The 6th TAU Workshop for Junior Scholars in Law

Legal Change in Revolutionary Times

November 14–16, 2021

https://taujuniorscholars.wixsite.com/website
Sponsored by
The Zvi Meitar Center for Advanced Legal Studies
The Cegla Center for Interdisciplinary Research of the Law
Batya and Issachar Fischer Center for Corporate Governance and Capital Market Regulation
The Center for the Study of the United States in Partnership with the Fulbright Program
The David Berg Foundation Institute for Law and History
Law and Environment Program
The Minerva Center for Human Rights
S. Horowitz Institute for Intellectual Property
The Taubenschlag Institute of Criminal Law

Academic Organizers
Mary Haddad
Alon Jasper
Anat Ovadia–Rosner
Shelly Pasternak
PhD Candidates
The Zvi Meitar Center for Advanced Legal Studies
The Buchmann Faculty of Law
Tel Aviv University
PROGRAM

SUNDAY, 14 NOVEMBER 2021

16:00       Gathering
16:30       Wondering and Mingling, via Wonder
17:00–18:00 Master Class Workshop
             Yishai Blank, Tel Aviv University
             Head of the Research Degrees Program
19:00       Social activity

MONDAY, 15 NOVEMBER 2021

11:30–11:40 Greetings
11:40–12:50 Transformations in American Law
             Chair: Or Asher, Tel Aviv University
             Abigail Faust, Tel Aviv University
             The Unintended Consequences of Committee Jurisdiction: Consumer Credit,
             Consumer Bankruptcy and the Consumer Creditors’ Lobby in the 97th Congress
             Commentator: Michael Zakim, Tel Aviv University
             Rafi Reznik, Georgetown University
             Taking a Break from Self-Defense
             Commentator: Leora Dahan Katz, Hebrew University
12:50–14:00 Lunch
14:00–15:10 Propertizing Nature through Intellectual Property Constructs
             Chair: Chiaretta Giordano, The Meitar Center, Tel Aviv University
             Shelly Simana, Harvard Law School
             Is It Mine or Ours? Rethinking the Legal Conceptualization of the “Singular Genome”
             Commentator: Shai Lavi, Van Leer Jerusalem Institute, Tel Aviv University
             Tom Verdonk, KU Leuven’s Research Institute Consumer Competition Market
             Sowing The Seeds of Competition and Innovation: Collaborative Licensing Structures
             in Plant Breeding and Agricultural Biotechnology under EU Competition Law
             Commentator: Miriam Marcowitz-Bitton, Bar-Ilan University
15:10–15:20 Coffee Break
15:20–16:30 **Technology and Procedure**
Chair: **Udi Neuman**, The Meitar Center, Tel Aviv University
**Benjamin Newman**, The Meitar Center, Tel Aviv University
Adversarial Managerialism – the Managerial Turn of the Criminal Procedure: Legitimising Legal Change through Consent and its Limits
Commentator: **Michal Alberstein**, Bar-Ilan University

**Amit Haim**, Stanford Law School; New York University Law School
Predictive Algorithms and Street-Level Bureaucracy: The Case of Child Protective Services
Commentator: **Tamar Kricheli-Katz**, Tel Aviv University

16:30–17:00 Coffee Break

17:00–18:10 **International Law through Time and Space**
Chair: **Mais Abdallah**, The Meitar Center, Tel Aviv University

**Junteng Zheng**, Graduate Institute, Geneva
Temporal Narratives in International Law-making: A Case Study on the Human Rights Law Making since the 1940s
Commentator: **Roy Kreitner**, Tel Aviv University

**Daniel R. Quiroga-Villamarín**, Graduate Institute, Geneva
Conference-Hosting as State-Building and World-Making: Vignettes from Bogotá (1948), Nairobi (1973), and Beyond, Graduate Institute
Commentator: **Eliav Lieblich**, Tel Aviv University

18:10–18:20 Coffee Break

18:20–20:05 **Bloodless Revolutions and Bleeding Evolution**
Chair: **Shani Schnitzer**, The Meitar Center, Tel Aviv University

**Rawaz Shanagar**, Uppsala University
The Bloodless Revolution – The Swedish Civil Code Proposal of 1826
Commentator: **Assaf Likhovski**, Tel Aviv University

**Matan Goldblatt**, Tel Aviv University
Legal Revolutionaries by Conventions: Scribes and Legal Bypasses at the Ancient Near East
Commentator: **Orit Malka**, Stanford University

**Amitpal C. Singh**, University of Toronto
Fiji v Prasad and the Taxonomy of Legal Change
Commentator: **Leora Bilsky**, Tel Aviv University
TUESDAY, 16 NOVEMBER 2021

09:15–10:45  Writing Blocks & Time Management for Researchers
Yofi Tirosh, Tel Aviv University

10:45–11:00  Coffee Break

11:00–12:45  When Civil Meets Common
Chair: Mustafa Senel, The Meitar Center, Tel Aviv University
Yifat Naftali Ben Zion, Tel Aviv University
Good Faith and Loyalty: Reimagining Civilian Contracts from A Fiduciary Law Perspective
Commentator: Celia Wasserstein Fassberg, Hebrew University
Nausica Palazzo, Bocconi University; Hebrew University
Marriage Apostates: Why Heterosexuals Seek Same-Sex Registered Partnerships
Commentator: Ruth Halperin-Kaddari, Bar-Ilan University
James Campbell, Centre for Socio-Legal Studies, University of Oxford
Continuity and Change in the Common Law Tradition
Commentator: Rachel Friedman, Tel Aviv University

12:45–13:45  Lunch

13:45–15:30  Rights, Power, and Democracy
Chair: Dejen Messele, The Meitar Center, Tel Aviv University
Tamar Luster, The Meitar Center, Tel Aviv University
Deprivation Atrocities and the Enabling Structures of International Humanitarian Law
Commentator: Natalie Davidson, Tel Aviv University
Mirjam Streng, The Meitar Center, Tel Aviv University
State obligations to guarantee equal education to asylum seekers under international law: keeping up with changing realities and understandings?
Commentator: Itamar Mann, Haifa University
Gali Racabi, Harvard Law School
A Tale of Two Wolves: From Separation of Powers to Power Coalitions in Tech Law
Commentator: Niva Elkin-Koren, Tel Aviv University

15:30–15:45  Coffee Break

15:45–17:30  Regulating Climate Change
Chair: Nadia Tzimerman, The Meitar Center, Tel Aviv University
Sam Bookman, Harvard Law School
Three Constitutional Responses to Environmental Crises (Or, What We Talk About When We Talk About “Environmental Constitutionalism”)
Commentator: Tamar Hostovsky Brandes, Ono Academic College
Gershon Hasin, Yale Law School
Ocean Governance in The 21st Century: A ‘New Package-Deal’ to Balance Mare Liberum and Mare Clausum Ocean
Commentator: David Schorr, Tel Aviv University

Ermanno Napolitano, McGill University; Harvard University
Geoengineering and The Exception
Commentator: Dan Rabinowitz, Tel Aviv University
WORKSHOP PRESENTERS

Abigail Faust earned her Ph.D. in law (2021) from Tel-Aviv University. During the academic year 2021-2022, she will be a research fellow at the Center for the Study of the United States at TAU. Her research interests include consumer finance law, contract law, policy history and political economy.

abigailfa@gmail.com

Rafi Reznik is an S.J.D. candidate and adjunct professor at Georgetown Law. He holds an LL.M. in Legal Theory from NYU and undergraduate degrees in law and philosophy from Tel-Aviv University. Rafi has published on a variety of topics including prison abolitionism, nonviolence, the Second Amendment, comparative constitutional interpretation, International Humanitarian Law, and the Bluebook. His work has been cited by the Supreme Court of Israel.

rafi.reznik@gmail.com

Shelly Simana is an SJD candidate at Harvard Law School, where she conducts research on the intersection of law and bioethics. Her dissertation forges a path forward for “genome governance” and determines principles that should undergird policies in this area. She served as a research associate in Harvard’s STS Program.

ssimana@sjd.law.harvard.edu

Tom Verdonk is a Ph.D. candidate at KU Leuven’s research institute Consumer Competition Market. His doctoral research focuses on the intellectual property-antitrust interface in plant breeding and agricultural biotechnology. He studied at Utrecht University (LL.B. ’15; LL.M. ’16), the University of Edinburgh (Erasmus ’14), and Harvard University (LL.M. ’20).

tom.verdonk@kuleuven.be

Benjamin Newman is a Ph.D. candidate, Zvi Meitar Center for Advanced Legal Studies, Buchmann Faculty of Law, Tel Aviv University. He holds an LL.M. (University of Cambridge), an MA in philosophy (Tel Aviv University) and an LL.B. in a combined program with philosophy (Hebrew University). His current research focuses on the normative values of the adversarial criminal procedure, with the title “The Liberal Tension of Criminal Adversarialism.”

bn@mail.tau.ac.il
Amit Haim is an JSD Candidate, Stanford Law School; Visiting Fellow, Information Law Institute, New York University Law School.
amithaim@stanford.edu (or mit.haim@gmail.com)

Junteng Zheng is a PhD researcher at the Graduate Institute, Geneva. He was previously the Mark Haas Fellow and a staff associate at Columbia Law School. His primary research interest is in international legal theory, legal philosophy, dispute settlement, and human rights.
junteng.zheng@graduateinstitute.ch

Daniel Quiroga is a researcher at the Global Governance Centre & PhD Student in International Law (minor in International History) at the Graduate Institute, Geneva (IHEID).
daniel.quiroga@graduateinstitute.ch

Rawaz Shanagar (b. 1986) is a doctoral candidate in legal history at the Faculty of Law, Uppsala University. His research focuses on the Swedish Civil Code proposal of 1826 and why it was never adopted. Shanagar holds an LL.M. and a B.A. in history from Uppsala University.
rawaz.shanagar@jur.uu.se

Matan Goldblatt holds LL.B. and LL.M. degrees from Haifa University and an M.A. in linguistics from the Hebrew University in Jerusalem. He is currently a Ph.D. student at the Chaim Rosenberg School of Jewish Studies and Archeology at Tel Aviv University, researching legal bypasses in the Ancient Near East.
matanchic@hotmail.com
Amitpal Singh completed his J.D. at the University of Toronto Faculty of Law and is a Lecturer at the Lincoln Alexander School of Law at Ryerson University. He is interested in a variety of questions at the intersection of law and philosophy, including topics in private law theory and general jurisprudence.
amitpal.singh@mail.utoronto.ca

Yifat Naftali Ben Zion earned her Ph.D. in law (2020) from Tel Aviv University. She also holds an undergraduate degree (Law & International Relations, cum laude) from the Hebrew University in Jerusalem (2010), and a Master of Laws (with distinction) from University College London (2014). Yifat was a postdoctoral fellow (2019-2020) at the Edmond J. Safra Center for Ethics; a postdoctoral fellow at the Sacher Institute (2020-2021); and is currently a research fellow at Fischer Center for Corporate Governance & Financial Regulation.
yifatn@tauex.tau.ac.il

Nausica Palazzo is an Adjunct Lecturer at Bocconi University who works in the area of sexual politics, family law, and constitutional law. She earned a cum laude Ph.D. from the University of Trento and an LL.M. from the University of Michigan (as a Fulbright fellow). She recently published a book on the legal recognition of non-conjugal couples.
nausica.palazzo@mail.huji.ac.il

James Campbell is a DPhil candidate at the Centre for Socio-Legal Studies, University of Oxford and an editor of Frontiers of Socio-Legal Studies. He has a background in performance studies, legal anthropology, and legal sociology. He holds law degrees from Strathclyde University, Edinburgh University, and the International Institute for the Sociology of Law.
james.campbell@wolfson.ox.ac.uk

Tamar Luster is a Ph.D. candidate at the Zvi Meitar Center for Advanced Legal Studies in Tel Aviv University and a research coordinator of the 'COVID-19 and human rights' interdisciplinary research group. She earned her LL.M from Columbia University in New York, where she was awarded a Human Right Fellowship and the James Kent Scholar honor.
tamarluster@tauex.tau.ac.il
Mirjam Streng is a Ph.D. candidate and Azrieli Graduate Fellow at Tel Aviv University’s Buchmann Faculty of Law, where she conducts her research under the supervision of Professor Eyal Benvenisti. Her research topic is “Education and asylum-seekers: A legal and normative analysis of access, integration and educational content”.
mirjamstreng@gmail.com

Gali Racabi is a fellow at the Labor and Worklife Program at Harvard Law School. S.J.D. candidate at Harvard Law School.
gracabi@law.harvard.edu

Sam Bookman is an S.J.D. candidate at Harvard Law School, originally from New Zealand. His research sits at the intersection of environmental and constitutional law, and focuses on the ways in which constitutional law and theory shapes state responses to environmental and climate challenges.
sbookman@sjd.law.harvard.edu

Gershon Hasin Holds a J.S.D degree from Yale Law School. Gershon co-teaches the Law of the Sea at Yale, has published on outer space regulation, and works in international investment arbitration. Gershon is a member of the team representing the Republic of Colombia in maritime disputes before the International Court of Justice.
gershon.hasin@yale.edu

Ermanno Napolitano is a doctoral student in law at McGill University, where he studies as a Vanier Scholar and as an Arsenault fellow. He is also a fellow of the Harvard University Solar Geoengineering Research Program. At Harvard, he currently studies the legal and governance aspects of geoengineering research and its potential deployment.
ermanno.napolitano@mail.mcgill.ca
ORGANIZERS

Mary Haddad is a PhD student at the Zvi Meitar Center for Advanced Legal Studies. She holds an LLM in international studies from the American University Washington College of Law (2015) and an LLB from the University of Haifa (2012). Mary’s research focuses on the history of international law in Egypt.
maryhaddad@mail.tau.ac.il

Alon Jasper is a PhD candidate at the Zvi Meitar Center for Advanced Legal Studies. He finished his LLM and LLB at Tel-Aviv University. Alon is an Azrieli fellow and the proud father of two. Alon’s research focuses on governance of infrastructures and the interaction of law, technology, and history.
alonjasper@gmail.com

Anat Ovadia-Rosner is a PhD candidate at the Zvi Meitar Center for Advanced Legal Studies. She holds a BA from the Honors Program in Humanities and Arts, an LLB and an MA in history from Tel Aviv University. Anat’s current research focuses on constitutional law and legal history, and reexamines minority and majority relations in Israeli law.
rosneranat@gmail.com

Shelly Pasternak is a PhD Candidate, at The Zvi Meitar Center for Advanced Legal Studies, The Buchmann Faculty of Law, Tel Aviv University. She holds Bachelor of Law and Political Science degrees, and Masters of Law, all studied in Tel Aviv. Her current research focuses on identity at the crossroads of the private and the public.
pasternak.shelly@gmail.com