



CENTER FOR THE STUDY OF LAW AND SOCIETY BERKELEY LAW

The Center for the Study of Law and Society invites you to the

CSLS Visiting Scholars Speaker Series

An occasional series of presentations & discussion moderated by Jonathan Simon

Please join us for a light lunch & two presentations on

Thursday, October 20th

In the Selznick Seminar Room, 2240 Piedmont Ave.

12:45 to 2:00 pm

Smadar Ben Natan

Human Rights Attorney and PhD Candidate, Tel Aviv University (Israel)

“Enemy Criminal Adjudication:

Criminal Law, Martial Law and Armed Conflict”

The presentation examines criminal adjudication of the enemy in Israel between 1967 and 2000, a period during which Israel adjudicated hundreds of thousands of criminal trials for national security offenses. This huge apparatus operated through three systems of criminal law: the ordinary civil courts system inside Israel and two military court systems, one of them inside Israel and the other in the Occupied Palestinian Territories (OPT). Certain populations were designated to specific legal institutions; citizenship and other membership status did not bar the application of "enemy criminal law" to individuals and groups within the state who were identified internal enemies. What explains this plurality of institutions and diversity of normative orders? Using historical and comparative analysis of these systems, I identify paradigmatic models of enemy adjudication, applicable beyond the Israeli context: a criminal law model; a martial law model, and an armed conflict model. These three models are not mutually exclusive; they reflect different forms of state power, co-exist and influence one another. The plurality of legal institutions is a prominent feature of adjudication of national security offences in many countries. The analytic framework provided here can shed new light on contemporary dilemmas in the field of criminal law and national security.

Helen Dancer

Senior Lecturer in Law, Brighton Business School, University of Brighton (UK)

“Community Leaders and Paralegals: Legal Empowerment, Capillary Power and Women’s Access to Justice in Tanzania”

What can be learned from the roles local community leaders play within court systems in the context of women’s legal empowerment? More specifically, how can an analysis of leadership and capillary power contribute to the development of paralegal initiatives and local dispute resolution? Based on a year of ethnographic research in Tanzania, this paper analyses the role that local community leaders play in negotiating the multiple social, political and legal fields that constitute local land disputes. It reflects on the recent movement towards legal empowerment initiatives in Africa, including paralegal training in countries where legal aid services for the poor have historically been severely under-resourced. Land conflicts represent the single biggest source of legal disputes at a local level in Tanzania, raising issues of gendered and intergenerational power relations that are also situated in local political and legal power structures. I argue that legal empowerment initiatives for women’s land claims will be most successful when paralegals are able to work effectively as leaders, negotiating power relations across multiple sites and the realities of courtrooms that are porous to local capillary power.