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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Office of Dean Christopher Edley, Jr.
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Karen Chin

**Conference Assistant**
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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