



TEL-AVIV UNIVERSITY  
THE BUCHMANN FACULTY  
OF LAW

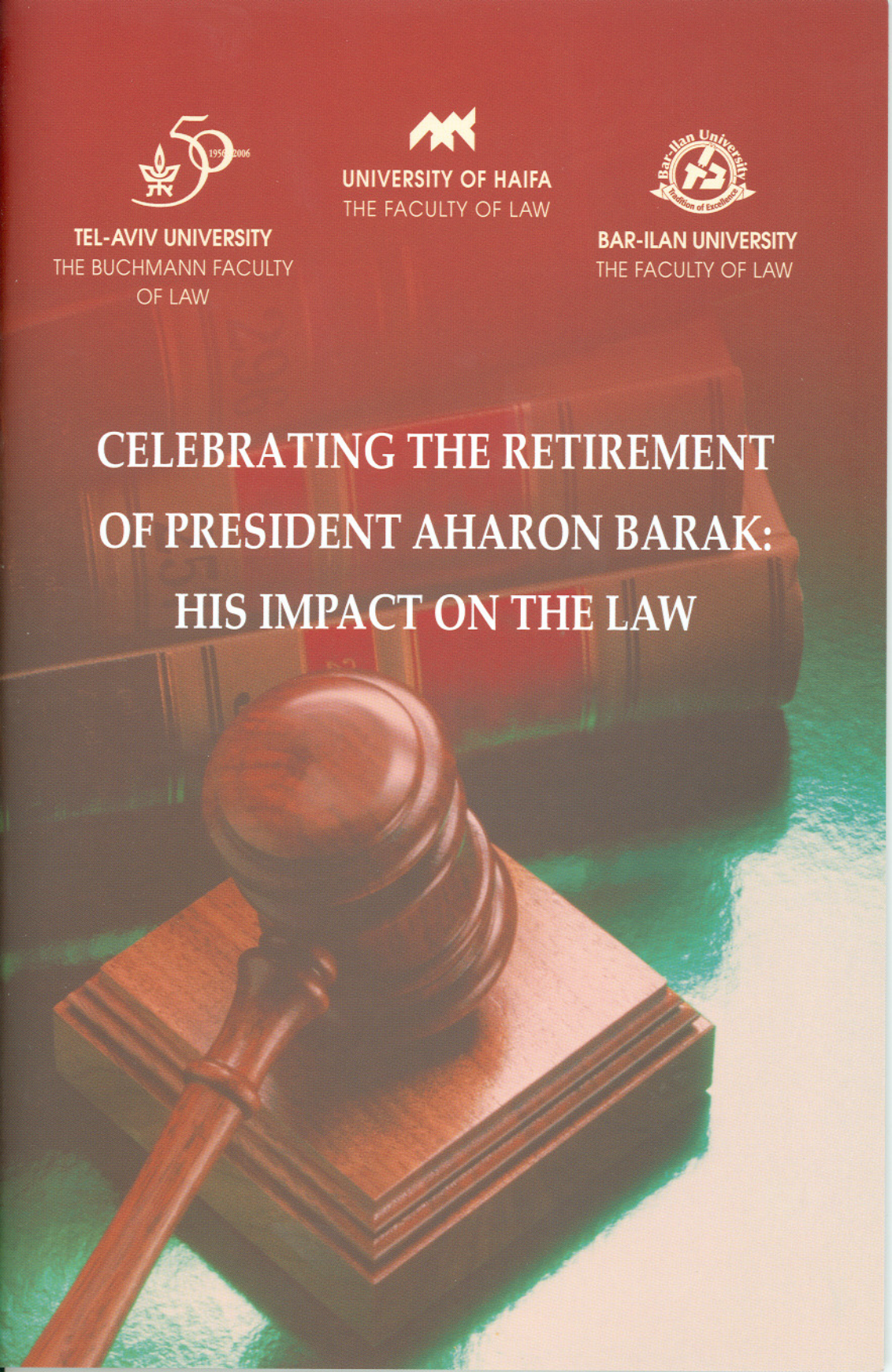


UNIVERSITY OF HAIFA  
THE FACULTY OF LAW



BAR-ILAN UNIVERSITY  
THE FACULTY OF LAW

# CELEBRATING THE RETIREMENT OF PRESIDENT AHARON BARAK: HIS IMPACT ON THE LAW



## University of Haifa - Wednesday - 27/12/06

### Hecht Museum Auditorium, Main Building

09:00-09:15 **Opening Ceremony: Welcome and Greetings**  
Prof. Yossi Ben-Artzi, Rector, University of Haifa  
Prof. Eli Salzberger, Dean, Faculty of Law, University of Haifa  
Prof. Yoseph Edrey, Faculty of Law, University of Haifa

09:15-10:45 **Panel I: The Development of Civil Law in Justice Barak Era**  
(Hebrew)

Chairperson: **Prof. Ricardo Ben Oliel**, University of Haifa  
Faculty of Law

**Prof. Gavriela Shalev**, Hebrew University, Faculty of Law  
*"Private Law and Public Law: The Heritage of Justice Barak"*

**Prof. Nili Cohen**, Tel Aviv University, Faculty of Law  
*"Classification and Individuals: Rights and Remedies in  
Contracts"*

**Prof. Joshua Wiesman**, Hebrew University, Faculty of Law  
*"The Contribution of Justice Barak to the Law of Property"*

**Dr. Ronen Perry**, University of Haifa, Faculty of Law  
*"The Impact of Constitutional Revolution on Tort Law"*

10:45-11:15 **Coffee Break**

11:15-12:45 **Panel II: International V. Domestic Law** (English)

Chairperson: **Prof. Reuven Avi-Yonah**, Michigan Law School

**Prof. David Kretzmer**, Hebrew University, The Academic College  
of law, University of Alster  
*"Judicial Review of Hostilities"*

**Prof. Ruth Lapidot**, Hebrew University, Faculty of Law  
*"International Law within the Israeli Legal System: A Critical  
Comment"*

**Prof. Emanuel Gross**, University of Haifa, Faculty of Law:  
*Justices and the fight Against International Terrorism*

**Ambassador, Dr. Robbie Sabel**, Department of International Relations, Hebrew University

*"The Laws of War and Domestic Counts"*

12:45-14:00 **Lunch Break**

14:00-19:15 **Round table: Justices and Judges' Discussion on the Role of a Judge in a Democratic Society**

(2 rounds English)

14:00-16:00 **Round I**

Chairperson: **Mr. Dan Meridor**, Former Minister of Justice  
The Government of Israel

**Justice Janice Brown**, Federal Court of Appeal, DC circuit and former judge of the Supreme Court of California

**President (ret.) Meir Shamgar**, Supreme Court, Israel

**Justice Luzius Wildhaber**, European Court of Human Rights  
Strasbourg

*"Judges and Judging in a Democratic Society"*

**Lord, Dr. Harry Woolf**, (Lord Chief Justice of England and Wales ret.)  
University College of London

*"The Role of a Common Law Chief Justice in Preserving the Rule of Law"*

16:00-16:30 **Coffee Break**

16:30-18:30 **Round II**

Chairperson: **President (ret.) Meir Shamgar**  
Second Round Participants' comments

**President Barak**: Personal viewpoint

Concluding remarks: **President Meir Shamgar**

19:30 **Dinner**

## Bar Ilan University - Thursday - 28/12/2006

### Feldman International Conference Center

- 09:00-09:15 Greetings and Opening Remarks  
**Prof. Moshe Kaveh**, President of Bar-Ilan University  
**Prof. Yaffa Zilbershats**, Dean of the Faculty of Law, Bar-Ilan University  
**Prof. Shalom Lerner**, Faculty of Law, Bar-Ilan University
- 09:15-11:00 Panel I: **Religion, Halakha and Ethics** (Hebrew)  
Chairperson: **Prof. Arie Reich**, Bar-Ilan University, Faculty of Law  
**Prof. Eliezer Schweid**, Hebrew University, Department of Jewish Thought  
*"Ethics and Jurisdiction"*  
**Dr. Ruth Halperin-Kaddari**, Bar-Ilan University, Faculty of Law  
*"Civil Revolution in Family Law"*  
**Dr. Shahar Lifshitz**, Bar-Ilan University, Faculty of Law  
*"The Right to Marry and the Freedom from Marriage"*  
**Dr. Moshe Hellinger**, Bar-Ilan University, Department of Political Sciences  
*"Religious Language and Jewish Democratic Identity in Israel"*
- 11:15-12:45 Panel II: **Land and Homeland** (Hebrew)  
Chairperson: **Prof. Zipora Cohen**, Bar-Ilan University, Faculty of Law  
**Prof. Shalom Lerner**, Bar-Ilan University, Faculty of Law  
*"The Land of Israel: Territory, Homeland and Nation"*  
**Prof. Hanoach Dagan**, Dean, Tel Aviv University, Faculty of Law  
*"The Right to Entry"*  
**Dr. Sandy Kedar**, University of Haifa, Faculty of Law  
*"Designing Israeli Geography in Justice Barak's Judicial Work"*
- 14:00-15:30 Panel III: **Culture** (Hebrew)  
Chairperson: **Prof. Arnold Enker**, Bar-Ilan University, Faculty of Law  
**Prof. Yedidia Z. Stern**, Bar-Ilan University, Faculty of Law  
*"The Halakha and the Israeli Culture"*

**Dr. Jacob Weinroth:** *"Judaism and Democracy - Open Theses of Justice Aharon Barak"*

**Dr. Fania Oz-Salzberger,** University of Haifa, Faculty of Law  
*"'Freedom, Justice, Equity and Peace': Another Look at Jewish Cultural Legacy and Israeli Democracy"*

15:45-16:45 **Panel IV: Nation (Hebrew)**

Chairperson: **Prof. Ron A. Shapira,** Bar-Ilan University, Faculty of Law

**Prof. Yaffa Zilbershats,** Dean, Bar-Ilan University, Faculty of Law  
*"The Concept of Immigration and Citizenship Law in Israel"*

**Mr. Hassan Jabareen,** Adalah Center  
*"Barak Era: from Bank Hamizrahi to Family Unification"*

16:45 **Summary and Responses:** President Aharon Barak

18:30 **Dinner**

Keynote Address: **Prof. Irwin Cotler, P.C., M.P.** (Former Minister of Justice of Canada)

## Tel Aviv University - Friday - 29/12/06

The Buchmann Faculty of Law, Trubowicz Building,  
Malka Brender Hall of Justice

09:00-9:10 **Greetings and Opening Remarks**

**Prof. Itamar Rabinovich,** President, Tel-Aviv University

**Prof. Hanoch Dagan,** Dean, Tel-Aviv University Law Faculty

09:10-10:30 **The Barak Court: Interdisciplinary Approaches (Hebrew)**

Chairperson: **Prof. Ron Harris,** Tel-Aviv University, Faculty of Law

**Prof. Gad Barzilai,** Department of Political Science, Tel-Aviv University

*"Jacob's Ladder and its Fragility: Political Power and Judicial Review in a Comparative Context"*

**Dr. Yofi Tirosh**, College of Management School of law  
*"Legitimizing Narratives of Human Rights in Israel: Between  
Universalism and Particularism"*

**Prof. Eli Salzberger**, Dean, University of Haifa, Faculty of Law  
*"The Social-Economic Ideology of the Israeli Supreme Court in the  
Era of Barak"*

**10:30-11:15 Brunch**

**11:15-12:00 Comparative Constitutional Law (English)**

Chairperson: **Prof. Daphne Barak-Erez**, Tel-Aviv University,  
Faculty of Law

**Prof. Richard Pildes**, New York University, School of Law  
*"The Role of the Judge in Democratic Societies: A Comparative  
Perspective"*

**Prof. Lorraine Weinrib**, University of Toronto, Faculty of Law  
*"Is Comparative Constitutional Law Comparative?"*

**12:15-13:30 Questions of Jurisprudence (English)**

Chairperson: **Prof. Chaim Gans**, Tel-Aviv University, Faculty of Law

**Prof. Owen Fiss**, Yale Law School  
*"Law is Everywhere"*

**Prof. Alon Harel**, Hebrew University, Faculty of Law  
*"Skeptical Thoughts on Judicial Optimism"*

**Dr. Amnon Reichmann**, University of Haifa, Faculty of Law  
*"Purposeful Interpretation and the Sources of Law"*

The Conference is held by the support of



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