
Israel Law Review

VOLUME 15
1980

THE ISRAEL LAW REVIEW ASSOCIATION
under the auspices of
THE FACULTY OF LAW, HEBREW UNIVERSITY OF JERUSALEM

EDITORIAL BOARD

Chairman — S. Goldstein

P. Elman I. England S. Ginossar D. Kretzmer

A.V. Levontin S. Shilo G. Tedeschi

J. Weisman U. Yadin A. Yoran

Co-ordinating Editor — Stuart A. Wurtman

© 1980 The Israel Law Review Association

Printed in Israel at Alpha Press, Jerusalem

GLOSSARY

<i>Divrei HaKnesset</i>	— Records of Knesset proceedings
<i>HaPraklit</i>	— Law Journal published by the Jewish Bar Association (1943–48), now the Israel Bar, and, since 1964, in cooperation with the Faculty of Law of the Hebrew University
<i>Hatza'ot Hok</i>	— Legislative Bills
<i>'Iton Rishmi</i>	— The Official Gazette during the tenure of the Provisional Council of State
<i>Iyunei Mishpat</i>	— Tel Aviv University Law Review
<i>Kitvei Amana</i>	— Israel Treaty Documents
<i>Knesset</i>	— Israel Legislative Assembly
<i>Kovetz HaTakanot</i>	— Subsidiary Legislation
<i>Mishpatim</i>	— Students Law Review, Faculty of Law, Hebrew University of Jerusalem
<i>Piskei Din</i> (Judgments)	— Law reports of the Supreme Court, published by the Ministry of Justice (1948–)
<i>Piskei Din Avoda</i>	— Law reports of the Labour Courts, published by the Israel Bar Association (1969–)
<i>Psakin</i> (Decisions)	— Law reports of the Supreme Court and District Courts, published privately (1948)
<i>Psakim 'Elyon</i> (Supreme [Court] Decisions)	— Law reports of the Supreme Court, published by the Israel Bar Association (1948–1961)
<i>Psakim Mehozilim</i> (District [Courts] Decisions)	— Law reports of the District Courts, published by the Israel Bar Association (1949–)
<i>Reshumot</i>	— Official Gazette
<i>Sefer HaHukim</i>	— Principal Legislation
<i>Yalkut HaPirsumim</i>	— Government Notices

ABBREVIATIONS

A.L.R.	— Annotated Law Reports (1943–47)
Ct.L.R.	— Current Law Reports
H.H.	— <i>Hatza'ot Hok</i> (In Hebrew)
K.A.	— <i>Kitvei Amana</i> (In Hebrew)
K.T.	— <i>Kovetz HaTakanot</i> (In Hebrew)
L.S.I.	— Laws of the State of Israel
L.S.I. (N.V.)	— Laws of the State of Israel (New Version)
P.D.	— <i>Piskei Din</i> (In Hebrew)
P.D.A.	— <i>Piskei Din Avoda</i> (In Hebrew)
P.E.	— <i>Psakim 'Elyon</i> (In Hebrew)
P.L.R.	— Palestine Law Reports (1920–47)
P.M.	— <i>Psakim Mehozilim</i> (In Hebrew)
P.M.S.	— <i>Psakim Mehozilim</i> Summary (In Hebrew)
P.G.	— Palestine Gazette
S.C.J.	— Annotated Supreme Court Judgments (1937–42)
S.D.C.	— Selected Cases of the District Court (1943–47)
S.H.	— <i>Sefer HaHukim</i> (In Hebrew)
S.J.	— Selected Judgments of the Supreme Court of Israel (1948–)

TABLE OF ARTICLES—AUTHORS

	Page
Atiyah, P. S. <i>Judges and Policy</i>	346
Bar-Yaacov, Nissim. <i>Keeping the Peace Between Egypt and Israel, 1973–1980</i>	197
Feinberg, Nathan. <i>The Legality of the Use of Force to Recover Occupied Territory</i>	160
Friedman, Shamma. <i>The Case of the Woman with Two Husbands in Talmudic and Ancient Near Eastern Law</i>	530
Gilad, Israel. <i>On Linkage and Revaluation</i>	79
Lapidoth, Ruth. <i>The Relation Between the Camp David Frameworks and the Treaty of Peace—Another Dimension</i>	191
Lasker, Morris E. <i>Some Observations on the Current Growth of the Law</i>	469
Livneh, Ernst. <i>A Tribute to Sir Otto Kahn-Freund</i>	341
Meron, Theodor. <i>Settlement of Disputes and the Treaty of Peace: The Israel Perspective</i>	269
Raday, Frances. <i>Rights and Interests—A Troublesome Distinction Reviewed in the Context of Labour Arbitration and Industrial Action</i>	496
Shifman, Pinhas. <i>Religious Affiliation in Israeli Interreligious Law</i>	1
Shilo, Shmuel. <i>Kofin Al Midat S'dom: Jewish Law's Concept of Abuse of Rights</i>	49
Sinclair, Daniel B. <i>The Legal Basis for the Prohibition on Abortion in Jewish Law</i>	109
Sohn, Louis B. <i>The Concept of Autonomy in International Law and the Practice of the United Nations</i>	180
Stone, Julius. <i>Aspects of the Beit-El and Eilon Moreh Cases</i>	476
Stone, Julius. <i>Introduction to Peace Process Issue</i>	157
Weisman, Joshua. <i>Shortcomings in the Trust Law, 1979</i>	372
Yoran (Jurkevitz), Aharon. "Linkage or Revaluation" or "A General or a Specific Index"?	106

TABLE OF ARTICLES—TITLES

	Page
Aspects of the <i>Beit-El</i> and <i>Eilon Moreh</i> Cases. <i>Julius Stone</i>	476
Case of the Woman With Two Husbands in Talmudic and Ancient Near Eastern Law, The. <i>Shamma Friedman</i>	530
Concept of Autonomy in International Law and the Practice of the United Nations, The. <i>Louis B. Sohn</i>	180
Introduction to Peace Process Issue. <i>Julius Stone</i>	157
Judges and Policy. <i>P. S. Atiyah</i>	346
Keeping the Peace Between Egypt and Israel, 1973–1980. <i>Nissim Bar-Yaacov</i>	197
Kofin Al Midat S'dom: Jewish Law's Concept of Abuse of Rights. <i>Shmuel Shilo</i>	49
Legal Basis for the Prohibition on Abortion in Jewish Law, The. <i>Daniel B. Sinclair</i>	109
Legality of the Use of Force to Recover Occupied Territory, The. <i>Nathan Feinberg</i>	160
“Linkage or Revaluation” or “A General or a Specific Index?” <i>Aaron Yoran (Jurkevitz)</i>	106
On Linkage and Revaluation. <i>Israel Gilad</i>	79
Relation Between the Camp David Frameworks and the Treaty of Peace—Another Dimension, The. <i>Ruth Lapidot</i>	191
Religious Affiliation in Israeli Interreligious Law. <i>Pinhas Shifman</i>	1
Rights and Interests—A Troublesome Distinction Reviewed in the Context of Labour Arbitration and Industrial Action. <i>France Raday</i>	496
Settlement of Disputes and the Treaty of Peace: The Israel Perspective. <i>Theodor Meron</i>	269
Shortcomings in the Trust Law, 1979. <i>Joshua Weisman</i>	372
Some Observations on the Current Growth of the Law. <i>Morris E. Lasker</i>	469
Tribute to Sir Otto Kahn-Freund, A. <i>Ernst Livneh</i>	341

NOTES

	Page
Tedeschi, G. <i>The Future-Born Legatee</i>	427
Tedeschi, G. <i>Balancing of Resources and Co-ownership Between Spouses</i>	436
Goldstein S. and Schottenfels, D. <i>Digest: Recent Legislation and Cases</i>	131, 443, 55)

LAWS OF THE STATE OF ISRAEL

Eavesdropping Law, 1979	150
Evidence Ordinance (Amendment No. 4) Law, 1979	575
Trust Law, 1979	418

DOCUMENTS AND MAPS

<i>Egyptian-Israeli Peace Documents and Maps</i>	283
<i>List of Normalization Agreements</i>	331

BOOK REVIEWS

Crawford: <i>The Creation of States in International Law</i> (N. Bar-Yaacov)	577
Denning: <i>The Discipline of the Law</i> (P. Elman)	579
Elazar (ed.): <i>Self Rule Shared Rule: Federal Solutions to the Middle East Conflict and Federation and Political Integration</i> (C. Klein)	336
Feinberg: <i>Studies in International Law</i> (Y. Dinstein)	333
Kamenka & Ehr-Soon Tay (eds.): <i>Human Rights</i> (P. Lahav)	457
Lansky: <i>Basic Literature on Law</i> (E.I. Cuomo)	154
Walker: <i>The Oxford Companion to Law</i> (P. Elman)	460

COMMUNICATION

Rosenne, Shabtai. <i>Letter to the Editor</i>	463
---	-----

TABLE OF PRINCIPAL CASES CONSIDERED

Israel:	Page
<i>Al Zafadi v. Benjamin</i> (1963)	4
<i>Ayyub et al. v. Minister of Defence et al.</i> (1979)	480
<i>Bassan v. The High Rabbinical Court</i> (1964)	2
<i>Biton v. Mizrahi</i> (1979)	136
<i>Dwikat et al. v. The Government of Israel</i> (1980)	131
<i>“El-Asad” v. The Minister of the Interior</i> (1980)	443
<i>Electric Wire and Cable Co. Works Committee v. Israeli Electric Wire and Cable Co.</i> (1972)	498
<i>“El-Talieh” et al. v. The Minister of Defence</i> (1979)	443
<i>Frukhter v. Frukhter</i> (1955)	11
<i>Ginstler v. State of Israel</i> (1976)	521, 561
<i>Hebrew University, Jerusalem v. Union of Lecturers, Instructors, Assistants of the Hebrew University</i> (1973)	498
<i>Histadrut of Engineers v. State of Israel</i> (1977)	504
<i>Histadrut v. Bank of Israel</i> (1976)	505
<i>Histadrut v. The Farmers’ Association</i> (1971)	512
<i>Horowitz v. Ports Authority of Israel</i> (1978)	80
<i>Hilu et al. v. Government of Israel et al.</i> (1973)	480
<i>Inzel v. Kugelmas</i> (1975)	373
<i>Israel Ports Authority v. National Labour Court</i> (1980)	559
<i>Levi and Another v. Levi</i> (1978)	436
<i>Lukman v. Schiff</i> (1979)	139
<i>Matawa et al. v. Minister of Defence et al.</i> (1979)	487
<i>Mosek and Levi v. State of Israel</i> (1980)	564
<i>Najini v. Kurtz & Sammler</i> (1978)	427
<i>Plonim v. The National Labour Court</i> (1975)	513
<i>Ports Authority v. Ararat Ltd.</i> (1977)	81
<i>Reuven and Shimeon v. State of Israel</i> (1975)	505
<i>Shibli v. Shibli</i> (1950)	1
<i>Works Council, Ramat Gan and Givatayim v. Elko Inc.</i> (1977)	523
<i>Yardenia Ltd. v. Ofer Bros. Ltd.</i> (1976)	80
 United Kingdom:	
<i>The Zamora</i> (1916)	476
 U.S.A.:	
<i>Brown v. Board of Education</i> (1954)	470
<i>Gideon v. Waimwright</i> (1963)	471
<i>Mapp v. Ohio</i> (1961)	471
<i>Miranda v. Arizona</i> (1966)	471

Israel Law Review

The Only English Legal Quarterly in Israel

The Israel Law Review which reflects the principal developments of law in Israel also contains articles on Jewish law, international law, comparative law and topics of general legal interest.

COMPLETE SET — SPECIAL OFFER

Volumes 1 through 15 (1966–1980) specially priced at:
\$ 270.00 Abroad/IS. 1,200 Israel

Regular Annual Subscription Rates Beginning Vol. 16 (1981):

Israel	IS. 125
All Other Countries	\$ 25

Single Copies:

Israel	IS. 40
All Other Countries	\$ 8

All back issues may be ordered at the regular rates

(Shekel prices valid through April 1981)

All orders should be sent, with cheques, directly to:

THE ISRAEL LAW REVIEW ASSOCIATION
c/o Faculty of Law, Hebrew University
Mt. Scopus, P.O.B. 24100
Jerusalem 91240, Israel

ORDERS AND SUBSCRIPTIONS:

- Annual Subscription — 1981
- Complete Back Set
- Back issues

Name

(please print in block letters)

Address

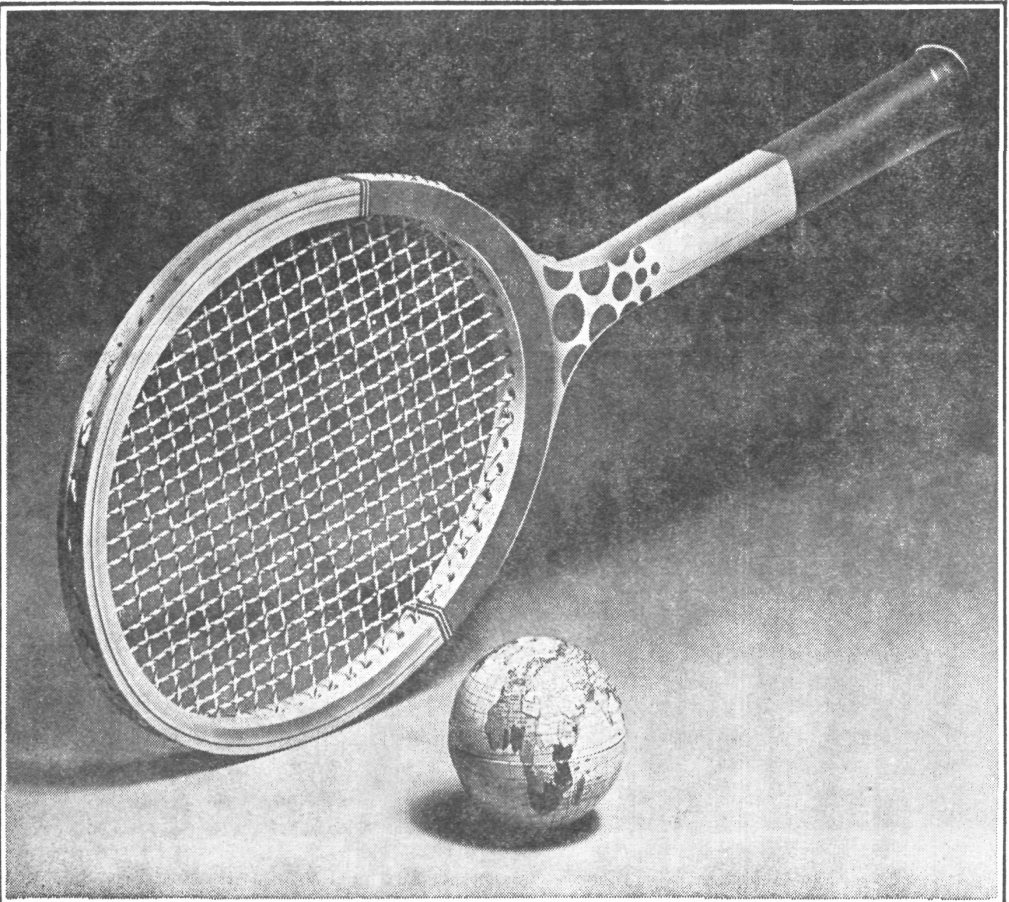
.....

GLOSSARY

<i>Divrei HaKnesset</i>	— Records of Knesset proceedings
<i>HaPraklit</i>	— Law Journal published by the Jewish Bar Association (1943–48), now the Israel Bar, and, since 1964, in cooperation with the Faculty of Law of the Hebrew University
<i>Hatza'ot Hok</i>	— Legislative Bills
<i>'Iton Rishmi</i>	— The Official Gazette during the tenure of the <i>Provisional Council of State</i>
<i>Iyunei Mishpat</i>	— Tel Aviv University Law Review
<i>Kitvei Amana</i>	— Israel Treaty Documents
<i>Knesset</i>	— Israel Legislative Assembly
<i>Kovetz HaTakanot</i>	— Subsidiary Legislation
<i>Mishpatim</i>	— Students Law Review, Faculty of Law, Hebrew University of Jerusalem
<i>Piskei Din</i> (Judgments)	— Law reports of the Supreme Court, published by the Ministry of Justice (1948–)
<i>Piskei Din Avoda</i>	— Law reports of the Labour Courts, published by the Israel Bar Association (1969–)
<i>Psakin</i> (Decisions)	— Law reports of the Supreme Court and District Courts, published privately (1948)
<i>Psakim 'Elyon</i> (Supreme [Court] Decisions)	— Law reports of the Supreme Court, published by the Israel Bar Association (1948–1961)
<i>Psakim Mehoziim</i> (District [Courts] Decisions)	— Law reports of the District Courts, published by the Israel Bar Association (1949–)
<i>Reshumot</i>	— Official Gazette
<i>Sefer HaHukim</i>	— Principal Legislation
<i>Yalkut HaPirsumim</i>	— Government Notices

ABBREVIATIONS

A.L.R.	— Annotated Law Reports (1943–47)
Ct.L.R.	— Current Law Reports
H.H.	— <i>Hatza'ot Hok</i> (in Hebrew)
K.A.	— <i>Kitvei Amana</i> (in Hebrew)
K.T.	— <i>Kovetz HaTakanot</i> (in Hebrew)
L.S.I.	— Laws of the State of Israel
L.S.I. (N.V.)	— Laws of the State of Israel (New Version)
P.D.	— <i>Piskei Din</i> (in Hebrew)
P.D.A.	— <i>Piskei Din Avoda</i> (in Hebrew)
P.E.	— <i>Psakim 'Elyon</i> (in Hebrew)
P.L.R.	— Palestine Law Reports (1920–47)
P.M.	— <i>Psakim Mehoziim</i> (in Hebrew)
P.M.S.	— <i>Psakim Mehoziim</i> Summary (in Hebrew)
P.G.	— Palestine Gazette
S.C.J.	— Annotated Supreme Court Judgments (1937–42)
S.D.C.	— Selected Cases of the District Court (1943–47)
S.H.	— <i>Sefer HaHukim</i> (in Hebrew)
S.J.	— Selected Judgments of the Supreme Court of Israel (1948–)



AT BANK LEUMI-WORLDWIDE THE MONEY GAME IS SERIOUS BUSINESS

Yes, banking is much more than a game. It is providing the right financial service at the right place and at the right time. For 78 years Bank Leumi le-Israel B.M. has been Israel's first and largest bank.

Today the Bank Leumi Group spans five continents with 418 subsidiaries and branches including 55 offices worldwide, to provide the services which you need. Over the years we have grown in size. Our balance sheet stands at over \$15,4 billion and we rank among the 100 largest banks in the world. Yet, no banking problem is too small for us to handle. Visit us at Bank Leumi and you will see that the money game is serious business.

Head Office: 24-32 Yehuda Halevi St., Tel Aviv, Tel. (03) 632111

Subsidiaries, Branches and Representative Offices in:

New-York (26), Chicago, Philadelphia, Los-Angeles, Miami,
Toronto, Cayman Islands, London (4), Frankfurt a/M, Paris (2), Zurich, Geneva, Brussels, Antwerp,
Milan, Buenos-Aires, São-Paulo, Caracas, Montevideo, Panama, Curaçao, Johannesburg, Hong-Kong
(Mexico City, Melbourne to be opened).



bank leumi בנק לאומי