

Israeli Law and Society Association International Conference

# Secularism, Nationalism and Human Rights: Law and Politics in the Middle East and Europe

December 20-21, 2009 – Tel Aviv University  
Faculty of Law - Trubowicz Building

**Sunday, December 20<sup>th</sup>, 8:30-9:00**

**Registration (3<sup>rd</sup> Floor)**

**Sunday, December 20<sup>th</sup>, 9:00-10:45**

**Panel: Securing the Secular in the Jewish Nation State (Room 307)**

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Chair: **Menachem Hofnung**, Hebrew University, Israel

**Tal Niv**, UC Berkeley, USA

*The Sluggish Demand for Secular Rites in Israel – Distilling Law's Role*

**Asher Maoz**, Tel Aviv University, Israel

*Religious Education in Israel*

**Andrea Pin**, University of Padua, Italy

*A Country for Old Men?*

**Panel: Palestinians in Israel: Recognition and Misrecognition (Room 303)**

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Chair: **Khaled Furani**, Tel Aviv University, Israel

**Noa Kram**, California Institute of Integral Studies (CIIS), USA

*The Negev Bedouin and the Israeli State: Legal Struggles for Land Ownership Rights*

**Shai Lavi**, Tel Aviv University, Israel

*Citizenship Revocation in the Israeli Republic*

**Avi Lubin**, Tel Aviv University, Israel

*The October 2000 Events: Between the Or Commission and the Hybrid Identity of the Israeli Arabs*

**Raif Zreik**, Georgetown University, USA

*The Wheel Came Full Circle? Civic Service Debates in Israel*

**Panel: The Gender of Judging: Getting There, Doing It (Room 305)**

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Chair: **Bryna Bogoch**, Bar-Ilan University, Israel

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*The Discourse of Violence: Gender, Judges and Violence in Family Court Decisions*

**Martha Good**, Miami University, (Ohio) USA

*Rethinking Gender & Judging: Why Women Judges Matter*

**Elaine Martin**, Eastern Michigan University, USA

*Women Lawyers Climbing the Judicial Ladder*

**Saviona Rotlevy**, Retired, Vice President of the Tel Aviv District Court, Israel

*Women Judges as Generators of Social Change*

**Sunday, December 20<sup>th</sup>, 11:15-13:00**

**Panel: Law, Nationalism and the Governance of Religious Diversity (Room 307)**

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Chair: **Matthias Koenig**, University of Göttingen, Germany

**Jonathan Fox**, Bar Ilan University, Israel

*The Last Bastion of Secularism? Government Religion Policy in Western Democracies, 1990 to 2008*

**Ayelet Harel-Shalev**, Ben Gurion University, Israel

*Secularism, Nationalism and Human Rights – Lessons from India*

**Ruth Levush**, Library of Congress, USA

*Secularism and Nationhood in Countries with Significant Religious Minority Native or Immigrant Populations*

**Yael Vias-Gvirsman**, Hebrew University, Israel

*Freedom of Religion or Freedom from Religion? The Case of the 'Islamic Headscarf' in France*

**Panel: Legal Bodies in the Matrix of Normality (Room 303)**

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Chair: **Susanne Baer**, Humboldt University, Berlin

**Pamela Laufer-Ukeles**, University of Dayton, USA

*Complex Choices: Informed Consent & Reproduction*

**Sagit Mor**, Haifa University, Israel

*Disabled Bodies: The Slippery Slope of Wrongful Life*

**Yofi Tirosh**, Tel Aviv University, Israel

*The Right to be Fat*

**Panel: Current Challenges to the Legal Profession and the Judiciary (Room 201)**

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Chair: **Avital Margalit**, Bar Ilan University, Israel

**Rivka Amado-Feeley**, UC Berkeley, USA

*Can Domestic Laws Reduce Corporate Corruption Abroad? If So, How and What Are the Consequences?*

**Tali Gal**, Hebrew University, Israel & **Alia Sheety**, International Institute of Restorative Practices, USA

*Restorative Justice Practices in Israel and the Palestinian Authority: Integrating Western and Indigenous Approaches to Justice*

**Avrom Sherr**, University of London, UK

*Weber – Larson – Abel on the Professional Project: Are the "Control" Theories Still Appropriate in the Age of Financial Crisis?*

**Michal Tamir** Sha'arei Mishpat, Israel & **Amir Dahan**, Military Court Judge, Israel

*The Judicial Side of The "Side Judges"*

**Panel: Human Rights: Old and New Regimes (Room 305)**

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Chair: **Iris Canor**, College of Management Academic Studies, Israel

**Eyal Engelhardt-Ari**, Independent researcher, Israel

*The Implementation of the Ottoman Legal Reforms in the District Of Jerusalem Between 1857 and 1878, and their Impact on Civil and Human Rights*

**Frederik von Harbou**, University of Zurich, Switzerland

*Globalised Empathy & Human Rights – An interdisciplinary Approach*

**Liora Sion**, Northwestern University, USA

*The Sustainability of the Israeli Society during a Prolonged Emergency Situation: Social and Legal Implications*

**Lunch Break, 13:00-14:30**

**13:30-14:30: Annual Meeting of the Israeli Law & Society Association (Room 307)**

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**Sunday, December 20<sup>th</sup>, 14:30-16:15**

**Panel: Religious Authority: Between East and West (Room 307)**

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Chair: **Shlomo Fischer**, Yesodot – Center for Torah and Democracy, Israel

**Moussa Abou Ramadan**, Carmel Academic Center, Israel  
*Druze in Israel and The Role of Law in Shaping Identity*

**Alice M. Panepinto**, Independent Researcher, Alumna of University of London, UK  
*Faithful to Humans: Combining International Human Rights Standards and the Fundamental Principles of Islamic Law*

**Elimelech Westreich**, Tel Aviv University, Israel  
*Jewish Law in a Muslim Environment under European Cultural Influences – Changes in the Status of Women in the Legal Work of Moroccan Sages in the 20th Century*

**Zvi Zohar**, Bar Ilan University, Israel  
*Rabbinic Responses to Developments in the Egyptian Legal System and to the Impact of New Socio-Cultural Realities in English-Occupied Egypt*

**Panel: Women in the National and Transnational Spheres (Room 303)**

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Chair: **Hila Shamir**, Tel-Aviv University, Israel

**Ruth Halperin-Kaddari**, Bar Ilan University, Israel & **Yaakov Yadgar**, Bar Ilan University, Israel  
*Religion, Politics and Gender-Equality among Jews in Israel*

**Pnina Lahav**, Boston University, USA  
*Golda Meir – The Minister of Foreign Affairs through the Gender Lens*

**David Nelken**, University of Macerata, Italy  
*Legal Culture and Human Trafficking: Can We Do Justice in an Unjust World?*

**Gila Stopler**, Academic Center of Law and Business, Israel  
*Constitutional Secularism, Sharia Tribunals and the Rights of Women*

**Panel: Nationalism in Times of Crisis and Terror (Room 201)**

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Chair: **Matthias Mahlmann**, University of Zurich, Switzerland

**Maria Alvanou**, Hellenic Police Officers Academy, Greece  
*ECHR Decision 3455/05 of February 19, 2009: Limits to Measures Discriminating Suspects of Terrorism because of Nationality*

**Liat Fridgoot-Netzer**, Open University, Israel  
*Retrial: the Israeli-Palestinian Dispute as a Confrontation between European Legacies and the Middle Eastern National Cultural Heritage*

**Guy Lurie**, Georgetown University, USA  
*Legal Institutions and Conceptions of the Nation in Renaissance France*

**Panel: The Imprint of Religion and Secularism on Legal Systems: The Polish Inheritance (Room 305)**

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Chair: **Tracie Wilson**, Leipzig University, Germany

**Yvonne Kleinmann**, Leipzig University, Germany  
*Negotiating the legal status of religious communities and individuals. The case of Poland-Lithuania (16th – 18th centuries)*

**Tracie Wilson**, Leipzig University, Germany  
*Shifting Boundaries and Faith: Transformation of Legal Structures and Advocacy Organizations in Nineteenth Century Lviv and Bialystok*

**Stephan Stach**, Leipzig University, Germany  
*Religion as a Link between National Minorities and the Secular Nation State – The Case of Interwar Poland 1918–1939*

## Sunday, December 20<sup>th</sup>, 16:45-18:15

### Panel: Cultural Wars (Room 307)

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Chair: **Nili Cohen**, Tel Aviv University, Israel

**Susanne Baer**, Humboldt University, Berlin

*Looking Beyond Law – Problems in Discussions of Cases of Cultural Conflict*

**Benjamin Neuberger**, Open University, Israel

*Four Democratic Church-State Models in Europe*

**Menachem Mautner**, Tel Aviv University, Israel

*Israeli Law and the Thinness of Israel's Secular Culture*

**Frances Raday**, College of Management Academic Studies, Israel

*Secular Constitutionalism Vindicated*

### Panel: The Wandering Jew and International Law (Room 303)

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Chair: **José Brunner**, Tel Aviv University, Israel

**Alexandra Kemmerer**, Leipzig University, Germany

*For Ye Know the Heart of a Stranger. On Exile, Experience and European Union Law*

**Miriam Rürup**, University of Göttingen, Germany

*Homeless or World Citizens? The (Re)movable Body: The Issue of Statelessness after Two World Wars*

**Natan Sznajder**, Academic College of Tel-Aviv-Yaffo, Israel

*Cultural Genocide and its Reconstruction: The Case of Jewish Cultural Reconstruction*

**Amos Israel-Vleeschouwer**, Tel Aviv University, Israel

*A Jewish Ultra-Religious Critique of Nationalism, Individualism and Rights-Based Regimes: The Alternative Model and Thought of Yitzhak Breuer*

### Panel: Access to Social Rights for Disadvantaged Groups: An Interdisciplinary Perspective (Room 305)

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Chair: **Dani Attas**, Hebrew University, Israel

**Mimi Ajzenstadt**, Hebrew University, Israel

*Judicialization, Access to Justice, and Foreign Workers in Israel*

**Avishai Benish**, Hebrew University, Israel *Access to Justice in Welfare Services The Case of Administrative Tribunals in the Israeli "Welfare-to-Work" Program*

**John Gal**, Hebrew University, Israel & **Idit Weiss-Gal**, Tel Aviv University, Israel

*Realizing Rights in Social Work*

### Reception, 18:15-19:30

## Sunday, December 20<sup>th</sup>, 19:30-21:30

### (The Malka Brender Hall of Justice, Ground floor)

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Greetings: **Menachem Hofnung**, ILSA President

Best Junior Scholar Paper Award

### Thematic Event: Israel within the Levant: Secularism, Nationalism and Human Rights

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Chair: **Daphna Hacker**, Tel Aviv University, Israel

**Ruth Gavison**, Hebrew University and Founding President of the Metzilah Center, Israel

**Anat Hoffman**, Israel Religious Action Center of the Reform Movement

**Amal Jamal**, Tel Aviv University, Israel

**Rabbi Menahem Fruman**, Rabbi of Tekoa, Israel

**Yehuda Shenhav**, Tel Aviv University, Israel

[Hebrew. Simultaneous Translation]

**Monday, December 21<sup>st</sup>, 8:30-9:00**

**Registration (3<sup>rd</sup> Floor)**

**Monday, December 21<sup>st</sup>, 9:00-10:45**

**Panel: Controversies over Public Religion in the Context of Judicialization – Transnational Perspectives (Room 307)**

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Chair: **Claire de Galember**, Institute for Political Social Sciences, France

**Claudia Morini**, University of Bari, Italy

*Secularism and Human Rights – The Approach of the European Court of Human Rights*

**Rhona Schuz**, Sha'arei Mishpat College, Israel

*The Interplay between Nationalism, Secularism and Human Rights in International Child Abduction Disputes*

**Nikola Tietze**, Hamburg Institute for Social Research, Germany

*Religion and European Self-understanding*

**David Weiden**, Indiana University, USA

*The Changing Landscape of Judicial Review in the United Kingdom*

**Panel: Transcending Rights-Based Discourse: Potential and Limitations (Room 303)**

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Chair: **Talia Fisher**, Tel Aviv University, Israel

**Michal Alberstein**, Bar Ilan University, Israel

*Apologizing in the Courtroom in a „Post Legalistic“ Culture*

**Nadav Davidovitch**, Ben Gurion University, Israel

*Rethinking Public Health Law and Ethics – A Regional Perspective*

**Orna Rabinovich-Einy**, Haifa University, Israel

*In the Shadow of Malpractice Law*

**Panel: Refugees and Labor Migration (Room 305)**

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Chair: **Hilly Moodrick-Even Khen**, Sha'arei Mishpat College, Israel

**Avinoam Cohen**, Tel Aviv University, Israel

*Decentered Regulation of Migration: Comparing Four Israeli Examples*

**Tally Kritzman-Amir**, Academic Center of Law and Business, Israel

*Otherness as the Underlying Principle of Israel's Asylum System*

**Yuval Livnat**, Tel Aviv University, Israel

*The Arrest and Release of the Foreigner Who Refused to Identify Himself*

**Dayna Matthew**, University of Colorado, USA & **Naomi Gale**, University of Colorado, USA

*Comparing the Secularism, Nationalism, and Human Rights Contradictions of Undocumented Immigrants' Access to Health Care in Israel and the United States*

**Monday, December 21<sup>st</sup>, 11:15-13:00**

**Panel: Controversies over Public Religion in the Context of Judicialization – National Case Studies (Room 307)**

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Chair: **Nikola Tietze**, Hamburg Institute for Social Research, Germany

**Anna Christmann**, University of Zurich, Switzerland

*Mosque Conflicts in Germany and Switzerland: A Fight between Fundamental and Political Rights*

**Claire de Galember**, Institute for Political Social Sciences, France

*The French Headscarf Debate in the Shadow of the European Court of Human Rights*

**Patricia J. Woods**, University of Florida, USA

*Secularism, Nationalism, and Human Rights: Where does Gender Fit?*

**Matthias Koenig**, University of Göttingen, Germany

*Religious diversity, judicial politics, and the transformation of secularisms: Muslim claims-making in European courts*

## **Panel: Israel between Colonialism and Post Colonialism (Room 303)**

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Chair: **Michal Givoni**, Tel Aviv University, Israel

**Yael Berda**, Princeton University, USA  
*Administrative Memory and Colonial Legacy*

**Malcolm Feeley**, UC Berkeley, USA  
*The Legal Complex and the Law of Emergency: Post-Colonial Experiences*

**Ronen Shamir**, Tel Aviv University, Israel  
*Concession as a Colonial Instrument: Public Law and Monopoly in Mandatory Palestine*

**John Strawson**, University of East London, UK  
*Law and the Colonial Moment: The Existential Decolonization of Palestine*

## **Panel: Legal Clinics: Views from Within (Room 305)**

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Chair: **Neta Ziv**, Tel Aviv University, Israel

**Ora Bloom**, Tel Aviv University, Israel & **Neta Ziv**, Tel Aviv University, Israel  
*Advocating for Affordable Housing Yaffo – Between Community Empowerment and Real Estate Development*

**Ronit Haramati Alpern**, University of Haifa, Israel  
*Identifying Legal Barriers – and diverse strategies for policy change*

**Yaniv Shvartzman**, Sha'arei Mishpat, Israel & **Benjamin Shmueli**, Sha'arei Mishpat, Israel  
*A New Model for Clinical Education: Making Non-Economical ADR Procedures more Accessible to the Community*

## **Lunch Break, 13:00-14:30**

## **Lunch Event I: Boycotting Israel and the Israeli Academia? (Room 307)**

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Chair: **Shai Lavi**, Tel Aviv University, Israel

**Alon Harel**, Hebrew University, Israel

**Adi Ophir**, Tel Aviv University, Israel

**Alexander Jakobson**, Hebrew University, Israel

## **Lunch Event II: Legal Feminism From Theory to Practice ,Meet the Author: Noya Rimalt (Room 303)**

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Chair: **Amnon Reichman**, Haifa University, Israel

**Tziona Koenig-Yair**, Equal Employment Opportunities Commissioner, Israel

**Sagit Mor**, Haifa University, Israel

**Zvi Triger**, College of Management Academic Studies, Israel

## **Monday, December 21<sup>st</sup>, 14:30-16:15**

## **Panel: Tensions between State and Religion – Theory (Room 307)**

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Chair: **Issachar Rosen Zvi**, Tel Aviv University, Israel

**Christian Boulanger**, Humboldt University, Germany & **Julika Rosenstock**, Humboldt University, Germany  
*From Dogma to Science and Back: Transcendence, Profanity, and Criticism in Religion and Law*

**Florian Grötsch**, University of Erfurt, Germany  
*Religion as an Area of Conflict between Nation States, Human Rights Regime and the EU*

**Ofrit Liviatan**, Harvard University, USA  
*Faith in the Law? The Challenges of Addressing Minorities' Religious Liberty through Legal Means*

**Yüksel Sezgin**, City University of New York, USA  
*Human Rights in the Triangle of State, Law and Religion*

### **Panel: Critical Perspective on the Criminal Legal System (Room 303)**

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Chair: **Thomas Scheffer**, Humboldt University, Germany

**Hadar Aviram**, University of California, Hastings, USA

*Prosecuting (the) Right: Case Disposition in Right-Wing Conscientious Objection Cases in Israel*

**Lior Gideon**, The City University of New York (John Jay), USA: *The Right for Forgiveness – How Conducive Are We of Rehabilitating and Reintegrating Convicted Offenders?*

**Yoav Peled**, Tel Aviv University, Israel & **Doron Navot**, Haifa University, Israel: *Coercion or Corruption? Towards a Comprehensive Critique of Private Incarceration*

**Erella Shadmi**, Bet Berl College, Israel

*Privatization and Responsibilization of Policing in Israel*

### **Panel: Regulation: The Public-Private Interface (Room 201)**

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Chair: **David Levi-Faur**, Hebrew University, Israel

**Yuval Feldman**, Bar Ilan University, Israel & **Orly Lobel**, University of San Diego, USA

*The Incentives Matrix: Experimental Studies of the Comparative Effectiveness of Regulatory Systems*

**Moshe Maor**, Hebrew University, Israel & **Raanan Sulitzeanu-Kenan**, Hebrew University, Israel

*Knowing, Acting, and Reputation: An Analysis of the FDA's Decision Making Duration for Issuing Warning Letters*

**Dorit Rubinstein**, University of California, Hastings, USA

*Account Me In: Agencies in Quest of Accountability*

### **Panel: Labor Law and Movements – Revisited (Room 305)**

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Chair: **Guy Mundlak**, Tel Aviv University, Israel

**David E. Bernstein**, George Mason University, USA

*Excluding Unfit Workers: Social Control versus Social Justice in the Age of Economic Reform*

**Lilach Lurie**, Tel Aviv University, Israel

*The Transition between Work and Retirement in Israeli Law*

**Hila Schorr**, Hebrew University, Israel

*Red Stains: Marks and Influences of the Fascist Regime on Modern Italian Labor Law*

## **Monday, December 21<sup>st</sup>, 16:45-18:30**

### **Panel: Tensions between State and Religion – Case Studies (Room 307)**

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Chair: **Michael Karayanni**, Hebrew University, Israel

**Yifat Holzman-Gazit**, College of Management Academic Studies, Israel & **Bryna Bogoch**, Bar Ilan University, Israel

*Clashing over Conversion – “Who is a Jew” and Media Representations of an Israeli Supreme Court Decision*

**Amikam Nachmani**, Bar Ilan University, Israel

*Europe and its Muslim Minorities: Legal Aspects of a Painful Encounter*

**Katrin Seidel**, Humboldt University, Germany

*State-recognized Legal Pluralism and Secularism in Ethiopia: Relationship between Islamic Law and State Law*

**Tilimann Schneider**, Humboldt University, Berlin, Germany

*What (Not) to Wear in German Schools*

**Anastasia Vakulenko**, University of Birmingham, UK

*Who is a Jew? Notes on ‘Religious Reason’ and ‘Secular Affect’*



## Panel: Political Theology and State Politics (Room 303)

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Chair: **Lior Barshack**, Interdisciplinary Center, Israel

**Yishai Blank**, Tel Aviv University, Israel

*The Political Theology of Federalism and Subsidiarity in the Age of Global Multilevel Governance*

**Gabriel Noah Brahm**, Northern Michigan University, USA

*Enjoy Your Rights! Human Rights and Post-Humanism*

**Silvio Ferrari**, University of Milan, Italy

*Identity Providers, Religions and Their Competitors*

**Marinos Diamantides**, University of London, Birkbeck, UK

*Reflexivity, Law and Faith in Monotheistic Cultures*

## Panel: Family and Gender: Current Challenges (Room 305)

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Chair: **Ayelet Blecher-Prigat**, Sha'arei Mishpat College, Israel

**Ayelet Blecher-Prigat**, Sha'arei Mishpat College, Israel

*Abolishing Legal Marriage: A New Perspective on Religion, State, and Marriage in Israel*

**Matilda Chatzipanagiotou**, New York University, USA

*"Between" Universality and Cultural Relativism in Children's Rights: The Customary Law of Karpathos, Greece*

**Ruthy Lazar**, College of Management Academic Studies, Israel

*The 'Vindictive Wife' – Complainants' Credibility in Cases of Wife Rape*

**Hadas Tagari**, Bar Ilan University, Israel

*Religion, Nationalism and Human Rights: Family Law as a Struggle Site*

**Benjamin Shmueli**, Sha'arei Mishpat, Israel

*Tort Compensation for Women Refused a Get – The Next Generation*

## Monday, December 21<sup>st</sup>, 19:00-21:30

### Keynote Address and Festive Dinner (The Green Villa, 5 Minutes Walk From The Faculty)

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Greetings: **Hanoch Dagan**, Dean, Law faculty, Tel Aviv University, Israel

**Shai Lavi**, Director, The Minerva Center for Human Rights, Tel Aviv University, Israel

Chair: **Orna Ben-Naftali**, Dean, College of Management Academic Studies, Israel

#### Keynote Speaker:

**Joseph H. H. Weiler**, New York University, USA

*Church, State, Nation and Citizenry – A Comparative Perspective*

#### Commentators:

**Silvio Ferrari**, University of Milan, Italy

**Yüksel Sezgin**, City University of New York, USA

#### Program Committee

**Daphna Hacker**, Tel Aviv University, Israel (co-chair)

**Shai Lavi**, Tel Aviv University, Israel (co-chair)

**Susanne Baer**, Humboldt University, Berlin

**Gad Barzilai**, University of Washington, USA

**Marinos Diamantides**, University of London, Birkbeck, UK

**Silvio Ferrari**, University of Milan, Italy

**Michael Karayanni**, Hebrew University, Israel

**Hilly Moodrick-Even Khen**, Sha'arei Mishpat College, Israel

**Raif Zreik**, Visiting Professor at Georgetown Law School, USA

#### Coordinators

**Michal Locker-Eshed**, Tel Aviv University, Israel

**Yael Tzach**, Tel Aviv University, Israel