

# **Forced Money: Legal Development of a Criminal Economic Rule**

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## **Abstract**

In 1793 Revolutionary France forced its inflated paper money on all sellers. Revived by Napoleon, this law was transplanted all over the world, crossed legal families, and still survives, because it has catered to more needs than the specific problem it was meant to address. As it forces sellers to accept the government's money, it appealed to other nearly collapsing governments, with inflation or not. Since it forces everyone to respect a symbol of the state, it appealed to authoritarian legislators. Since it is a component in management of the economy, it appealed to socialists. The article traces one branch in the law's family tree, going through various phases of the French Revolution to Napoleon, the Ottoman Empire, British Cyprus, British Palestine, and Israel. It shows how this law survived and adapted again and again in vastly diverse, easily identifiable political and economic circumstances.

**Keywords:** Transplantation, criminal law, money, ideology, inflation.

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## Introduction

This article is a contribution to a research program outlined by Alan Watson. Following up on his now classic *Legal Transplants*,<sup>1</sup> Watson ended a later book, *Society and Legal Change*, with a chapter titled 'Study of Legal Development'.<sup>2</sup> In it he called for a study of how and why laws do or do not change, using 'two possible approaches': First, identifying the response or lack thereof in one country's rules to 'marked changes in its circumstances whether social, economic, political or religious'. Second, comparing rules across countries that are related through transplantation. In other words, the study could be either across time or across space. The current article aims to do both, for a specific rule. Whereas Watson focused on private law, this article considers a criminal rule. The rule can have profound economic implications and great symbolic implications on sovereignty. Moreover, its natural supporters can be easily classified as socialists or dictators. As such, identifying the economic and political circumstances which may or may not have affected the rule across time and space is easier than in the development of most other rules.<sup>3</sup>

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<sup>1</sup> Alan Watson, *Legal Transplants: An Approach to Comparative Law* (second edition, University of Georgia Press, 1995).

<sup>2</sup> Alan Watson, *Society and Legal Change* (second edition, Temple University Press, 2001) 140.

<sup>3</sup> In contrast, Watson's own leading example ('sad declension' from theory, in his words) is a rule on damage caused by animals, which now differs among related legal systems. He lists 'some factors which might have been influential for development: attitudes towards animals or to kinds of animals; theories on the nature of animals and their capacity for rational thought; ideas of moral responsibility whether for an individual's acts or for his keeping a potentially dangerous thing, or simply ideas on the duties imposed by ownership; theories of causation; social and economic conditions in the area in question; particularly

The rule makes it illegal to reject the official state currency in all trade. This rule is considerably more remarkable than the innocuous legal tender laws which every modern country has. Legal tender laws only settle civil disputes about discharging pre-existing debts and taxes. They do not force sellers to accept currency on the spot, whereas the rule concerned here does. Legal tender laws typically threaten creditors only with dismissal of their lawsuits if they insist on rejecting the debtors' tender of the state's money. The rule concerned here has threatened all sellers with anything from a fine to the death penalty.

This is a rule that strikes at the very heart of the freedom of exchange and contract. As its practical implication has typically been to force producers to part with all their produce for paper, it can also be a severe violation of property rights. It is a rule that penalizes passive behavior. It is, or should be, a controversial rule, unlike a rule prohibiting counterfeiting of money. Its transplantation and survival is therefore anything but trivial. However, some legislators are prone to liking it. Accepting the state's money against one's will is a symbolic obedience to the state. Regimes with an authoritarian ideology are therefore likely to adopt such a rule for this reason alone, even if nobody has ever rejected that money or is expected to reject it. Accepting the state's money is also consistent with, and conducive to, economic planning by the state. Regimes with a socialist ideology are therefore also likely to adopt such a rule for this reason alone.

The case study provided here has a dozen phases of this rule, spread over eight political regimes, four geographical units, two legal families, and more than two

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striking episodes; and the authority of individual legal thinkers." Watson (n 2) 141-144. All these would be far more difficult to investigate than the grand political and economic ideologies and facts considered here.

centuries. The story told here is of a single branch in the rule's family tree, rather than the entire tree. I trace the origins of the current Israeli rule to 1793 France. Sometimes this requires tracing the rule's development across time within a single country, and sometimes the story is about transplantation. To this kind of story it makes no difference whether in one or more jurisdictions along the way the rule became a dead letter (as it probably did), because even a dead letter can be transplanted and, perhaps, come back to life in its new home, before being transmitted to yet another jurisdiction. Using the alternative illustration of a transplant as an infecting virus,<sup>4</sup> a dead letter phase of the rule along the way is akin to an asymptomatic carrier of a virus, who can infect others while suffering no consequences himself. A few remarks about the rest of the family tree will be found in the concluding discussion.

Many governments compelled sellers to accept specific currencies before the events told in this article. For example, the Code of Hammurabi compelled wine-sellers to accept payment in grain.<sup>5</sup> The invention of coinage made it a matter of sovereignty. Refusal to accept coins was an affront to the king whose portrait was on the coin, as in 1503 England.<sup>6</sup> The invention of paper money increased the state's ability to abuse its money and thus increased its need for such laws. Rejection of paper money in Mongol-ruled China was punishable by death.<sup>7</sup> In 1720 France, the paper money of John Law's

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<sup>4</sup> Gunther Teubner, 'Legal Irritants: Good Faith in British Law or How Unifying Law Ends Up in New Divergences' (1998) 61 *The Modern Law Review* 11.

<sup>5</sup> Robert Francis Harper, *The Code of Hammurabi King of Babylon* (Lawbook Exchange, 2nd edn 1999) 37.

<sup>6</sup> 19 Hen. VII. c. 5.

<sup>7</sup> Marco Polo, *The Book of Ser Marco Polo, the Venetian, Concerning the Kingdoms and Marvels of the East*. Translated by Henry Yule, vol. 1 (John Murray, 1871) Book Second, ch. 24.

System was forced on both sellers and buyers but only in large payments.<sup>8</sup> Rejection of paper money or its acceptance at a discount was outlawed in some British and French American colonies.<sup>9</sup> To Adam Smith this regulation seemed not only 'tyrannical' but he could not comprehend how it could be enacted or enforced.<sup>10</sup> As he published his book, more of the new American states adopted this rule to help paper money finance their Revolution, even outlawing disrespectful speech about paper money.<sup>11</sup> These examples show that an actual problem of money rejection, or mere authoritarianism, have led some governments to force their currencies down the throats of their people. There is no a priori reason to believe that the abovementioned rules were copied from one another. This rule is a fairly trivial idea once sellers reject the money that the state inflates. In the story below, in contrast, there is strong historical evidence for transplantation.

### **Revolutionary France**

The first criminal code of Revolutionary France (1791) did not prohibit money rejection.<sup>12</sup> The *assignat* already existed as a bond and would soon become full-fledged

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<sup>8</sup> Andrew McFarland Davis, 'An Historical Study of Law's System' (1887) 1 *Quarterly Journal of Economics* 420, 440.

<sup>9</sup> Curtis P. Nettels, *The Money Supply of the American Colonies Before 1720* (University of Wisconsin Press, 1934) 265; Adam Shortt (ed.), *Documents relating to Canadian Currency, Exchange and Finance during the French Period* (Canadian Archives, 1925) 71.

<sup>10</sup> Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (first published 1776, Electric Book Company, 1998) Book Two, ch. 2.

<sup>11</sup> Ralph V. Harlow, 'Aspects of Revolutionary Finance, 1775-1783' (1929) 35 *American Historical Review* 46.

<sup>12</sup> Jean-Paul Doucet (ed), *Le Droit Criminel*, [http://ledroitcriminel.fr/la\\_legislation\\_criminelle/anciens\\_textes.htm](http://ledroitcriminel.fr/la_legislation_criminelle/anciens_textes.htm) (accessed 19 February 2016).

paper money.<sup>13</sup> It circulated together with pre-Revolutionary precious metal coins and was supposed to substitute taxes and stimulate the economy. War with Austria broke in 1792.<sup>14</sup> Its expenses were financed by printing *assignats*. Sellers responded by either raising prices or rejecting *assignats*. This was resented by populist Parisian groups – the *sans culottes* (‘have-nots’) and the proto-communist *enragés* (‘enraged ones’). The Paris Commune – the local government under their control – demanded in August 1792 to outlaw acceptance of *assignats* at a discount, meaning that sellers would not be allowed to charge a higher price if paid in *assignats* rather than coin.<sup>15</sup> After a mob slaughtered a thousand prisoners in September, the intimidated Legislative Assembly discussed the mob’s demand that rejection of *assignat* at its nominal value be punished with death.<sup>16</sup> The Assembly was soon replaced by the National Convention which abolished monarchy, founded the Republic, executed the king, and declared war on Europe’s monarchs.

In March 1793 the Revolution seemed to unravel. The *assignat* depreciated by then by 50%. *Sans culottes* riots, royalist revolts, and a major military defeat were followed by a failed coup of the losing general (who then defected). On April 6th, 1793, the panicked Convention, which had recently established the Revolutionary Tribunal, also established the Committee of Public Safety – the future Terror government. Two

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<sup>13</sup> All general facts about *assignats* are from S. E. Harris, *The Assignats* (Harvard University Press, 1930), and Florin Aftalion, *The French Revolution: An Economic Interpretation* (Cambridge University Press, 1990).

<sup>14</sup> All general facts about non-monetary issues are from Georges Lefebvre, *The French Revolution*. Translated by Elizabeth Moss Evanson (Routledge & Kegan Paul, 1962); and Aftalion (n 13).

<sup>15</sup> Lefebvre (n 14) vol. I, 245.

<sup>16</sup> France, *Archives Parlementaires, 1787-1860* (Kraus, 1969) vol. XLIX, 509.

days later the Convention's Committee of Assignats, Moneys, Ordinary and Extraordinary Finances (commonly known as the Finance Committee) submitted a bill to 'prohibit the sale of coin and to favor the circulation of *assignats*'. Joseph Cambon, speaking for the committee, justified it as something extraordinary, necessitated by the circumstances. One section made it mandatory to accept *assignats*.<sup>17</sup> It was approved three days later. As Section 4 of the law of April 11th it fined violators the entire sum of the transaction. Section 2 of that law punished sellers who charged different prices for coin and for *assignats* with six years in prison. This section was added to the bill at the Convention and the harsh penalty was taken from another section, revealing the panic and haphazard legislative process: It was better to reject *assignat* altogether (fine) than accept it at a discount (prison).<sup>18</sup>

This law was the first building block in the 'economic terror,' that would soon establish price controls, prohibit food hoarding, and command labor (by the Mass Levy). Most historians agree that no party in the Convention was ideologically against free markets. However, the *Montagnards* wanted to purge the *Girondins* from the Convention so they bought the support of the mob by voting for economic controls.<sup>19</sup> In May, a month after the law was enacted, the mob did purge the Convention as planned.

While the *Girondins* opposed price controls, two of their leaders – Deputies Lasource and Guadet – pushed for a *tougher* law of forced money.<sup>20</sup> This probably happened because it was their party which initiated in 1792 both the war and the money

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<sup>17</sup> *Archives Parlementaires* LXI, 442-450.

<sup>18</sup> *Archives Parlementaires* LXI, 592-595.

<sup>19</sup> Lefebvre (n 14), Aftalion (n 13).

<sup>20</sup> *Archives Parlementaires* LXI, 594.

printing to finance it. This could work only if people accepted that money. Economists view inflation as a tax, because by eroding the value of the money held by people it invisibly transfers resources from the people to the government. From that perspective, forcing people to accept such a taxed money can be viewed as turning legal tax avoidance into illegal tax evasion.

There is no evidence that the law was copied from the American Revolution or from John Law's 1720 System. Those episodes were mentioned only in the debates of 1789-1790 as a warning *against* paper money. The laws in those episodes were temporary, failing, minor details in much greater events. Their texts were entirely different. The French Republic simply ran into the same problem of massive money rejection and discount, so it resorted to the same trivial legal 'solution.'

This solution failed, so on August 1st, 1793, Georges Couthon of the Committee of Public Safety moved the Convention to increase penalties: A fine of 3000 *livres* and a six months prison sentence, and for a relapse a double fine and twenty years in prison.<sup>21</sup> On September 5th, 1793, following the fall of Toulon, bread shortages, and continued inflation, the law was expanded: Snitching would be rewarded; offenders would be brought immediately to a Revolutionary tribunal with lax procedures; the penalty would be death if the offence was meant to help the enemy; and it became illegal to speak against the *assignats*.<sup>22</sup> This change may have been prompted by news that the mob was about to raid the Convention again. The mob did arrive later that day, which was officially declared the first day of Terror.

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<sup>21</sup> *Archives Parlementaires* LXX, 75.

<sup>22</sup> *Archives Parlementaires* LXXIII, 406-407.

Sellers responded to the expanded law by asking before a transaction whether the payment would be made in paper or coin, stopping negotiations in the former case. On May 10th, 1794, it became illegal to ask this question. This was also punished with death if done for treasonous reasons.<sup>23</sup> By then the far-left populist leaders had been executed and Robespierre catered to the Parisians directly, promising a social security system and redistribution of confiscated land. The war was going much better.

It can be seen that as authoritarianism increased from April 1793 to May 1794 the rule expanded in three ways: Related activities were outlawed to close loopholes, enforcement was strengthened, and penalties were increased. Some people were indeed executed or jailed for rejecting or not respecting the *assignat*.<sup>24</sup> In July 1794 Terror ended and inflation exploded. In 1797 the valueless *assignat* was cancelled. Since all versions of the rule specifically spoke of '*assignats*' rather than 'money' all that legislation effectively expired.

### **Napoleonic France**

In 1801 a committee of jurists was appointed to draft a new penal code. Its 1804 draft was mostly a harsher version of the 1791 code.<sup>25</sup> Book IV: Contraventions of Police and Penalties was at the very end of the substantive part (there was also a procedural part). It listed 45 minor offences. Some came from the 1791 code, such as refusing to help the

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<sup>23</sup> *Archives Parlementaires* XC, 210.

<sup>24</sup> Donald Greer, *The Incidence of the Terror during the French Revolution: A Statistical Interpretation* (Harvard University Press, 1935) 77-85; Harris (n 13) 183.

<sup>25</sup> France, *Projets de Codes de Procédure, de Commerce, Criminels* (Imprimerie de la République, 1804); Carl Ludwig von Bar, *A History of Continental Criminal Law*. Translated by Thomas S. Bell. (Rothman, 1968) 337.

police in emergencies. One 'new' offence was Section 435.13: 'refuse to receive the national specie or coin, not being counterfeit or altered, at the value for which the same has currency.'<sup>26</sup>

This section was almost certainly borrowed from the previous decade. At least some of the committee members had been leading lawyers or politicians back then.<sup>27</sup> Lawyer Jean-Baptiste Treilhard, a former member of the States-General and the Constituent Assembly (1789-1791), was re-elected to the Convention in 1792.<sup>28</sup> In October he became an original member of the Finance Committee.<sup>29</sup> He was elected President for the latter part of the king's trial.<sup>30</sup> Then he served as one of the Convention's commissioners to the front.<sup>31</sup> Upon his return he was made an original member of the Committee of Public Safety alongside Joseph Cambon, his former colleague at the Finance Committee.<sup>32</sup> Two days later Cambon submitted on behalf of the Finance Committee the bill with the forced money law. There can be no doubt that Treilhard was aware of the forced money law and its importance. Under Napoleon, Treilhard was

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<sup>26</sup> Translation is from the identical Section 475.11 in *The Penal Code of France, Translated into English* (H. Butterworth, 1819).

<sup>27</sup> Their names are in Charles Seruzier, *Historical Summary of the French Codes*. Translated by David A. Combe and Martha S. Gruning (Rothman, 1979) 101.

<sup>28</sup> *Encyclopedia Britannica* (1911) "Treilhard".

<sup>29</sup> *Archives Parlementaires* LII, 438.

<sup>30</sup> *Encyclopedia Britannica* (1911) "Treilhard".

<sup>31</sup> Richard Munthe Brace, 'Carnot and the Treason of Dumouriez' (1949) 21 *Journal of Modern History* 313, 315.

<sup>32</sup> Alison Patrick, *The Men of the First French Republic: Political Alignments in the National Convention of 1792* (The Johns Hopkins University Press, 1972) 374.

member of the legislative section of the Council of State, to which the penal code draft was submitted.<sup>33</sup> Another member of the 1801 committee was Gui Jean-Baptiste Target, a leading lawyer who had been invited by Louis XVI to defend him at his trial.<sup>34</sup>

Why was the section adopted? Napoleon was practical and had no economic ideology against free markets per se.<sup>35</sup> The draft was composed in the most peaceful and financially calm period of his reign. He consolidated his control, became an emperor, built his forces, and reorganized finance along very conservative lines as a lesson from the *assignant* episode. Could the anticipated war require the forced money section in case Napoleon would replace looting with inflation as a method of war finance? This is highly unlikely, and the proposed penalty of a fixed nominal fine (11 to 25 francs) supports this conjecture. It is pointless to legislate a fixed nominal fine under high inflation.

A more likely reason is the constitutional nature and ideology of the regime. While a democracy restricts freedoms only after a crisis does erupt (e.g., USA PATRIOT Act), a dictatorship restricts freedoms regularly and in advance. The probable reason for the existence of the forced money section in the 1804 draft is authoritarianism, which was pervasive throughout the draft. Offences against the state were repressed severely and without due process.<sup>36</sup> Citizens were not allowed to reject money simply because it was the state's money.

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<sup>33</sup> Seruzier (n 27) 102.

<sup>34</sup> *Encyclopedia Britannica* (1911) "Target".

<sup>35</sup> Georges Lefebvre, *Napoleon*. Translated by Henry F. Stockhold, vol. I (Routledge & Kegan Paul, 1969) ch. 7 and pages 80-82, 131-133.

<sup>36</sup> von Bar (n 25) 337; Seruzier (n 27) 108-110; Marc Ancel, 'Introduction' in Gerhard O. W. Mueller (ed), *The French Penal Code* (Rothman, 1960) 1, 4, 9.

The 1804 draft was enacted in 1810, after some changes, as the Penal Code.<sup>37</sup> The forced money section – Section 475.11 – was one of 35 contraventions. It had a fine of six to ten francs and imprisonment of five days for relapse. The code became the most widely followed penal code in the world.<sup>38</sup> The forced money section remained unchanged during the following half century, in which the code was changed but France remained more or less a dictatorship. At this point the story moves to the Middle East.

### **The Ottoman Empire**

In 1856 the British and French beat Russia in the Crimean War and demanded as a reward that the Ottomans adopt European codes. In 1858 the Ottomans enacted a French-based penal code.<sup>39</sup> The author, leading jurist Ahmed Cevdet, kept 21 of the 35 French contraventions, which is about the ratio he applied throughout the code. Section 256(iv) fined 'persons refusing to take the coin of the realm at its nominal value'.<sup>40</sup>

One suspect for the retaining of the forced money section is the Crimean War, during which much paper money was issued. Prices increased by a total 30% in Istanbul during the two-year fighting and in some regions by 200%.<sup>41</sup> Paper lost half its value against gold coins.<sup>42</sup> However, there seems to have been no problem of mass outright

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<sup>37</sup> Doucet (n 12).

<sup>38</sup> Ancel (n 36), 1.

<sup>39</sup> Roderic H. Davison, *Reform in the Ottoman Empire, 1856-1876* (Gordian Press, 1973) 52-5, 97-8.

<sup>40</sup> C. G. Walpole, *The Ottoman Penal Code* (William Clowes and Sons, 1888).

<sup>41</sup> Hakan Berument and Asli Gunay, 'Inflation Dynamics and its Sources in the Ottoman Empire: 1586-1913' (2007) 21 *International Review of Applied Economics* 207, Table 1.

<sup>42</sup> Şevket Pamuk, *A Monetary History of the Ottoman Empire* (Cambridge University Press, 2000) 211.

rejections as in another episode.<sup>43</sup> During the preparation of the code the price level stabilized. In 1858, when the code was enacted, the crisis seemed to be over.

Like Napoleon, the Ottoman rulers used economic policies only to survive in power, and as a rule did not mind free markets.<sup>44</sup> Cevdet kept French sections unless he had good reasons not to. He left out sections relating to dream-solving for a living and removing caterpillars from fields, due to cultural and biological differences from France. However, the importance of respecting the sovereign's money was similar enough in the authoritarian Ottoman Empire and in the authoritarian French Empire. Moreover, the entire 19th century state-building project of Ottoman reformation was inspired by the French model of the state. If the French had that section in their criminal code, and they were considered experts in administrative control of the population, they probably knew what they were doing. In conclusion, the forced money section was adopted mostly for authoritarian reasons. The penalty of a nominal fine again strengthens this conclusion.

The section remained in force until the Empire collapsed. As it was being conquered by the British in present-day Israel in 1917, some of the Empire's military commanders and civilian provincial governors drastically increased penalties there. They threatened the business elite with collective deportations or 'worse' unspecified penalties in towns where Ottoman paper money was rejected or discounted.<sup>45</sup> However, the reason that Israel has the forced money section today has nothing to do with this heritage. We need to take a Cypriot detour.

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<sup>43</sup> Davison (n 39), 80, cf. 111.

<sup>44</sup> Şevket Pamuk, *The Ottoman Economy and its Institutions* (Ashgate, 2009) ch. 2.

<sup>45</sup> Raphael Dabbah, *Currency Notes of the Palestine Currency Board* (Achava, 2004) 30-33 (Hebrew).

## **British Colony of Cyprus**

Cyprus is a key episode because here the forced money section moved from civil law to common law. Britain got Cyprus from the Ottomans in 1878 and left most laws intact. It annexed Cyprus in 1914 and made it a Crown Colony in 1925. In the late 1920s the Colonial Office in London prepared a standardized colonial criminal code, known as the East African draft model code. It originated in an 1879 attempt to codify the common law.<sup>46</sup> In 1927 Cyprus's Attorney-General Charles Gerahty was instructed to base a new penal code on it. He copied the model code almost verbatim and reported every deviation from it. When deviating, he usually took sections from previous British legislation in Cyprus and other colonies. He borrowed offences from the discarded Ottoman code only in rare cases: Sodomy felonies, damage to public buildings (a misdemeanor), and *twelve* contraventions.<sup>47</sup>

Gerahty's unusual liking of Ottoman contraventions probably comes from the odd nature of the contraventions chapter. Most Ottoman offences dealt with conventional criminal issues (treason, murder, robbery, etc.). These were obviously covered by the model code so they were thrown out wholesale. The contraventions chapter, however, stood out. In France it was a basket for offences which did not fit elsewhere. The chapter's very existence in a criminal code was questionable, as reflected by its location

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<sup>46</sup> Yoram Shachar, 'The Sources of the Criminal Code Ordinance, 1936' (1979) 7 *Tel Aviv University Law Review* 75 (Hebrew).

<sup>47</sup> United Kingdom, The National Archives, Public Record Office, Kew, Richmond, Surrey, Colonial Office [henceforth PRO CO] 67/222/15.

at the end.<sup>48</sup> Most of its substance was not covered by the model code. Exactly for this reason, Gerahty took a closer look and adopted some of the contraventions, putting most of them in a Minor Offences chapter which did not exist in the model code. The last offence in Gerahty's code was Section 362(i), which punished anyone who 'refuses to take coin or notes current in the Colony at their face value' by 'a fine not exceeding five pounds.' He did not explain the choice of specific contraventions. Elsewhere he cited 'local conditions' as reasons for deviating from the model code.

Unbacked paper money had been issued in Cyprus on an ad hoc basis since World War I began. In 1926 this money was reported as popular and widely used. Since Cyprus had just become a regular colony and the British pound had just returned to the Gold Standard, the Colony's treasurer wanted a permanent legal, financial, and technical foundation for Cypriot paper money. Gerahty was therefore working on a paper money ordinance while preparing the criminal code.<sup>49</sup> There was no economic reason to expect the new, better money to be rejected. The British government was certainly not intending to create inflation. The British surely did not bring economic ideology of forcing people to accept money against their will. The problem was a political one.

The political climate in Cyprus descended quickly after it became a colony due to the enthusiasm of most Cypriots for a union with Greece.<sup>50</sup> Governor Ronald Storrs was

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<sup>48</sup> Mordechai Kremnizer, 'Principles of Structure and System of the Specific Offences' (Doctoral dissertation, Hebrew University of Jerusalem, 1980) 158-159 (Hebrew).

<sup>49</sup> PRO CO 67/218/2, CO 67/220/8, CO 323/1020/18.

<sup>50</sup> G.S. Georghallides, *Cyprus and the Governorship of Sir Ronald Storrs: The Causes of the 1931 Crisis* (Cyprus Research Center, 1985); Ronald Storrs, *The Memoirs of Sir Ronald Storrs* (G.P. Putnam's Sons, 1937).

regularly greeted across the island with Greek flags. The colonial Constitution ignored this desire and Storrs mocked the locals. Another trouble was the arrival of communists. Storrs ordered Gerahty to take them into account in the criminal code, fearing they would revolt or sabotage the economy.<sup>51</sup> Gerahty imported an entire chapter from Australia to deal with them. Gerahty was irritated by the local Legislative Council, expecting it to sabotage his code. Indeed, after he submitted the bill in 1927, the Council wasted time.<sup>52</sup> He suggested enacting the code by a royal Order-in-Council instead. In 1928 Storrs arranged public celebrations for 50 years of British rule and was furious that the locals did not join the party. This may have prompted him to support Gerahty's suggestion and the code was indeed imposed from London.<sup>53</sup> This invoked wide protest in Cyprus,<sup>54</sup> which was set on an explosive course. In 1931 a mob burned Government House. The British suspended the Constitution and declared martial law.

The forced money section was adopted for purely authoritarian reasons by a revamped colonial regime which was nervous about a problematic Council, a disloyal population, and communists. Gerahty wanted to assert British authority with mandatory respect for British-issued money. He explicitly added paper money – the legal basis of which he was improving at the time – to the forced money section, which until then mentioned only 'coin'. Another indication that the motive was authoritarianism, can be seen by analysing all the cases in which Gerahty did not copy sections verbatim from the model code or other sources. Among these original changes of his, only in offences

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<sup>51</sup> PRO CO 67/222/15, 34-38.

<sup>52</sup> PRO CO 67/222/15, 2, 37-38.

<sup>53</sup> Cyprus, *The Cyprus Gazette, Extraordinary* (Government Printing Office, 17 October 1928).

<sup>54</sup> PRO CO 67/226/8.

against the government the changes were decidedly biased towards harshness. He covered more acts and increased penalties.<sup>55</sup>

### **British Mandate of Palestine**

The British captured this part of the Ottoman Empire in 1917, established a colonial-type government and received a League of Nations Mandate in 1922. In 1929, High Commissioner for Palestine, John Chancellor, ordered Attorney-General Norman Bentwich to use the fresh Cypriot code as a model for a new criminal code.<sup>56</sup> This made sense. Like neighboring Cyprus, Palestine was small, mostly agricultural but relatively advanced, with an Ottoman past, and a critical tension between Muslims and others (Christians in Cyprus, Jews in Palestine). The tension was worse in Palestine, where the Arabs refused to sit with Jews in a council.

The first draft of a new code was ready in May 1929. It adopted half of the Cypriot code verbatim. The rest was omitted or modified, reflecting cultural differences, earlier legislation in Palestine, and Bentwich's additional training in French law. Bentwich kept all the Cypriot Minor Offences and added some. Section 390(i) in the draft was the forced money section.<sup>57</sup> There was no economic need for this section. There were no problems of money rejection or inflation.<sup>58</sup> In 1927 a new Palestine pound had been

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<sup>55</sup> He covered more acts in Sections 45, 49, 96, 112 (but less acts in Section 67), and increased penalties in Sections 88, 90, 92, 97, 98, 99, 101. See PRO CO 67/222/15, 112-117.

<sup>56</sup> PRO CO 733/172/2, 137.

<sup>57</sup> PRO CO 733/172/2-3.

<sup>58</sup> Palestine, *Report on Palestine Administration* (His Majesty's Stationery Office, 1920-1929); Robert David Ottensooser, *The Palestine Pound and the Israel Pound: Transition from a Colonial to an Independent Currency* (Les Presses de Savoie, 1955) 14, 83.

introduced, equal to the pound sterling, backed by it, and issued by a strict Currency Board.<sup>59</sup> It was 'well received by all sections of the community',<sup>60</sup> so much so that counterfeiting 'has already taken on serious proportions'.<sup>61</sup>

The forced money section was adopted simply because it was in the Cypriot code. Once a piece of colonial legislation was approved by the Colonial Office, it was elevated to a new status. Much like a common law precedent, Bentwich would have had to justify why he would *not* adopt it.<sup>62</sup> As in Cyprus, the section was appropriate enough to be imposed by an authoritarian regime on a problematic, under-developed, non-British population.

The section's survival was cemented by the events to follow. Three months later, a religious dispute in Jerusalem almost turned into civil war, including Arab pogroms which wiped out some Jewish communities.<sup>63</sup> With law and order on the verge of collapse, Bentwich re-asserted authority with repressive measures, such as the Criminal Law (Seditious Offences) Ordinance. It dealt with 'offences against public order' and especially 'offences against the authority of the government' such as 'Insult to Flag'. Other ordinances enhanced an earlier Collective Punishments Ordinance which fined riotous

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<sup>59</sup> Palestine, *Report on Palestine Administration* (His Majesty's Stationery Office, 1927), 12-3, 21.

<sup>60</sup> Palestine, *Report on Palestine Administration* (His Majesty's Stationery Office, 1928), 16; Palestine, *Report on Palestine Administration* (His Majesty's Stationery Office, 1929), 31; Norman Bentwich, *England in Palestine* (Kegan Paul, Trench, Trubner, 1932) 253-254.

<sup>61</sup> PRO CO 733/162/19, 5.

<sup>62</sup> PRO CO 733/172/3.

<sup>63</sup> The entire episode and its legal aftermath are described in Martin Kolinski, *Law, Order and Riots in Mandatory Palestine, 1928-35* (St. Martin's Press, 1993), and Bentwich (n 60) 183-203.

populations collectively.<sup>64</sup> Bentwich himself, a Zionist Jew, was then shot and wounded by an Arab government employee. Soon a censoring Press Ordinance and emergency regulations were introduced. In explaining why one third of the government budget was spent on police, Bentwich blamed 'the maintenance of order in a country so rent with feud and faction'.<sup>65</sup>

Bentwich recruited even the Minor Offences chapter to enhance public order. In the next draft of the criminal code he separated the forced money section from the other contraventions and lumped it as a subsection with two Ottoman contraventions that had been adopted in British Iraq but not in Cyprus: Refusal to help in an emergency and violating a government order.<sup>66</sup> These imports reflected the problem of authority during the pogroms. Section 394, which now included these two offences and the forced money section, was revealingly titled 'Offences relating to the Public Authority'. Its punishments added imprisonment to the fines imposed on other contraventions.<sup>67</sup>

In 1932 Harry Trusted became attorney-general. In a politically calm atmosphere he dismantled the authoritarian Section 394 and moved the forced money section to the coin chapter, which dealt with counterfeiting and corrupting coin.<sup>68</sup> His draft became the 1933 Criminal Code Bill.<sup>69</sup> In 1936 the Criminal Code Ordinance was enacted.<sup>70</sup> Section

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<sup>64</sup> Palestine, *The Palestine Gazette* (Government Printing Press, 25 October 1929); Palestine, *Report on Palestine Administration* (His Majesty's Stationery Office, 1929) 50-51.

<sup>65</sup> Bentwich (n 60) 254.

<sup>66</sup> Israel, State Archives, Jerusalem, 2.10.1.7, Explanatory Note.

<sup>67</sup> PRO CO 733/225, Part 1, 86.

<sup>68</sup> PRO CO 733/225, Part 3, 91.

<sup>69</sup> *Palestine Gazette*, 6 June 1933.

370 read: 'Any person refusing to take at its face value any coin or note which is legal tender in Palestine, is guilty of a contravention, and is liable to a fine of five pounds.' Beginning that same year, Palestine entered sustained military conflict. The Arab Revolt (1936-39), World War II, and the Jewish Revolt (1945-47) brought massive emergency regulation that curtailed individual rights across the board.<sup>71</sup>

## **Israel**

In 1948 the Mandate ended, Israel was founded, and its Arab neighbors invaded. Israel was busy with the war, mass immigration absorption, and state building.<sup>72</sup> Only the most hated parts of the Palestine criminal code were quickly abolished: Death penalty and flogging. In the 1960s Israel found time for a comprehensive legal reform. A bill to amend the penal code was submitted to the Israeli parliament (*Knesset*) in 1965.<sup>73</sup> It included three-months prison terms for all offences that were then punished only by fines. It also proposed to abolish three 'antiquated' sections: Invitation to a duel, attempted suicide, and uttering defaced coin. The latter was Section 367, near the forced money section (Section 370) and in the same coin chapter. This shows that the bill's authors looked at every section, and would have thrown out the forced money section had they thought it was inappropriate. At the *Knesset* most speakers wanted more antiquated sections out, including some Minor Offences. The forced money section, however, laid isolated at the end of the technical, boring coin chapter, which nobody discussed. In 1966

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<sup>70</sup> *Palestine Gazette Extraordinary*, 14 December 1936, Supp. 1.

<sup>71</sup> Yoram Shachar, 'History and Sources of Israeli Law' in Amos Shapira and Keren C. Dewitt-Arar (eds), *Introduction to the Law of Israel* (Kluwer Law International, 1995) 1-10.

<sup>72</sup> Yair Aharoni, *The Israeli Economy: Dreams and Realities* (Routledge 1991) 71-74.

<sup>73</sup> Israel, *Knesset Records* (13 December 1965), 138 (Hebrew).

an amended bill passed, with the forced money section getting a three-months prison term as proposed.<sup>74</sup>

As shown above, the main motive for the forced money section since the French Terror was authoritarianism. Why did the Israeli democracy keep the section? There was no economic need for this section since money was generally accepted and inflation was low. I argue that the section was kept mostly due to socialist ideology, joined by some authoritarian mentality. Let us closely examine the circumstances of 1965 and the individuals involved.

The post-Independence mass immigration created fears of mass starvation so the government used British war regulations to impose strict food rationing. This did not conflict at all with economic ideology, since most of Israel's founders were Eastern European socialists, whose flagship was the voluntary commune known as *kibbutz*. The first (and last) Minister of Rationing and Supplies was Dov Yosef, a Quebec lawyer and economist by training.<sup>75</sup> Yosef publicly promised future rationing of clothes, footwear, furniture, and household utensils as well, and also price controls in restaurants and coffee shops.<sup>76</sup> Naturally, most of the economy moved to the black market. Yosef was shocked that so many 'formerly decent people' were struck by this 'illness' and he designed a 'cure'.<sup>77</sup> His inspectors pulled over cars and searched homes without warrants as they were looking for merchandise. Snitching was rewarded and semi-popular tribunals were

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<sup>74</sup> Israel, *Book of Statutes* (1966) 68 (Hebrew).

<sup>75</sup> Aharoni (n 72) 71-77.

<sup>76</sup> Israel, *Knesset Records* (26 April 1949) 401 (Hebrew).

<sup>77</sup> Maya Mark, 'Administrative Courts and Authorities' Relationships In the Domains of Food Rationing and Rent Control During Israel's Formative Years' (LL.M. Thesis, Tel Aviv University, 2010) 31-32 (Hebrew).

erected. Then the public revolted in the polls, so rationing was phased out from 1952. Yosef moved on to other offices, and in 1965 he was the Minister of Justice who submitted the criminal code bill to the *Knesset*.

However, up until 1977 the economy was still planned, more than in any other democracy. Minister Pinchas Sapir decided alone which industrial projects, from carpet and cotton factories to power plants and ports, would be built, where, and by whom. He was eulogized by the Prime Minister as 'captain of the Israeli economy'.<sup>78</sup> As part of this planning the public's monetary choices were generally disregarded. In 1962 the currency was devalued overnight by 67% to support exports, driving numerous households with dollar-indexed mortgages to bankruptcy.<sup>79</sup> Foreign exchange controls – another British inheritance – forbade holding of foreign currency. Travelers abroad were allowed to take only \$400 per trip, regardless of its length.<sup>80</sup> Most of them resorted to the black market.

This well-known socialism of the political leaders was joined by a more subtle socialism of the jurists responsible for the 1965 criminal code bill. Immigrants from Germany formed Israel's Progressive Party. Its ideology originated in the German liberalism which invented social security. It emphasized basic civil liberties, the civic duty to help fellow citizens, the right to get such help, and a close collaboration between

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<sup>78</sup> Arye Avneri, *Sapir* (Peleg, 1976) 11 (Hebrew).

<sup>79</sup> Elazar Levin, '35 Years to the Great Devaluation' (*Globes*, 11 February 1997) (Hebrew).  
<http://www.globes.co.il/news/article.aspx?did=103532> (accessed 8 March 2016).

<sup>80</sup> *Davar*, '\$400 Ration for Every Travel Abroad' (*Davar*, 16 October 1962) (Hebrew).

state and citizen.<sup>81</sup> These immigrants took over the legal system when Israel was founded, and some of them used their positions to Germanize the legal system as best they could. In 1962 Uri Yadin (born Rudolf Heinsheimer) was Director of the Legislation Department at the Ministry of Justice. Haim Herman Cohn was a Supreme Court Justice and chair of the standing Committee to Revise the Criminal Code. That year, Yadin and Cohn initiated a new offence in the criminal code: Exploiting unfair bargaining power due to the other side's lack of experience, absent-mindedness, physical weakness, or mental weakness.<sup>82</sup> It was their attempt to turn over the abhorrent *caveat emptor* ('buyer beware') left by the British. Yadin inserted this, and the related doctrine of good faith, to general contract law.<sup>83</sup> Both changes originated in German law, reflecting a righteous preference for fair trade over free trade.<sup>84</sup> Cohn and Yadin were the ones who prepared the 1965 criminal code bill.<sup>85</sup>

The socialism of the politicians and jurists would have been enough to keep the forced money section. It cannot be ignored, however, that in 1965 Israel was not quite a liberal democracy. The chronically dire security situation before the 1967 Six Days War,

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<sup>81</sup> Eli Salzberger and Fania Salzberger, 'The Secret German Sources of the Israeli Supreme Court' (1998) 3 *Israel Studies* 159; James J. Sheehan, *German Liberalism in the Nineteenth Century* (University of Chicago Press, 1978).

<sup>82</sup> Israel, State Archives, 74.0.6.1132, #85, 3 (Hebrew); Israel, *Book of Statutes* (1963) 131 (Hebrew).

<sup>83</sup> Israel, *Book of Statutes* (1973) 118 (Hebrew).

<sup>84</sup> Yoram Shachar, 'Uri Yadin's Diary' (1991) 16 *Tel Aviv University Law Review* 537, 553-557 (Hebrew); Yoram Shachar, 'Criminal Law and Culture in Israel' (1998) 7 *Plilim: Israel Journal of Criminal Justice* 77, 98-108 (Hebrew).

<sup>85</sup> Israel, State Archives, 74.0.6.1132, #86 (Hebrew).

immortalized in the controversial phrase 'Auschwitz borders', was not conducive to any civil liberties. Citizens in Arab areas were still subject to martial law since Independence (while having voting rights and *Knesset* representatives at the same time), and would be so until 1966. In 1964, the abovementioned Minister of Justice Dov Yosef shot down a Bill of Rights submitted by a law professor of the Liberal Party. Yosef argued that it could interrupt critically important emergency measures. 'We are surrounded by enemies intending on our annihilation', he said at the *Knesset* building in Jerusalem, one kilometer away from the hostile Jordanian border.<sup>86</sup>

Note that the security situation matters here in a different way from its effect on the desperate American and French Revolutionaries who used inflated paper money to finance their wars. Israel did not need that. When wars erupted, it had the efficient bureaucracy to requisition directly all the human and physical resources it needed. But the security situation did inspire a general mood of siege that tended to diminish liberal ideas.

Cohn and Yadin specifically were accused of having authoritarian tendencies. As Legal Advisor to the Government throughout the 1950s, Cohn was the infamous legal henchman of Prime Minister David Ben Gurion whose notion of democracy did not go far beyond free elections.<sup>87</sup> Yadin's draft of the Declaration of Independence included an order to 'obey ... authorities'. It was thrown out and Yadin was disappointed that the

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<sup>86</sup> Israel, *Knesset Records* (15 January 1964) 789 (Hebrew).

<sup>87</sup> Haim H. Cohn, *A Personal Introduction: Autobiography* (Kinneret, Zmora-Bitan, Dvir, 2005) (Hebrew).

Declaration did not 'command discipline'. He soon advised 'only total oppression, only termination and dismantlement' of a Jewish guerilla organization that kept its weapons.<sup>88</sup>

To summarize, strong socialism with weak authoritarianism led the Israeli democracy to keep the forced money section in 1966. Cohn, Yadin, and Yosef – the men who prepared and presented the amendment of the criminal code – saw little virtue in economic freedom. Unlike Adam Smith, they could not see anything outrageous about the forced money section. If a seller was offered official money by a buyer, it was only fair to the buyer, respectful of state authority, and in accordance with economic planning and public order, that this money should be accepted. Period. All the more so while the country is in a permanent military emergency.

In 1977 the criminal code was re-arranged without substantive changes and the forced money section was moved back to the Minor Offences chapter as Section 489. While it is wholly incompatible with current political and economic ideologies in Israel, nobody has an interest in repealing this dead letter, and the criminal code still awaits another comprehensive reform.

## **Conclusion**

To summarize the story, the forced money rule was initiated by an actual problem of money rejection at war together with socialist ideology forced by the mob (Revolutionary France), strengthened by brutal authoritarianism (Terrorist France), scaled back under normal authoritarianism (Napoleon, Ottoman Empire, Colonial Cyprus, Mandate Palestine), strengthened during Imperial collapse (Ottoman Empire) and on the brink of

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<sup>88</sup> Shachar (n 84, 1991) 549, quotes in footnotes 68, 67, respectively.

civil war (Mandate Palestine), and remained alive by socialism and mild authoritarianism (Israel of the 1960s).

The story includes original legislation (France 1793), local evolution of legislation (France, Ottoman Empire, Cyprus, Palestine-Israel), 'voluntary' transplantation (Ottoman Empire), and forced transplantation (Cyprus, Palestine). The similarity of the Ottoman, Cypriot, and Palestinian forced money sections to the French one, in both text and location in the code, indicates transplantation. The various changes that were made prove, however, that no adoption along the way was mindless copying. Transplantation was joined by adaptation.

Many jurisdictions inherited the forced money section through Napoleon's occupations or through the Ottoman transplantation, and some retained it after independence. Here are a few examples: The French dependencies Malta,<sup>89</sup> Haiti,<sup>90</sup> and Lebanon,<sup>91</sup> the Italian dependency Somalia,<sup>92</sup> the Ottoman-British dependencies Jordan<sup>93</sup>

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<sup>89</sup> Malta, *Criminal Code, to amend and consolidate the Penal Laws and the Laws of Criminal Procedure* (1974) 140, Section 352(k). Malta was only briefly a French dependency but it kept the French codes.

<sup>90</sup> Aug. A. Héreau (ed), *Code Pénal, avec les dernières modifications*, 10th ed (Imprimerie Aug. A. Héreau, 1938) 108, Article 394(8).

<sup>91</sup> Lebanon, *Code Penal* (Bureau des Documentations Libanaises et Arabes, 1973) 159, Article 767.

<sup>92</sup> Martin R. Ganzglass (ed), *The Penal Code of The Somali Democratic Republic, with Cases, Commentary, and Examples* (Rutgers University Press, 1971) 614-615, Article 536.

<sup>93</sup> Israel Defences Forces, *A Collection of Jordanian Laws*, vol. 6 (Military Advocate General, 1970) 60-61, Section 255.

and Iraq,<sup>94</sup> and modern Turkey.<sup>95</sup> The Spanish dependencies Puerto Rico, Cuba, and The Philippines had it until the United States revised their laws.<sup>96</sup> France and Italy still have the forced money section.<sup>97</sup> It will be easily noticed that all these countries have been democratically challenged, or, like Israel, have regularly had communist parties in parliament. This is no coincidence. More forced money rules were independently created later, as in the Japanese occupation of Burma in World War II. As could be expected from that fragile, brutal regime, the penalties in its forced money law included torture and death.<sup>98</sup>

It is instructive to consider jurisdictions which did not adopt a forced money rule, either because they were not faced with one or because they faced it and disliked it. India and British colonies in Africa did not have indirect French heritage as Cyprus did, and their governments were not ordered to use the Cypriot code. Therefore, they did not have such a rule, even though they were subjected to the same level of British authoritarianism. The young United States knew forced money laws from its own

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<sup>94</sup> United Nations Office on Drugs and Crime, *Iraqi Penal Code*, Section 306, [www.unodc.org/tldb/showDocument.do?documentUId=6363&node=docs&cmd=add&country=IRQ](http://www.unodc.org/tldb/showDocument.do?documentUId=6363&node=docs&cmd=add&country=IRQ) (accessed 20 February 2016).

<sup>95</sup> William G. Belser, Jr. (ed) *The Turkish Criminal Code* (Fred B. Rothman & Co., 1965) 175, Section 532.

<sup>96</sup> [USA] War Department, *The Penal Code in Force in Cuba and Porto Rico* (Government Printing Office, 1900) 122, Article 600(1); [USA] War Department, *Translation of the Penal Code in Force in The Philippines* (Government Printing Office, 1900) 117, Article 577(1).

<sup>97</sup> Émile Garçon (ed), *Code Pénal Annoté* (Librairie Sirey, 1959) 47, Article R.30(11); John Delaney (ed), *The Italian Penal Code* (Fred B. Rothman & Co., 1978) 237, Article 693.

<sup>98</sup> Gregg Huff and Shinobu Majima, 'Financing Japan's World War II Occupation of Southeast Asia' (2013) 73 *Journal of Economic History* 937.

Revolution, but continuing it in peace was incompatible with the values of a free-market democracy. In Australia, Queensland in 1899 consulted not only a British model but also the 1889 Italian code because it was the state of the art.<sup>99</sup> Italy had inherited the forced money rule from Napoleon (Section 441). Queensland saw this section and decided not to adopt it, for the same reason that the United States did not adopt it.

One conclusion from these cross-country comparisons is substitutability between the three contributing factors: A political ideology of authoritarianism, an economic ideology of socialism, and an actual problem of money rejection. Either one was enough to adopt the forced money rule. A coincidence of two or three of these factors led to increased penalties. In the absence of all three, the rule was not adopted. The Israeli case is particularly instructive. As Israel was founded it lost British colonial authoritarianism but gained socialism, which led it to keep the forced money section.

While Watson deliberately looked for evidence of legislative inaction on rules long incompatible with society's values, the rule discussed here shows a very attentive response to political and economic ideologies, with two qualifications. First, attentiveness existed only during legal reforms, the timing of which was random. Second, the values considered were not those of society at large, but only those of the jurists and those in power above them – a monarch, a colonial empire, or a violent mob. The legislators' relatively high attentiveness may be explained by the type of rule that is examined here. The consequences of a criminal rule are typically more severe than the private law rules on which Watson focused. Another reason for the attentiveness could be the unusually

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<sup>99</sup> Shachar (n 46).

great potential of the rule for important consequences – practical or symbolic – to the economy and sovereignty.

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## References

- Aftalion, Florin *The French Revolution: An Economic Interpretation* (Cambridge University Press, 1990).
- Aharoni, Yair, *The Israeli Economy: Dreams and Realities* (Routledge 1991).
- Ancel, Marc, 'Introduction' in Gerhard O. W. Mueller (ed), *The French Penal Code* (Rothman, 1960) 1.
- Avneri, Arye, *Sapir* (Peleg, 1976) (Hebrew).
- Belser, William G., Jr. (ed) *The Turkish Criminal Code* (Fred B. Rothman & Co., 1965).
- Bentwich, Norman, *England in Palestine* (Kegan Paul, Trench, Trubner, 1932).
- Berument, Hakan and Asli Gunay, 'Inflation Dynamics and its Sources in the Ottoman Empire: 1586-1913' (2007) 21 *International Review of Applied Economics* 207.
- Brace, Richard Munthe, 'Carnot and the Treason of Dumouriez' (1949) 21 *Journal of Modern History* 313.
- Cohn, Haim H., *A Personal Introduction: Autobiography* (Kinneret, Zmora-Bitan, Dvir, 2005) (Hebrew).
- Cyprus, *The Cyprus Gazette, Extraordinary* (Government Printing Office, various dates).
- Dabbah, Raphael *Currency Notes of the Palestine Currency Board* (Achava, 2004).
- Davar*, '\$400 Ration for Every Travel Abroad' (*Davar*, 16 October 1962) (Hebrew).
- Davis, Andrew McFarland, 'An Historical Study of Law's System' (1887) 1 *Quarterly Journal of Economics* 420.
- Davison, Roderic H., *Reform in the Ottoman Empire, 1856-1876* (Gordian Press, 1973).
- Doucet, Jean-Paul (ed), *Le Droit Criminel*,  
[http://ledroitcriminel.fr/la\\_legislation\\_criminelle/anciens\\_textes.htm](http://ledroitcriminel.fr/la_legislation_criminelle/anciens_textes.htm).

*Encyclopedia Britannica* (1911).

France, *Projets de Codes de Procédure, de Commerce, Criminels* (Imprimerie de la République, 1804).

France, *Archives Parlementaires, 1787-1860* (Kraus, 1969), various volumes.

Ganzglass, Martin R. (ed), *The Penal Code of The Somali Democratic Republic, with Cases, Commentary, and Examples* (Rutgers University Press, 1971).

Garçon, Émile (ed), *Code Pénal Annoté* (Librairie Sirey, 1959) 47, Article R.30(11);  
John Delaney (ed), *The Italian Penal Code* (Fred B. Rothman & Co., 1978).

Georghallides, G.S., *Cyprus and the Governorship of Sir Ronald Storrs: The Causes of the 1931 Crisis* (Cyprus Research Center, 1985).

Greer, Donald, *The Incidence of the Terror during the French Revolution: A Statistical Interpretation* Harvard University Press, 1935).

Harlow, Ralph V., 'Aspects of Revolutionary Finance, 1775-1783' (1929) 35 *American Historical Review* 46.

Harper, Robert Francis, *The Code of Hammurabi King of Babylon* (Lawbook Exchange, 2nd edn 1999).

Harris, S. E., *The Assignats* (Harvard University Press, 1930).

Héraux, Aug. A. (ed), *Code Pénal, avec les dernières modifications*, 10th ed (Imprimerie Aug. A. Héraux, 1938) 108.

Huff, Gregg and Shinobu Majima, 'Financing Japan's World War II Occupation of Southeast Asia' (2013) 73 *Journal of Economic History* 937.

Israel, State Archives, Jerusalem, various files. (mostly in Hebrew)

Israel, *Knesset Records* (various dates) (Hebrew).

- Israel, *Book of Statutes* (various years) (Hebrew).
- Israel Defences Forces, *A Collection of Jordanian Laws* (Military Advocate General, 1970).
- Kolinski, Martin, *Law, Order and Riots in Mandatory Palestine, 1928-35* (St. Martin's Press, 1993).
- Kremnizer, Mordechai, 'Principles of Structure and System of the Specific Offences' (Doctoral dissertation, Hebrew University of Jerusalem, 1980) (Hebrew).
- Lebanon, *Code Penal* (Bureau des Documentations Libanaises et Arabes, 1973).
- Lefebvre, Georges, *The French Revolution*. Translated by Elizabeth Moss Evanson (Routledge & Kegan Paul, 1962).
- Lefebvre, Georges, *Napoleon*. Translated by Henry F. Stockhold (Routledge & Kegan Paul, 1969).
- Levin, Elazar, '35 Years to the Great Devaluation' (*Globes*, 11 February 1997) (Hebrew).  
<http://www.globes.co.il/news/article.aspx?did=103532> .
- Malta, *Criminal Code, to amend and consolidate the Penal Laws and the Laws of Criminal Procedure* (1974).
- Mark, Maya, 'Administrative Courts and Authorities' Relationships In the Domains of Food Rationing and Rent Control During Israel's Formative Years' (LL.M. Thesis, Tel Aviv University, 2010) (Hebrew).
- Nettels, Curtis P., *The Money Supply of the American Colonies Before 1720* (University of Wisconsin Press, 1934).
- Ottensouser, Robert David, *The Palestine Pound and the Israel Pound: Transition from a Colonial to an Independent Currency* (Les Presses de Savoie, 1955).

- Palestine, *The Palestine Gazette* (Government Printing Press, various dates);
- Palestine, *Report on Palestine Administration* (His Majesty's Stationery Office, various years).
- Pamuk, Şevket, *A Monetary History of the Ottoman Empire* (Cambridge University Press, 2000).
- Pamuk, Şevket, *The Ottoman Economy and its Institutions* (Ashgate, 2009).
- Patrick, Alison, *The Men of the First French Republic: Political Alignments in the National Convention of 1792* (The Johns Hopkins University Press, 1972).
- Polo, Marco, *The Book of Ser Marco Polo, the Venetian, Concerning the Kingdoms and Marvels of the East*. Translated by Henry Yule (John Murray, 1871).
- Salzberger, Eli and Fania Salzberger, 'The Secret German Sources of the Israeli Supreme Court' (1998) 3 *Israel Studies* 159.
- Seruzier, Charles, *Historical Summary of the French Codes*. Translated by David A. Combe and Martha S. Gruning (Rothman, 1979).
- Shachar, Yoram 'The Sources of the Criminal Code Ordinance, 1936' (1979) 7 *Tel Aviv University Law Review* 75. (Hebrew)
- Shachar, Yoram, 'Uri Yadin's Diary' (1991) 16 *Tel Aviv University Law Review* 537 (Hebrew).
- Shachar, Yoram, 'History and Sources of Israeli Law' in Amos Shapira and Keren C. Dewitt-Arar (eds), *Introduction to the Law of Israel* (Kluwer Law International, 1995) 1.
- Shachar, Yoram, 'Criminal Law and Culture in Israel' (1998) 7 *Plilim: Israel Journal of Criminal Justice* 77 (Hebrew).

- Sheehan, James J., *German Liberalism in the Nineteenth Century* (University of Chicago Press, 1978).
- Shortt, Adam (ed.), *Documents relating to Canadian Currency, Exchange and Finance during the French Period* (Canadian Archives, 1925).
- Smith, Adam, *An Inquiry into the Nature and Causes of the Wealth of Nations* (first published 1776, Electric Book Company, 1998).
- Storrs, Ronald, *The Memoirs of Sir Ronald Storrs* (G.P. Putnam's Sons, 1937).
- Teubner, Gunther, 'Legal Irritants: Good Faith in British Law or How Unifying Law Ends Up in New Divergences' (1998) 61 *The Modern Law Review* 11.
- The Penal Code of France, Translated into English* (H. Butterworth, 1819).
- United Kingdom, The National Archives, Public Record Office, Kew, Richmond, Surrey, Colonial Office, various files.
- United Nations Office on Drugs and Crime, *Iraqi Penal Code*.  
[www.unodc.org/tldb/showDocument.do?documentUId=6363&node=docs&cmd=add&country=IRQ](http://www.unodc.org/tldb/showDocument.do?documentUId=6363&node=docs&cmd=add&country=IRQ).
- von Bar, Carl Ludwig, *A History of Continental Criminal Law*. Translated by Thomas S. Bell. (Rothman, 1968).
- Walpole, C. G., *The Ottoman Penal Code* (William Clowes and Sons, 1888).
- Watson, Alan, *Legal Transplants: An Approach to Comparative Law* (second edition, University of Georgia Press, 1995).
- Watson, Alan, *Society and Legal Change* (second edition, Temple University Press, 2001).

War Department [USA], *The Penal Code in Force in Cuba and Porto Rico* (Government Printing Office, 1900).

War Department [USA], *Translation of the Penal Code in Force in The Philippines* (Government Printing Office, 1900).