

## **Prof. Ittai Bar-Siman-Tov, Publications:**

### Edited Books:

*Essays in Honor of Chief-Justice Dorit Beinisch* (Festschrift) (Bar-Ilan University Press & Nevo) (main editor, along with Aharon Barak, Shahar Lifshitz & Keren Azulay) (2018)

*Comparative Multidisciplinary Perspectives on Omnibus Legislation* (Springer Nature's Legisprudence Library, 2021)

### Edited Special Issues:

Special issue on "Mending the Legislative Process" for *The Theory and Practice of Legislation* vol. 3(3) (2015)

Special issue on "Legislated Rights – Securing Human Rights through Legislation" for the *Jerusalem Review of Legal Studies* vol. 21(1) (2020) (with Yaniv Roznai)

Special issue on "Legislatures in the Time of Covid-19" for *The Theory and Practice of Legislation* vol. 8(1+2) (2020) (with Ronan Cormacain)

Special issue on "Global Legislative Responses to Coronavirus" for *The Theory and Practice of Legislation* vol. 8(3) (2020) (with Ronan Cormacain)

### Publications in journals and refereed peer-reviewed collective volumes:

*Legislative Supremacy in the United States?: Rethinking the Enrolled Bill Doctrine*, 97 *GEORGETOWN LAW JOURNAL* 323 (2009)

*Lawmakers as Lawbreakers*, 52 *WILLIAM AND MARY LAW REVIEW* 805 (2010)

*The Puzzling Resistance to Judicial Review of the Legislative Process*, 91 *BOSTON UNIVERSITY LAW REVIEW* 1915 (2011)

*Semiprocedural Judicial Review*, 6 *LEGISPRUDENCE* 271 (2012) (lead article in the special issue on courts as regulatory watchdogs)

(reviewed in Alberto Alemanno, *The Emergence of the Evidence-based Judicial Reflex: A Response to Bar-Siman-Tov's Semiprocedural Review*, 1 *THE THEORY AND PRACTICE OF LEGISLATION* 327 (2013); and in Mark Kende, *Can "Semi-Procedural Review" Help Solve the Problems of Constitutional Theory?*, *JOTWELL* (2013))

*Time and Judicial Review in Israel: Tempering the Temporal Effects of Judicial Review*, in *THE EFFECTS OF JUDICIAL DECISIONS IN TIME* 207 (Cambridge, Intersentia, P. Popelier, S. Verstraelen, D. Vanheule and B. Vanlerberghe eds., 2013) (peer-reviewed collective volume)

*John Hart Grunis? The Jurisprudence of Chief Justice Grunis in Light of Ely's Constitutional Theory*, 9 *HAIFA LAW REVIEW* ("Din Udvarim") 67 (2015) (Hebrew) [Reprinted in *ASHER GRUNIS BOOK* (Keren Weinshall et al., 2023)]

*Mending the Legislative Process – The Preliminaries*, 3 THE THEORY AND PRACTICE OF LEGISLATION 245 (2015)

*The Role of Courts in Improving the Legislative Process*, 3 THE THEORY AND PRACTICE OF LEGISLATION 295 (2015)

*The Law of Lawmaking*, 37 TEL AVIV UNIVERSITY LAW REVIEW ("Iuney Mishpat") 645 (2016) (Hebrew) (special issue on parliamentary law)

*The Dual Meaning of Evidence-based Judicial Review of Legislation*, 4 THE THEORY AND PRACTICE OF LEGISLATION 107 (2016) (lead article in the special issue on Evidence-based Judicial Review) (awarded the Gorney Prize by the Israeli Association of Public Law)

*Introduction*, in ESSAYS IN HONOR OF CHIEF-JUSTICE DORIT BEINISCH 7 (Keren Azulay, Ittai Bar-Siman-Tov, Aharon Barak & Shahar Lifshitz, eds.) (Bar-Ilan University Press & Nevo, 2018) (Hebrew), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2890277](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2890277)

*Procedural Review and Substantive Review: Can the Two Be Combined? Towards a Semiprocedural Model in Israel*, in ESSAYS IN HONOR OF CHIEF-JUSTICE DORIT BEINISCH 299 (Keren Azulay, Ittai Bar-Siman-Tov, Aharon Barak & Shahar Lifshitz, eds.) (Bar-Ilan University Press & Nevo, 2018) (Hebrew) (peer-reviewed collective volume), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2775410](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2775410)

*Temporary Legislation, Better Regulation and Experimental Governance: An Empirical Study*, 12 REGULATION AND GOVERNANCE 192-219 (2018) (awarded the Giandomenico Majone Prize by the European Consortium for Political Research's Standing Group on Regulatory Governance; the Gorney Prize by the Israeli Association of Public Law; selected to Israel's Junior Faculty Law Workshop for Excellent Scholarship)

*Revolution or Continuity? Bank Hamizrachi's Role in the Development of Judicial Review Models in Israel*, 19 LAW AND GOVERNMENT 271 (2018) (special issue on 20 Years to Bank Hamizrachi) (Hebrew), available at <http://ssrn.com/abstract=3054214>

*Legisprudence and the Limits of Legislation*, 11 HUKIM - JOURNAL ON LEGISLATION 51 (2018) (invited article for the special issue on the limits of legislation) (Hebrew), available at <http://ssrn.com/abstract=3050846>

*The Lives and Times of Temporary Legislation and Sunset Clauses*, 66 AMERICAN JOURNAL OF COMPARATIVE LAW 453 (2018) (book review), available at <http://ssrn.com/abstract=2955995>

*Quantinsky v. the Knesset in the Matter of the Third Apartment Tax: A Necessary Decision or an Unjustified "Major Deviation" From the Case Law?* 32 BAR-ILAN UNIVERSITY LAW REVIEW 877 (2019), available at <https://ssrn.com/abstract=3050539> (Hebrew)

*Unsupervised Topic Extraction from Privacy Policies*. In Companion Proceedings of the 2019 World Wide Web Conference (WWW'19 Companion), May 13–17, 2019, San Francisco, CA, USA. ACM, New York, NY, USA. <https://doi.org/10.1145/3308560.3317585> (with David Sarne, Jonathan Schler, Alon Singer, Ayelet Sela)

*The Global Revival of Legisprudence: A Comparative View on Legislation in Legal Education and Research*, in CONCEPTIONS AND MISCONCEPTIONS OF LEGISLATION 275 (A. Daniel Oliver-Lalana, ed, 2019), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3179579](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3179579)

[Spanish translation published as "El resurgimiento global de la legisprudencia: una aproximación comparada al papel de la legislación en la educación e investigación jurídica" in LA LEGISLACIÓN EN SERIO: ESTUDIOS SOBRE DERECHO Y LEGISPRUDENCIA 525 (A. Daniel Oliver-Lalana, ed, 2019)]

*Temporary Legislation's Finest Hour?: The Rise of Temporary Legislation in Israel and Principles for its Improvement*, 41 TEL AVIV UNIVERSITY LAW REVIEW ("Iuney Mishpat") 539 (2019) (with Gaya Harari-Heit) (Hebrew)

*The Legisprudential and Political Functions of Temporary Legislation*, in TIME, LAW AND CHANGE: AN INTERDISCIPLINARY STUDY 227 (Sofia Ranchordas & Yaniv Roznai, eds., 2020) (with Gaya Harari-Heit)

*Legislatures and Rights*, 21 JERUSALEM REVIEW OF LEGAL STUDIES 112 (2020)

*Beyond Neglect and Disrespect: Legislatures in Legal Scholarship*, in HANDBOOK OF PARLIAMENTARY STUDIES: INTERDISCIPLINARY APPROACHES TO LEGISLATURES 141 (Cyril Benoît & Olivier Rozenberg eds., 2020), available at <https://ssrn.com/abstract=3494920>

*Legislatures in the Time of Covid-19*, 8(1) THEORY AND PRACTICE OF LEGISLATION 3 (2020) (with Ronan Cormacain)

*Covid-19 Meets Politics: The Novel Coronavirus as a Novel Challenge for Legislatures*, 8(1) THEORY AND PRACTICE OF LEGISLATION 11 (2020)

*Global Legislative Responses to Coronavirus*, 8(3) THEORY AND PRACTICE OF LEGISLATION 239 (2020) (with Ronan Cormacain)

*Israel: Legal Response to Covid-19*, in J. KING & O. FERRAZ (eds), THE OXFORD COMPENDIUM OF NATIONAL LEGAL RESPONSES TO COVID-19 (Oxford University Press, 2021) (with Einat Albin, Aeyal Gross & Tamar Hostovsky-Brandes)

*The Knesset Legal Advisor and its Role in the Separation of Powers in the Legislative Process*, 44 TEL AVIV UNIVERSITY LAW REVIEW ("Iuney Mishpat") 267 (2021) (with Keren Horowitz) (Hebrew)

*Measuring Legislative Activity during the Covid-19 Pandemic: Introducing the ParlAct and ParlTech Indexes*, 1 INTERNATIONAL JOURNAL OF PARLIAMENTARY STUDIES 109 (2021) (with Olivier Rozenberg, Cyril Benoît, Israel Waismel-Manor & Asaf Levanon)

*Temporary Legislation in Times of Covid-19*, 24 LAW AND GOVERNMENT 69 (2021) (with Daniel Shtauber and Gaya Harari-Heit) (Hebrew)

*An Introduction to the Comparative and Multidisciplinary Study of Omnibus Legislation*, in: I. BAR-SIMAN-TOV (ed), COMPARATIVE MULTIDISCIPLINARY PERSPECTIVES ON OMNIBUS LEGISLATION (Springer Nature, Cham, 2021)

*The Changing Role of Judicial Review during Prolonged Emergencies: The Israeli Supreme Court during Covid-19*, 1 LEGAL POLICY AND PANDEMICS: THE JOURNAL OF THE GLOBAL PANDEMIC NETWORK 273-279 (2021) (with Itay Cohen & Chani Koth)

*Should I stay (open) or should I close?: World legislatures during the first wave of Covid19*, 72 POLITICAL STUDIES 200 (2024) (with Israel Waismel-Manor, Olivier Rozenberg, Asaf Levanon, Cyril Benoît & Gal Ifergane)

*Legislation, Legisprudence and Comparative Law*, in ELGAR ENCYCLOPEDIA OF COMPARATIVE LAW (Jan M. Smits et al., ed., 2023) (with Helen Xanthaki)

*Sunset Legislation in Israel during the Covid-19 Pandemic*, 19 TAIWAN JOURNAL OF DEMOCRACY 55 (2023) (with Daniel Shtauber & Gaya Harari-Heit), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4582056](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4582056)

*Parliamentary Studies: Studying Parliaments, Improving Parliaments*, 4 INTERNATIONAL JOURNAL OF PARLIAMENTARY STUDIES 1 (2024)

*Procedural Norms for Enacting Basic Laws and Knesset Committee Initiatives*, 48 TEL AVIV UNIVERSITY LAW REVIEW ("Iuney Mishpat") (forthcoming 2024) (with Ori Aronson, Eden Israely Levy, Ronit Levine-Schnur, Doreen Lustig, and Issachar Rosen-zvi) (Hebrew), available at SSRN: <https://ssrn.com/abstract=4566393>

*Scholactivism in the Service of Counter-populism: The Case of the Constitutional Overhaul in Israel*, INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW (forthcoming) (with Tamar Hostovsky Brandes, Eliav Lieblich, Yaniv Roznai and Adam Shinar), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4606912](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4606912)

Publications in Bar Journals, Reports and Online Publications (partial list):

*In Defense of Neutral and Blind Legislative Rules*, 21 ISRAEL BAR ASSOCIATION JOURNAL ("Orech Ha-Din") 37 (2013) (Hebrew)

*New Study Explores Relationship Between Temporary (Sunset) Legislation, Better Regulation, and Experimentalist Governance*, OXFORD BUSINESS BLOG,

Jul 10, 2017, at <https://www.law.ox.ac.uk/business-law-blog/blog/2017/07/new-study-explores-relationship-between-temporary-sunset-legislation>

*In Wake of Controversial Enactment Process of Trump's Tax Bill, Israeli SC Offers a Novel Approach to Regulating Omnibus Legislation*, I-CONNECT: INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW BLOG, Dec. 13, 2017, at: <http://www.iconnectblog.com/2017/12/in-wake-of-controversial-enactment-process-of-trumps-tax-bill-israeli-sc-offers-a-novel-approach-to-regulating-omnibus-legislation>

*Parliamentary Activity and Legislative Oversight during the Coronavirus Pandemic - A Comparative Overview* (2020), [https://www.researchgate.net/publication/340091555\\_Parliamentary\\_Activity\\_and\\_Legislative\\_Oversight\\_during\\_the\\_Coronavirus\\_Pandemic\\_-\\_A\\_Comparative\\_Overview](https://www.researchgate.net/publication/340091555_Parliamentary_Activity_and_Legislative_Oversight_during_the_Coronavirus_Pandemic_-_A_Comparative_Overview)

*Covid-19 and legislative activity: A cross-national study* (2020) (with Israel Waismel-Manor, Olivier Rozenberg, Asaf Levanon, Cyril Benoît & Gal Ifergane). Draft available here: [https://www.researchgate.net/publication/342514148\\_Covid-19\\_and\\_Legislative\\_Activity\\_A\\_Cross-National\\_Study](https://www.researchgate.net/publication/342514148_Covid-19_and_Legislative_Activity_A_Cross-National_Study)

*Online Supplement for Covid-19 and Legislative Activity: A Cross-National Study*. Draft available here: [https://www.researchgate.net/publication/342666341\\_Online\\_Supplement\\_for\\_Covid-19\\_and\\_Legislative\\_Activity\\_A\\_Cross-National\\_Study](https://www.researchgate.net/publication/342666341_Online_Supplement_for_Covid-19_and_Legislative_Activity_A_Cross-National_Study)

Ittai Bar-Siman-Tov, 'Legislatures in the COVID-19 Crisis' IACL-AIDC BLOG (21 September 2021) <https://blog-iacl-aidc.org/covid19-future-constitutionalism/2021/9/21/legislatures-in-the-covid-19-crisis/>.

Works in Progress (partial list):

*Sunsets and Emergencies: Temporary Covid Laws in Israel* (under review) (with Daniel Shtauber, Gaya Harari-Heit & Gonen Ilan), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4782954](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4782954)

*When Computers Speak Laws: Legislative Engineering in the Age of Artificial Intelligence* (under review) (with Elhanan Schwartz & Roy Gelbard), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4698512](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4698512)

*Design Principles for Integrated Legislation Drafting Environment* (under review) (with Elhanan Schwartz & Roy Gelbard), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4556959](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4556959)

*Judicial Review in Israel: Typology, Developments and the Theory and Practice of Judicial Activism* (April 3, 2024) (under review), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4782873](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4782873)

*Legal HeBERT: A BERT-based NLP Model for Hebrew Legal, Judicial and Legislative Texts* (June 27, 2022), available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4147127](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4147127) (with Avihay Chriqui & Inbal Yahav)