

The Tragedy of the Commons at 50: Context, Precedents, and Afterlife

8th Annual David Berg Foundation
Institute International Conference

Theoretical Inquiries in Law Bi-Annual
Conference

June 28-30, 2017

Organizers: **David Schorr & Carol Rose**

The sessions will take place in the
Sonia and Edward Kossoy Conference
Room (307), Buchmann Faculty of Law,
Trubowicz Building, Tel Aviv University.

The sessions will be held in English.

Wednesday, June 28, 2017

9:45 – 10:00 Gathering, Coffee and Greetings
David Schorr & Carol Rose

SESSION 1: EARLY MODERN COMMONS THOUGHT

10:00 – 11:30

The Early Modern Prelude to the Tragedy of the Commons
Nathaniel Wolloch (Tel Aviv University, Minerva Humanities Center)

The Banality of the Commons: Efficiency Arguments Against Common
Ownership Before Hardin
Stuart Banner (UCLA School of Law)

11:30 – 11:45 Coffee Break

11:45 – 12:30

Civilization and the Commons: Stadial Theory, the Pastoral Mode, and
Commons Theory
David Schorr (Tel Aviv University, Buchmann Faculty of Law)

12:30 – 14:00 Lunch

SESSION 2: THE COMMONS IN THE NINETEENTH CENTURY LEGAL THOUGHT

14:00 – 15:30

Valorizing the Commons in the Age of Property:
The Riparian Debate and Historical Rights to Water in Nineteenth
Century France
Alice Ingold (EHESS – Centre de Recherches Historiques)

Maine & the Commons in the History of Rural India
Minoti Chakravarty-Kaul (Lady Shri Ram College)

15:30 – 16:00 Coffee Break

SESSION 3: INTERNATIONAL POLITICS AND THE COMMONS

16:00 – 17:30

Cold-War Commons: Tragedy, Critique, and the Future of the Illiberal
Problem Space
Monica Eppinger (Saint Louis University School of Law)

Hardin's and Ostrom's Interests in (Under)Development/"Third World"
Issues
Fabien Locher (EHESS – Centre de Recherches Historiques)

17:30 End of Day 1

Thursday, June 29, 2017

08:45 - 09:00 Gathering and Coffee

SESSION 4: THE TRAGEDY IN CONTEXT

09:00 – 10:30

The Tragedy and the Law of the Sea (by Skype)
Harry Scheiber (University of California, Berkeley, School of Law)

The Absence of Indigenous Peoples and Political Economists from the
"Tragedy of the Commons"
Michel Morin (Université de Montréal, Faculté de Droit)

10:30 – 11:00 Coffee Break

SESSION 5: THE TRAGEDY AND THE MIND

11:00 – 12:30

The Commons and Cognition
Carol Rose (Yale Law School and the University of Arizona Law College)

Give Us Back Our Tragedy: Nonrivalry in Intellectual Property Law and
Policy
Oren Bracha (University of Texas School of Law)

12:30 – 14:00 Lunch

SESSION 6: LOOKING BACK AT THE COMMONS

14:00 – 15:30

Confronting Hardin: Trends and Approaches to the Commons in
Historiography
Giacomo Bonan (Università di Bologna, Dipartimento di Storia Culture Civiltà)

Re-romanticizing the Commons in Israeli Discourse: Social, Economic,
and Political Motives

Amnon Lehavi (Interdisciplinary Center (IDC) Herzliya, Radzyner Law School)

15:30 Closing Remarks

To register and obtain the conference papers: til@post.tau.ac.il