



The Buchmann  
Faculty of Law  
Tel Aviv University

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**THE 6<sup>th</sup>  
TAU WORKSHOP  
FOR JUNIOR SCHOLARS  
IN LAW**

# **Legal Change in Revolutionary Times**

November 14–16, 2021

<https://taujuniorscholars.wixsite.com/website>

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The Zvi Meitar Center for Advanced Legal Studies

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**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    The Center for the Study of the United States in Partnership with the Fulbright Program  
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.

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**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.

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**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.

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**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).

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**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.”

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**Amit Haim** is an JSD Candidate, Stanford Law School; Visiting Fellow, Information Law Institute, New York University Law School.

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**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.

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**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).

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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".

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**Gali Racabi** is a fellow at the Labor and Worklife Program at Harvard Law School. S.J.D. candidate at Harvard Law School.

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**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.

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**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.

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**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.

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## 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.

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**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.

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**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.

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**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.

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