

provides a necessary grounding which helps in the understanding of the research issues discussed in the next part of the book.

The second section of the book, "Core Issues," uses comparative law and society analysis to discuss research in different areas of legal systems. The topics range from how separation of powers is structured in parliamentary compared with presidential legal systems, to the development and functions of administrative agencies in the United Kingdom and Sweden, to the rise of constitutional courts and how they operate in different legal systems. Legal education, law firm organization, and judicial careers and independence are also analyzed across the legal traditions of common law and civil law countries. There is a chapter addressing federalism that looks at Canada and its subnational legal structure, with a focus on Quebec, in comparison with the United States. Workplace health care law, environmental law, civil litigation and alternative dispute resolution, and legal cultures are also explored from a comparative socio-legal perspective. Taken together, the "Core Issues" section provides a wide-ranging look at many aspects of this diverse field.

*Comparative Law and Society* was published as part of the Research Handbooks in Comparative Law series, which also includes books on comparative administrative law, comparative constitutional law, and methodology of comparative law. This book provides an interesting look at legal systems from a variety of subjects and perspectives and there is a great diversity of subject matter throughout. All chapters include footnotes and bibliographies of further readings, some of which are more extensive than others. From the perspective of a reader less familiar with the subject, the book would have benefited from a more detailed introduction with a more developed explanation of what tied the different parts and chapters of the book together. As an alternative, there could have been a concluding section that pulled the various topics together. With that small caveat, *Comparative Law and Society* would be a good resource for academic law libraries, especially at law schools with a comparative law focus, as well as for libraries at universities with law and society programs.

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***The Israeli Legal System.*** By Marcia Gelpe. Carolina Academic Press, Durham, North Carolina: 2013, Pp 596, ISBN 978-1-59460-868-1.

According to the author, an emerita Professor of Law at William Mitchell College of Law, this book is intended to provide American students

with the ability to understand the features of Israeli law that would not otherwise be familiar to them. It does so by describing the differences between Israeli and American law and investigating the reasons for and implications of these differences. Some references are also made to systems of laws other than those of the U.S. and Israel to encourage students to think critically while engaging in comparative law analysis. Although primarily designed for American students, the book is a welcome addition to the resources available to all students and jurists who are interested in learning about Israeli law and comparative law. Considering its comprehensiveness, and the scarcity of treatises on Israeli law in the English language, this book is a highly valuable resource for any academic library around the world.

Prof. Gelpe notes that Israeli law “is not dry material, concentrated on the intricacies of a complex code. The Israeli legal system is full of surprises for the American student of the law.” She argues that, considering the similarities between the laws of the United States and Israel, the identification of alternative ways of handling legal issues may further improve the American lawyer’s understanding of “why the American system uses the mechanisms it does, what justifies or explains the differences in the law of the two countries, whether the American way of handling a legal issue is the best way, and what can be learned for improving the American system.”

The book is composed of twenty-one chapters covering various areas of Israeli law, including: the Israeli government; character of the legal system and court structure; procedure; the legal profession; constitutional Law; administrative Law; public international law; criminal law; religious law, Israel as a Jewish state, and family law. The chapters typically include an introductory summary of the topic, followed by partial translations of relevant statutory sources, as well as excerpts from case law materials. The translations incorporate text adjustments for the convenience of non-Hebrew speaking readers. The source material provided in various chapters of the book are usually followed by questions encouraging the reader to consider the principles and the challenges faced by Israeli law based on the preceding description and sources in comparison with those applicable under American law.

The book includes helpful information on the country’s geography and climate, history, ethnic identity, religion, residence patterns, the military draft, the economy, education, and calendar. This information facilitates readers’ understanding of references and citations to Israeli legal sources, and provides relevant context to the discussion of legal norms that have been developed and applied in Israel.

Before addressing specific topics under Israeli law Prof. Gelpe discusses Israel’s legal history and introduces the reader to the evolution of law from the Ottoman era through the British Mandate and up to Israeli

independence. Understanding the impact of that history on Israel's system of law, and particularly on its family law, is important to readers unfamiliar with mixed systems of law and with the application of unified law in the area of family law. Originating from the Ottoman Millet system, current law in Israel recognizes different personal status laws based on membership in recognized religious communities as the laws that apply in matters of marriage and divorce. As in other chapters in the book, the author provides important legal sources, some of which are translated into English, regarding the transformation of Israeli law from one period to another, as well as UN Resolutions and Israeli documents and laws on the application of Israeli law and administration in the country.

The author skillfully presents the diversity of opinions among Israeli jurists and lay persons alike on various legal issues. For example, having explained the system of appointment of judges under Israeli law, its objective, and the criticism expressed by some Israelis regarding the role of Supreme Court justices in selecting additional justices to the Court (referred by some as *a friend brings a friend* system), she concludes that "Israelis vigorously criticize their own judicial selection system, but have thus far failed to agree on a substantial change to the system. Most want to stay away from the American system, which they see as an undignified political circus."

Questioning what she describes as the "extensive power of the Supreme Court," the author highlights special aspects of judicial activism in Israel vis-à-vis the absence of an American-like constitution and legislation that could impose constraints on the Court's exercise of judicial authority. Referring to Israel's "constitutional revolution," a term introduced by Court President Aharon Barak to describe the authorization for Israel's Supreme Court to conduct judicial review and even repeal Knesset legislation that violates two Basic Laws passed in 1992, Prof. Gelpe concludes that part of the debate in favor and against such a "revolution" was "on the nature of the democratic regime."

In the absence of a comprehensive unified constitution that had been envisioned by the founders of the modern State of Israel, the Supreme Court has traditionally viewed itself as a protector of individual rights, even before the 1992 passage of Basic Law: Human Dignity and Liberty and Basic Law: Freedom of Occupation. In protecting civil rights the Court has traditionally relied on interpreting the Declaration of Independence as a source of guiding principles for interpretation of Israeli laws. Interpreting the two 1992 Basic Laws as providing the Court with the authority to repeal contradictory legislation coincides with the view of the Court as protector of civil rights. Worth noting, however, is the terminology used by Prof. Gelpe in describing the opposing view, which she says takes the position that, considering the lack of "a structure of government that protects people from tyranny exercised by

any part of government, the concentration of power in the hands of the Court [as expressed by judicial activism] is deeply troublesome.”

Encouraging critical thinking, the author questions accepted norms of American law in comparison to those that exist in the Israeli legal system. Describing the historical and social reasons for the absence of juries in the Israeli courtroom, including the amusing argument that “it would be hard for twelve Israelis to agree on anything,” Gelpe provides an interesting comparison of the judicial systems in Canada, Spain, Australia, New Zealand, France, Italy, Germany, Singapore, Malaysia, Zimbabwe, the Philippines, and South Africa. She concludes that criminal juries are found in only about a quarter of the world’s countries; in the case of civil trials, however, juries are unknown in most countries. She concludes that “[i]n light of the limited use of juries in other countries, the real question may not be why Israel does not have juries, but why the United States does.”

Of particular interest to non-Israeli readers is the chapter titled “Israel as a Jewish State.” Many Americans tend to view Jewish people as persons who adhere to the Jewish faith. The author explains that Israel sees Jews as a people who are entitled to a homeland in historical land “to which they have had a connection for more than 3,500 years.” The establishment of the modern State of Israel, based on its Declaration of Independence and the two 1992 Basic Laws, however, requires the state to be both Jewish and democratic. There need not be a contradiction between the two. This chapter includes judicial interpretations of what it means to be a Jewish state. According to these interpretations, the definition of a Jewish state does not require the state to apply Jewish law. Rather, the Jewish nature of the state derives from several core characteristics, including recognition of the state as the traditional homeland of the Jewish people; as a homeland the state must have Jewish majority (a concept that is often mentioned in connection with territorial concessions and support for the two state solutions for the Palestinian-Israeli conflict); Hebrew is the primary official language in the Jewish state; the main public holidays are Jewish; and the state’s symbols reflect the national resurrection of the Jewish people.

The author describes cases where the Supreme Court reversed decisions of the Central Election Committee (CEC) that would have prevented candidates from running for the Knesset (Israel’s parliament) based on platforms calling for the state to be a “state of all its citizens.” The CEC based its decisions on a provision in Basic Law: The Knesset, which authorizes the removal of candidate lists that reject the existence of the state as a Jewish and democratic state from participation in elections. According to the Supreme Court, in using this authority the CEC must narrowly interpret the statements because “the presumption is in favor of allowing candidates to run.”

The book's discussion of the meaning of a Jewish state under Israeli law provides ample examples of the Jewish traits of the state and the legal challenges deriving from its Jewishness. The author again challenges the reader to reflect on the reasoning behind legal determinations that are based on cultural and religious social norms. She asks, for example, whether a ban on the sale of pork in Israel differs from a ban on human consumption or the sale of horse meat, or the flesh of domestic cats and dogs, in Texas.

The book contains commentaries and sources on many other topics. It provides an excellent description of the complex socio-economic and historical background of Israeli law. Accompanied by English translations of sources often available only in Hebrew, and by substantial citations and commentaries including references to American and other foreign law resources, this book constitutes an important and unique work. The thought-provoking questions that the author poses in connection with many of the issues discussed are refreshing and make this book enjoyable to read for comparative lawyers of any nationality.

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***The Nakaz of Catherine the Great: Collected texts.*** Edited by William E. Butler and Vladimir A. Tomsinov. Clark, NJ: The Lawbook Exchange, Ltd., 2010. Pp. v, 531. ISBN: 978-1-58477-992-6. US\$95.00.

Believing that government officials had nothing better to do on a Saturday morning, Russian Empress Catherine the Great ordered them to gather in 57 State offices around the country where her edict called Grand Instructions, or *Nakaz* in Russian, was read aloud. Portions of this document were read in schools and selected sentences were dictated to students as an exercise in writing. Even at the meetings of peasant communes in the late 18th and early 19th centuries, excerpts from this document were read aloud until Tsar Paul I prohibited it. Professors Butler and Tomsinov tell these anecdotes to emphasize the importance of the document written by Catherine the Great between 1765 and 1767. The document was intended to be a guidance for the 564 delegates of the Legislative Commission who were elected from all "estates of the empire" and gathered in Moscow in Summer of 1767 with the goal of modernizing Russian legislation.

In the second half of the 18th century, the Russian legal system was confusing. There were numerous and often contradictory edicts, decrees,