The 2nd Annual TAU Workshop for Junior Scholars
10-11 November 2014

Sponsored by: David Berg Foundation Institute for Law and History · Cegla Center for Interdisciplinary Research of the Law · Batya and Isachar Fischer Center for Corporate Governance and Capital Markets Regulation · GlobalTrust Research Project · Law and Environment Program · Zvi Meitar Center for Advanced Legal Studies · Minerva Center for Human Rights · Edmond J. Safra Center for Ethics

Academic Organizers: Masaru Sagiv & Keren Yalin-Mor · PhD Candidates at the Zvi Meitar Center for Advanced Legal Studies, Buchmann Faculty of Law, Tel-Aviv University

Monday - November 10

9:00-9:30 Greetings
Prof. Ron Harris, Dean, Faculty of Law, TAU
Prof. Leora Bilsky, Faculty of Law, TAU

9:30-11:00
Corporate Governance and Capital Markets Regulation

Chair: Barak Yarkoni, TAU
Katrien Morbee, University of Leuven, Belgium · Free Choice of Corporate Law Evaluated Against the Effect of the Incorporation Decision on Creditor Protection
Ital Figenbaum, TAU · The Geography of MFW
Radek Goral, Stanford Law School, USA · Justice Dealers: The Ecosystem of American Litigation Finance

Commentators:
Prof. Ron Harris, Dean, Faculty of Law, TAU
Prof. Ehud Kamar, Faculty of Law, TAU
Dr. Shay N. Lavie, Faculty of Law, TAU

11:15-12:45
Science, Ethics and Democracy

Chair: Maytal Gilboa, TAU
Benjamin Perryman, Yale Law School, USA · Formalism vs. Pragmatism: The Role of Social Facts in Implementing Balancing in Canadian Constitutional Law
Madeleine Gorman, Leiden University, Netherlands · Going Off Script: A Legal Challenge to the Gender Narrative on International Crimes of Sexual Violence
Amos Israel-Vleeschhouwer, Bar Ilan University · Human Cognition as the Bounded Meeting Point between Normativity and Pragmatism: Legal Complexities demonstrated in Jewish law

Commentator: Prof. Shai Lavie, Faculty of Law, TAU

15:00-16:40 Room 017, Zvi Meitar Center for Advanced Legal Studies
The Obligations of States to Foreign Stakeholders

Joint with the GlobalTrust Seminar
Chair: Suha Jabran Ballan, TAU
Heidi C. Matthews, Freie Universität Berlin, Germany · The Other Side of COIN: A Critique of Contemporary Counterinsurgency Doctrine
Ivanka Stradner, UC Berkeley School of Law, USA · The Path of International Law After the Kosovo War
Erlend M. Leonhardsen, University of Oslo, Norway · In the Shadow of Default Rules: Exiling BITs and Ex Post Bounded Rationality Bargaining
Tietje (Frank) Zhang, Cornell Law School, USA · Public Policy in International Commercial Arbitration Chinese Practices

Commentator: Prof. Eyal Benvenisti, Faculty of Law, TAU

17:00-18:20
Social, Cultural and Civil Rights

Chair: Roni Liberson, TAU
Roman Zingrad, Yale Law School, USA · Symmetrical Educational Policies: Towards a Genuinely “Fair and Balanced” Treatment of Minority Groups
Mahesh Menon, West Bengal National University of Juridical Sciences, India · Free Riding on Due Process: Operationalizing the Right to Livelihood by the Constitutional Courts of India
Yael Braudo-Bahat, TAU · The Transformative Power of Autonomy Within the Family

Commentator: Prof. Guy Mundlak, Faculty of Law, TAU

Tuesday - November 11

9:00-10:40
Courts and Judicial Decision Making

Chair: Nasreen Alemey-Kabha, TAU
Rolando Garcia Miron, Stanford Law School, USA · Selecting Precedents: A Study of the Mexican Supreme Court and Its Discretionary System to Create Precedents
Juliana Pondé Fonseca, Federal University of Paraná, Brazil · The Vanishing Boundaries Between Technical and Political: The Brazilian Courts’ Adjustment of Public Policies
Junqi Zhang (Richard), Peking University School of Transnational Law, China · Ex Post v. Ex Ante: From the Perspective of China

Commentator: Prof. Roy Kreitner, Vice Dean, Faculty of Law, TAU

10:50-12:10
Transitional Justice and Human Rights

Chair: Emilie E. Kuijt, Leiden University
Natalie Davidson, TAU · Alien Tort Statute Litigation as Transitional Justice: An Ambiguous Way to Address the Neo-Colonial Past
Maria Pichou, University of Luxembourg, Luxembourg · International Criminal Law Between Pragmatism and Normativity: The Principle of Equality of Arms and the Discretionary Power of International Criminal Tribunals to Obtain Additional Evidence Through Subpoenas
Jastine Barrett, University of Cambridge, UK · An Exercise in Pragmatism? UNICEF’s Approach to Child Rights and the Child Génocideaire

Commentator: Prof. Aeyal Gross, Faculty of Law, TAU

13:10-14:50
Law and History

Chair: Maya Mark, TAU
Marco Basile, Harvard University, USA · International Norms and National Politics on the Marshall Court
Katharina Isabel Schmidt, Yale Law School, USA · Towards a More ‘Realistic’ Jurisprudence: Facticity, Normativity and the Turn to ‘Life’ in Early 20th Century German and American Legal Thought
Uladsislau Belavusau, Vrije Universiteit Amsterdam, Netherlands · Armenian Genocide v. Holocaust: Strasbourg Pragmatism and Normative Trivialization
Inbal Maimon-Blau, TAU · The Mao‘gan Flight Crash: A Social, Historical and Legal Examination of Disasters

Commentator: Prof. Assaf Likhovski, Faculty of Law, TAU

15:00-16:30
Law, Environment and Science

Joint with the Law and Environment Workshop
Chair: Omer Aloni, TAU
Bruce R. Huber, Notre Dame Law School, USA · Moral Hazard, Property, and Nuclear Energy
Tamara Lotner Lev, TAU · The Narrow Environmental Protection from Offshore Petroleum Industry: What are We Talking About When We Talk About Environmental Protection?
Nir Harel, University of Ottawa, Canada · The Emerging Genetic Supermarket’s Erosion of the Human Rights Law and Legal Boundaries to Prenatal Genetic Interventions

Commentator: Dr. David Schorr, Faculty of Law, TAU

The sessions will take place at Buchmann Faculty of Law, Trubowicz Building, Sonia Kossy Conference Room (Room 307)

For further information on the Workshop and access to the Workshop papers contact us at: tau.workshop2014@gmail.com