



# TIME & SPACE TO THINK

*Announcing the Straus Institute for the Advanced Study of Law & Justice  
and the Tikvah Center for Law & Jewish Civilization, and their fellows.*

A HISTORIC 1830S BRICK TOWNHOUSE AT 22 Washington Square North has become the newest locus of intellectual activity at the NYU School of Law. Two centers, both based in the same newly renovated landmark building, have been launched simultaneously: the Straus Institute for the Advanced Study of Law & Justice, and the Tikvah Center for Law & Jewish Civilization.

Directed by University Professor Joseph Weiler, who is also Joseph Straus Professor of Law, the Straus Institute offers generous fellowships to top scholars from diverse fields, with the intent of creating an intellectual haven for free interaction among multidisciplinary thinkers while retaining a broad focus on issues of law and justice. It is an academic format embodied by a group of institutes of advanced study, the most famous of which are located in Berlin, at Stanford University, and near Princeton University (the latter served as Albert Einstein's academic home, where he pursued a unified field theory in physics during the last two decades of his life). The Straus Institute will support high-level research and scholarship without requiring teaching commitments of its fellows. Two-thirds of each year's fellows will pursue scholarship related to an annual theme; in 2009-10, the topic will be the emerging legal field of international governance.

The new institute was funded by Daniel Straus '81, a member of the Law School's board of trustees, and his wife, Joyce Straus. "In a way, it's the ultimate ivory tower," Weiler said. "You're telling people, 'Come. Spend a year here. Think.' It's not an immediate action or reaction kind of thing. But it's fundamental deep thinking about serious social issues." Throughout the year, forums, colloquia, and seminars will allow Straus Fellows to engage with the Law School community.

Like the Straus Institute, the Tikvah Center, directed by Gruss Professor of Law Moshe Halberstam and Weiler, will host eminent scholars. The foundational premise of the center is that the study of Jewish law can profit immensely from insights gained from general jurisprudence, and that Jewish law and Jewish civilization can provide illuminating perspectives on law and legal issues of true academic and social significance. The Tikvah Center will showcase

fellows' scholarship through forums and an annual conference. Beginning in 2010, the center will facilitate a Master of Studies in Law program focused on law and Jewish civilization; students will not need a prior law degree. An undergraduate outreach program will feature courses taught in NYU's College of Arts and Science by instructors affiliated with the center. The Tikvah Center is made possible by the Tikvah Fund, a private foundation that supports Jewish intellectual life.

## STRAUS FELLOWS

### At-Large



**MARTA CARTABIA** is a professor of constitutional law at the University of Milano-Bicocca Faculty of Law. She received her Ph.D. in Law from the European University Institute in Florence, Italy, and was a clerk in the Italian Constitutional Court from 1993 to 1996. Her most recent publications include *I Diritti in Azione* (2007) and Europe and Rights: Taking Dialogue Seriously," in the *European Constitutional Law Review* (2009).

In recent years, legal changes affecting some of the most crucial sectors of social life have occurred in national and international courts. Many "new fundamental rights" have been created, covering a wide range of subjects, from environmental emergency to immigration law to the role of religion in the public sphere. The recognition of new rights has significant consequences on the use of different standards of review and burdens of proof. By analyzing various judicial decisions, Cartabia aims to discover the conceptual, legal, and procedural matrix of the new rights.



**MEIR DAN-COHEN** is Milo Reese Robbins Chair in Legal Ethics and an affiliate of the Department of Philosophy at the University of California, Berkeley. Dan-Cohen received his LL.B. from Hebrew University and clerked for the Supreme Court of Israel. He received an LL.M. and J.S.D. from Yale Law School. Dan-Cohen has written *Harmful Thoughts: Essays on Law, Self, and Morality* (2002) and *Rights, Persons, and Organizations: A Legal Theory for Bureaucratic Society* (1986).

Dan-Cohen's research draws on a tradition claiming that human beings are self-creating: the self is the largely unintended by-product of human practices, including law and morality. The recognition that we are the products as well as the authors of our norms complicates our normative agenda. In devising behavior-guiding norms we must explore not only their effects on what we do but also on who we are: what subjects will emerge from the activities generated by a particular set of norms? And what considerations ought to guide this constructive aspect of our normative engagements?



**ROBERT GEORGE** is McCormick Professor of Jurisprudence and director of the James Madison Program in American Ideals and Institutions at Princeton University. He has served on the President's Council on Bioethics and as a presidential appointee to the U.S. Commission on Civil Rights. George was a judicial fellow at the U.S. Supreme Court. He is co-author of two

recent books: *Embryo: A Defense of Human Life* (2008) and *Body/Self Dualism in Contemporary Ethics and Politics* (2008).

Drawing upon sociological, historical, and philosophical sources, George will work on a book presenting a natural law argument for marriage as the lifelong conjugal union of man and woman as husband and wife. In addition, he will answer critics' arguments against this understanding of marriage, including those by proponents of same-sex and polyamorous marriage, and show that marriage, soundly understood, is a great good for individuals, spouses, children, and society.



**MOSHE IDEL** is Max Cooper Professor in Jewish Thought at the Hebrew University of Jerusalem and a senior researcher at the Shalom Hartman Institute. He received the 1999 Israel Prize for Jewish Thought and the 2002 Emmet Prize, and has been a member of the Israeli Academy since 2006. Among his publications are *Kabbalah: New Perspectives* (1988) and *Ben: Sonship and Jewish Mysticism* (2007). Idel is both a Straus and Tikvah Fellow.

Idel distinguishes between three major modes of thinking in Judaism: the biblical, the rabbinic, and the speculative. He will concentrate his inquiries on the dynamics of the concatenation between these modes, emphasizing the intellectual superstructures that were added to legalistic structures, especially by thinkers who were both legalistic figures and kabbalists or philosophers. His research will explore the thoughts of Joseph Karo as well as examine the ideas in the *Sefer ha-Qanah*, a Byzantine 14th-century unsigned kabbalistic commentary on the commandments.



**CAROL ROSE** is Ashby Lohse Chair in Water and Natural Resource Law at the University of Arizona Rogers College of Law and the Gordon Bradford Tweedy Professor Emeritus of Law and Organization and Professorial Lecturer in Law at Yale Law School. Rose received an M.A. in political science from the University of Chicago, a Ph.D. in history from Cornell University, and a J.D. from the University of Chicago School of Law. Her publications include *Perspectives on Property Law* (2002) and *Property and Persuasion: Essays on the History, Theory and Rhetoric of Ownership* (1994).

Rose, with contributions from Yale Law professor Richard Brooks, will research a book on racially restrictive covenants, their history, and what they tell us about the relationships between social and legal norms. She will also continue her research on the intersection of property rights, environmental law, and development.

### Thematic



**GRÁINNE DE BÚRCA** is a professor of law at Fordham Law School. She was previously a professor of E.U. Law at the European University Institute. De Búrca co-edited *Oxford Studies in European Law* and co-wrote *E.U. Law*, which is currently in its fourth edition.

De Búrca will explore the ways the European project of integration-through-law has changed over time and examine the model of transnational governance developed by the European Union. The key role of the European Court of Justice

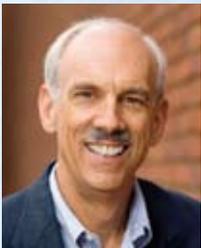
has changed in important ways. De Búrca will examine how the external dimension of E.U. governance has intensified as the E.U.'s interest in playing a more significant global role has grown. The ambiguous identity of the E.U. as an international actor, the place of law, and the relationship between political and judicial activity in shaping different aspects of this identity will also come into play.



**ANDREW HURRELL** is Montague Burton Professor of International Relations and Fellow, Balliol College, Oxford University. His book *On Global Order: Power, Values and the Constitution of International Society* (2007) won the 2009 International Studies Association Prize for Best Book in the field of international relations; and he has co-edited *Inequality, Globalization and World Politics* (1999) and *Order and Justice in International Relations* (2003).

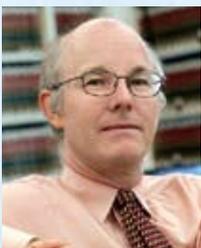
Hurrell will focus on emerging powers and global governance, using as examples two countries, Brazil and India, and three regimes: the World Trade Organization, nuclear proliferation, and climate change. The project will be informed by a broad historical examination of the processes by which Western ideas have been transposed into different national and regional contexts. He will examine and evaluate the sorts of international society norms and global governance practices that have been, or might be, pressed both by emerging powers and other social forces.

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**ROBERT KEOHANE** is a professor of international affairs at Princeton University. He has written *After Hegemony: Cooperation and Discord in the World Political Economy* (1984) and *Power and Governance in a Partially Globalized World* (2002). He won the 1989 Grawemeyer Award for Ideas Improving World Order and the 2005 Johan Skytte Prize in Political Science.

Keohane's scholarly research has focused on international regimes that regulate activities like world trade, accounting standards, and arms control. He has explored how our existing knowledge of the ways institutions operate effectively should influence the way designers of such institutions structure them. This topic will intersect with his work on accountability, legitimacy, and democracy in global governance.



**BENEDICT KINGSBURY** is Murry and Ida Becker Professor of Law, director of the Institute for International Law and Justice (IILJ), and director of the Program in the History and Theory of International Law at the NYU School of Law. He co-directs the IILJ's Global Administrative Law Research Project, a pioneering approach to issues of accountability, transparency, participation, and review in global governance.

Kingsbury will focus on developing and applying a theoretical account of the public law that should apply to global governance entities outside the state. This builds on his work with Richard Stewart on global administrative law. He will also research a second project concerning the production, use, and significance of indicators, particular quantitative ordinal rankings, as a technology of global governance. He will consider who participates in or should influence the production and use of particular indicators and how this power should be channeled and controlled.



**JAN KLABBERS** is a professor of international organizations law at Helsinki University and director of the Academy of Finland Centre of Excellence in Global Governance Research. His main publications include *The Concept of Treaty in International Law* (1996), *An Introduction to International Institutional Law* (2002), and *Treaty Conflict and the European Union* (2008).

Klabbers focuses on the problem of how to control the exercise of public power in international affairs. He aspires to develop a "constitutionalist" approach to public authority in global affairs that complements legal thought with virtue ethics and the character traits of those who exercise public power. He cites Martti Koskenniemi's "constitutionalism as mindset," Lon Fuller's "internal morality of law," and Onora O'Neill's approach of integrating principles with virtue as precedents.



**DAVID KRETZMER** is a professor emeritus of international law at Hebrew University of Jerusalem and a professor of law at the Transitional Justice Institute of the University of Ulster. His books include *The Occupation of Justice: The Supreme Court of Israel and the Occupied Territories* (2002), *The Concept of Human Dignity in Human Rights Discourse* (co-editor, 2002), and *The Legal Status of the Arabs in Israel* (2002).

Kretzmer, in collaboration with Eckart Klein of Potsdam University, will be working on a critical study of the U.N. Human Rights Committee. The two will review the development of the committee's work and evaluate its functions and role in the international monitoring and protection of human rights.



**DARYL LEVINSON** is Fessenden Professor at Harvard Law School, where he teaches and writes primarily about constitutional law and theory. He is a faculty fellow of the Harvard Project on Justice, Welfare, and Economics, and he won the 2008 Sachs-Freund Teaching Award at Harvard Law School.

Levinson will explore the relationship between international and constitutional law. Held up to the benchmark of domestic law, international law is commonly perceived as a distinctively dubious form of law. Constitutional law is seldom subject to similar doubts, though the features of international law that lead to questions about its legitimacy are shared by constitutional law. International and constitutional law's differences from ordinary domestic law follow from the distinctive aspiration of public law regimes to constrain the behavior of state institutions, and the difficulty they face in not being able to rely on these same state institutions for implementation and enforcement. Levinson will explore these difficulties and the resources available to overcome them.



**GIANLUIGI PALOMBELLA** is a professor of legal philosophy at the University of Parma. He received his Ph.D. at the Scuola Superiore di Pisa and has been Senior Professorial Fellow at the European Union Institute. He has authored several books, including *L'autorità dei diritti* (2002) and *Dopo la certezza* (2006). Recently, he

published “The Rule of Law, Democracy and International Law” and *Ratio Juris* (2007), and co-edited *Relocating the Rule of Law* (2009).

Palombella’s work will concern the rule of law as equilibrium between law-as-justice and law-as-power. He will explore the extent to which international rule of law, considered through global governance, provides for a noninstrumental and autonomous normativity irreducible to regulatory functions and teleology, how the public legality sphere is framed, and whether it should embody governance practices.



**BETH SIMMONS** is Clarence Dillon Professor of International Affairs and director of the Weatherhead Center for International Affairs at Harvard University. Her 2009 book, *Mobilizing for Human Rights: International Law in Domestic Politics*, provides quantitative and qualitative evidence that the ratification of several human rights treaties is associated with improvements in rights practices in countries around the world.

The first of Simmons’s two research projects will look at laws, processes, and institutions that have developed over the last two decades relating to the international arbitration of investment disputes between foreign multinational firms and host governments. One of the goals will be to assess the extent to which international arbitration is perceived as effective and legitimate. Simmons will also be launching a project on international cooperation to address transnational crime.

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**RICHARD STEWART** is a University Professor at New York University and director of the Hauser Global Law School Program and the Frank J. Guarini Center on Environmental and Land Use Law at the NYU School of Law. Stewart’s scholarship and teaching

focus on environmental law and policy and administrative law and regulation, including global administrative law and climate change regulation and finance. Stewart served as assistant attorney general for environment and natural resources at the U.S. Department of Justice, where he led the prosecution of Exxon for the *Exxon Valdez* oil spill. He was formerly chairman and currently serves as advisory trustee of the Environmental Defense Fund.

Stewart will be conducting research for a book on global administrative law. The book will include an overview of GAL development in response to the rise of global regulatory governance; an examination of GAL mechanisms of transparency, participation, reason-giving, and review; the adoption and role of mechanisms and norms in various global administrative bodies; and conceptual and normative foundations of GAL in relation to regulatory administrative efficacy, rights protection, global rule of law, global and domestic democracy, and global constitutionalism.

## TIKVAH FELLOWS



**YISHAI BEER** is a professor at the Hebrew University of Jerusalem Faculty of Law, specializing in taxation, and a major general in the Israel Defense Force, currently serving as a corps commander. He is a former president of the Israeli Military Court of Appeals. Beer has an M.A. from the London School of Economics and a Ph.D. from Hebrew University.



**SAUL BERMAN** is an associate professor of Jewish studies at the Stern College for Women at Yeshiva University and an adjunct professor of law at Columbia University School of Law. Rabbi Berman received an M.H.L. from Yeshiva University, an M.A. in political science from the University of California, Berkeley, and a J.D. from the NYU School of Law. He is a contributor to the *Encyclopedia Judaica*.



**BETH BERKOWITZ** is an associate professor of Talmud and Rabbinics at the Jewish Theological Seminary. She earned her Ph.D. from Columbia University and has held postdoctoral fellowships in Yale University’s Program in Judaic Studies and the University of Pennsylvania’s Center for Advanced Judaic Studies. Her book *Execution and Invention: Death Penalty Discourse in Early Rabbinic and Christian Cultures* (2006) won the Baron Prize for First Book in Jewish Studies.



**JAMES KUGEL** is the director of the Institute for the History of the Jewish Bible and chairman of the Bible Department at Bar Ilan University. His numerous books include *The Bible As It Was* (1997), *The Ladder of Jacob* (2006), and *How to Read the Bible: A Guide to Scripture, Then and Now* (2007).



**AVITAL MARGALIT** is a professor of property law and the sociology of law at Bar Ilan University Faculty of Law. Her research focuses on law and reconciliation, the social and cultural aspects of property relationships, and the legal history of the kibbutz.



**ADIEL SCHREMER** is an associate professor in the department of Jewish history and director of the Halpern Center for the Study of Jewish Self-Perception at Bar-Ilan University. He is a fellow at the Shalom Hartman Institute in Jerusalem. Schremer is a recipient of the Urbach Prize from the Jewish Memorial Foundation and the World Union for Jewish Studies. His publications include *Male and Female He Created Them: Jewish Marriage in Late Second Temple, Mishnah and Talmud Periods* (2003), and *Brothers Estranged: Heresy, Christianity, and Jewish Identity in Late Antiquity* (2009).



**AHARON SHEMESH** is an associate professor in the department of Talmud, Bar-Ilan University. He has published widely on the development of Jewish law, including *Punishments and Sins* (2003) and *Halakhah in the Making: From Qumran to the Rabbis* (2009).