



August 2024

Minerva Center for Human Rights at Tel Aviv University

[Activity Report: 2023 – 2024](#)

1 Publications

Leora Bilsky, ***Cultural Genocide in the Eichmann Trial*** [Hebrew], (HaKibutz HaMeuhad, forthcoming 2024)

Hanna Arendt, ***Crises of the Republic*** [Hebrew], (Mickey Zar trans., HaKibutz HaMeuhad, 2024)

Leora Bilsky and Anat Rosenberg (eds.), ***Law and Material Turn***, [Hebrew], (7 LAW, SOCIETY & CULTURE, 2024)

2 International Conferences

Restitution of Nazi-looted Art: The next 25 Years

Online Conference

[January 17, 2024](#)

The Conference marked the conclusion of the successful collaboration between TAU and University of Bonn, Germany. For the past three years, we have collaborated in an academic course dedicated to the legal and historical issues of Nazi-looted art, offered to law and art-history students from both universities. This interdisciplinary course enjoyed the participation of many international guest speakers from diverse backgrounds: leading experts from museums, auction houses, NGOs, and experts in art and cultural property law from across Europe (Germany, Austria, Netherlands, France, UK, Switzerland), North-American and Israel. The Conference was an opportunity to reflect on valuable teaching experiences, and discuss the fruits of the project, together with prominent speakers.

[Participants included:](#) Stuart Eizenstat (Special Advisor on Holocaust Issues to the US Secretary of State); Professor em. James Bindenagel (US-Ambassador for Holocaust Issues (ret)); Matthias Weller (Bonn University); Leora Bilsky (TAU).



מרכז מינרבה לזכויות האדם
Minerva Center for Human Rights
مركز مينيرفا لحقوق الإنسان

הפקולטה למשפטים ע"ש בוכמן
אוניברסיטת תל אביב



In collaboration with The Institute for German and International Civil Procedural Law, Rheinische Friedrich-Wilhelms-Universität Bonn, Germany.

25th Anniversary of the Washington Principles on Nazi Confiscated Art: Best Practices and the Way Forward

United States Holocaust Memorial Museum, Washington, DC

March 5, 2024

Marking the 25th Anniversary of the Washington Principles on Nazi Confiscated Art, the symposium reviewed the last quarter-century of art restitution attempts, and announced the new Best Practices.

Speakers included US Secretary of State Antony J. Blinken (by video); Ambassador (Ret.) Stuart E. Eizenstat, the Secretary of State's Special Adviser on Holocaust Issues; Sara J. Bloomfield, USHM Museum Director; Gideon Taylor, WJRO and Claims Conference President; Ellen Germain, US State Department Special Envoy for Holocaust Issues; Lord Eric Pickles, UK Special Envoy for post-Holocaust Issues; Colette Avital, Center of Organizations of Holocaust Survivors in Israel Chairperson.

At the leading experts panel, Prof. Bilsky presented her research based on the course Nazi Looted Art: Law and Provenance Research, which was supported by TAU Minerva.

[Recording](#)

[New-York Times Article](#)

International Research Workshop: "How did archives emerge and function in times of crisis?"

3-6 June, 2024

This interdisciplinary workshop gathered leading scholars from Europe (Germany, Austria, Ukraine, Russia), United States and Israel, to explore the role of establishing archives and collecting testimonies in moments of social and political crises, especially in the course or wake of wars and revolutions. A special focus was on the methodological and empirical aspects of establishing archives. In light of recent scholarship, which highlights the role of non-state actors in archiving practices, the workshop paid special attention to the part played by "alternative" archives in the process of shaping communities of émigrés and forming social



movements, and to the archive's role in protecting the identity of victims and providing evidence for transitional justice.

The keynote was given by Prof. Leora Bilsky, titled "*The Archive and the Law*".

In collaboration with Israel Science Foundation; The Lester and Sally Entin Faculty of Humanities, The Zvi Yavetz School of Historical Studies, The S. Daniel Abraham Center for International and Regional Studies; The Program in Archival and Information Science; The Goldstein-Goren Diaspora Research Center

[Program](#)

The Future of Restitution under the Washington Conference Principles

Online Workshop

July 9, 2024

Over the last year, we have commemorated the 25th Anniversary of the Washington Principles on Nazi Confiscated Art, in many events. In these events, we repeatedly asked what the next steps are. The workshop aimed to systematically chart several approaches for future advancement: from best practices, to restatement projects, global perspective and local developments (e.g. German pivoting from mediation to arbitration framework, and new Israeli proposed mechanism).

Participants: Leora Bilsky (TAU); Ruth J. Weinberger (Claims Conference); Shir Kochavi (Bar-Ilan University); Matthias Weller (Bonn University); Evelien Campfens (University of Amsterdam); Ronnie Neubauer (Israel Ministry of Justice).

In collaboration with Israel Institute for Advanced Studies, The Hebrew University of Jerusalem ("Paying for the Past: Reparations after the Holocaust in Global Context" Research Group).

3 Annual Minerva Lecture

Prof. David Alan Sklansky (Stanley Morrison Professor of Law, Stanford University)

Criminal Justice and the Crisis of Democracy

May 27, 2024

Prof. Sklansky's lecture explored the nexus between democracy and criminal justice, against the background of growing political polarization and authoritative populism both in Israel and in the United States, as in other democracies around the world. In explaining how criminal justice can defend and nurture democratic pluralism, Prof. Sklansky emphasized four imperatives for criminal justice in an age of populism and polarization: security, legitimacy,



capacity and plurality. The commentators complemented the lecture with an Israeli perspective on these issues.

Participants included: Mordechai Kremnitzer (Hebrew University; Israel Democracy Institute); Manal Totry-Jubran (Bar-Ilan University); Yoav Sapir (TAU); Leora Bilsky (TAU).

In collaboration with the Taubenschlag Institute of Criminal Law (TAU).

[Program](#)

[Recording](#)

4 Book Events

Crises of the Republic

March 6, 2024

This book event celebrated the publication of the Hebrew translation of Hanna Arendt's *Crises of the Republic* (Mickey Zar trans., HaKituz Ha-Meuhad, 2024) which was generously supported by the Minerva Center for Human Rights.

Participants: Mickey Zar, Mary Haddad, Yoav Fromer, Issachar (Issi) Rosen-Zvi, Michael Zakim (TAU); Annabel Herzog (University of Haifa).

In collaboration with the Center for the Study of the United States (TAU) and Edmond J. Safra Center for Ethics (TAU).

Law and the Material Turn

June 20, 2024

The Symposium celebrated the publishing of the special volume of LAW, SOCIETY & CULTURE, edited by Leora Bilsky and Anat Rosenberg (**Law and Material Turn**, 7 LAW, SOCIETY & CULTURE (2024)).

Speakers: Tamar El Or (Hebrew University); Michael Karayanni (Hebrew University); Ronit Levine-Schnur (TAU); Michael Zakim (TAU); Zvi Triger (College of Management Academic Studies).

[Program](#)

[Video](#)



5 Seminars and Symposia (Hebrew)

Hamas Trials

January 8, 2024

Hamas' attack on October 7th, the state of Israel finds itself in an odd position regarding those suspected of participating in the atrocities who were captured and detained. While there is an obvious legitimate interest in bringing the perpetrators to justice, it also raises complicated legal dilemmas: Where Hamas Trials would be conducted? In which court and under which jurisdiction? Is there an appropriate normative framework, or unique legislation is required? What charges could be brought against the perpetrators? How should sexual offenses be treated? Is imposing the death penalty appropriate or even possible? How will such trials be conducted – are they to focus on individual responsibility or also include issues of collective responsibility? What legal representation will the defendants have? What alternatives can international tribunals and transnational litigation offer to deal with these issues?

Participants: Liav Orgad (Reichman University); Raz Nizri (attorney); Leora Bilsky (TAU); Yoav Sapir (TAU); Natalie Davidson (TAU); Ruth Halperin-Kaddari (Bar-Ilan University, Israel).

In collaboration with the Taubenschlag Institute of Criminal Law (TAU); Rubinstein Center for Constitutional Challenges (Reichman University).

[Program](#)

[Video](#)

The Annual Conference of the Israeli Association of Public Law

February 29 – March 02, 2024

Supporting the association's conference discussing current trends and challenges of a Jewish and Democratic State. Supreme Court judges and retired judges were among the participants, as well as former Ministers of Justice, prominent members of Israeli justice system, and leading public law scholars.

[Program](#)

Young Scholars Workshop: Transitional Justice

May 21, 2024

Young scholars studying transitional justice presented their work-in-progress.



Presented their work: Tamar Luster, Anat Ovadia-Rosner (TAU); Carmit Wolberg (Ben Gurion University).

Commentators: Leora Bilsky (TAU); Nicole Immler (University of Humanistic Studies, the Netherlands); participants of IIAS Global Reparation research group.

In collaboration with Israel Institute for Advanced Studies, The Hebrew University of Jerusalem ("Paying for the Past: Reparations after the Holocaust in Global Context" Research Group).

The Role of International and Domestic Proceedings in the Israel-Hamas War

July 29, 2024

The Israel-Hamas War has precipitated a diverse array of legal proceedings, ranging from potential arrest warrants by the International Criminal Court, through provisional measures by the International Court of Justice, to rulings of various domestic courts. The conference explored whether and to what extent recent international and domestic proceedings have influenced and shaped the course of the Israel-Hamas war. How do these proceedings illuminate current events, and what do they reveal about the evolving norms and structures of international law? The conference examined these critical questions using wide range of perspectives: civil society, multinational and grassroots movements, legal procedure (especially conducting multiple proceedings simultaneously), and legal theory.

Participants: Tamar Luster (TAU); Honorable Justice (ret.) Nava Ben-Or; Hassan Jabareen (Adalah); Shelly Aviv Yeini (University of Haifa); Lilla Attar (TAU) Juliette McIntyre (University of South Australia); Tom Dannenbaum (Tufts University); Yuval Shany (Hebrew University in Jerusalem); Raef Zreik (The Van Leer Jerusalem; Ono Academic College) Aeyal Gross (TAU)

In collaboration with the International Law Workshop.

[Program](#)

Hosting the Federal Minister for Research and Education, Bettina Stark-Watzinger

June 27, 2024

Participants from Germany: Bettina Stark-Watzinger, Federal Minister for Research and Education; Dr. Georg Schütte, Secretary General, Volkswagen Foundation; Prof. Dr. Gerald H. Haug, President of the German Academy of Sciences Leopoldina – National Academy of Sciences; Verena Kölsch, Federal Ministry of Education and Research; Dr. Lou Bohlen, Büroleitung Minerva (via Zoom)



Participants from TAU Minerva: Leora Bilsky, Eyal Dolev, Shelly Pasternak, Tamar Luster, Uri Brun, Mary Haddad, Anat Ovadia-Rosner, Adrián Krupnik, Yulie Litov.

Another Sex: LGBTQ Community under the Shadow of War

August 1, 2024

TAU Minerva supported this 21st Conference of LGBTQ Studies in TAU, together with the Women and Gender Studies Program with NCJW, The Heinrich Böll Foundation, Achva - LGBTI Student's Association in Israel.

Moderator: Aeyal Gross

[Program](#)

6 Post-Doctoral Fellowship

Dr. Adrian Krupnik is the fifth fellow to receive a post-doctoral grant as part of the "Transitional Justice" project. This year fellowship was a collaboration between the Minerva Center and the Goldstein-Goren Diaspora Research Center at Tel Aviv University (**Prof. Roni Stauber**, Director).

Dr. Krupnik' research engages the subject of **Jewish Participation in Argentine Democracy Building**. His research project aims to tell the story of Argentine Jews who participated in the political struggles for democracy since the 1960s.

During his fellowship, Dr. Krupnik took part in various conferences and webinars, and has continued to develop his scholarship by working on a book manuscript (tentatively titled: *Fighting on Many Fronts: Jews and Human Rights in Argentina during the Cold War*) and articles examining Jewish life in Argentine during the cold war. Analyzing how Jewish individuals and organizations dealt with political violence and systematic violation of human rights, will contribute to the understanding of political radicalization, as well as the transition into a democracy.

7 Academic Course

Nazi Looted Art: Law and Provenance Research

Minerva supported third and last year of the course, In collaboration with Bonn University, during the Fall Semester, 2023.



Lecturers: Prof. Leora Bilsky, Prof. Mathias Weller. Academic convener: Mr. Eyal Dolev.

Teaching Assistant: Shelly Pasternak.

Although over 75 years have passed since the end of WWII, the issue of Nazi-looted art is still a contentious matter. Museums and private owners worldwide still hold artworks looted from Jews during the Holocaust. In 1998 the Washington Conference set up the principles for restitution of these looted artworks. Based on a wide array of guest speakers, the course reviewed these principles and their implementation (or lack thereof) in several European countries, as well as provided the theoretical and practical framework for understanding the relationship between the art trade, property law under current and historical legal systems.

Each year the collaboration culminated in an international conference, part of "Restitution Dialogues" that places Nazi-Looted Art in Comparative Perspectives. This year, the on-line conference entitled **Restitution of Nazi-looted Art: The next 25 Years** marked the conclusion of a three-year's joint project (please see above).

- After October 7th attack, the Israeli academic year was postponed to December 31st. However, this was the only academic course taught in TAU Law Faculty beginning October 2023, by special permission of TAU Academic Secretariat.
- The course was mentioned in the 2024 Claims Conference & WJRO report, Wesley A. Fisher & Ruth J. Weinberger, *Holocaust-Era Looted Cultural Property: A Current Worldwide Overview* ("Training in provenance research was provided by Tel Aviv University in cooperation with the University of Bonn." (p. 61), followed by the [Syllabus link](#).)

Transitional Justice: A Material Perspective

Lecturers: Prof. Leora Bilsky, Tamar Luster.

Transitional justice (TJ) is a field of multidisciplinary practice and research that focuses on processes of political transitions from autocratic to more democratic regimes, and from conflict situations to reconciliation and peace. Amidst the unique challenges posed by these transitions, TJ combines legal and social approaches and offers a range of institutions, processes and initiatives designed to address and mitigate wide-ranging past injustices. Material aspects of the transition processes, however, received rather limited attention. The course seeks to address these material aspects in order to reexamine and challenges our underlying assumptions on the meaning of justice, transition, and reparation. The workshop takes an interdisciplinary approach, combining readings in historical materials about law and



the Holocaust, critical literature on TJ, and current case studies (globally and locally). Participation is on the basis of personal interview.

8 Research Grants

Graduate Students Research Grants

The Minerva Center for Human Rights supported research grants, as part of the project "**Human Rights in Times of Crisis**" focusing on human rights, international law, the crisis of democracy, and transitional justice.

Grant recipients: Tamar Luster, for the proposed project "The Sidelined Atrocities of the Everyday – Truth and Reparation for Deprivation Atrocities"; Uri Brun, for the proposed project "Shklar on the Rule of Law and Legalism in the Shadow of Totalitarianism"; Mary Haddad, for the proposed project "The Original EJIL: The Egyptian Journal of International Law, 1945-1956"; Anat Ovadia-Rosner, for the proposed project "Reimagining Majority-Minority Relations in Israeli Law"; Dejen Messele, for the proposed project "The Politics of Legal Reform and Transitional Justice in Ethiopia".

9 Planned activities 24-25 (tentative plan)

These plans are subject to change, depending on Israeli security conditions throughout next year.

International Workshops and Research Seminars

Dangerous Comparisons in Dark Times

In recent years, the debate over comparisons, especially when discussing the Holocaust, became a contentious issue. Though a long debated academic matter, it now takes center stage in the halls of justice – as the International Court of Justice, International Criminal Court, and domestic jurisdictions are addressing the atrocities committed on 7 October and during the war in Gaza. The proceedings against Israel, brought by South Africa before the International Court of Justice, for example, are premised on comparing between Holocaust Genocide and Settler Colonialism.

This interdisciplinary workshop and seminar aims to interrogate the ethics of comparisons, particularly their importance and misuse in dealing with crisis, war, and massive human rights



violations. It seeks to create a collaborative forum for Israeli and international researchers exploring the dangers of irresponsible and simplistic analogies and the benefits of comparisons in advancing universal protection of human rights. Bringing together scholars of international law, the Holocaust, colonialism and feminism, the seminar will examine the interconnection of these scholarships – how they can enrich each other and when their convergence renders blind spots and biases.

In order to foster a long term collaboration, we plan to convene twice, and currently considering possible venues in London and in Germany.

Potential Institutional Partners:

- ◆ The Institute of Advanced Legal Studies, University of London, UK
- ◆ Cologne Center for Advanced Studies in International History and Law

Criminal Law as a Solution for Political Conflict and Social Crisis – Critical Evaluations

Initially planned to take place at TAU in October 2023, in collaboration with the German Embassy and German criminal law scholars, this conference was postponed to October 2024. We now plan to move the conference to Germany, and create a working group that will meet several time in the next two years, in different avenues.

The working group and conference aims to examine the potential changing role of criminal law as the discipline deals with criticism of overusing the criminal law system, which exacerbates human suffering and harms individual liberty; but also perceptions valuing criminal law as a socially useful tool for progress. The gap between these conflicting perspectives becomes even more acute as the state of Israel, following Hamas' attack on October 7th, is debating the possibility, procedure, and merits of bringing the perpetrators to justice. There is also an increase of criminalizing speech and persecuting minority groups that are depicted as 'enemies.' On the other side, there are multiple attempts to harness international institutions and tribunals to adjudicate the war in Gaza and a new enthusiasm for criminal law from the global south.

Punishment as War, War as Punishment: New Perspectives on Criminal Law and the Enemy

Traditional legal thought makes a clear distinction between punishment and war. Criminal law regulates society's response to individual wrongdoing and reflects a moral condemnation of



actions that the community views deviant. By contrast, the laws of war regulate the use of force between nations or groups, with military action considered a means to enable self-defense or achieve strategic objectives. Recent developments have caused an erosion in this traditional distinction. The conference seeks to explore these developments, while also widening the typical lens for examining the boundaries between punishment and war. On the one hand, we aim to discuss how states incorporate the logic of warfare into their criminal process. On the other hand, we aim to discuss how modern warfare and the rules of armed conflict are being influenced by the logic of criminal punishment. Both discussions will be against the background of current erosion of international norms and rising populist sentiments.

A collaboration of TAU Minerva, the Van Leer Jerusalem Institute and the College of Law and Business (Israel), the conference will bring together prominent scholars to share their work. The project also includes the publication of a special issue of Law & Ethics of Human Rights.

The Legal History of Human Rights and Democracy (Graduate Research Seminar)

In order to encourage collaboration and to continue the Center's mission as a research hub for Human Rights scholarship, TAU Minerva offers to hold a 5-day research seminar allowing graduate students the opportunity to engage with broader academic audience. The Seminar will combine writing workshops, where graduate students present their work and gain valuable feedback, and guest lectures. Participation in the seminar will be equally divided, 5 outstanding graduate students and 5 faculty member from the Israeli side, to be corresponded with 10 German participants.

Potential Institutional Partners:

- ♦ Max Planck Institute for Comparative Public Law and International Law, Heidelberg
- ♦ Max Planck Institute for Legal History and Legal Theory, Frankfurt am Main

[Book Events](#)

Leora Bilsky, *How Do We Say Genocide in Hebrew? Cultural Genocide in the Eichmann Trial* [Hebrew] (HaKituz Ha-Meuhad, *forthcoming 2024*)

Academic Freedom

David M Rabban, *Academic Freedom: From Professional Norm to First Amendment Right* (Harvard University Press, 2024)



In collaboration with the Edmond J. Safra Center for Ethics (TAU).

Guest Lecture

Dr. Marcin Mrowicki, Centre for Europe, University of Warsaw

Guest Lecture: Rule of Law Between Eastern Europe and the Middle East

In Jan. 2024 presented his paper: "What Can Polish and Israeli Lawyers Learn from Each Other to Effectively Resist Against Rule of Law Backsliding in Their States?"

Annual Minerva Lecture on Human Rights

The Center plans to host a prominent speaker to give the annual Minerva Lecture on Human Rights, as part of the longstanding Annual Minerva Lecture Series.

Academic Course

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Students' Research Grants: Elimination of All Forms of Discrimination against Women (CEDAW)

TAU Minerva supports a few students for conducting research supporting Prof. Daphna Hacker at her tenure as a member of the Committee on the Elimination of Discrimination against Women (2023-2026).



[International Law Competition ICRC \(Students' Delegation\)](#)

This year Minerva plans to support the participation of TAU students in the International Humanitarian Law competition endorsed by the ICRC delegation to Israel and the Occupied Territories. Support by the Center of the local stage is done through the financing of trainers to train the teams in the subject matter as well as in proper legal writing (in English) of court briefs and other documents required by the competition.

In addition, Minerva will continue to provide grants to research students, support visiting scholars, supporting visiting professors (teaching courses on human rights), and hold workshops in collaboration with the TAU Clinical Law Program.