**The Genesis of Israeli Law**

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| Aburabia, Rawia. "Family, Nation Building, and Citizenship: The Legal Representation of Muslim Women in the Ban Against the Bigamy Clause of 1951." *Journal of Law and Religion* 34(3) (2019): 310-331.  Alyagon Darr, Orna. "Proving Rape: Were the Reforms Successful in Uprooting the Rape Myths?" *Mishpatim: The Hebrew University Law Journal* 50 (2020): 131-187 (Hebrew).  Barak, Aharon. "The Codification of Civil Law and the Law of Torts." *Israel Law Review* 24(3-4) (1990): 628-650. [Also published in Hebrew (*Mishpatim: The Hebrew University Law Journal* 19(4) (1990): 631-646)]. |
| Barak, Aharon and Tana Spanic eds. *In Memoriam Uri Yadin – Volume 1*. Tel Aviv: Bursi (1990) (Hebrew and English). |
| Barak-Erez, Daphne. "Women and Law in Israel: From British Mandate to Statehood." In Eyal Katvan, Margalit Shilo and Ruth Halperin-Kaddari eds. *One Law for Man and Woman: Women, Rights and Law in Mandatory Palestine*. Ramat-Gan: Bar-Ilan University Press (2010): 547-557 (Hebrew). |
| –––––. *Outlawed Pigs: Law, Religion, and Culture in Israel*. Madison: University of Wisconsin Press (2007). |
| –––––. "The Transformation of the Pig Laws: From a National Symbol to a Religious Interest?" *Mishpatim: The Hebrew University Law Journal* 33(2) (2003): 403-475 (Hebrew). |
| –––––. *Milestone Judgments of the Israeli Supreme Court*. Tel Aviv: Defense Ministry (2003) (Hebrew). |
| –––––ed. *First Judgments: Reflections upon Decisions of the Israeli Supreme Court During the First Year of Israel's Independence*. Tel Aviv: Hakibbutz Hameuchad (1999) (Hebrew). |
| Bareli, Avi and Nir Kedar. *Israeli Republicanism*. Jerusalem: The Israel Democracy Institute (2011) (Hebrew). |
| Barzilai, Gad. "Constitutionalism of Nation-Building, Deconstruction of Legal Justice: A Perspective on Legal Research and Writing in Israel." *Tel Aviv University Law Review* 40 (2017): 471-492 (Hebrew). |
| Bentwich, Norman. *The Fourth Year of Israel*. London: The Fortnightly Review (1952).  Bisharat, George E. "Land, Law, and Legitimacy in Israel and the Occupied Territories." *American University Law Review* 43(2) (1994): 467-561. |
| Braudo-Bahat, Yael. "The Involvement of Israeli Women's Organizations in the Enactment of the Spouses (Property Relations) Law During 1948-1973: The Forgotten Struggle." *Mishpat Umimshal: Law and Government in Israel (Haifa Law Review)* 15(1-2) (2013): 27-89 (Hebrew). |
| Brun, Nathan. *Law, Emotions and Politics: Judges and Lawyers Between the British Mandate and the State of Israel*. Tel Aviv: Steimatzky (2014) (Hebrew). |
| –––––. "A Judge in Distress: The Appointment of Schneor Zalman Cheshin to the Supreme Court of Israel in 1948." *Zmanim: A Historical Quarterly* 93 (2006): 82-94 (Hebrew). |
| –––––. "The 'Secret Document on Judges' Affaire: Another Look at the Establishment of the Judicial System in 1948." *Cathedra* 115 (2005): 195-216 (Hebrew).  Chen, Ofer. "Judaism as a Cultural and National Identity in the Teachings of Judge Moses Zilberg, 1948-1970." *Israel: Studies in Zionism and the State of Israel History, Society, Culture* 26(2020): 173-190 (Hebrew).  Doron, Abraham. "National Health Insurance and the Medical Profession: The Struggles in the Early 1950s." *Iyunim Bitkumat Israel* 6 (1996): 250-270 (Hebrew). |
| Friedmann, Daniel. *Before the Revolution: Law and Politics in the Age of Innocence*. Tel Aviv: Miskal - Yedioth Ahronoth Books and Chemed Books (2015) (Hebrew). |
| –––––. "Infusion of the Common Law into the Legal System of Israel." *Israel Law Review* 10(3) (1975): 324-377. |
| Harris, Ron. "History and Sources." In Christian Walter, Barak Medina, Lothar Scholz and Heinz-Bernd Wabnitz eds. *The Israeli Legal System*. Baden-Baden: Nomos Verlagsgesellschaft (2019): 15-26.  –––––. *The Israeli Law – The Formative Years: 1948-1977*. Tel Aviv: Hakibbutz Hameuchad (2014) (Hebrew). |
| –––––. "Absent-Minded Misses and Historical Opportunities: Jewish Law, Israeli Law and the Establishment of the State of Israel." In Mordechai Bar-On and Zvi Zameret eds*. Religion and State in Israel, 1948-1967*. Jerusalem: Yad Izhak Ben-Zvi (2002) (Hebrew). |
| Harris Ron, Assaf Likhovski and Alexandre (Sandy) Kedar. "Between Law and History: On the Historiography of Israeli Law." *Tel Aviv University Law Review* 26(2) (2002): 351-389 (Hebrew). |
| Inbar, Zvi. "The Military Advocate General Corps and the Occupied Territories." *IDF Law Review* 16 (2002): 149-159 (Hebrew). |
| Jiryis, Sabri. "The Legal Structure for the Expropriation and Absorption of Arab Lands in Israel." *Journal of Palestine Studies* 2(4) (1973): 82-104. |
| Kamir, Orit. "The Declaration Has Two Faces: The Interesting Story of the 'Zionist Declaration of Independence' and the 'Democratic Declaration of Independence.'" *Tel Aviv University Law Review* 23(2) (2000): 473-538 (Hebrew). |
| Kark, Ruth. "Planning, Housing and Land Policy 1948-1952: The Formation of Concepts and Governmental Frameworks." In S. Ilan Troen and Noah Lucas eds. *Israel: The First Decade of Independence*. Albany: State University of New York Press (1995): 461-494. |
| Karp, Yehudit. "The Legal Council: A Legislative Genesis." In Aharon Barak and Tana Spanic eds. *In Memoriam Uri Yadin – Volume 2.* Tel Aviv: Bursi (1990): 209-255 (Hebrew). |
| Kedar, Alexandre (Sandy). "The Jewish State and the Arab Possessor, 1948-1967." In Ron Harris, Alexandre (Sandy) Kedar, Assaf Likhovski and Pnina Lahav eds. *The History of Law in a Multi-Cultural Society: Israel 1917-1967*. Aldershot: Ashgate (2002): 311-379. |
| Kedar, Nir. *Blue and White Law: Identity and Law in Israel: A Century-Long Polemic*. Sede Boker: The Ben-Gurion Research Institute for the Study of Israel and Zionism, Ben-Gurion University of the Negev; Raanana: The Open University of Israel Press; Tel Aviv: The David Berg Foundation Institute for Law and History, Tel Aviv University (2017) (Hebrew). |
| –––––. "Israeli Democracy, the Rule of Law and Judicial Independence in the First Years of the State." In Allon Gal (Goldberg), Gershon Bacon, Moshe Lissak and Pnina Morag-Talmon eds. *In the Democratic Way: On the Historical Sources of the Israeli Democracy*.Sede Boker: The Ben-Gurion Research Institute for the Study of Israel and Zionism, Ben-Gurion University of the Negev (2012): 528-560 (Hebrew). |
| –––––. "New Perspectives on the Foundation of Israeli Legal System." *Israel: Studies in Zionism and the State of Israel – History, Society, Culture* 11 (2007): 1-29 (Hebrew).  Khamaisi, Rassem. "Land Ownership as a Determinant in the Formation of Residential Areas in Arab Localities." *Geoforum* 26(2) (1995): 211-224. |
| Klinghoffer, Hans. "On Emergency Regulation in Israel." In Haim H. Cohn ed. *The Jubilee Book of Pinhas Rosen*. Jerusalem: The Hebrew University of Jerusalem Students Union (1962): 86-121 (Hebrew). |
| Lahav, Pnina. "The First Decade of Israeli Law." In David Cheshin et al. eds. *The Courts of Law: Fifty Years of Adjudication in Israel*. Tel Aviv: The Ministry of Defense and Administration of Courts (1999): 20-23 (Hebrew). |
| –––––. *Judgment in Jerusalem: Chief Justice Simon Agranat and the Zionist Century*. Berkeley: University of California Press (1997). [Also published in Hebrew (Tel Aviv: Am Oved (1999))]. |
| –––––. "The Formative Years of Israel's Supreme Court: 1948-1955." *Tel Aviv University Law Review* 14(3) (1989): 479-501 (Hebrew). [Also published in English ("The Supreme Court of Israel: Formative Years, 1948-1955." *Studies in Zionism* 11(1) (1990): 45-66)]. |
| Likhovski, Assaf. *Tax Law and Social Norms in Mandatory Palestine and Israel*. Cambridge: Cambridge University Press (2017). |
| –––––. "The Ottoman Legacy of Israeli Law." *Annales de la Faculté de Droit d'Istanbul* 39 (2007): 71-86. |
| –––––. "Between Two Worlds: The Legacy of the Mandatory Legal System and the Early Israeli Legal System." In Yehoshua Ben Arieh ed. *Jerusalem and the British Mandate*. Jerusalem: Yad Izhak Ben-Zvi (2003): 253-286 (Hebrew). |
| –––––. "Civil Rights in the Supreme Court: Bezerano v. Police Minister." In Daphne Barak-Erez ed. *First Judgements: Reflections upon Decisions of the Israeli Supreme Court*. Tel Aviv: Hakibbutz Hameuchad (1999): 129-132 (Hebrew). |
| –––––. "Between 'Mandate' and 'State': Re-thinking the Periodization of Israeli Legal History." *Mishpatim: The Hebrew University Law Journal* 29(3) (1998): 689-721 (Hebrew). [Also published in English *(Journal of Israeli History* 19 (1998): 39-68)]. |
| Likhovski, Eliahu S. *Israel's Parliament: The Law of the Knesset*. Oxford: Clarendon Press (1971).  Lurie, Guy.""A Police for the Natives": The History of the Establishment of the Police Prosecution." *Police & History* 1 (2019): 119-149 (Hebrew). |
| Malchi, Eliezer. *The History of the Law of Palestine*. Tel Aviv: Dinim (1953) (Hebrew).  Manna, Adel. *Nakba and Survival: The Story of the Palestinians Who Remained in Haifa and the Galilee, 1948-1956*. Tel Aviv: Van Leer Institute Press (2017) (Hebrew). |
| Mautner, Menachem. *Law and the Culture of Israel*. Oxford: Oxford University Press (2011).  Naor, Arye. "Jabotinsky’s Constitutional Guidelines for Israel." *Iyunim Bitkumat Israel: The Themati​​c Series: In The Eye of the Storm* (2004): 51-92 (Hebrew). |
| Rackman, Emanuel. *Israel's Emerging Constitution, 1948-1951*. New York: Columbia University Press (1955). |
| Radzyner, Amihai. "The Irish Influence on the Israeli Constitution Proposal, 1948." In Eoin Carolan ed. *The Constitution of Ireland: Perspectives and Prospects*. Dublin: Bloomsbury (2012): 69-89. |
| –––––. "Forgotten Basic Elements in 'The Law and Administration Ordinance' and the Covert Struggle over Religion and State in Israel." *Cathedra* 136 (2010): 121-150 (Hebrew). |
| –––––. "A Constitution for Israel: The Design of the Leo Kohn Proposal, 1948." *Israel Studies* 15(1) (2010): 1-24. |
| Radzyner, Amihai and Shuki Friedman. *The Religious Community and the Constitution: What Can History Teach Us? Research Paper No. 69*. Jerusalem: The Israel Democracy Institute (2006) (Hebrew). |
| –––––. "The Israeli Legislator and Hebrew Law: Haim Cohn Between Tomorrow and Yesterday." *Tel Aviv University Law Review* 29(1) (2005): 167-244 (Hebrew). |
| Rosenhek, Zeev. "Inclusionary and Exclusionary Dynamics in the Israeli Welfare State: State Building and Political Economy." In Hanna Herzog, Tal Kochavi and Shimshon Selniker eds. *Generations, Locations, Identities: Contemporary Perspectives on Society and Culture in Israel*. Jerusalem: Van Leer Institute Press and HaKibbutz Hameuchad (2007): 317-349 (Hebrew). |
| Rosenne, Shabtai. "Revisiting Some Legal Aspects of the Transition from Mandate to Independence, December 1947 *–* 15 May 1948." In Alfred. E. Kellerman, Kurt Siehr and Talia Einhorn eds. *Israel among the Nations*. The Hague: Kluwer Law International (1999): 311-342. |
| Rozin, Orit. *A Home for All Jews: Citizenship, Rights and National Identity in the New Israeli State*. Waltham: Brandeis University Press (2016). |
| –––––. "Forming a Collective Identity: The Debate over the Proposed Constitution, 1948-1950." *Journal of Israeli History* 26(2) (2007): 251-271. |
| Rubinstein, Amnon and Barak Medina. *The Constitutional Law of the State of Israel Book – Volume 2*. Jerusalem: Schocken (1996) (Hebrew). |
| Rubinstein, Elyakim. "The Stages of the Supreme Court's Establishment in 1948." In Zvi Zameret and Hanna Yablonka eds. *The First Decade: 1948-1958*. Jerusalem: Yad Izhak Ben-Zvi (1998): 87-98 (Hebrew). |
| –––––. *Judges of the Land: On the Beginnings and Characteristics of the Supreme Court of Israel*. Jerusalem: Schocken (1980) (Hebrew). |
| –––––. "From Yishuv to a State: Institutions and Parties." In Benjamin Eliav ed. *The Yishuv During the National Home, 1917-1948*. Jerusalem: Keter (1976): 129-284 (Hebrew). |
| Sagy, Yair. "Under the Shadow of the Constitutional Revolution? Revisiting Israel’s Founding Moments." In Richard Albert, Menaka Guruswamy, and Nishchal Basnyat eds. Founding Moments in Constitutionalism. Oxford: Hart Publishing (2019): 113-132.  –––––. "Supreme Authority: On the Establishment of the Supreme Court of Israel." *Mishpatim: The Hebrew University Law Journal* 44(1) (2013): 7-87 (Hebrew). |
| –––––. "For the Administration of Justice: On the Establishment of the High Court of Justice of Israel." *Tel Aviv University Law Review* 28(1) (2004): 225-297 (Hebrew). |
| –––––. *The Arctic to the Equator: The Establishment of the Supreme Court During the British Mandate* (2002) (unpublished M.A. thesis, Tel Aviv University) (Hebrew). |
| Salzberger, Eli M. and Fania Oz-Salzberger. "The Hidden German Origins of the Israeli Supreme Court." In Daniel Gutwein and Menachem Mautner eds. *Law and History*. Jerusalem: The Zalman Shazar Center for Jewish History (1999): 357-394 (Hebrew). |
| Sandberg, Haim. *Land Settlement in Eretz-Israel and the State of Israel*. Jerusalem: The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, The Hebrew University of Jerusalem (2000) (Hebrew). |
| Segal, Ze'ev. "The Supreme Court's Decisions During the First Year of Its Existence." In Zvi Zameret and Hanna Yablonka eds. *The First Decade: 1948-1958*. Jerusalem: Yad Izhak Ben-Zvi (1998): 99-104 (Hebrew). |
| Segev, Tom. *1949* *– The First Israelis*. Jerusalem: Domino (1984) (Hebrew). |
| Shachar, Yoram. "Jefferson Goes East: The American Origins of the Israeli Declaration of Independence." *Theoretical Inquiries in Law* 10(2) (2009): 589-618. |
| –––––. "Israel as a Two-Parent State: The Hebrew Yishuv and the Zionist Movement in the Declaration of Independence." *Zmanim: A Historical Quarterly* 98 (2007): 32-45 (Hebrew). |
| –––––. "The Early Drafts of the Declaration of Independence of the State of Israel." *Tel Aviv University Law Review* 26(2) (2002): 523-600 (Hebrew). |
| –––––. "The Diary of Uri Yadin." *Tel Aviv University Law Review* 16(3) (1991): 537-557 (Hebrew).  Shehadeh, Raja. "The Land Law of Palestine: An Analysis of the Definition of State Lands." *Journal of Palestine Studies* 11(2) (1982): 82-99. |
| Shetreet, Shimon. *On Adjudication: Justice on Trial*. Tel Aviv: Miskal - Yedioth Ahronoth Books and Chemed Books (2004) (Hebrew). |
| Shinar-Levanon, Ofer. *The Ethos of the Israeli-Palestinian Conflict as Reflected by the Judgments of the Israeli Supreme Court 1948-2006* (2015) (unpublished Ph.D. dissertation, The Hebrew University of Jerusalem).  Stern, Rephael G. "Legal Liminalities: Conflicting Jurisdictional Claims in the Transition from British Mandate Palestine to the State of Israel." *Comparative Studies in Society and History* 62 (2020): 359-388. |
| Strum, Philippa. "The Road Not Taken: Constitutional Non-Decision Making in 1948-1950, and Its Impact on Civil Liberties in Israel." In S. Ilan Troen and Noah Lucas eds. *Israel: The First Decade of Independence*. Albany: State University of New York Press (1995): 83-104.  Tauber, Eliezer. "The Role of Canadian Justice Rand in UNSCOP." *Iyunim Bitkumat Israel* 8 (1998): 49-77 (Hebrew). |
| Trachtenberg, Ella, Alexandre (Sandy) Kedar and Deborah Shmueli. "The Reflection of the Israeli ‘Incorporation Regime’ in the Land Allocation Institution in Israel’s Urban Area, 1950-1960." *Middle Eastern Studies* 53(4) (2017): 585-608. |
| Trachtenberg, Ella, Alexandre (Sandy) Kedar and Deborah Shmueli. "The Development Authority and the Formative Years of the Israeli Land Regime." *Journal of Israeli History* 35(2) (2016): 215-243. |
| Tzimerman, Nadia and Yair Sagy. "On the Sources of Section 33 of the Petroleum Act." *Tel Aviv University Law Review* 38(1) (2015): 51-95 (Hebrew). |
| Weitz, Yosef. *The Struggle for the Land*. Tel Aviv: Lion the Printer (1950) (Hebrew). |
| Wilkenfeld, Harold C. *Taxes and People in Israel*. Cambridge, MA: Harvard University Press (1973). |
| Yahel, Havatzelet and Ruth Kark. "Land and Settlement of Israel’s Negev Bedouin: Official (Ad Hoc) Steering Committees, 1948-1980." *British Journal of Middle Eastern Studies* 45(5) (2018): 716-741. |
| –––––. "Israel Negev Bedouin During the 1948 War: Departure and Return." *Israel Affairs* 21(1) (2015): 48-97. |