

INSTITUTE FOR LEGAL RESEARCH  
UNIVERSITY OF CALIFORNIA, BERKELEY

AND

WILLIAM S. BOYD SCHOOL OF LAW  
UNIVERSITY OF NEVADA, LAS VEGAS

**A SYMPOSIUM ON  
“LAW, WAR, AND HISTORY”  
AT BOALT HALL SCHOOL OF LAW**

**FRIDAY AND SATURDAY  
FEBRUARY 16 AND 17, 2007**

Goldberg Room, 297 Boalt Hall  
University of California, Berkeley

Conference organizers:

Harry N. Scheiber  
University of California, Berkeley

David S. Tanenhaus  
University of Nevada, Las Vegas

## FRIDAY, FEBRUARY 16

### **Continental Breakfast – 8:30 am-9:00 am**

Goldberg Room, 297 Boalt Hall, UC Berkeley

### MORNING SESSION – 9:00 am-12:00 pm

#### **Welcoming Remarks**

Howard A. Shelanski, Associate Dean, J.D. Program, and Professor of Law, UC Berkeley

Harry N. Scheiber, Director, Institute for Legal Research, and Stefan A. Riesenfeld Professor of Law and History, UC Berkeley

David S. Tanenhaus, James E. Rogers Professor of History and Law, University of Nevada, Las Vegas

Joan W. Howarth, Associate Dean for Academic Affairs, and William S. Boyd Professor of Law, University of Nevada, Las Vegas

#### **Keynote Speech**

John Witte, Jr., Jonas Robitscher Professor of Law, and Director, Center for the Study of Law and Religion, Emory University

“Religion, Rights, and Resistance: Original Protestant Contributions to Western Theories of Revolution”

#### **1. Law, War, and Moral Codes in the Ancient World**

Moderator: Maria Mavroudi, History, UC Berkeley

Adriaan Lanni, Harvard Law School

“The Laws of War in Ancient Greece”

Clifford Ando, Classics, University of Chicago

“Law, War, and Empire in Republican Rome”

#### **Lunch – 12:00 pm-1:30 pm**

Faculty Lounge, 336 Boalt Hall

### AFTERNOON SESSION – 1:30 pm-4:30 pm

#### **2. War and Religion: Comparative Perspectives**

Moderator: John T. Noonan, Jr., Judge, U.S. Court of Appeals for the Ninth Circuit

Lena Salaymeh, History, UC Berkeley

“Warfare in Early Islamic History: Jurisprudential Precedents”

David Holland, History, UNLV

“Covenants and Cataclysm: A Religious Interpretation of the American Civil War and Its Slavery Amendments”

Comment: John Witte, Jr., Emory University

#### **3. Imperialism, Colonialism, and Legal Rights**

Moderator: David Lieberman, Law, UC Berkeley

Lauren Benton, History, New York University

“The Trouble with Quasi-Sovereignty: Indian Princely States and the Limits of Imperial and International Law”

Benedict Kingsbury and Kirsty Gover, Law, New York University

“Embedded Pluralism: Globalization and the Reappearance of Indigenous Peoples’ Cartographies”

### **3. Imperialism, Colonialism, and Legal Rights** (continued)

Jennifer M. Spear, History, UC Berkeley

“Using the Faculties Conceded to Her by Law’: The Legal Acuity of Slaves in Spanish Louisiana”

Comment: Lawrence M. Friedman, Law, Stanford University

## **SATURDAY, FEBRUARY 17**

### **Continental Breakfast – 8:45 am-9:15 am**

Goldberg Room, 297 Boalt Hall, UC Berkeley

### **MORNING SESSION – 9:15 am-12:00 pm**

#### **4. Law and Justice After World War II**

Moderator: Richard Abrams, History, UC Berkeley

Elizabeth Borgwardt, History, Washington University

“Nuremberg Revisited: Historical Perspectives on Transitional Justice and the Rule of Law”

Yuma Totani, History, UNLV

“The Trial of Emperor Hirohito?: The Allied Occupation Policy”

Rande W. Kostal, Law, University of Western Ontario

“Laying Down the Law: The Legal Reconstruction of Germany and Japan, 1945-1952”

#### **5. Law, War, and Human Rights**

Moderator: Raquel Aldana, Law, UNLV

Rosemary Foot, International Relations, St. Antony’s College, Oxford University

“Exceptionalism Again: The Bush Administration, the ‘Global War on Terror’ and Human Rights”

Eyal Benvenisti, Law, Tel Aviv University

“The Evolution of the Concept of Belligerent Occupation”

### **Lunch – 12:00 pm-1:30 pm**

Faculty Lounge, 336 Boalt Hall

### **AFTERNOON SESSION – 1:30 pm-3:00 pm**

#### **6. The Law and Institutions of Conflict Resolution in International Law**

Moderator: John Briscoe, Briscoe Ivester & Bazel LLP

Christopher L. Blakesley, Law, UNLV

“Prosecution and Punishment as Institutions”

Richard M. Buxbaum, Law, UC Berkeley

“The Institutional Features of International Reparations”

Comment: Jonathan Simon, Law, UC Berkeley, and David S. Tanenhaus, UNLV

The organizers and principal sponsors gratefully acknowledge  
the contributions of the following institutions and individuals:

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**SOCIAL PROGRAM  
THURSDAY-SATURDAY, FEBRUARY 15-17, 2007**

**THURSDAY, FEBRUARY 15**

**RECEPTION – 6:00 pm-8:00 pm**

Seaborg Room, Faculty Club, UC Berkeley

**FRIDAY, FEBRUARY 16**

**BANQUET – 7:00 pm-10:00 pm**

Dining Room, Women’s Faculty Club, UC Berkeley

Reception – 7:00 pm-7:30 pm

Dinner – 7:30 pm-10:00 pm

“‘The Millennium Fades’: Hope and Arbitration at the 1899 Peace Conference”  
David D. Caron, C. William Maxeiner Distinguished Professor of Law,  
UC Berkeley

**SATURDAY, FEBRUARY 17**

**DINNER – 6:00-8:00pm**

Mandarin Garden, 2025 Shattuck Avenue, Berkeley