

Prof. EYAL ZAMIR

LIST OF PUBLICATIONS

Books – Hebrew

1. STATE LAND IN JUDEA AND SAMARIA – THE LEGAL STATUS (The Jerusalem Institute for Israel Studies, Jerusalem, 1985) 75 pp., including Summary in English;
2. SALE LAW, 1968, in COMMENTARY ON LAWS RELATING TO CONTRACTS, G. Tedeschi, ed. (The Harry Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 1987) 867 + 43 pp.;
3. THE CONFORMITY RULE IN THE PERFORMANCE OF CONTRACTS (The Harry Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 1990) 465 pp.;
4. THE LEGAL STATUS OF LANDS ACQUIRED BY ISRAELIS BEFORE 1948 IN THE WEST BANK, GAZA STRIP AND EAST JERUSALEM (The Jerusalem Institute for Israel Studies, 1993, with E. Benvenisti) 320 pp., including appendices;
5. CONTRACT FOR SERVICES LAW, 1974, in COMMENTARY ON LAWS RELATING TO CONTRACTS, G. Tedeschi, ed. (The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 1994) 875 pp.;
6. BRIEF COMMENTARY ON LAWS RELATING TO PRIVATE LAW (The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 1994, with Prof. A.M. Rabello and Prof. G. Shalev) 488 pp.;
7. INTERPRETATION AND GAP FILLING IN CONTRACTS (The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 1996) 167 pp.;
8. BRIEF COMMENTARY ON LAWS RELATING TO PRIVATE LAW, 2d ed. (The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 1996, with Prof. A.M. Rabello and Prof. G. Shalev) 848 pp.;
9. PRIVATE PROPERTY IN THE ISRAELI-PALESTINIAN CONFLICT – CURRENT STATUS AND POSSIBLE SOLUTIONS (The Jerusalem Institute for Israel Studies, 1998, with E. Benvenisti) 86 pp.;
10. SALES (HOUSING) LAW, 1973, in COMMENTARY ON LAWS RELATING TO CONTRACTS founded by G. Tedeschi (The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 2002) 1092 pp.

Books – English

[LAW, ECONOMICS, AND MORALITY](#) (Oxford University Press, 2010) 376 pp. (with B. Medina).

Edited Books

1. THE DRAFT CIVIL CODE: A CRITICAL ANALYSIS, 36 MISHPATIM 183-909 (Guest ed. with I. Gilead and B. Medina, 2006);
2. THE JUDICIAL LEGACY OF AHARON BARAK (The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 2009, with C. Fassberg and B. Medina) 658 pp.

Articles - Hebrew

1. "Unreasonableness – A Ground for Judicial Intervention in Administrative Law," 12 MISHPATIM (The Students Law Review of the Hebrew University) 291-328 (1982);
2. "Comments on the *Gofen* Case," 35 HAPRAKLIT (Israeli Bar's Law Journal) 101-107 (1983);
3. "The Contractor's Liability as a Bailee – Policy Considerations," 17 IYUNEI MISHPAT (Tel Aviv University Law Review) 95-120 (1992);
4. "On the Distinction between an Employee and an Independent Contractor," 22 MISHPATIM 113-168 (1992);
5. "The 1990 Amendment to the Sale (Housing) Law – A Critical Analysis," 18 IYUNEI MISHPAT 201-234 (1993);
6. "Sub-Contracting: The Relationship between the Employer, the Contractor and the Sub-Contractor," MEHKAREI MISHPAT (Bar-Ilan University Law Review) 45-97 (1994);
7. "Legislative Proposals Relating to Contracts for Services," 26 MISHPATIM 97-168 (1995);
8. "Market Overt, Common Mistake, and Unjust Enrichment," 26 MISHPATIM 359-78 (1995);
9. "Toward Legislation of the Law of Brokerage," in ESSAYS IN MEMORY OF PROFESSOR GUIDO TEDESCHI 225-64 (A. Barak, I. Englard, A.M. Rabello & G. Shalev, eds., Jerusalem, 1996);
10. "Free Will, Economic Efficiency, and Equality in Exchange," 29 MISHPATIM 783-99 (1998);
11. "Trends in Contract Interpretation," in FIRST JUDGMENTS: REFLECTIONS UPON DECISIONS OF THE ISRAELI SUPREME COURT DURING THE FIRST YEAR OF ISRAEL'S INDEPENDENCE 95-101 (D. Barak-Erez, ed., Tel Aviv, 1999);
12. "The Bailees Law, 1967 and Its Interpretation" (Book Review of Shirley Renner, THE BAILEES LAW, 1967) ,” 30 MISHPATIM 393-424 (1999);
13. "The Theoretical Foundations of the Sales (Housing) Law," 30 MISHPATIM 459-512 (2000);
14. "Allocation of Common Parts in a Condominium to Individual Unit Owners," in ESSAYS IN HONOUR OF JOSHUA WEISMAN (D. Lewinsohn-Zamir & S. Lerner, eds., Jerusalem, 2002) 205-79;
15. "Remedies for Breach of Contract: Expectation Damages, Reliance Damages, Restitution of Unjust Enrichment, and Restoration of the Contractual Equivalence," 34 MISHPATIM 91-195 (2004);

16. "The Effect of Subsequent Expropriation on a Contract for the Sale of Land: Impossibility, Interpretation, or Transfer of Risk?," 35 *MISHPATIM* 331-57 (2005) (with T. Kricheli-Katz);
17. "The Regulation of Specific Contracts in the Draft Civil Code – A Critical Analysis," 36 *MISHPATIM* 531-593 (2006);
18. "Illegal Contracts and their Effect—Thirty Years Later," in [THE BOOK OF DANIEL](#): ESSAYS IN HONOR OF DANIEL FRIEDMANN (N. Cohen & O. Grosskopf, eds., Tel Aviv, 2007) 423-66;
19. "Integrative Legal Research," 4 *DIN U'DVARIM* (Haifa Law Review) 131-66 (2008);
20. "Justice Aharon Barak and Contract Law: Between Judicial Activism and Judicial Restraint, Between Freedom of contract and Social Solidarity, Between Adjudication and Academia," in [THE JUDICIAL LEGACY OF AHARON BARAK](#) (C.W. Fassberg, B. Medina & E. Zamir, eds., Jerusalem, 2009) 343-410;
21. "Law, Economics, and Deontological Morality – A Response to Ariel Porat," 41 *MISHPATIM* 439-453 (with B. Medina) (2011);
22. "Mistake and Deception in Contract Formation", in *THEODOR ORR BOOK* (A. Barak, O. Shaham & R. Sokol eds., forthcoming 2011) app. 40 pp.;
23. "Loss Aversion and the Marginality of the Disgorgement Interest", in *SHLOMO LEVIN BOOK* (E. Rivlin, A. Grunis & M. Karayanni, eds., forthcoming 2012);
24. "Further Thoughts on Contract Interpretation and Supplementation", *MISHPATIM* (forthcoming 2012).

Articles – English

1. "The Failure of the Remedy of Reduction in Israeli Law – Causes and Lessons," 23 *ISR. L. REV.* 469-505 (1989);
2. "Market Overt in the Sale of Movables: Israeli Law in a Comparative Perspective," 24 *ISR. L. REV.* 82-127 (1990);
3. "The Extent of Similarity Required between the Content of the Contract and its Performance," 25 *ISR. L. REV.* 187-218 (1991);
4. "Toward a General Concept of Conformity in the Performance of Contracts," 52 *LOUISIANA L. REV.* 1-90 (1991);
5. "European Tradition, The Conventions on International Sales and Israeli Contract Law," in *EUROPEAN LEGAL TRADITIONS AND ISRAEL* 499-511 (Jerusalem, 1994, A.M. Rabello, ed.);
6. "Private Claims to Property Rights in the Future Israeli-Palestinian Settlement," 89 *AMERICAN J. INTERNATIONAL LAW* 295-340 (1995) (with E. Benvenisti).
7. "The Inverted Hierarchy of Contract Interpretation and Supplementation," 97 *COLUMBIA L. REV.* 1710-1803 (1997);
8. "The Efficiency of Paternalism," 84 *VIRGINIA L. REV.* 229-86 (1998);
9. "The Missing Interest: Restoration of the Contractual Equivalence," 93 *VIRGINIA L. REV.* 59-138 (2007);
10. "Law, Morality, and Economics: Integrating Moral Constraints with Economic Analysis of Law," 96 *CALIFORNIA L. REV.* 323-91 (2008) (with B. Medina);

11. "Revisiting the Debate over Attorneys' Contingent Fees: A Behavioral Analysis," 38 [J. LEGAL STUD.](#) 245-88 (2010) (with I. Ritov);
12. "Notions of Fairness and Contingent Fees," 74 [LAW & CONTEMP. PROBLEMS](#) 1-32 (2011) (with I. Ritov);
13. "Law, Economics, and Morality: Response to Critiques," 3 [JRSLM. REV. LEGAL STUD.](#) 107-46 (2011) (with B. Medina);
14. "Loss Aversion, Omission Bias, and the Burden of Proof in Civil Litigation," *forthcoming* __ [J. LEGAL STUD.](#) __ (2012) (app. 30 pp.).

Others

1. "In Memoriam: Guido Tedeschi," in *ESSAYS IN MEMORY OF PROFESSOR GUIDO TEDESCHI: A COLLECTION OF ESSAYS ON JURISPRUDENCE AND CIVIL LAW* (A. Barak et al. eds., 1995);
2. "Introduction," in *THE JUDICIAL LEGACY OF AHARON BARAK* (C.W. Fassberg, B. Medina & E. Zamir, eds., Jerusalem, 2009) 1-11;
3. "Introduction," 36 *MISHPATIM* 183-98 (2006);
4. "The Attractiveness of Contingent Fees," 8 *ORECH HADIN* (Israeli Bar Journal) 76-79 (with I. Ritov) (2010);
5. "The Aharon Barak Center and Interdisciplinary Legal Research," *HALISHKA* (Jerusalem Bar Journal) (2011);
6. "How will the Law on Contract Interpretation be Intepreted?" 11 *ORECH HADIN* (Israeli Bar Journal) 98-101 (2011).