

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* 2019 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).

Work in Progress

1. “What’s in a Name? The Disparate Effects of Identifiability on Offenders and Victims of Sexual Harassment” (with Netta Barak-Corren);
2. “The Curse of Success” (with Katya Assaf);
3. “Giving Reasons”.