

## Curriculum Vitae and List of Publications

### Curriculum Vitae

#### Personal Details

- Name: *Eli Mordechai Salzberger*
- Place and Date of Birth: *Jerusalem, 12 March 1960.*
- Marital Status: *Married (wife - Prof. Fania Oz-Salzberger, Professor at Monash University, Melbourne and Senior Lecturer at the University of Haifa) with twin Sons (13 years old).*
- Citizenship: *Israeli. Passport number: 10712293*
- Permanent Home Address: *44a Wingate Street, Zichron-Yaakov Israel 30900,*
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#### Higher Education

- 1982-1983 - *During military service - a part time student of Social Science at Tel-Aviv University.*
- 1983-1987 - *LL.B. in Law at The Hebrew University of Jerusalem. Final grade: 89 (first in a class of 120). Completed also all course requirements towards a B.A. in Economics.*
- 1987-1988 - *During the "Stage" (professional training) enrolled in a direct program towards Ph.D. at the Hebrew University.*
- 1988-1993 - *D.Phil studies at Lincoln College, Oxford University. (examination passed in April 1993, graduation July 1993).*

#### Academic Positions and Tenure in Institutions of Higher Education

- 1985-1988 - *The Hebrew University Law Faculty: teaching assistant of Profssors Gavison, Zamir and Heshin ("The Legal Process") and of Prof. Harnon ("Evidence Law").*
- 1989-1992 - *Lincoln College, Oxford, Senior Scholar.*
- 1991 - *John M. Olin Visiting Scholar at the University of California at Berkeley.*
- 1993 - **Lecturer** *at the Faculty of Law, Haifa University*
- 1994/5 - *Visiting Lecturer at the Law Faculty, the Hebrew University of Jerusalem.*
- 1996 - *Visiting Professor at Villanova University School of Law*
- 1996/7 - *Visiting Lecturer at the Law Faculty, Tel Aviv University*
- 1998 - *Visiting Lecturer at the Law Faculty, the Hebrew University of Jerusalem*
- 1998 - *Head (jointly with Prof. Arye Rattner) of the Centre for the Study of Crime, Law and Society, University of Haifa.*
- 1999 - **Senior lecturer and tenure** *at the University of Haifa*
- 2000 - *Visiting Professor, Humboldt University, Berlin*

- 2004 - *Visiting Professor at Connecticut Law School*
- 2004 - ***Professor** at the University of Haifa*
- 2005 - *Visiting Professor, University of New South Wales, Sydney, Australia*
- *Visiting Professor and interim director of the Graduate School in Law and Economics, Hamburg University*
- 2006 - *Visiting Professor, The Institute for Advanced Studies, Goerlitz, Germany*
- 2007 - *Visiting Professor, Faculty of Law, University of Utrecht, The Netherlands*
- 2008 - *Visiting Professor, Bucerius Law School, Hamburg*

#### Offices in University Academic Administration

- *University Senate member (1995-1998, 2001-2004, 2005-)*
- *Member of the University Board of Governors (from 2006)*
- *Member of the Senate search committee towards the Rector's election (1997, 2003, 2004)*
- *Member of the University student disciplinary appeal tribunal (1994-1999)*
- *Member of the University ethics committee and the sub-committees for human research and academic integrity (1996-2004)*
- *Member of a the University special committee to assess the regulation of political speech on campus (1997)*
- *Member of the university committee for agreements with foreign universities (from 1998)*
- *Member of the University Graduate Studies Council (2001-2005)*
  
- *Director of the Law Faculty program in philosophy and law (1994-1997) and Director of the Faculty of Law program in business administration and law (1996-7, 2000)*
- *The Faculty of Law representative in the Master Erasmus program in Law and Economics.*
- *Head of the Master program of the Faculty of Law (2002-2005)*
- *Elected Vice Dean (2002-2005)*
- ***Dean** of the Faculty of Law (from 2005)*

#### Scholarly Positions and Activities Outside the University

- 1984-1988 - *The Association for Civil Rights in Israel: coordinator of the Jerusalem branch of the Association and West Bank committee member. 1987-1988 - an elected member of the board of directors.*
- 1987-1988 - *Legal Practice: practice prior to Bar examination ("Stage") at the Supreme Court of Israel, under the supervision of Justice Aharon Barak, and at the Attorney General office, under the supervision of Deputy Attorney General Dorit Beinisch. Passed Israeli Bar exams (1988).*
- 1989-1990 - *Oxford University: M.C.R committee member and Treasurer*
- 1991 - *Organized and chaired the Oxford Law Faculty Graduate Seminar in Comparative Constitutional Law.*
- 1995-2001 - *Elected member of the steering committee of the European Association of Law and Economics (re-elected every year)*
- 1997ff - *Appointed Israeli representative of the board of the Erasmus Postgraduate program in Law and Economics*

- 1997-1999 - *Head of the legal ethics program at the Centre for Ethics in Mishkenot Sha'ananim established by the Jerusalem Foundation in co-operation with Brandeis University.*
- 2000ff - *Member of the public council of the Israeli Democracy Institute*
- 2001-2005 - *Member of the Ministry of Education's monitoring board for citizenship (Ezrachoot) subject*
- 2001ff - *Member of the board of the European Mundus Master in Law and Economics*
- 2001ff - *Member of the advisory committee of the European Association for Law and Economics*
- 2004- - *Member of Ministry of Justice Committee for Revisions in Performers Rights Law*
- 2004-05 - *President, The Israeli Law and Economics Association*
- 2007-8 - *Vice President of the European Association for Law and Economics*
- 2008 - **President** of the European Association for Law and Economics

Active Participation in Scholarly Conferences (selection)

<u>Conference</u>	<u>Place and Date</u>	<u>Title of Paper</u>
The British Socio-Legal Studies Association	Leicester, 1991	The Independence of the Judiciary in an Economic Analysis of Law Perspective: English Court of Appeal
Conference of Security and Co-operation in Europe University Forum	Helsinki, 1992	Freedom of Religion: Conceptual issues And implications
The European Association of Law Economics Annual Conference	London, 1992	Why do we have an Independent Judiciary
The European Association of Law Economics Annual Conference	Lund, 1993	Discussant of the paper: "Endogenous Policy Formation and the Principle of Optimal Obfuscation"
Conference on the Attorney General of Israel	Tel Aviv University, 1995	The Attorney General and the Doctrine of Separation of Powers
The annual conference of the Israeli Historical Society	Haifa University, 1995	The German Origins of the Israeli Supreme Court
The Annual Conference of the Israeli Sociology Association	Beit Berl, 1996	The German Origins of the Israeli Supreme Court
A Conference on Emotions	Haifa University, 1996	Emotions and the law
The European Association of Law Economics Annual Conference	Haifa University, 1996	Judicial Independence: Some Evidence from the English Court of Appeal
The International Conference of the Law and Society Association	Glasgow, 1996	Legal Culture in Israel: The German Impact on the Israeli Supreme Court
German-Israeli Comparative Legal Cultures Conference	Tel Aviv University, 1997	The hidden German Accent of the Israeli Legal System (together with Dr. Fania Oz-Salzberger)
Ethics, Law and Communication in the Age of Political Violence and Extremism	Haifa University, 1997	Rethinking freedom of expression
Conference on Israeli Legal History	Haifa University, 1997	Historical Sketch of Freedom of Speech in Israel: A Near-Certain Danger?" (together with Dr. Fania Oz-Salzberger)
50 Years of Israel's Legal System	Tel Aviv University, 1997	The 1948 Cases of Ziv and Lion: Three Remarks

A Constitution for Israel After the Constitutional Revolution	Haifa University, 1998	The Need for a Constitution: Philosophic Perspectives
The European Association of Law Economics Annual Conference	Utrecht University, 1998	Economic Analysis of Cyberspace (together with Dr. Niva Elkin-Koren)
The Law in the next 50 Years	Bar Ilan University, 1999	The Israeli Supreme Court: From a Fox to a Hedgehog
Erasmus Conference in Law and Economics	Hamburg University, 1999	Challenges Posed by Cyberspace to the Law and Economics Approach
Ethics, Esthetics and the Law	Haifa University, 1999	Organizer of the conference and paper "The Israeli Jurists Conspiracy: On the Israeli Supreme Court and its Relations to the Supreme Court"
The Functions of Constitutions	Malta, 1999	The Independence of the Judiciary: Some Theoretical Remarks and the case of Israel
Legal Realism and Empirical Research in Law	Haifa University, 1999	Organizer of the conference and paper: "Judicial Decision-Making: The Case of the Israeli Supreme Court" (with Prof. Arye Rattner)
The European Association of Law Economics Annual Conference	Milano 1999	The Economic Analysis of Unjust Enrichment (together with Niva Elkin-Koren)
Constitutions in Transition	The Institute for Advanced Studies, Berlin, 2000	On the Delegation of powers in Central and Eastern Europe (together with Prof. Stefan Voigt)
The international Association of Political Science - Judiciary – Judiciary studies	Peyresq, France, 2000	The Independence of the Judiciary: English and Israeli Comparative Empirical Findings and Theoretical Reflections
Economic analysis of Constitutional choice	Tel Aviv university, 2000	Constitutional choice in Israel and Central and Eastern Europe (together with Stefan Voigt)
The Supreme Court of Israel	Bar Ilan University, 2001	Temporary appointments in the Israeli Supreme Court and Judicial Independence
Empirical Research in Law	Hebrew University, 2001	Temporary appointments in the Israeli Supreme Court
Zalman Shazar Institute Conference	The Academic Center Kiryat Ono, 2001	The future of the Law of Return
The New Economy	The Kiel institute for World Economics, Paderborn, 2001	Cyberspace, Governance and the New Economy: How Cyberspace Regulates Us and How Should We Regulate Cyberspace
Conference on the individual Vs. the State	CEU, Budapest, 2001	Economic analysis of judicial independence
W. G Hart Legal Workshop	University of London, 2001	Judicial Independence and Temporary Appointments
The International Conference of the Law and Society Association	Budapest, 2001	Temporary Appointments in The Israeli Supreme Court
The European Association of Law Economics Annual Conference	Vienna, 2001	Cyberspace and the Economic Theory of State
Working Group on the Legal Profession of the International Association of Political Science	Aix-a-Provence, 2002	The Israeli Jurists: a Shift from a Monolithic Hegemony towards Separation of Powers
The European Association of Law Economics Annual Conference	Athens, 2002	Criminal Prosecution of Public Figures: Confusion within the Executive Branch (together with Anne van Aaken and Stefan Voigt)

Justice in Israel Lands	University of Haifa, 2002	Distributive Justice - Theoretical Aspects
Liberty, Equality, Security	Haifa University, 2002	Collective Guilt and Collective Punishment – in Response to George Fletcher
The regulation of the Communicat Market	Haifa University, 2003	Law and Economic Aspects of Regulatory Regimes
Constitutionalism in the Middle Ea	University of Chicago, 200	Separation of Powers and the Independence of the Judiciary
Judicial Selection	London School of Econom 2004	Judicial Appointments in Israel: Constitution, Law and Politics
The Yekkes	Mishkanot Shaananim, Jerusalem, 2004	The Judiciary in Israel and the Yekkes
Commodifiaction and the Public D	Institute of information Lav University of Amsterdam, 2004	Economic Analysis of the Public Domain
The European Association of Law Economics Annual Conference	Zagreb, 2004	Discussant of Tom Ulen, "IP as Taking"
Junk Mail	Haifa University 2004	Economic Analysis of Junk Mail
60 Years to the end of WW2 and it Impact on the Law	Haifa University 2005	Conference organizer and keynote lecture on "The Impact of WW2 on the Concept of Law
The European Association of Law Economics Annual Conference	Ljubljana,, 2005	Economic analysis of the Public Domain
Empirical Studies of Courts	Harvard Law School, 2006	Empirical test of Judicial Independence vis-à-vis Promotions Decisions – UK and Israel
Conference in honor of Chief Justice Barak with his retirement from the Supreme Court	Haifa, Bar Ilan and Tel Aviv Universities, 2006	Organizer of conference and lecture on "Barak's Socio- Economic Jurisprudence
Separation of Powers	Oniati, Spain , 2007	A positive and Normative Analysis of SOP
The Annual Israeli BAR Conferen	Eilat, 2007	Keynote lecture on 40 Years of Occupation and its Impact on the Law
The New Separation of Powers	Haifa University, 2007	organizer (with Prof Stefan Voigt) and opening lecture
The new Roles of Judges	Queen's University, Belfast 2008	Judicial Activism in Israel

Colloquium Talks and Other Invited Addresses (selection)

- The Oxford Centre for Socio-Legal Studies Seminar, May 1989, paper presented: "On the Normative Side of the Economic Approach Towards Law".
- Oxford Law Faculty Don-Graduate Seminar, February 1990, paper presented: "Promotion of Judges from the English Court of Appeal to

- the House of Lords and the Independence of the Judiciary".
- The Oxford Centre for Socio-Legal Studies Seminar, June 1990, paper presented: "The English Court of Appeal and the Independence of the Judiciary: An Economic Analysis of Law Perspective".
  - Oxford Law Faculty Graduate Comparative Law Seminar, May 1991, paper presented: " The Foundations of Israeli Constitutional Law".
  - University of California at Berkeley, Law School Colloquium, November 1991, Paper presented: "Why do we have an Independent Judiciary? A Public Choice Perspective".
  - Erasmus Program in Law and Economics, Oxford, May 1992 and May 1993, a talk on: "Applications of Economic Analysis of Law in Constitutional Law".
  - Professional training for senior officials in the Health Ministry, Tel Aviv (February 1994) and Jerusalem (May 1994), a lecture on the "Principles and Sources of Public Law in Israel".
  - Conference of military judges and prosecutors, Haifa May 1994, a Lecture on " Contemporary Theories of Law - The Critical legal Studies Vs. The Economic Approach Towards Law".
  - A colloquium of the Center for Rationality, the Hebrew University of Jerusalem, May 1994, a talk on "The Doctrine of Separation of Powers and Judicial Independence - a Positive Economic Analysis Perspective".
  - Professional meeting of judges, Naharia, May 1994, a lecture on "Contemporary Theories of Law and the Analysis of the Judicial Branch of Government - The Critical legal Studies Vs. The Economic Approach Towards Law".
  - Conference of military judges and prosecutors, Naharia, June 1995, a lecture on "Theories of law as deriving from theories of the state"
  - The Haifa Philosophical Forum, November 1995, a talk on the Supreme Court of Israel and its policies.
  - Lecture to headmasters and high school teachers, December 1995 on "developments in Israeli jurisprudence"
  - Conference of military judges and prosecutors, Naharia, June 1996, a lecture on "Emotions in Israeli Law"
  - Lecture in the National Museum of Science on " Israeli law: from fox to hedgehog" March, 1997
  - Lecture at the faculty seminar of Fordham University Law School on "The Israeli Constitutional Revolution", October 1998
  - Lecture at Center for Ethics, Fordham University Law School on "the Israeli Jurists' Conspiracy", October 1998
  - Lecture in the Doctorate Seminar of Hamburg University Faculty of Law on the Law and Economics of Cyberspace, February, 1999
  - Lectures on Separation on Powers – Delegation of Powers: Positive Analysis in the lawyers and economists group, the Institute for Advanced Studies, Berlin, March 2000.
  - Lecture in the Doctorate Seminar of Hamburg University Faculty of Law on Cyberspace and Political philosophy, May 2001.
  - Lecture in a public lectures series of the Faculty of Economics, University of Bologna, March 2003 on Economic analysis of the doctrine of separation of powers
  - Invited lecture at the University of Heidelberg on the Israeli legal and judicial system, October 2003
  - Invited Lecture, German influence on Israeli Judiciary and its democracy, Berlin, February 2005
  - Invited Lecture, Terror and Democracy in Israel, Sydney, NSW University Law Faculty, August 2005
  - Keynote lecture, Erasmus Program in Law and Economics graduation ceremony, Rotterdam, The Netherlands, 2006
  - Invited Lecture on Economic Analysis of Unjust Enrichment, University of Hamburg, Germany, 2007
  - Invited lecture on 60 years to the State of Israel, The National Library of Germany, Frankfurt, May 2008

- Invited panelist on the Supreme Court of Israel, Tel Aviv University Rectors Lecture Celebrating Israel's 60 birthday, June 2008
- Invited Lecture on Judicial Independence – Self Administration of the Judiciary, Israel Judicial Conference, August 2008

Scholarships, Awards, Research Grants, Etc.

- 1984 - Hebrew University award for a promising candidate.
- 1985 - Leo Gozick award for the best first year student.  
- Dean's award for merit.
- 1986 - Dean's award for merit.
- 1987 - Arie Feldman award for a socially active, outstanding student.  
- Dean's award for merit.
- 1988 Hebrew University:  
- Award for the best graduate of the 1987 class.  
- Woolf Foundation postgraduate degree grant.  
- Award for outstanding student.
- Grants for study abroad:  
- Rothschild Fellowship for studies at Oxford.  
- O.R.S award for studies at Oxford granted by the Committee of Vice-Chancellors and Principals of the Universities of the United Kingdom.  
- Fulbright Fellowship for advanced studies in the United States (declined due to my decision to study in England).
- 1989 - AVI fellowship from the Rothschild Foundation for continuing studies at Oxford.  
- Senior Scholarship of Lincoln College.
- 1990 - Senior Scholarship of Lincoln College.
- 1991 - John M. Olin Foundation Fellowship for visiting scholars in The University of California at Berkeley.  
- Senior Scholarship of Lincoln College.
- 1994 - The Dusti Miller prize for a promising researcher, the University of Haifa
- 1995 - The University of Haifa Research Authority grant for preliminary research
- 1996 - The Israel Academy of Science research grant (together with Arie Rattner, Dept of Sociology) – 150,000\$  
- Israel Foundations Trustees research grant (together with Arie Rattner) – 50,000\$
- 1998 - The Israel Academy of Science grant for a colloquium in conjunction to the research grant (together with Arye Rattner)
- 1999 - British Council Fellowship for three months research in the UK

- *Minerva Fellowship for research in Germany*

2000 - *Israel Science Ministry grant (with Arye Rattner and Dana Yagil)*  
 - *The Zeit Stiftung grant.*

2003 - *The Amsterdam Institute for Intellectual Property grant for research on the economic analysis of IP ( 100,000 EU together with Niva Elkin Koren)*

2004 – *GIF (together with Stefan Voigt from Kassel University) – 100,000EU*

2005 – *EU6 project on Better Regulation*

### Teaching

<i>Jurisprudence</i>	<i>A first year major course</i>	<i>1994ff</i>
<i>Introduction to Law</i>	<i>An M.A Course in Social Work</i>	<i>1994/1996</i>
<i>Public Choice and the Law</i>	<i>A seminar</i>	<i>1994-1996</i>
<i>Separation of Powers</i>	<i>A seminar</i>	<i>1995/6</i>
<i>Human Nature</i>	<i>A seminar</i>	<i>1996/7</i>
<i>Legal Education</i>	<i>A seminar</i>	<i>1996-1999</i>
<i>Legal Ethics and Professional responsibility</i>	<i>A third year major course</i>	<i>1996-2000</i>
<i>Economic Analysis of Law</i>	<i>An advanced optional course</i>	<i>1997/8ff</i>
<i>Advances course in Jurisprudence</i>	<i>An LL.M course</i>	<i>2001ff</i>
<i>Economic Analysis of Constitutional Law</i>	<i>Erasmus and advanced students</i>	<i>2004ff</i>
<i>Law and Economics</i>	<i>Advanced seminar</i>	<i>2006ff</i>



## II. Publications

### Books

*Law, Economic and Cyberspace* (co-authored with Niva Elkin-Koren), Eduwrad Elgar, 2004

*The Limits of Analysis: Intellectual Property in the Digital Age from a Law and Economics Perspective* (co-authored with Niva Elkin-Koren), Routledge-Cavendish (forthcoming 2009)

### Editor of Journals

*Mishpatim* – Hebrew University Law Review (together with Yoram Trobovits), vol. 17 1986

*The International Review of Law and Economics* (guest editor together with Roger van den Bergh) Vol. 17(4) (December 1997).

*Mishpat Umimshal* – Law and Government (together with Shulamit Almog) 2001-2003

*Constitutional Political Economy* (guest editor together with Stefan Voigt) forthcoming 2009

*Review of Law and Economics* – BePress (guest editor with Nuno Garuppa) forthcoming 2010

### Articles (in English, otherwise specified)

"On the Normative Facet of the Economic Approach Towards Law", 22 *Mishpatim* (1993), 261- 299 (in Hebrew).

"A Positive Analysis of the Doctrine of Separation of Powers, or: Why Do We have an Independent Judiciary?", 13 *The International Review of Law and Economics* (1993), 349-379.

"Judicial Independence and the Judiciary in Israel, A review article on Shetreet's Justice in Israel.: A Study of the Israeli Judiciary, 2 *Mishpat Umimshal* (1994) 535-543 (in Hebrew).

"The Attorney General and the Doctrine of Separation of Powers", 5 *Plilim* (1996) 149-172 (in Hebrew).

"Two remarks on the Decision of the Israeli Supreme Court in the Case of the Gal Statute, or an Invitation to Open the Discussion Again", 3 *Mishpat Umimshal* (1996) 679-696 (in Hebrew).

"The German Heritage of the Israeli Supreme Court" (together with Fania Oz-Salzberger), 31 *Iyunei Mishpat* – Tel Aviv university Law Review (1998) 259- 294 (in Hebrew).

"The Secret Revolution: More on the New Basic Laws, Their Interpretation by the Supreme Court and on Judicial Review in Israel" (co-authored with Sandy Kedar), 4 *Mishpat Umimshal* (1998) 489-520 (in Hebrew).

"Geheime deutsche Quellen am Obersten Israelischen Gerichtshof (The Hidden German Accent of the Israeli Supreme Court)" (co-authored with Fania Oz-Salzberger), 31 *Kritische Justiz* (1998) 289-317. (in German).

"The Secret German Sources of the Israeli Supreme Court" (co-authored with Fania Oz-Salzberger), 1998 *Israel Studies* 159-192.

"The Hidden Germanity of Israel's Supreme Court" (together with Fania Oz-Salzberger), *A Special Volume on Law and History* (eds. D. Gootwiein and M. Mautner), (Zalman Shazar Center, 1999), pp. 357-394.

"Public Order, the Enlightened Public and Stomach Ache: Zim v. Maziar" (together with Fania Oz-Salzberger), In A. Lakhovsky et al. (ed.), *50 Years of Israel Supreme Court Rulings* (The Defense Ministry Publications, 1999).

"High Court Case: Ziv V. Goobernik and its Impact on Israeli Legal Culture", in D. Barak-Erez (ed.), *First Cases of the Israeli Supreme Court* (Kibbutz Meuhad, 1999). 41-49.

"The English Court of Appeal: Decision-Making Characteristics and Promotion to the House of Lords", *Global Legal Policy: Among and Within Nations* (ed. Stuart Nagel) Marcel Dekker, 2000, pp. 223-251.

"The Hidden German Sources of the Israeli Supreme Court" (co-authored with Fania Oz-Salzberger), *15 Tel Aviv University Studies in Law* (2000) 79-122.

"Judicial Independence: Some Evidence from the English Court of Appeal" (together with Paul Fenn) *42 The Journal of Law and Economics* (1999), pp. 831-847.

"Law, Economics and Cyberspace" (co-authored with Niva Elkin-Koren), *19 The International Review of Law and Economics* (1999), pp. 533-552.

"On the Professional, on the Moral and what Lies Beyond the Law, *5 Mishpat Umimshal* (2000), pp. 407-417 (in Hebrew).

"The Supreme Court of Israel at 50 Years – Between a Hedgehog and a Fox", *Mehkarei Mishpat – Bar Ilan University Law Review* (2000), pp. 141-160 (in Hebrew).

"Towards an Economic Theory of Unjust Enrichment Law" (co-authored with Niva Elkin-Koren), *20 International Review of Law and Economics* (2000), pp. 551-573.

"The Israeli Jurists Conspiracy – On the Israeli Bar and its Allies", *32 Mishpatim* (2001), pp. 45-95 (in Hebrew).

"On the Delegation of Powers ^ with Special Emphasis on Central and Eastern Europe (co-authored with Stefan Voigt) in: S. Voigt and H.J. Wagener (eds.) *Constitutions, Markets and the Law - Recent Experiences in Transition Economies*, Cheltenham: Edward Elgar, 2001, pp. 221-285.

"Zur Verteilung politischer Entscheidungskommetrnz – einige vorlaufige Beobachtungen aus Mittel – und Osteuropa" (co-authored with Stefan Voigt), in Hanz Nutzinger (ed.) *Verteilungsprobleme im TransformationsprozeB*, Berlin : Duncker & Humbolt, 2001, 9-42.

"On the Delegation of Powers - with Special Emphasis on Central and Eastern Europe" (co-authored with Stefan Voigt), *13 Constitutional Political Economy* 2002, pp. 25-52.

“Choosing Not to Choose: When Politicians Choose to Delegate Powers” (co-authored with Stefan Voigt), 55 *Kyklos* (2002), pp. 281-310.

“On Constitutional Processes and the Delegation of Power - with Special Emphasis on Israel and Central and Eastern Europe” (co-authored with Stefan Voigt), 3 *Theoretical Inquiries in Law* (2002), pp. 207-263.

”Cyberspace, Governance and the New Economy: How Cyberspace Regulates Us and How Should We Regulate Cyberspace” in: Horst Siebert (ed.) *Economic Policy Issues in the New Economy* Springer (Berlin-Heidelberg, 2002, 169-208).

“Temporary Appointments and Judicial Independence - Theoretical Analysis and Empirical Findings from the Supreme Court of Israel, 19 *Mehkarei Mishpat* - Bar Ilan University Law Review (2003) 541-568 (in Hebrew).

“Criminal prosecution of public figures: confusion within the executive branch” (co-authored with Anne van Aaken and Stefan Voigt), *German Papers in Law and Economics*. Bepress (2003)

“Temporary Appointments and Judicial Independence - Theoretical Analysis and Empirical Findings from the Supreme Court of Israel”, 35 *Israel Law Review* (2004) 481-523.

“On Post-Constitutional Constitutional Choice: with Special Emphasis on Central and Eastern Europe (co-authored with Stefan Voigt), in: Ram Mudambi, Pietro Navarra and Giorgio Sobbrio (eds.) *Perspectives on Political Economy*, Michigan University Press, 2004.

“The Independence of the Judiciary: An Economic Analysis of Law Perspective”, in Andras Sajó (ed.), *Judicial Integrity*, Koninklijke Brill NV, 2004, pp. 69-98

“Free Culture from a Law and Economics Perspective: A Review Essay on Free Culture – How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity by Lawrence Lessig”, 1 *Journal of Law, Economics and Policy* (2005) 263-268.

“The Effects of Cyberspace on the Economic Theory of the State” (co-authored with Niva Elkin-Koren), in Alain Marciano and Jean (eds.) *How to Shape A Democratic State*, Edward Elgar, (2005).

“Judicial Selection in Israel: Constitution, Law and Politics”, In Kate Malleson and Peter Russell (eds) *Appointing Judges in an Age of Judicial Power: Critical Perspectives from Around the World*, Toronto University Press, (2005)

“The Tradition of Freedom of Speech in Israel” (co-authored with Fania Oz-Salzberger), *Law, Society and Culture* 2006, pp. 27-70

“The Economic Analysis of the Public Domain”, in Bernt Hugenholtz (ed.), *The Future of the Public Domain*, Kluwer (2006)

“A Brief Sketch of the Legal System of Israel and the Role of the Israeli Supreme Court” 56 *Ars Aequi* (2007), pp. 942-954

“The Economic Analysis of Law” The Dominant Methodology for Legal Research?!” 4 *Haifa Law Review* (2008), pp. 207-235.

“Judicial Activism in Israel”, in Brice Dickson (ed.), *Judicial Activism in Common Law Supreme Courts*, Oxford University Press (2008), pp. 217-271

“Law and Economics in the 21<sup>st</sup> Century” in Thomas Eger, Jochen Bigus, Clauss Ott and George von Wangenheim (eds.) *Internationalization of the Law and its Economic Analysis*, Gabler Edition Wissenschaft (2008), pp. 23-37