

**DAPHNA LEWINSOHN-ZAMIR**  
**List of Publications**

**I Doctoral Thesis**

“Uncompensated Injuries to Land Caused by Actions of Planning Authorities”, under the supervision of Prof. Joshua Weisman, 1994 (book # 2).

**II Books**

1. *Breach of Statutory Duty*, 2nd ed, in *The Law of Civil Wrongs – The Particular Torts*, G. Tedeschi ed. (The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 1989) 96 pp., in Hebrew;
2. *Injuries to Land Caused by Planning Authorities* (The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 1994) 542 pp., in Hebrew. The chapter on “Expropriation of Land Without Compensation” was reprinted in *Land Law in Israel: Between Private and Public*, H. Dagan ed., (Ramot Publishing Co., Tel-Aviv, 1999) 139-188;
3. *The Psychology of Property Law* (with Stephanie Stern; forthcoming 2020 in NYU Press; as part of the series *Law and Psychology*).

**III Edited Books**

4. *Essays in Honor of Joshua Weisman* (Co-Edited with Shalom Lerner, The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 2002) 604 pp., in Hebrew.

**IV Chapters in Books**

1. “Indirect Injury to Land Caused by Plans – Transferring the Burden of Compensation from the Public Sector to the Private Sector”, in *Essays in Memory of Professor Guido Tedeschi* 361-400 (I. Englard, A. Barak, M.A. Rabello & G. Shalev eds., The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 1995, in Hebrew);
2. “Constitutional Protection of Property Rights and Expropriation Law”, in *Developments in European, Italian and Israeli Law* 101-112 (A.M. Rabello & A. Zanotti eds., giuffre` editore, 2001);
3. “Constitutional Protection of Property in Land and the Law of Expropriation”, in *Essays in Honour of Joshua Weisman* 375-405 (The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 2002, in Hebrew);
4. “The Curtailment of the Claim of Adverse Possession in Land – A Critical Analysis”, in *Essays in Memory of Professor Menashe Shava* 181-204 (A. Barak & D. Friedmann eds., Ramot Publishing Co., Tel-Aviv, 2006, in Hebrew);
5. “Advocating the Protection of Entitlements through Property Rules”, in *Daniel Friedmann Book* 197-219 (N. Cohen & O. Grosskopf eds., Nevo Publishing Co., 2008, in Hebrew);

6. “Indirect Remedies in Private Law”, in *Essays on Law in Honour of Avigdor V. Levontin* 281-315 (C. Wasserstein-Fassberg, B. Medina & J. Weisman eds., 2013, in Hebrew);
7. “Behavioral Law and Economics of Property Law: Achievements and Challenges”, in *The Oxford Handbook of Behavioral Economics and the Law* 377-404 (E. Zamir & D. Teichman eds., Oxford University Press, 2014);
8. “What Behavioral Studies Can Teach Jurists about Possession and Vice Versa”, in *Law and Economics of Possession* 128-148 (Y. Chang ed., Cambridge University Press, 2015).

## V Articles

9. “The Defense of Fair Use in Copyright”, 16 *Mishpatim* (The Students’ Law Review of the Hebrew University) 430-461 (1987, in Hebrew);
10. “Economic Considerations in the Protection of Inventions”, 19 *Mishpatim* 143-184 (1989, in Hebrew);
11. “Transplantation from Living Body: Experience and Problems in Israel”, 38 *HaPraklit* (Israeli Bar’s Law Journal) 300-306 (1989, in Hebrew);
12. “Development Agreements and Conditions in Building Permits – A Substitute for Formal Planning Processes?” 28 *Israel Law Review* 57-135 (1994);
13. “Compensation for Injuries to Land Caused by Planning Authorities: Towards a Comprehensive Theory”, 46 *University of Toronto Law Journal* 47-127 (1996);
14. “The ‘Conservation Game’: The Possibility of Voluntary Cooperation in Preserving Buildings of Cultural Importance”, 20 *Harvard Journal of Law and Public Policy* 733-789 (1997);
15. “Consumer Preferences, Citizen Preferences, and the Provision of Public Goods”, 108 *Yale Law Journal* 377-406 (1998);
16. “On the Protection of Landowners from Harsh Effects of Partial Expropriations”, 30 *Mishpatim* 377-392 (1999, in Hebrew);
17. “Distributive Implications of Buildings’ Preservation, The Appropriate Compensation Rules, and Transferable Development Rights”, 31 *Mishpatim* 11-96 (2000, in Hebrew);
18. “Contemporary Property Law Scholarship: A Comment”, 2 *Theoretical Inquiries in Law* 97-105 (2001);
19. “The Choice Between Property Rules and Liability Rules Revisited: Critical Observations from Behavioral Studies”, 80 *Texas Law Review* 219-260 (2001); Reprinted in *Classification of Private Law: Bases of Liability and Remedies* (C. Wasserstein-Fassberg & I. Gilead eds.) 105-157 (2003);
20. “Reparcellation Plans as a Means to Frustrate the Right to Reclaim Expropriated Land”, 26 *Tel Aviv University Law Review* 985-1009 (2003);
21. “The Objectivity of Well-Being and the Objectives of Property Law”, 78 *NYU Law Review* 1669-1754 (2003);
22. “The Impact of Economic Theory on the Israeli Case Law on Property”, 39 *Israel Law Review* 5-38 (2006);

23. “The Civil Codification – Select Issues in Property Conflicts”, 36 *Mishpatim*, 663-691 (2006, in Hebrew);
24. “In Defense of Redistribution Through Private Law”, 91 *Minnesota Law Review* 326-397 (2006);
25. “More is Not Always Better than Less – An Exploration in Property Law”, 92 *Minnesota Law Review* 634-713 (2008);
26. “Identifying Intense Preferences”, 94 *Cornell Law Review* 1391-1458 (2009);
27. “The Questionable Efficiency of the Efficient Breach Doctrine”, 168 *Journal of Institutional and Theoretical Economics* 5-26 (2012);
28. “Taking Outcomes Seriously”, 2012 *Utah Law Review* 861-902;
29. “Can’t Buy Me Love: Monetary versus In-Kind Remedies”, 2013 *University of Illinois Law Review* 151-194;
30. “Do the Right Thing: Indirect Remedies in Private Law”, 94 *Boston University Law Review* 55-103 (2014);
31. “The Importance of Being Earnest: Two Notions of Internalization”, 65 *University of Toronto Law Journal* 37-84 (2015);
32. “It’s Now or Never! Using Deadlines as Nudges”, 42 *Law & Social Inquiry* 769-803 (2017) (with Eyal Zamir & Ilana Ritov; online from 12.5.16);
33. “Law and Identifiability”, 92 *Indiana Law Journal* 505-555 (2017); (with Ilana Ritov & Tehila Kogut);
34. “What’s in a Name? The Disparate Effects of Identifiability on Offenders and Victims of Sexual Harassment” (with Netta Barak-Corren; *forthcoming* 2019 in *Journal of Empirical Legal Studies*).

### **Work in Progress**

1. “The Curse of Success” (with Katya Assaf);
2. “Giving Reasons”.