof. Yoram Shachar, IDC Herzliya Radzyner School of Law

2. **Transition from the Jewish *Yishuv* in Mandate Palestine to an Independent State**
September 21, 2011 | *See Appendix B*

Israel's political, social and economic historians have often been unaware of the possible contribution of legal history to the study of the general history of the Jewish *Yishuv* and the State of Israel. This was the first attempt to bring Israel's general and legal historians together to discuss the transition that occurred in 1948 from a Jewish community to a Jewish state. In exposing general historians to the work done by legal historians on this topic, the conference highlighted the possible contribution that legal history can make.

The conference included four sessions. In three sessions, two legal historians presented papers on constitutional history, economic and cultural history and issues related to land and labor. A chair and commentator who are not legal historians worked to create a dialogue between the legal and non-legal historians. The final session was a roundtable panel on the possible contribution of legal history to the general history of Israel.

Participants included leading political, social and economic historians of Israel and the doyen of Israeli historians, Prof. Anita Shapira, as well as Profs. Yechiam Weitz, Jacob Metzger, Zeev Tzahor, and Yoav Gelber.

The conference took place at the Tel Aviv University Faculty of Humanities and attracted Israeli historians, graduate students and the general public. A follow-up conference is planned for next year on the political, economic, social and legal history of the Israeli welfare state.

Organizers The David Berg Institute for Law and History
Dr. Orit, Rozin, TAU Department of Jewish History and The Chaim Weizmann Institute for the Study of Zionism and Israel

3. **Qing to China: Rethinking the Interplay of Tradition and Modernity, 1860-1949**

May 20-22, 2012 | *See Appendix C*

This international conference was organized by the Tel Aviv University Department of East Asian Studies and presented cutting-edge research on late 19th and early 20th century Chinese history. The Berg Institute was one of the sponsors of the conference, and provided funding for a panel devoted to Chinese legal history.

Our panel included papers by two Chinese-American historians from Princeton and Columbia on the history of vagrancy, immigration and intellectual property law. It was chaired by David Berg Institute Director Assaf Likhovski; Prof. Madeleine Zelin of Columbia University, one of the world's leading economic and legal historians of China, served as commentator.

Organizers Dr. Ori Sela, TAU Department of East Asian Studies
Dr. Asaf Goldschmidt, TAU Department of East Asian Studies

4. **“Law in India: History, Constitution and Society,” Public Lectures by Prof. Marc Galanter**
December 11-12, 2011 | *See Appendix D*

Marc Galanter, a Professor of Law and South Asian Studies at the University of Wisconsin and the London School of Economics and Political Science, is a leading figure in the study of law and society. He is also the foremost American scholar of the Indian legal system and its history. His book, *Law and Society in Modern India*, is an influential survey of Indian legal history and Indian legal sociology. The Berg Institute, in conjunction with the Cegla Center for Interdisciplinary Research of the Law, sponsored two lectures on Indian legal history and legal sociology by Prof. Galanter.

Organizers The David Berg Institute for Law and History
Tel Aviv University Cegla Center for Interdisciplinary Research of the Law

5. **Book Symposium: *Moshe Landau, Judge***
May 23, 2012 | *See Appendix E*

Justice Moshe Landau was one of the founding fathers of the Israeli judicial system, presiding over the Eichmann Trial and many other landmark cases in the 1950s, 60s and 70s. Dr. Michal Shaked's new biography of Justice Landau, published in May 2012, is one of the first judicial biographies of an Israeli Supreme Court judge.

The symposium included four lectures: two by members of the Israeli Supreme Court—former Chief Justice Dorit Beinisch and current Deputy Chief Justice, Miriam Naor; and two by Tel Aviv University legal historians Leora Bilsky and Menachem Mautner.

The audience included current Israeli Chief Justice Asher Grunis, former Chief Justice Aharon Barak, many current and retired Supreme Court justices and a large contingency of students, professors and the general public.

Organizer The David Berg Institute for Law and History

6. **International Conference: The Sovereign Economy**
June 20-21, 2012 | *See Appendix F*

Organizers Michael Zakim, Department of General History, Tel Aviv University
Roy Kreitner, Law Faculty, Tel Aviv University

This international conference is organized by the Tel Aviv University Department of History and Tel Aviv University Faculty of Law, and examines the history of capitalism. The Berg Institute was one of sponsors of the conference.

7. **Workshop on the Holocaust and Law organized by the TAU Forum on Law, Globalization and the Transnational Sphere**

June 22, 2012 | *See Appendix G*

The Berg Institute is funding the Forum workshop on the role of Holocaust restitution in advancing the history and memory of the Holocaust. The workshop will serve as a preliminary meeting to prepare a conference on the subject planned for December 2012.

RESEARCH INFRASTRUCTURE

1. **Israeli Legal History Database** This year saw the completion and release for public use of a searchable and updatable bibliographical database on the Institute's website. The database contains some 200 books, book chapters, articles and reviews in Hebrew and English regarding Israeli legal history. It is part of the research infrastructure developed by the David Berg Institute for the use of historians, lawyers and students doing research on Israeli legal history topics.
2. **Preparations for the Creation of a Legal History Archive** A public steering committee of the proposed legal history archive convened for the first time in Summer 2011; the committee includes two retired Supreme Court Chief Justices as well as senior members of the Israeli bar, the former State Archivist, historians and law professors. The committee developed general guidelines for the project, and following the meeting, negotiations started with the families of leading Israeli lawyers to obtain their personal archives. These negotiations are still in their preliminary stages.
3. **Research Grants to Students and Scholars** The Institute provided research grants to three graduate students and three faculty members for conducting archival and other relevant research in the field of legal history.

The Graduate Students with research grants are: Yael Broida who studies the role of women's organizations in legislation during the first three decades of the State of Israel; Rivka Brot who studies the trials of Jews accused of collaborating with the Nazis in the displaced persons camps of Israel; and Aviram Shahal who studies constitution proposals during the period of the British Mandate and the early years of Israel.

The faculty members with research grants are: David Schorr who writes about water laws during the British Mandate and the first years of the state; Shai Wozner who writes about legal thought in Lithuania's Jewish communities; and Orit Rozin who writes about the struggles for civil rights in 1950s Israel.

OTHER ACTIVITIES

1. **The Yigal Arnon Law & History Workshop**, with support from the David Berg Institute, convened regularly during the Spring 2012 term, with students and faculty joining with legal historians from across Israel and overseas to present and discuss works in progress.
| *See Appendix H*
2. **The 7th Annual Meeting of the Israeli History and Law Association: Legal Doctrine and Legal History**
October 24, 2011 | *See Appendix I*

Organizers The Israeli Law and History Organization
The David Berg Institute for Law and History
Yad Ben-Zvi, Jerusalem

FUTURE CONFERENCES

1. **International Conference on “Corporate Liability for Human Rights Violations: A New Relationship between law and history?”**
December 2012

This conference will study the impact of civil litigation dealing with corporate responsibility for Holocaust crimes on the history and memory of the Holocaust.

Organizers Leora Bilsky, Tel Aviv University Buchmann Faculty of Law
Doreen Lustig, Tel Aviv University Buchmann Faculty of Law

2. **4th Berg International Conference**
“In-Between: Trade and Legal Pluralism in the Era of the *Geniza*”
May 29-31, 2013 (tentative)

Organizers Dean Ron Harris, Tel Aviv University Buchmann Faculty of Law
Prof. Mark Cohen, Princeton University

This conference will explore the law used by medieval merchants in the Middle East in long-distance trade, and the interaction of various legal systems (Jewish, Islamic etc.) involved in this trade.

3. **Conference on "History and Legal History of the Israeli Welfare State"**
February 2013

This conference will explore the origins and decline of the Israeli welfare state from the 1950s to the present.

Organizer Orin Rozin, TAU Dept. of Jewish History and the Chaim Weizmann
Institute for the Study of Zionism and Israel

Steering
Committee Assaf Likhovski, Director, The David Berg Institute of Law and History
Avital Margalit, Sapir College
Avi Bareli, Ben-Gurion University of the Negev
Meir Chazan, Tel Aviv University

4. **The 8th Annual Meeting of the Israeli History and Law Association:
The Art of Legal History: Archival Research, Oral History and Additional Sources**
October 2012

Organizers The Israeli Law and History Organization
The David Berg Institute for Law and History
Yad Ben-Zvi, Jerusalem

Administrative Organization:

Dana Magen

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<http://www.law.tau.ac.il/Heb/?CategoryID=739&ArticleID=818>

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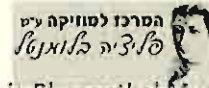


Radzyner School of Law
IDC Herzliya

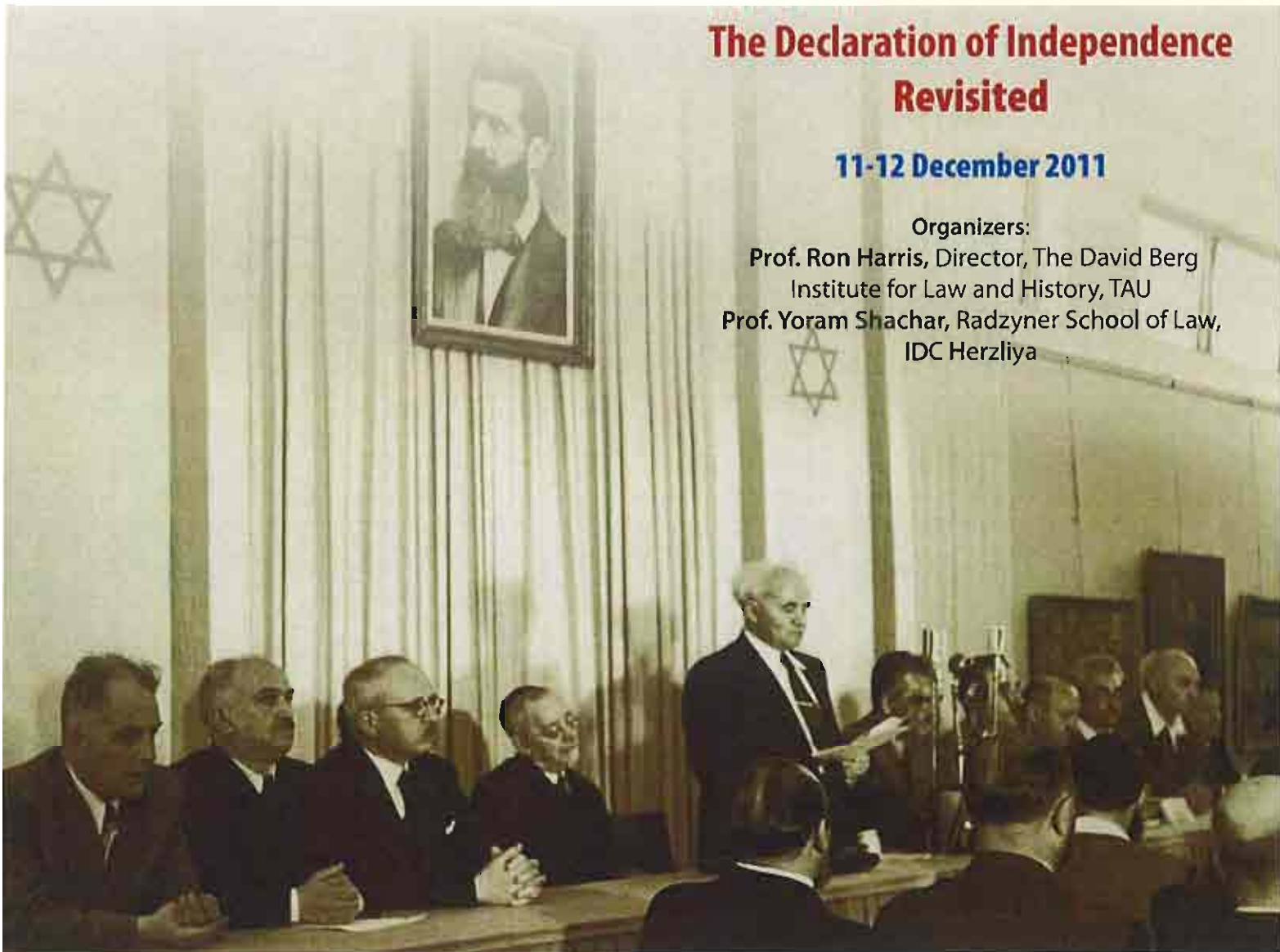


TEL AVIV UNIVERSITY

Buchmann Faculty of Law
David Berg Institute for Law and History



The Felicia Blumenthal Music Center



SUNDAY, December 11, 2011

The Interdisciplinary Center, Herzliya

Opening Session

17:00 Reception, Economics Building, Lobby

17:30 Greetings, Economics Building, Hall 201

Prof. Uriel Reichman, President, IDC Herzliya

Prof. Aron Shai, Rector, Tel-Aviv University

Prof. Ron Harris, Director, David Berg Institute

Prof. Yoram Shachar, IDC Herzliya

"Big Words: Dignity, Liberty and Honest Toil"

Keynote Address

Prof. David Armitage, Harvard University

"The Israeli Declaration in Global Perspective"

19:30 Ceremonial Dinner (By invitation),
Arison Building, Lobby

Dinner Speech Prof. Aharon Barak, IDC Herzliya

"The Declaration Revisited"

MONDAY, December 12, 2011

Tel-Aviv University, Buchmann Faculty of Law

Conference Sessions

09:00-10:30 Comparative History

Sonia Kossoy Conference Room (307)

Chair: Prof. Ron Harris, TAU

■ Prof. Jack Rakove, Stanford University

"Who were the American people who declared their Independence"

■ Dr. Naama Rokem, Chicago University

"The Road to Declaration: On the Evolution of Zionist Legal Imagination"

■ Rohit De, Princeton University

"The Many Trysts with destiny? When did India become Independent?"

Commentator: Prof. Assaf Likhoski, TAU

11:00-12:30 Israeli Legal History

Sonia Kossoy Conference Room (307)

Chair: Dr. Anat Rosenberg, IDC Herzliya

■ Dr. Nir Kedar, Bar-Ilan University

"David Ben Gurion: Between Declaration and (no) Constitution"

■ Dr. Orit Rozin, TAU

"Progress in Practice"

■ Prof. Amihai Radzyner, Bar Ilan University

"For God's Sake: Religious Reaction to the Declaration of Independence"

Commentator: Prof. Leora Bilsky, TAU

13:00-14:00 Lunch

14:00-15:30 Culture and Faith

Sonia Kossoy Conference Room (307)

Chair: Prof. Uriel Procaccia, IDC Herzliya

■ Prof. Moshe Halbertal, IDC Herzliya

"What is the declaration of Independence?: Between Vision, Promise and Commitment"

■ Prof. Menachen Mautner, TAU

"On the Identity of the speaker(s) in the the Declaration of Independence"

■ Prof. Yhoyada Amir, Hebrew Union College

"Israel's Declaration of Independence - cultural and historical aspects; the role of the Hebrew Bible"

16:00-16:45 Lecture, Kes Ha'Mishpat Auditorium, Room 035

Sponsored by the Yigal Arnon and Co. Law and History Workshop

Prof. Haim Ganz, TAU

"Proprietary Zionism and Egalitarian Zionism
in the Declaration of Independence"

Moderator: Dr. Yishai Blank, TAU

17:00-18:30 Lecture, Kes Ha'Mishpat Auditorium, Room 035

A.B. Yehoshua

"The people of Israel vs. Jewish Nation"

Lead Commentator: Prof. Ruth Gavison, Hebrew University and President, Metzilah

Felicia Blumenthal Center for Music, 26 Bialik Street, Tel-Aviv Concluding Session

20:00 Reception, Lobby

20:30 Auditorium

The Declaration: Poetic Drafts

Moderator: Shva Salhoov

Participants: Danni Karavan, Zali Gurevitz, Michal Govrin

Tartakover's Proclamation Posters Revisited

David Heyd

"Between Palimpsest and Collage:
Shachar and Tarta Mend and Tear"



THE CHAIM WEIZMANN INSTITUTE FOR THE STUDY
HISTORY
OF ZIONISM AND ISRAEL

THE DAVID BERG INSTITUTE FOR LAW AND

Transition from the Jewish Yishuv in Mandate Palestine to an Independent State

September 21, 2011

Organizers:

The David Berg Institute for Law and History
The Chaim Weizmann Institute for the Study of Zionism and Israel

The sessions will take place at
The Lester and Sally Entin Faculty of Humanities,
Gilman Building, Room 496

10:00 – 10:15 - Greetings

10:15 – 11:45

Moderator: Yechiam Weitz, Haifa University

Yoram Shachar, IDC Herzliya

"Life of Dignity, Freedom and Honest Labor"-- Zionist Utopia and of Israeli Reality

Nir.Kedar, Bar Ilan University

Ben Gurion and the constitution

Commentator: Paula kabalo, Ben Gurion University

11:45 – 12:15 – COFFEE BREAK

12:15 – 13:45

Moderator: Jacob Metzger, The Hebrew University

Assaf Likhovski, Tel Aviv University

Continuity and Change in the Israeli Tax System and its Law after 1948

Orit Rozin, Tel Aviv University

The struggle to raise the marriage age: continuity and change

Commentator : Margalit Shilo, Bar Ilan University

13:45 – 15:00 - LUNCH

15:00 – 16:30

Moderator: Esther Meir-Glitzstein, Ben Gurion University

Alexander Kedar , Haifa University

Oren Yiftachel, Ben Gurion University

Ahmad Amara ,NYU

Land Conflict between the State of Israel and the Bedouin of the Negev: the case of Al-okabi in historical-geographically-legal perspective

Avital Margalit, Sapir College

Cooperative Villages of the 1950s: Continuity and Change in the Labor Movement
Culture of Control Immigrants

Commentator: Zeev Tzahor, Sapir College, Ben Gurion University

16:00 – 17:00 - COFFEE BREAK

17:00 – 19:00

Summarizing panel

Moderator: Anita Shapira, Tel Aviv University

Yoav Gelber, , IDC Herzliya

Aviva Halamish, The Open University of Israel

Pnina Lahav, Boston University

Menachem Mautner, Tel Aviv University

FROM QING TO CHINA:

RETHINKING THE INTERPLAY OF TRADITION AND MODERNITY, 1860-1949

20-22 May 2012, Tel Aviv University, Gilman 496

Organizers: Ori Sela and Asaf Goldschmidt (Tel Aviv University)

PROGRAM



“Carrying a [paper] funeral car,” [item 395-2266, photograph taken between 1924-1927] courtesy of Sidney D. Gamble Photographs, Archive of Documentary Arts, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

Sidney D. Gamble (1890-1968), an avid amateur photographer, began taking pictures in China during his first trip to the country with his family in 1908. He returned three more times between 1917 and 1932 and continued photographing the daily life of Chinese citizens.

Sunday, 20 May 2012

09:00-09:30: Coffee and Registration

09:30-11:30: **Panel#1: China and the World**

- Opening Remarks: Ori Sela (Tel Aviv University)
- Chair: Aron Shai (Tel Aviv University), Discussant: Joanna Waley-Cohen (NYU)

Participants:

- Joshua Fogel (York University): "Toponyms and Coming of Age in China: From Qing to "China," Literally"
- Zvi Ben-Dor Benite (NYU): "How and Why did Muhammad 'Abduh come to China: Education, "Theology," and "Philosophy," from the Empire to the Republic"

11:45-13:00:

**SESSION IN HONOR OF PROFESSOR ARON SHAI, RECTOR AND THE SHOUL N. EISENBERG CHAIR
FOR EAST ASIAN AFFAIRS INCUMBENT, TEL AVIV UNIVERSITY**

MARKING HIS 40TH YEAR AS HISTORIAN OF CHINA AND THE INTERNATIONAL ARENA

- **Greetings:**
- Joseph Klafter, President, Tel Aviv University
- Ben-Ami Shillony, Professor Emeritus, Hebrew University
- Asaf Goldschmidt, Chair of the Department of East Asian Studies, Tel Aviv University

- **Opening Address:**

Aron Shai (Rector, Tel Aviv University):

"Le Rêve Chinois: from Imperial Subjugation to Hubris?"

13:15-14:15: Lunch

14:15-16:15: Panel#2: Law and Society

- Chair: Assaf Likhovski (Tel-Aviv University), Discussant: Madeleine Zelin (Columbia University)

Participants:

- Janet Chen (Princeton University): "Beggars and Vagrants from Qing to China: Law and Morality in the Early Twentieth Century"
- Eugenia Lean (Columbia University): "Marking and Copying from Qing to China: Late Imperial Copy Culture in Trademark Infringement Cases of the Early Twentieth-century China"

16:30-18:30: Panel#3: Print Culture

- Chair and Discussant: Joan Judge (York University)

Participants:

- Cynthia Brokaw (Brown): "The Persistence of "Tradition" in the Modern Chinese Print Culture"
- Natascha Gentz (The University of Edinburgh): "Revisiting the "New" and "Foreign" in Late Qing Chinese Journalism"

19:30: Dinner

Monday, 21 May 2012

09:00-11:00: Panel#4: Science and Technology

- Chair: Ido Yavetz (Tel Aviv University), Discussant: Benjamin A. Elman (Princeton University)

Participants:

- Fa-Ti Fan (Binghamton, SUNY): "Circulating Material Objects: the International Controversy over Antiquities and Fossils in Twentieth-Century China"
- Dagmar Schaefer (The University of Manchester): "Designs of Empire: Samples, sketches and scaled models at the Qing Court"

11:15-13:15: Panel#5: Medicine

- Chair and Discussant: Asaf Goldschmidt (Tel Aviv University)

Participants:

- Ruth Rogaski (Vanderbilt): "A "Universal" Revolution? Qi-Based Cosmology and 1911"
- Sean H-L Lei (Academia Sinica): "Qi-Transformation and the Steam Engine: Visualizing the Body and Characterizing Chinese Medicine, 1880s-1920s"

13:15-14:45: Lunch

14:45-16:45: Panel#6: Intellectual History

- Chair: Zvi Ben-Dor Benite (NYU), Discussant: Paul A. Cohen (Fairbank Center for Chinese Studies, Harvard University)

Participants:

- Joachim Kurtz (University of Heidelberg): "Reasoning for a New Nation: Yan Fu, Zhang Shizhao, and the Emergence of a "Logical Style" in Early Twentieth-century China"
- Joan Judge (York University): "The Early Republican Information Regime: *Wanbao quanshu* 萬寶全書 (Complete Compendia of Countless Treasures) in the New Global Order"
- Ori Sela (Tel Aviv University): "To Feel at Home in the Modern World: Turn of the Twentieth-Century Chinese Historiography and Qing (1644-1911) Intellectual History"

17:00-18:30: Round Table

- Chair: Ori Sela (Tel Aviv University)

Discussants:

- Yitzhak Shichor (Hebrew University and Haifa University)
- Shakhar Rahav (Haifa University)
- Conference participants

19:30: Dinner

Tuesday, 22 May 2012

09:00-11:00: **Panel#7: Medical Institutions**

- Chair and Discussant: Miri Shefer-Mossensohn (Tel Aviv University)

Participants:

- Asaf Goldschmidt (Tel Aviv University): "Imperial, Local, Modern, and Traditional? The Characteristics of the Public Pharmacy (惠民藥局) during the Southern Song and Yuan"
- Marta Hanson (Johns Hopkins University): "Between the Imperial and the Local: Traces of Chinese Medical Institutions during the Long Nineteenth Century"

The conference was made possible by generous contributions from:

The Israeli Science Foundation; The Chiang Ching-kuo Foundation; The Minerva Humanities Center, Tel Aviv University; The Cegla Center for Interdisciplinary Research of the Law, Tel Aviv University; The David Berg Institute for Law and History, Tel Aviv University; The Louis Frieberg Center for East Asian Studies, The Hebrew University; Tel Aviv University; The Lester and Sally Entin Faculty of Humanities at Tel Aviv University; and The Shoul N. Eisenberg Chair for East Asian Affairs. We are grateful to these institutions and the individuals therein for their support.



蔣經國國際學術交流基金會
Chiang Ching-kuo Foundation for International Scholarly Exchange



מרכז מינרבה למדעי הרוח
Minerva Humanities Center
مركز مينيرفا للعلوم



The Lester and Sally Entin Faculty of Humanities
The Lester and Sally Entin Faculty of Humanities



The Buchmann Faculty of Law
The David Berg Institute for Law and History
The Cegla Center for Interdisciplinary Research of the Law

Lester and Sally Entin Faculty of Humanities
Department of East Asian Studies

Law in India

History, Constitution, and Society

Prof. Marc Galanter

John and Rylla Bosshard Professor of Law and South Asian Studies
University of Wisconsin

Prof. Galanter, who is a leading scholar of India law, will discuss the origins and history of modern Indian law from colonial days till today, with focus on current challenges.

16:30 - 18:15 History and the Establishment
of Contemporary Constitutional Regime

18:30 - 20:00 Current Challenges

Monday, December 26 , 2011

Room 307 (Third Floor)

The Buchmann Faculty of Law, Trubowicz Building,
Sonia Kossoy Conference Room

For additional information please contact Dana Magen at the Berg Institute:

berg@post.tau.ac.il

הזמנה זו מהווה אישור כניסה לאוניברסיטה דרך שער רמניסיאנו (שער מס' 4)

מספר אישור: 229833

אוניברסיטת תל-אביב  TEL AVIV UNIVERSITY
הפקולטה למשפטים ע"ש בוכמן
מכון דיויד ברג למשפט והיסטוריה

ערב עיון לרגל צאת ספרה של
מיכל שקד
משה לנדוי, שופט

בהשתתפות כב' נשיאת בית המשפט העליון (בדימ')
השופטת דורית ביניש

יום רביעי 23.5.12, ב' בסיון, תשע"ב בשעה 17:00,
חדר 307 ע"ש סוניה קוסוי (קומה 3), הפקולטה למשפטים

דברי ברכה: **פרופ' אסף לחובסקי**,
מנהל מכון דיויד ברג למשפט והיסטוריה

דיון בהשתתפות:

השופטת מרים נאור, בית המשפט העליון
פרופ' מנחם מאוטנר, הפקולטה למשפטים,
אוניברסיטת תל-אביב
פרופ' ליאורה בילסקי, הפקולטה למשפטים,
אוניברסיטת תל-אביב

נא אשרו השתתפותכם במייל: berg@post.tau.ac.il

הזמנה זו מהווה אישור כניסה דרך שער רמנסיאנו (4)
מספר ארוע: 245094



TEL AVIV UNIVERSITY

The David Berg Foundation Institute for Law and History
Cegla Center for Interdisciplinary Research of the Law
The S. Daniel Abraham Center for International and Regional Studies
The Department of English and American Studies
The Lester and Sally Entin Faculty of Humanities
The Tel Aviv University School of History
Office of the Rector, Tel Aviv University
Tel Aviv University Research Authority

The Sovereign Economy: Three Hundred Years of CAPITALISM

Tel Aviv University

June 20-21, 2012

All sessions will take place in room 307 of the
Trubowicz building in the Buchmann Faculty of Law

Wednesday, June 20, 2012

9:30 Welcoming Remarks

10:00 – 12:30 Session 1

Rebecca Spang (Indiana)

Money and Liberty in the French Revolution

Roy Kreitner (Tel Aviv)

The Political Career of the Dollar

Ritu Birla (Toronto)

Conquest and Commerce: Legal Worlds of Capital

14:00 – 16:30 Session 2

Noam Maggor (Vanderbilt)

The Spatial Turn: Metropolis, Market, and Globe

Michael Zakim (Tel Aviv)

Fear and Loathing at the Crystal Palace

Sven Beckert (Harvard)

Global Capital and Global Labor

17:30 – 19:00 **Guest Lecture**

Nathan Sussman, Hebrew University and Bank of Israel

Thursday, June 21, 2012

10:00 – 12:30 Session 3

Jon Levy (Princeton)

The History of Profit

Doreen Lustig (Tel Aviv)

Corporate Business, National Sovereignty, and International Law

Ron Harris (Tel Aviv)

Commentary: Some Thoughts on Corporations

14:00 – 15:30 Session 4

Dror Wahrman (Jerusalem)

Origins of the Invisible Hand

David Garrett (Reed)

Government and Market in Habsburg Peru

16:00 – 17:30 Session 5

Amy Stanley (Chicago)

Economic Rights and Violence Against Women

Jackson Lears (Rutgers)

TEL AVIV UNIVERSITY
 The Buchmann Faculty of Law
 The Minerva Center for Human Rights
 The David Berg Foundation Institute
 for Law and History



Workshop: Holocaust Class Action Litigation

Friday
 June 22, 2012

Trubowicz Building
 (Law Faculty)

The Sonia Kossoy
 Conference Room
 (Room 307)

The workshop will focus on the Holocaust class action litigation of the 1990s, in which German corporations and Swiss banks were sued in U.S. federal courts for involvement in the Nazi crimes, as a case-study of the change in the relationship between law and history under the paradigm of civil law.

The workshop brings together legal and historical perspectives on the litigation, to explore its promise and limitations and to outline a roadmap for further research and discussion across disciplines.

- 9:00-9:15 Gathering
- 9:15-9:30 Greetings:
 The Minerva Center for Human Rights
 The David Berg Foundation Institute for Law and History
Prof. Assaf Likhovski (Chair)
- 9:30-11:15 **Natalie Davidson** (TAU) [on behalf of Burt Neuborne (NYU)]:
*Transnational Holocaust-Related Litigation (THL) -
 a legal perspective*
Michael Marrus (Toronto U):
A Historian's Critique of Holocaust Class Actions
- 11:15-11:30 Coffee Break
- 11:30-13:00 **Leora Bilsky** (TAU):
The judge and the historian
Doreen Lustig (TAU):
 Concluding remarks
 Discussion
- 13:30-16:30 Organizing Committee Working Lunch (For invitees only)

Those who wish to receive Prof. Neuborne's book-length draft manuscript can write to rachel.klags@gmail.com

The event will be held in English and is open to the general public

Tel Aviv University Yigal Arnon Law and History Workshop

The Tel Aviv University Yigal Arnon Law and History Workshop, established in 1997, was the first workshop of its kind in Israel (the Hebrew University followed Tel Aviv's lead and established a similar workshop in 2008). The workshop, which is named after Advocate Yigal Arnon, is designed to serve as a forum in which legal historians can present works in progress. It provides a unique institutional forum for the whole legal-history community in Israel. The workshop is the place where all Israeli legal historians (both faculty members and senior graduate students), working in law schools, history departments and social science faculties, meet, present works in progress and interact with foreign colleagues. The workshop also provides TAU students with the opportunity to read and comment on state-of-the-art legal history articles, serving as the capstone of TAU's exceptional legal history curriculum. This curriculum provides students with special in-depth training in legal history and includes preliminary courses, elective courses and seminars and the workshop.

The workshop's scope is not limited temporally, geographically or methodologically. Papers presented deal with all periods (ancient, medieval and modern) and all geographical areas (Israel but also the United States, Britain, the continental and Islamic law worlds). The workshop also seeks to present a broad variety of disciplinary approaches to legal history and including economics, anthropology, sociology and cultural studies.

Over the years, the workshop has spawned a number of important institutional and academic projects related to legal history including several Israeli and international academic conferences, special journal issues on legal history and the creation of a nation-wide Israeli legal history association.

A wide range of scholars including some of the world's leading legal historians have given papers at the workshop.

2011-2012 (Organizers Leora Bilsky, Roy Kreitner, David Schorr)

Yael Braudo, Ph.D. candidate, Tel Aviv University Faculty of Law
Ariella Gross, University of Southern California Law School
Henry Rousso, Institut d'Histoire du Temps Présent, CNRS
Seán Donlan, University of Limerick School of Law
Ely Aharonson, Haifa University Faculty of Law
Barbara Welke, University of Minnesota Department of History
Laura Jockusch, Institute of Contemporary Jewry, Hebrew University
Jessica Marglin, Ph.D. candidate, Princeton Department of Near Eastern Studies
Yael Berda, Ph. D. candidate, Princeton Department of Sociology

יד יצחק בן-צבי

הכנס השנתי השביעי של הארגון הישראלי להיסטוריה ומשפט

יום שני, כ"ו תשרי תשע"ב, 24.10.11

יד יצחק בן-צבי, רחוב אברבנאל 12, ירושלים

דוקטרינה משפטית והיסטוריה משפטית

9:00 – 8:45 התכנסות

9:15 – 9:00 ברכות

11:00 – 9:15 מושבים מקבילים – 1 ו-2

מושב 1: משפט ותהפוכות היסטוריות**יעל ברדה** (אוניברסיטת פרינסטון)

שרטוט ראשוני של הדוקטרינה המנהלית של הביורוקרטיה הקולוניאלית הבריטית והשפעתה על מערכות ניהול האוכלוסין בעשור הראשון בפוסט קולוניות - ישראל, קפריסין והודו

ענת שטרן (האוניברסיטה העברית)

ביטוייו של ההביטוס לפייר בורדייה במערכת השיפוט של צה"ל במלחמת העצמאות

דינה מויאל (אוניברסיטת תל אביב)

"חוקיות סוציאליסטית" – משפט במשטר לא דמוקרטי: המקרה הסובייטי

דניאל מגן (אוניברסיטת תל אביב)

משפטים פוליטיים ומשפטיים סטליניסטיים – על תיאוריה משפטית והיסטוריוגרפיה רוויזיוניסטית

יו"ר: צבי טריגר (המכללה למנהל)

מושב 2: גלגוליה של דוקטרינה**סנדי קדר** (אוניברסיטת חיפה), **אורן יפתחאל** (אוניברסיטת בן גוריון), **ואחמד אמארה** (אוניברסיטת ניו יורק)

הסכסוך הקרקעי בין מדינת ישראל לבין הבדווים של הנגב: המקרה של אל-עוקבי בפרספקטיבה היסטורית-גיאוגרפית-משפטית

דרור גולדברג (אוניברסיטת בר אילן)

כסף כפוי ומקורותיה של רגולציה כלכלית

הדרה בר-מור (המכללה האקדמית נתניה) **ופולה קבלו** (אוניברסיטת בן גוריון)

גלגוליה של זכות: לידתו האיטית של חוק העמותות - פרק בהיסטוריה של הדמוקרטיה הישראלית

יוסי כץ (אוניברסיטת בר אילן)

הקק"ל והדת: סעיף שמירת השבת בחוזה החכירה האחד שבין הקק"ל להתיישבות העובדת

יו"ר: יפעת הולצמן-גזית (המכללה למנהל)

11:30 – 11:00 הפסקת קפה

13:00 – 11:30 מושב 3 (מליאה)

מושב 3: שולחן עגול: גישות חדשות להיסטוריה דוקטרינלית של המשפט**ליאורה בילסקי** (אוניברסיטת תל אביב)**אסף לחובסקי** (אוניברסיטת תל אביב)**עמיחי רדזינר** (אוניברסיטת בר אילן)**יו"ר: אדם חפרי-וינוגרדוב** (האוניברסיטה העברית)

14:00 – 13:00 ארוחת צהריים

15:45 – 14:00 מושבים מקבילים – 4 ו-5

מושב 4: היווצרות מערכות משפט
מאיה מארק (אוניברסיטת תל אביב)
כללים משפטיים וכלים פוליטיים: בתי הדין לספסרות ולשכירות בשנים הראשונות לקום המדינה
יאיר שגיא (אוניברסיטת חיפה)
בג"ץ במחוזי? על הניסיונות להעביר את בג"ץ לבית המשפט המחוזי בימי הראשית של המדינה
שלומי בלבן (האוניברסיטה העברית)
'משפט אחים' – מערכת בתי הדין הפנימיים במחנות קפריסין, 1946-48
יו"ר: נתן ברון (האוניברסיטה העברית)

מושב 5: על ספרו של אבי רובין: Ottoman Nizamiye Courts: Law and Modernity
איריס אגמון (אוניברסיטת בן גוריון)
"הילכו שניים יחדיו בלתי אם נועדו?" על עיקשות מיתוס הדואליזם הדתי-חילוני במשפט העוסמאני המודרני
עמרי פז (אוניברסיטת בן גוריון)
הסיבות לשינוי מערכת המשפט הפלילי באימפריה העוסמאנית במחצית המאה ה-19: קריאה מחודשת
יורם שחר (המרכז הבינתחומי הרצליה)
הספר בהקשר של ההיסטוריה המשפטית של ארץ ישראל
מגיב: אבי רובין (אוניברסיטת בן גוריון)
יו"ר: רון חריס (אוניברסיטת תל אביב)

16:15 – 15:45 הפסקת קפה

18:00 – 16:15 מושבים מקבילים – 6 ו-7

מושב 6: חברה, תרבות ומשפט
אומי לייסנר (האוניברסיטה העברית)
"הדבר הזה אולי יעשה רושם של מנהג-עריצות": תפיסת האוטונומיה של היולדת בימי המנדט
גאי כרמי (ליפא מאיר ושות')
יחסי-הגומלין שבין המשפט והחברה בראי משפטי השואה בישראל
עומר אלוני (אוניברסיטת תל אביב)
"למען ישכון שלום בכפר": השתקפויות של גישות אוריינטליסטיות במשפט הישראלי המוקדם
יו"ר: דבורה ברנשטיין (אוניברסיטת חיפה)

מושב 7: דוקטרינה משפטית בהקשרה החברתי
מוסה אבו רמדאן (המרכז האקדמי כרמל)
מעבר לתיקוף חדש בהיסטוריית הדוקטרינה המוסלמית
אורנה אליגון דר (המרכז האקדמי כרמל)
מחקר היסטורי של דיני ראיות: מדוע הוא חשוב, ובאיזה אופן כדאי לבצעו
שוקי שגב (המכללה האקדמית נתניה) **וישראל צבי גילת** (המכללה האקדמית נתניה)
מה קרה להביאס קורפוס? לטיבה של משמרת חירות האדם בבג"ץ
עמוס ישראל-פליס הואור (אוניברסיטת תל אביב)
שלוש התמודדויות ראשוניות של פוסקי הלכה עם המשפט הבינלאומי: עקרונות, מושגים ומטרות
יו"ר: ניר קידר (אוניברסיטת בר אילן)

18:30 – 18:00 אסיפת הארגון הישראלי להיסטוריה ומשפט

הוועדה המארגנת: **אדם חפרי-וינוגרדוב, אביטל מרגלית, אבי רובין, אורית רוזין, דוד שור**