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

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 Woloch (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