The Israeli Law and Society Association
Annual Conference 2011

LAWS OF THEIR OWN: COMMUNITY, IDENTITIES AND BOUNDARIES

We are pleased to invite you to the annual conference of the Israeli Law and Society Association which will be held on Wednesday and Thursday, 2-3 Tevet 5772, 28-29 December 2011, at Bar-Ilan University.

Conference Program:

Wednesday 28.12.11

14:00-15:30 Conference Opening
Location: Jeanne & Maurice Benin Real Estate Law Building 306, Faculty Lounge, 2nd Floor

Greetings:
Prof. Arie Reich, Dean, Faculty of Law, Bar-Ilan University
Prof. Daphne Barak-Erez, President of the Israeli Law and Society Association; Dean, Faculty of Law, Tel Aviv University

Keynote Speaker (in English):
Professor Marc Galanter: “Pluralism and its Discontents: Living with the ‘Living Law’”

15:30-16:00 Registration and refreshments
Jeanne & Maurice Benin Real Estate Law Building 306, Faculty Lounge, 2nd Floor
Law Faculty Building 305, Rooms 4 and 6, Ground Floor
16:00-17:30  Three parallel sessions (1, 2, 3)

Session 1 (in Hebrew): The Supreme Court decision in the Emanuel Case and the Question of Legal Pluralism
Location: Jeanne & Maurice Benin Real Estate Law Building 306, Faculty Lounge, 2nd Floor
Chair: Ori Aronson, Faculty of Law, Bar-Ilan University.

Menachem Mautner, Faculty of Law, Tel Aviv University: “The Emanuel Case and Problems of Intercultural Encounters.”
Shulamit Almog, Faculty of Law, University of Haifa: “Religion, Gender and the Law in the Emanuel Case: A Semiotic Analysis of Textual Representations.”
Benjamin Shmueli, Faculty of Law, Bar-Ilan University: “Humiliating Segregation in Haredi Education: Is it Indeed Forbidden, and How Can it be Contested?”
Aviad Hacohen, Dean, Shaarei Mishpat College; Faculty of Law, Hebrew University of Jerusalem; Van-Leer Institute: “‘This is the Gate to God, (Only) the Righteous shall Enter?’ – On Selection Mechanisms in the Haredi Educational System: Social, Legal, Educational, and Religious Aspects.”

Session 2 (in Hebrew): Determining Policy – From Authority to Power
Location: Law Faculty Building 305, Room 4, Ground Floor
Chair: Gershon Gontovnik, Partner at Dr. J. Weinroth & Co. Law Office; Carmel Academic Center.

Ariel Bendor, Faculty of Law, Bar-Ilan University, and Michal Tamir, School of Law, Shaarei Mishpat College: “The ReciprocalEngulfment of Law and Ethics in Appointments to Senior Positions.”
Nehemiah Avneri, School of Law, Sapir College: “City Pig and Village Pig: The Local Authority as an Autonomous Space.”
Bryna (Rina) Bogoch, School of Communications and Interdisciplinary Social Sciences Studies, Bar-Ilan University, and Yifat Holzman-Gazit, School of Law, College of Management-Academic Studies: “Media Coverage of the Appointment of Judges in Israel.”
Session 3 (in Hebrew): Restorative Justice, Justice in Taxation, and Principles of Criminal Regulation
Location: Law Faculty Building 305, Room 6, Ground Floor

Chair: Tsili Dagan, Faculty of Law, Bar-Ilan University.

Sagit Leviner, State University of New York at Buffalo, New York, and Ono Academic College: “The Normative Underpinnings of Taxation.”
Tali Gal, Institute of Criminology and Faculty of Law, Hebrew University of Jerusalem, and Hadar Dancig-Rosenberg, Faculty of Law, Bar-Ilan University: “The Restorative Justice Approach as a Communal-Legal Arrangement: The Case of Women Victims of Violence.”
Michal Alberstein, Faculty of Law, Bar-Ilan University: “The Alternative Language of Restorative Justice: Principles of Post-Criticism.”
Penny Leist, Head of the Coalition to Promote Restorative Justice in Sexual Offenses, and Hadas Livni, Mediation and Conflict Resolution Clinic at the Faculty of Law, Bar-Ilan University: “Restorative Justice in Sexual Offenses: An Initial Model and Voices from the Field.”

17:30-18:30 Dinner (Pre-registration required)
Location: Jeanne & Maurice Benin Real Estate Law Building 306, Faculty Lounge, 2nd Floor

18:30-20:30 Plenary Session (4) (in Hebrew) – The Social Protests of the Summer of 2011
Location: Law Faculty Building 305, Moot Court Hall, Room 11, Ground Floor

Greetings:
Prof. Arie Reich, Dean, Faculty of Law, Bar-Ilan University
Prof. Daphne Barak-Erez, President of the Israeli Law and Society Association; Dean, Faculty of Law, Tel Aviv University

Chair: Adi Ayal, Faculty of Law, Bar-Ilan University

Lecture:
Moshe Kahlon, Minister of Communication & Minister of Welfare and Social Services

Participants:
Tzipi Hotovely MK, Chairperson, Committee on the Status of Women and Member of the Constitution, Law and Justice Committee
Sandy Kedar, Faculty of Law, University of Haifa
Avia Spivak, Department of Economics, Ben-Gurion University of the Negev
Avital Margalit, School of Law, Sapir College
Dor Nachman, Protest Activist
Thursday 29.12.11

08:30-09:00  Registration and refreshments
Jeanne & Maurice Benin Real Estate Law Building 306, Faculty Lounge, 2nd Floor
Law Faculty Building 305, Rooms 4 and 6, Ground Floor

09:00-10:30  Three parallel sessions (5, 6, 7)

Session 5 (in Hebrew):  Multicultural Communities and Minorities within Minorities
Location:  Jeanne & Maurice Benin Real Estate Law Building 306, Faculty Lounge, 2nd Floor
Chair:  Bryna (Rina) Bogoch, School of Communications and Interdisciplinary Program in Social Sciences, Bar-Ilan University.

Yossi Green, School of Law, Netanya Academic College: “The Limits of Judicial Intervention in Communal Autonomy.”
Meital Pinto, School of Law, Carmel Academic Center: “On the Group Rights of a Minority within a Minority.”
Ruth Halperin-Kaddari, Director, Ruth and Emanuel Rackman International Center for the Advancement of Women’s Status, Faculty of Law, Bar-Ilan University; Member of the United Nations’ Committee on the Elimination of Discrimination against Women (CEDAW): “Is Religion Bad for Women? Local and International Aspects of the Dilemma of Multiculturalism.”

Session 6 (in English):  Multiculturalism, Communities and Legal Social Theory
Location:  Law Faculty Building 305, Room 4, Ground Floor
Chair:  Gad Barzilai, Faculty of Law, University of Haifa; Law, Societies and Justice [LSJ] Program, University of Washington.
Richard Weisman, Faculty of Liberal Arts & Professional Studies, York University: “Showing Remorse – Law and the Regulation of Moral Emotions – the Case of Robert Latimer vs. The Queen.”
Tamar Hostovsky Brandes, Faculty of Law, Ono Academic College: “The Individual Right to Culture under Article 27 of the ICCPR: Legal and Political Theory Implications.”
Tamar Tomer-Fishman: “What has Cultural Defense to do with Multiculturalism?”
Gad Barzilai, Faculty of Law, University of Haifa; Law, Societies and Justice [LSJ] Program, University of Washington: “Political Power, State, Globalization and the Communal Boundaries of the Ultra-Orthodox in Israel.”
Session 7 (in English): Process Pluralism in and Outside the Court
Location: Law Faculty Building 305, Room 6, first floor

Chair: Michal Alberstein, Faculty of Law, Bar Ilan University.
Oren Gazal-Ayal, Faculty of Law, Haifa University: “Non-Adjudicatory ADR, Representation, and Case Outcomes.”
Avrom Sherr, Institute of Advanced Legal Studies, University of London: “Online Dispute Resolution – Privatisation of Law or Cutting out the Lawyer Middle Man.”
Wereed Ben-Sade, Haifa University; Bar Ilan University: “Mandatory Alternative to Legal Adjudication: The Japanese Labor Tribunal System.”
Ayelet Oz, Harvard Law School: “What can Wikipedia Tell us About the Law?”

10:30-10:45  Break and Refreshments
10:45-12:00  Three parallel sessions (8, 9, 10)

Session 8 (in Hebrew): Citizenship, Dignity and Alternative Policing in Early 20th Century Eretz Israel
Location: Jeanne & Maurice Benin Real Estate Law Building 306, Faculty Lounge, 2nd Floor

Chair: Yifat Holzman-Gazit, School of Law, College of Management-Academic Studies.
Assaf Likhovski, Faculty of Law, Tel Aviv University: “Taxation without a State: the Voluntary Tax Systems in the Jewish Yishuv in Mandatory Palestine, 1938-1948.”
Eyal Katvan and Boaz Shnoor, Law School, Academic Center of Law and Business: “Laws of their Own: Communities, Identities and Boundaries – A Community with its own Self-Respect.”
Nathan Brun, Faculty of Law, Hebrew University of Jerusalem: “Jaffa, 1912: Rabbi Kook and the ‘Six Community Leaders’ Consider the Rape of a Girl in Jerusalem’s Meah Shearim.”

Session 9 (in Hebrew): Civil Law and Jewish Law
Location: Law Faculty Building 305, Room 4, Ground Floor

Chair: Ya’akov Habba, Vice-Dean, Faculty of Law, Bar-Ilan University.
Chaim Saiman, Villanova Law School: “Halakhah: The Rabbinic Idea of Law.” (in English)
Amos Yisrael-Fleishauer, Zvi Meitar Center for Advanced Legal Studies, Faculty of Law, Tel Aviv University: “Religious Justice in the Tapestry of the State: Community Justice that Internalizes the Costs of its Existence.”

Session 10 (in Hebrew): Jewish and Democratic State?
Location: Law Faculty Building 305, Room 6, Ground Floor
Chair: Ilan Saba, Faculty of Law, University of Haifa.

Gerald Steinberg, Department of Political Science, Bar-Ilan University; NGO Monitor, Anne Herzberg and Paula Kveskin, NGO Monitor: “Israeli NGOs’ Constitutional Proposals: Harming or Helping Minority Rights?”
Yousef Jabareen, Tel Hai Academic College and the University of Haifa: “To Redefine Minority Rights: A Contemporary Perspective on Documents of the Future Vision.”

12:00-13:00 Light Lunch (Pre-registration required); Jeanne & Maurice Benin Real Estate Law Building 306, Faculty Lounge, 2nd Floor

13:00-14:15 Three parallel sessions (11, 12, 13)

Session 11 (in Hebrew): Intellectual Rivalry – symposium on Constitutional Law
Location: Jeanne & Maurice Benin Real Estate Law Building 306, Faculty Lounge, 2nd Floor
Chair: Daphne Barak-Erez, President of the Israeli Law and Society Association; Dean, Faculty of Law, Tel Aviv University.

Ariel Bendor, Faculty of Law, Bar-Ilan University: “Basic-Laws” (Modan, University on the Air series, 2012).
Gidon Sapir, Faculty of Law, Bar-Ilan University: “The Constitutional Revolution – Past, Present and Future” (Bar-Ilan University, University of Haifa, and Yediot Books, 2010).
Nir Kedar, Faculty of Law, Bar-Ilan University: “David Ben-Gurion and the Constitution” (Bar-Ilan University, 2012).
**Session 12** (in Hebrew): *Family Law – From Conservatism to Pluralism*
Location: Law Faculty Building 305, Room 4, Ground Floor

Chair: Yofi Tirosh, Faculty of Law, Tel Aviv University


*Sharon Shakargy*, Faculty of Law, Hebrew University of Jerusalem: “International Legal Market on Matters of Personal Status in Israel.”

*Hadas Tagari*, Faculty of Law, Bar-Ilan University: “Multiculturalism, Communal Identity and Nationalism: A Comparative Examination of Family Law Systems in India and the Middle East.”

**Session 13** (in Hebrew): *The Land Dispute between the State and the Bedouins*
Location: Law Faculty Building 305, Room 6, Ground Floor

Chair: Assaf Likhovski, Faculty of Law, Tel Aviv University.


*Havatzelet Yahel, Ruth Kark and Seth Frantzman*, Department of Geography, Hebrew University of Jerusalem: “Negev Bedouin Concepts of Private Land Ownership and Indigenous Land Rights.”

*Sandy Kedar*, Faculty of Law, University of Haifa, *Oren Yiftachel*, Department of Geography, Ben-Gurion University of the Negev, and *Ahmad Amara*, NYU School of Law: “The Land Dispute between the State of Israel and the Negev Bedouins: the ‘Dead Negev’ Doctrine from a Historical, Geographic and Legal Perspective.”

14:15-14:30  Break

14:30-16:15  Three parallel sessions (14, 15, 16)

**Session 14** (in Hebrew): *Minority Groups, Labor and Welfare*
Location: Jeanne & Maurice Benin Real Estate Law Building 306, Faculty Lounge, 2nd Floor

Chair: Menachem Hofnung, Department of Political Science, Hebrew University of Jerusalem.

*Israel (Issy) Doron*, Department of Gerontology and School of Social Work, University of Haifa, and *Carmit Shai*, Association of Law in the Service of the Elderly: “The Elderly as a Legal Community in Formation: The Israeli Case.”
Sagit Mor, Faculty of Law, University of Haifa, “A Disability Critique of Torts: Preliminary Directions.”

Robin Harper, Behavioral Sciences, York College (CUNY), and Hani Zubida, Department of Political Science, Yezreel Valley College: “Where do we fit? Migrant workers between Jewishness and Israeliness – the Current Israeli citizenship debate.”

Mirit Eyal-Cohen, School of Law, University of Pittsburgh: “The Advancement of National Minorities through Small Business Regulation.” (in English)

Session 15 (in Hebrew): Judging Issues of Personal Status – From Segregation to Integration
Location: Law Faculty Building 305, Room 4, Ground Floor

Chair: Ayelet Blecher-Prigat, School of Law, Shaarei Mishpat College.

Daphna Hacker, Faculty of Law, Tel Aviv University: “Religious Courts in Democratic States: Lessons from the Rabbinic Courts in Israel.”

Ido Shahar, Department of Middle East Studies, Ben-Gurion University: “Between Control and Legitimation: The Dialectics of State Legal Pluralism.”

Nasreen Alemy-Kabha, Faculty of Law, Tel Aviv University: “The Rights of Moslem Palestinian Women in Israel to Inheritance in the Sharia Courts in Israel.”

Session 16 (in Hebrew): Communities and their Policing
Location: Law Faculty Building 305, Room 6, Ground Floor

Chair: Michal Tamir, School of Law, Shaarei Mishpat College.

Erella Shadmi, Beit Berl College: “Policing Themselves.”

Arnon Edelstein, Kaye Academic College of Education, Be’er Sheva: “The Collapse of the Legal or Semi-Legal Arrangements among Ethiopian Immigrants, and their Implications for Crime.”


Shlomo Guzman-Carmeli, Department of Sociology and Anthropology, Bar-Ilan University: “From the Redemption of Israel to the Hevraya dikedushah – the Social Contract of the Toldot Aharon Hassidim.”

16:15-16:30 Break and refreshments
16:30-18:00  Three parallel sessions (17, 18, 19)

Session 17 (in English):  Regulating and Translating Values in the Regulatory Welfare State
Location: Jeanne & Maurice Benin Real Estate Law Building 306, Faculty Lounge, 2nd Floor

Chair: Oren Perez, Faculty of Law, Bar Ilan University.

Sharon Gilad, Department of Political Science and the School of Public Policy, Hebrew University of Jerusalem: “Regulatory Meaning Construction: Framing, Reframing and the Translation of Compliance.”

Kenneth A. Bamberger, School of Law, University of California, Berkeley: “New Governance, Chief Privacy Officers, and the Corporate Management of Information Privacy in the United States: An Initial Inquiry.”


Hanan Haber, School of Public Policy, Hebrew University of Jerusalem: “Towards a Regulatory Welfare State? Cross National Analysis of Social Regulation in Electricity and Housing in the UK, Sweden and Israel.”

Smadar Moshel, Department of Political Science, Hebrew University of Jerusalem: “The Blossoming of Early Childhood Education and Care under the Regulatory State.”

Session 18 (in Hebrew): The New Kibbutz – Community, Law, State – Session in Memory of Avraham (Alan Edgar) Shapira
Location: Law Faculty Building 305, Room 4, Ground Floor

This session is dedicated to the memory of Avraham (Alan Edgar) Shapira, who passed away last summer. Shapira, a graduate of Harvard Law School, immigrated to Israel and was a member of Kibbutz Degania Aleph. He contributed to legal discourse in both the area of public law and in the context of the debate about the role of the law in the life of the kibbutz. He taught at Tel Aviv University’s Faculty of Law, and subsequently also in the Faculty of Social Sciences at the University of Haifa. He was also a participant in the project to translate the Federalist Papers, one of the fundamental texts of American constitutional law, into Hebrew. His son, Judge Ron Shapira, of the Haifa District Court, will speak in his memory.

Chair: Leslie Sebba, Faculty of Law, Hebrew University of Jerusalem.

Micha Drori, Legal Advisor to the Kibbutz Movement: “The Changing Nature of Kibbutz Solidarity – from Total Solidarity to Mutual Assistance.”

Avital Margalit, School of Law, Sapir College: “Community and/or Corporation? The Changing Kibbutzim and the Law of the State.”

Tamar Even and Alina Korn, Department of Criminology, Ashkelon Academic College: “Privatization Processes in Kibbutzim and Methods of Dealing with Criminality: Differences in the Attitudes of Conservative and Liberal Kibbutzim.”
**Session 19 (in Hebrew): Law and the Formulation of Educational Policy**

**Location:** Law Faculty Building 305, Room 6, Ground Floor

**Chair:** Ely Aharonson, Faculty of Law, University of Haifa

- **Arie Kizel**, Faculty of Education, University of Haifa: “Children’s Rights versus the Rights of the School Community: Anti-Dialogic Legal Discourse.”
- **Dan Gibton**, School of Education and Faculty of Law, Tel Aviv University: “The Religion of Linear Thinking, the Law and Educational Policy.”
- **Lotem Perry-Hazan**, Faculty of Education, University of Haifa: “The Role of the Right to Education in the Process of Shaping Educational Policy.”
- **Tammy Harel Ben-Shahar**, Faculty of Law, Hebrew University of Jerusalem: “Seperatist Education, Class Segregation and Equality.”
- **Ilan Saban**: Faculty of Law, University of Haifa, and Danny Statman, Department of Philosophy, University of Haifa: “A Racist Statement: The Proposed Rabbinic Immunity Law and its Analogy to Academic Freedom.”

**18:00-18:30**  
**Break and Dinner (Pre-registration required)**  
**Location:** Law Building 305, Moot Court Hall 11, Ground Floor

**18:30-20:00**  
**University Presidents Plenary Session (20) (in Hebrew) – The Israeli Academic World and Israeliness: Culture, Ideology and Society**

**Location:** Law Faculty Building 305, Moot Court Hall, Room 11, Ground Floor  
Direct video link to Law Building 305, Moot Court Hall, Room 10, Ground Floor, and on the Law Faculty website.

**Greetings:** Prof. Yaffa Zilbershats, Deputy President of Bar-Ilan University

**Chair:** Prof. Yedidya Stern, Faculty of Law, Bar-Ilan University; Israel Democracy Institute

**Participants (in ABC order):**

- **Prof. Menachem Ben-Sasson**, President, Hebrew University of Jerusalem
- **Prof. Aharon Ben-Ze’ev**, President, University of Haifa
- **Prof. Rivka Carmi**, President, Ben-Gurion University of the Negev
- **Prof. Moshe Kaveh**, President, Bar-Ilan University
- **Prof. Joseph Klafter**, President, Tel Aviv University
Selected articles will be published at the peer-reviewed law journals of Bar-Ilan University – INQUIRIES IN LAW (MEHQAREI Mishpat) – in Hebrew, and at LAW, STATE AND RELIGION – in English, subject to Acceptance procedures, as is customary. Call for articles of these journals will be published separately.

Conference Organizers: (alphabetical order): Dr. Michal Alberstein, Bar-Ilan University Faculty of Law; Prof. Oren Perez, Bar-Ilan University Faculty of Law; Dr. Benjamin (Benny) Shmueli, Bar-Ilan University Faculty of Law.

Program Committee: (alphabetical order): Prof. Shulamit Almog, University of Haifa Faculty of Law; Dr. Bryna (Rina) Bogoch, School of Communication & Interdisciplinary Social Sciences, Bar-Ilan University; Dr. Ilan Saban, University of Haifa Faculty of Law; Dr. Michal Tamir, Law School, Sha'arei Mishpat College; Sharon Shakargy, PhD student and research fellow, Hebrew University Faculty of Law.

Technical Organization in the Faculty of Law at Bar-Ilan University: Mrs. Sylvie Lipsker, responsible for conferences and events; Mrs. Pirchia Rotenstreich, Coordinator, Commercial Law Center; Mrs. Aviya Segal, Commercial Law Center; Mr. Avshlom Shtainmetz and his team; Mr. Eden Cohen; Mrs. Keren-Or Amir-Beit Arie.

ILSA Web Master: Mr. Roy Peled.

President of ILSA: Prof. Daphne Barak-Erez, Dean, Tel-Aviv University Faculty of Law.
The Israeli Law and Society Association
Annual Conference 2011

Annual Conference Registration Form:

Laws of their Own: Community, Identities and Boundaries
28-29 December 2011, Bar-Ilan University

Family Name: ___________________________ Given Name: ___________________________
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Work Address: ___________________________
Position: ___________________________ Title: Prof./ Dr. / Adv. / Other _______________________
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Cost of participation in the Conference, including membership in the Israeli Law and Society Association, a light lunch on 29.12 and dinner on 28.12 and 29.12 (circle one):
• 100 Shekels
• 50 Shekels (special price for students for all degrees, upon presentation of student ID)
* The price is for the whole of the conference program. There are no pricing options for partial attendance

Payment Method:
1. Check: Checks should be made out to Bar-Ilan University (only)
2. Credit Card: Type of Card (circle one): AMEX / Visa / Isracard / Other ___________________________
Card Number ___________________________ Valid Till _________ / _____________
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Receipt: Please mark x in the appropriate box:
☐ Receipt made out in the name of the conference participant
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To register, please contact:
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