METHODOLOGY AND INNOVATION IN MIXED LEGAL SYSTEMS

20-23 June 2011

at the
Hebrew University of Jerusalem, Israel

Mixed legal systems, both the classical ‘mixed jurisdictions’ combining common law and civilian law and more exotic hybrids, are increasingly important touchstones for comparative law. The Third Congress of the World Society of Mixed Jurisdiction Jurists focuses on legal methodology and innovation in mixed systems in the twenty-first century: investigating past experiences, exploring present practices, and predicting future possibilities.
**Venue**
The Reception and Opening Session of the conference will be held in the Faculty of Law of the Hebrew University of Jerusalem on Mount Scopus. All other sessions will be held in Beit Maiersdorf, the Hebrew University Faculty Club, on Mount Scopus. The language of the conference will be English.

**Registration and Fees**
To register, please use Registration Form Attachment
For those registering for the conference by 28 February 2011, the fee is $300.
For those registering for the conference from 1 March onwards, the fee is $350.
Registration fee for conference lecturers is $100.
Please note: registration and payment for the conference are separate from registration and payment for hotel accommodation (see below).

**Accommodation**
All participants are responsible for making their own arrangements for accommodation. Hotels in Jerusalem are quite expensive in June. The Hotel Reservation Attachment provides details of four hotels that have a number of rooms reserved for conference participants at a special conference rate. These must be booked by 28 February and can be booked only via Kennes Tours on the form provided. Information on other hotels and bed and breakfast accommodation can be found on the internet.
Please note: registration and payment for hotel accommodation are separate from registration and payment for the conference (see above).

**Website and Information**
The conference website will be updated as new information becomes available: http://law.huji.ac.il/eng/iruim.asp?cat=2199&in=776
For further information, please contact Ms Tali Algazy: law-conferences@savion.huji.ac.il

**The Conference is co-sponsored by:**
The Hebrew University of Jerusalem, Faculty of Law
Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Faculty of Law, Hebrew University of Jerusalem
The Eason Weinmann Center for Comparative Law, Tulane Law School
The International Association of Legal Science
Organising Committee

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Celia Wasserstein Fassberg, Hebrew University of Jerusalem (WSMJJ Secretary-General)

Visas and Travel

A tourist visa is required for entry to Israel. For travelers from many countries the visa is issued at the point of entry. Travelers from some countries must apply for a visa before arrival in Israel. For information please check with your local travel agent and Israeli Consulate. For general information see http://gov.il/FirstGov/TopNavEng/EngSituations/ESVisitingIsrael/ESVIGettingToIsrael/

Ben Gurion Airport is approximately 40 km. from Jerusalem. There is no train service between the airport and Jerusalem. The best way to reach Jerusalem is by taxi.
Private taxis: These are lined up outside the terminal on the left. The price is fixed and varies according to the destination, the number of passengers and the amount of baggage. **Check the price with the dispatcher and the driver before setting out** (the price should be approximately 300 N.S.) No tip is expected.
Shared taxis (Sherut): These are also lined up outside the terminal, on the right, with service to major cities. The price is fixed (at approximately 80 N.S.) The driver will drop you off at whatever hotel or address you give. No tip is expected.
For tourist information in Jerusalem see: http://www.goisrael.com/Tourism_Eng/Tourist+Information/Discover+Israel/Cities/Jerusalem.htm

Cancellation policy

Fees must be paid in full before the conference begins. Cancellations received in writing by 31 May 2011 will incur a 20% administrative fee. After this date, fees will not normally be refunded. The Hebrew University reserves the right to cancel the conference, in which case all fees will be fully refunded. In the event of cancellation, the Hebrew University will not be liable for travel and accommodation costs incurred by participants. The WSMJJ reserves the right to change the programme if necessary with little or no notice.
Provisional Program

Monday, 20 June

17:00-18:00  Registration
18:00-19:00  Reception
19:00-21:00  Opening Session
  Greetings:
  Justice Eliezer Rivlin, Deputy President, Supreme Court of Israel
  Opening Keynote:
  Lord Rodger of Earlsferry, Justice of the Supreme Court, U.K.
  Mixed Jurisdictions in a Mixed-Up Legal World

Tuesday, 21 June  Methodology

09:00-09:45  Keynote:
  Professor Vernon Palmer, Tulane University, Louisiana
  Double Reasoning in Codified Mixed Systems:
  Code and Case law as Simultaneous Methods

10:00-13:00  Parallel Sessions I
  Session I.A Judicial Techniques
    Rosalie Jukier, Judicial Methodology in the Mixed Legal System of Quebec
    Gerrit Pienaar, The Methodology to Interpret Customary Land Tenure
  Break
    John Lovett, From Rules to Discretion: The Judicialization of the Louisiana Civil Code
    Santiago Legarre, Precedent in Argentina
    Mary Algero, Precedent in Louisiana

  Session I.B The Dynamics of Diverse Systems
    Janet Walker, Adjudication in Mixed Jurisdictions: The Strange Case of Private International Law in Canada
    Monika Pauknerová, Unilateral Juridical Acts and Uniform Conflict-of-Law Rules
    Markus Puder, Mixed Jurisdiction Dynamics in Federal-State Frameworks: American Court-Structure Federalism and Louisiana’s Codal Core
  Break
    Nikitas Hatzimihail, Reconstructing Mixity: Sources of Law and Legal Method in Cyprus
Marta Infantino, *The Italian Legal Recipe: Basic Ingredients and the Bustle of Time*
Yasunori Kasai and Emi Matsumoto, *Two Perspectives on Mixed Systems – Japan*

13:00-15:00 **Lunch break and campus tour**

15:00–17:30 **Parallel Sessions II**

**Session II.A Sri Lanka to the Philippines**
Anton Cooray, *Interplay of Judicial Traditions and their Influence on Substantive Law: The Case of Sri Lanka*
Ignazio Castellucci, *Mixity in the Legal Systems of Hong Kong and Macau*

Break
Salvatore Mancuso, *Creating New Mixed Jurisdictions: Some Methodological Reflections on Legal Integration in the SADC Region*
Justin Holbrook, *Mixed Jurisdictions and the Problem of Deontological Asymmetry - The Philippines*

**Session II.B Method and Substance: Selected Topics**
Eric Descheemaeker, *Defamation and Truth: Scots and South African Law Compared*

Break
Adam Hofri, *Slow Rise: The Gradual Incorporation of the Express Private Trust in Israeli Law*
Shael Herman, *Plus Ça Change, Plus C’est La Même Chose: Commonalities and Variations in Regulations of Gifts Omnium Bonorum in Jewish and Louisiana Law*

**Wednesday, 22 June**  **Innovation**

09:00-09:45 **Keynote:**
Professor Thomas Bennett, University of Cape Town
*Ubuntu: A New Doctrine of Equity in South African Law*

10:00-13:00 **Parallel Sessions III**

**Session III.A Innovation: Concepts and Contexts**
Elmarie van der Schyff, *Innovation Through Mixing the Mixed: Determining the Probable Outcome of Introducing an Anglo-American Concept to the South African Roman-Dutch Based Property Concept*

Break

Ádám Fuglinszky, Civil Liability in a Mixed Jurisdiction: Quebec and the Network of 'Ratio Communis'
Pavel Šturma, International Criminal Justice as a New Example of 'Mixed Jurisdictions'
Colin Picker, Innovation in International Law: A Comparative Law/Mixed Jurisdiction Perspective

Session III.B Tradition and Innovation

Lukas Heckendorn, Innovation in a Hybrid System: The Example of Nepal
Biagio Andò, Innovation and Tradition in Maltese Law

Break

David Yarrow and Melissa Castan, Is Australia a Mixed Legal System? The Clash of Interpretive Positivism and Indigenous Tradition in Australian Property Law.
Antonios E. Platsas, The Enigmatic but Unique Nature of the Israeli Legal System
Guy Carmi, Rethinking Israel's Classification as a Mixed Legal System

13:00–15:00 Lunch break and tour of Botanical Gardens

15:00-17:30 Parallel Sessions IV

Session IV.A Innovation in Constitutional and Administrative Law

François du Bois, The Creation and Transformation of the Constitutional Court of South Africa: The Rise and Demise of a Civilian Institution in a Mixed Legal System
Haim Sandberg, 'Negotiating' with the Legislator - A New Weak-Form Israeli Pattern of Constitutional Judicial Review

Break

Margit Cohn, Pure or Mixed? The Evolution of the Grounds of Judicial Review in British and Israeli Administrative Law
Francois Venter, South Africa: A Diceyan Rechtsstaat?

Session IV.B Innovation: Selected Topics

Tamar Gidron and Max Loubser, Liability of the State and Public Bodies for Negligence: A Comparative View of Israeli and South African Law

Break

Robert Leckey, *Reform on Two Paths: Legislative and Judicial Recognition of Same-Sex Parents in Quebec*

Christa Rautenbach and Willemien du Plessis, *Interaction between South African Family Laws: Judicial Innovatio or Confusio*

**Thursday, 23 June** Mixed Systems and Institutions

09:00 – 10:30 **Parallel Sessions V - Universities, Scholars and Judges**

**Session V.A**

Seán Donlan, *Mediterranean Legal and Normative Hybridity: A Project for the Social Sciences*

Mauro Bussani, *Mixed Approaches to Mixed Jurisdictions*

**Session V.B**

Olivier Moréteau, *Teaching Legal Traditions in Louisiana: Theory, Practice, and Lessons from Experience*

Stephen A. Smith, *Comparative Legal Scholarship as Ordinary Legal Scholarship*

Break

11:00-12:00 **Closing Keynote:**

Judge Nicholas Kasirer, Court of Appeal, Quebec

*How Legal Institutions Think*

12:30-14:00 **Lunch break**

14:00–16:00 **Tour of the Supreme Court**

17:30–18:30 **WSMJJ business meeting**

19:00 **Closing Reception and Dinner**