

Aharon Barak

PUBLICATIONS BOOKS (Hebrew)

1. Purposive Interpretation in Law (Nevo Publishing 2003)
2. Interpretation in Law (Nevo Publishing):
General Theory of Interpretation (vol.1, 1992)
Statutory Interpretation (vol. 2, 1993)
Constitutional Interpretation (vol. 3, 1994)
Interpretation of Contracts (vol. 4, 2000)
Interpretation of Wills (vol. 5, 2000)
3. Selected Essays (2 vols., 2000)
4. Judicial Discretion (Papyrus, 1987)
English Edition (Y. Kaufmann trans., Yale, 1989)
Italian Edition (I. Mattei trans., A. Giuffre, 1995)
Russian Edition (1999)
5. Agency Law (Sacher Inst. for Legis. Res., Heb. U., 1975)
(part of series: Commentary on Laws Relating to Contracts, G. Tedeschi ed.)
Second Edition (Nevo, 1996)
6. The Nature of the Negotiable Instrument (Jerusalem Acad. Press, 1973)
7. With I. England & M. Cheshin, The Law of Civil Wrongs: General Part
(Tedeschi G. ed., Magnes, 1970)
8. Vicarious Liability in the Law of Torts (Kiryath-Sepher, 1965)

BOOKS EDITED(with others)

1. Berenson Book (2 vols., Nevo, 1997, 2000)
2. In Memoriam: Gualtiero Procaccia, Essays on Law (Sacher Inst., Heb. U. 1995)
3. In Memoriam: Guido Tedeschi, Essays in Civil Law (Sacher Inst., Heb. U., 1995)
4. In Memoriam: Y. Sussman (Daf-Chen, 1984)
5. Essays in Honor of Moshe Landau (3 vols., Bursi, 1995)
6. Haim H. Cohen, Selected Essays (2 vols., Bursi, 1991)
7. In Memoriam: Uri Yadin (2 vols., Bursi, 1990)

8. In Memoriam: I. Kahan (Papyrus, 1989)
9. Alfred Witkon, Justice and the Judiciary (Schocken, 1988)
10. In Memoriam: Zvi Bar-Niv, Collection of Essays on Labour Law (Ramot, 1987)
11. Essays in Honor of Shimon Agranat (Graph-Press, 1987)

ARTICLES

1. The Nature of Judicial Discretion and its Significance for the Administration of Justice, Judicial Discretion in European Perspective ed. Ola Wiklund, Norstedts Juridik, Kluwer Law International, Institute for Legal Research Seminar (2003)
2. A Judge on Judging: The Role of a Supreme Court in a Democracy, Foreword: Harvard Law Review, (Nov. 2002)
3. The Role of the Supreme Court in a Democracy, 33. Isr. L. Rev. 1 (1999); 3 Isr. Studies 2 (1999)
4. Independence of the Judicial Branch, Judicial Independence Today (1999)
5. The Role of the Judge in a Democracy (English and Spanish), Justice in the World 3 (1999)
6. Freedom of Expression and Its Limitations, Challenges to Democracy, Essays in Honor and Memory of Isaiah Berlin, Ashgate Publ. Ltd, pp. 167-188 (2000)
7. Address on Receiving the Degree of Doctor Honoris Causa from the University of Bologna, Developments in European, Italian and Israeli Law, ed. by A. Rabello(2001)
8. Civil Code Interpretation in Israel, The Principles of UNIDROIT and Modern National Codifications, ed. by A. Rabello, Sacher Institute,(2001)
9. El Sistema Juridico en Israel: Su Tradicion y su Cultura,The Israel Bar Association, (2002)
10. The Role of Supreme Court in a Democracy, 53 Hastings Law Journal 5 (July 2002)
11. The Civil Code Interpretation in Israel, Israel Among the Nations (1998)

12. The Constitutionalization of Israeli Legal System as a Result of the Basic Laws and its Effect on Procedural and Substantive Criminal Law, 31 Isr. L. Rev. 3 (1997)
13. Constitutional Human Rights and Private Law, in 3 Interpretation in Law pt.8 (1994), reprinted in 3 Review of Constitutional Studies 218 (A. Siegel trans. 1996)
14. Interpretation of a Codex, in In Memoriam: Guido Tedeschi, Essays in Civil Law (1995).
15. La Revolution Constitutionnelle: La Protection des Droits Fondamentaux, 72 Pouvoirs 17 (1995)
16. The Tradition and Culture of the Israeli Legal System, in European Legal Traditions and Israel (M. Rabello ed. 1994), translated in 40 Hapraklit 197 (1992)
17. Hermeneutics and Constitutional Interpretation, 14 Cardozo L. Rev. 767 (1993)
18. The Codification of Civil Law and the Law of Torts, 24 Isr. L. Rev. 628 (1990)
19. Freedom of Speech in Israel: the Impact of the American Constitution, 8 Tel Aviv U. Stud. L. 241 (1988)
20. The Rule of Law, Isr. National Council for Democracy and Rule of Law, translated form Ministry of Justice publication (1988)
21. Constitutional Law Without a Constitution: The Role of the Judiciary, in The Role of Courts in Society 448 (S. Shetreet ed. 1988)
22. Overruling Precedent, 21 Isr. L. Rev. 269 (1986)
23. The Nature of a Negotiable Instrument, 18 Isr. L. Rev. 49 (1983)
24. Damages for Personal Injury, De Lege Lata and De Lege Ferenda, 6 Tel Aviv U. Stud. L. 9 1983)
25. On the Nature of Undisclosed Agency, 2 Tel Aviv U. Stud. L. 45 (1976), translated from 5 Mishpatim (1974)
26. Towards Codification of the Civil Law, 1 Tel Aviv U. Stud. L. 9 (1975)
27. Company Law: Israel, 4 Inchieste Di Diritto Comparete 1551 (M. Rotondi ed. 1974)

28. Contemporary Trends in the Division of Legislative Functions Between the Legislature and the Executive, Isr. Rep. to 8th Int'l Cong. Comp. L. 162 (1970)
29. A Comparative Look at Protection of the Shareholder's Interest: Variations on the Derivative Suit, 20 Int'l and Comp. L.Q. 22 (1971)
30. Ratification by the General Meeting, 5 Isr. L. Rev. 249 (1970)
31. Company Law Doctrines and the Law of Agency in Israel, 18 Int'l and Comp. L.Q. 847 (1969)
32. The Holder in Due Course of a Blank, Unissued Instrument, 3 Isr. L. Rev. 599 (1968)
33. The Uniform Commercial Code - Commercial Paper: An Outsider's View, 3 Isr. L. Rev. 7, 184 (1968)
34. The Recommendations of the Company Law Reform Committee and the Doctrine of Ultra Vires, 3 Isr. La. Rev. 127 (1968)
35. The Requirement of Consideration for Bills and Notes, 2 Isr. L. Rev. 499 (1967)
36. The Effect of Illegal Consent and the Rule of Ex Turpi Causa on Liability in Tort, 1 Isr. L. Rev. 501 (1966)
37. The Nature of Vicarious Liability in English Law, XL Annuario de Diritto Comparato e di Legislativi 219 (1966)
38. Mixed and Vicarious Liability - A Suggested Distinction, 29 Mod. L. Rev. 160 (1966)
39. L'Enfant Terrible of the Law - the Child Trespasser, 1 Isr. L. Rev. 157 (1966)
40. The Servant's Course of Employment, 1 Isr. L. Rev. 18 (1966)
41. Subordinate Legislation, 16 Scripta Hierosolymitana 209 (Heb. U., 1966)
42. Personal and Vicarious Liability, 27 Mod. L. Rev. 94 (1964)

ARTICLES (HEBREW)

1. The Supreme Court as a Constitutional Court, 6 Mishpat Umemshal 2, (April 2003)
2. Freedom of Information and the Court, Kiryat Hamishpat 3, Israel Bar Association Press (2003)
3. Remarks in memory of the late Justice (ret.) Haim Cohen, Deputy President of the Supreme Court of Israel, Kiryat Hamishpat 3, Israel Bar Association Press (2003)
4. General Principles of Law in the Interpretation of Law, in Essays in Honour of Joshua Weisman, ed. Lerner and Lewinsohn-Zamir, The Harry and Michael Sacher Institute, Heb. Univ. (2002)
5. Human Dignity, Hamishpat 7 (2002)
6. Remarks at the Opening of the New Judicial Year, 16 Mishpat V'tsava 1, (2002)
7. Values of the State of Israel as a Jewish and Democratic State, Kivunim Hadashim, ed. Eli Ayal (2002)
8. The Interpretation of Criminal Statutes, 17 Bar-Ilan Law Studies 2, (2002)
9. On the Private Press, 21 Alei Mishpat 2 (2002)
10. The Limits of Law and Judging, Kiryat Hamishpat, Israel Bar Ass'n (2002)
11. On Justice Zamir, 1 Mishpat U'memshal 1, (2001)
12. On the Judge, 11 Hamishpat (2001)
13. On Values of the State of Israel as a Jewish and Democratic State and on National Unity, Yediot Ahronot (2001)
14. The Rule of Law and the Supremacy of the Constitution, 2 Mishpat U'Memshal, (2002)
15. On Tolerance, 11 Havatselet (2000)
16. On National Unity, 23 Iyunei Mishpat 3 (2000)
17. The State of Israel as a Jewish and Democratic State, 24 Iyunei Mishpat 1, (2000)

18. The Parliament and the Supreme Court – A Look to the Future, Hapraklit 45, (2002)
19. The Economic Constitution of Israel - Lecture 4 L. and Gov't in Isr. 357 (1998)
20. The Role of a Supreme Court in a Democracy Hapraklit (1999); Iyunei Mishpat (1997)
21. The Interpretation of Taxation Law - Lecture 28 Mishpatim 425 (1997)
22. Matters Pertaining to the Role of the Supreme Court, 21 Tel Aviv U. L. Rev. 13 (1997)
23. The Theory of Agency and the Agent's Power, in In Memoriam: Gualtiero Procaccia, Essays on Law 351 (1996)
24. The Constitutionalization of Israeli Law: The Basic Laws on Human Rights and Criminal Law, 13 Bar-Ilan Law Studies 5 (1996)
25. The Israeli Constitution - Past, Present and Future, 43 Hapraklit 5 (1996)
26. Law, Judging and Justice, 27 Mishpatim 5 (1996)
27. Law, Judging and Truth, 27 Mishpatim 11 (1996)
28. The Tradition of Freedom of Expression in Israel and its Problems - Lecture, 27 Mishpatim 223 (1996); 1 Dvarim Ahadim 26 (1997)
29. Remarks on the Publication of "Essays in Honor of Moshe Landau", 26 Mishpatim 415 (1996)
30. Remarks at the Swearing-In as President of the Supreme Court, 26 Mishpatim 211 (1996)
31. The "Enlightened Community", in 2 Essays in Honor of Moshe Landau 677 (1995)
32. President Shamgar and Public Law, 3 L. and Gov't in Isr. 11 (1995)
33. On the Amendments to Basic Law: Freedom of Occupation, 2 L. and Gov't in Isr. 545 (1994)
34. Basic Law: Freedom of Occupation. 2 Isr. L.Rev. 195 (1994)
35. Human dignity as a Constitutional Right, 41 Hapraklit 271 (1994)
36. The Supreme Court and Basic Law: Human Dignity and Liberty, 2 Hamishpat 15 (Annual ed. 1994); 4 Hamishpat 4 (1994)

37. The Role of a Supreme Court in a Democracy, 41 Hapraklit 5 (1993)
38. Protected Human Rights and Private Law, in Klinghoffer Book on Public Law 163 (I. Zamir ed. 1993)
39. On the Constitutional Way of Thinking, 1 Hamishpat 45 (Annual ed. 1993); 1 Hamishpat 10 (1992)
40. Protected Human Rights: Scope and Limitations, 1 L. and Gov't in Isr. 253 (1993)
41. The Israeli Legal System - Tradition and Culture, 40 Hapraklit 197 (1992), translated in European Legal Traditions and Israel (M. Rabello ed. 1994)
42. Judicial Philosophy and Judicial Activism, 17 Tel Aviv U. L. Rev. 475 (1992)
43. The Interpretation of Basic Laws, 22 Mishpatim 31 (1992)
44. The Constitutional Revolution: Protected Human Rights, 1 L. and Gov't in Isr. 9 (1992), translated in 72 Pouvoirs 17 (France 1995)
45. The Freedom of Expression and its Limits, 8 Kesher 3 (1990); Hapraklit 5 1991; Davar, June 22, 1990, at 17; 7 Yedion Lemoreh Le'ezrachut 71 (1991)
46. The Lacuna in the Law and the Foundations of Law Act, 20 Mishpatim 233 (1991)
47. The End of the Beginning, 16 Tel Aviv U. L. Rev. 209 (1991)
48. Judicial Creativity: Interpretation, the Filling of Lacunae and the Development of Law, 39 Hapraklit 267 (1990)
49. Forty Years of Israeli Law: The Law of Torts and the Codification of the Civil Law, 19 Mishpatim 631 (1990)
50. The Near Certainty Test in Israeli Constitutional Law, 14 Tel Aviv U. L. Rev. 371 (1989)
51. The Supreme Court and the Development of Law in Israel, in In Memoriam: I. Kahan 237 (1989)
52. The Rule of Law, (Israel Ministry of Justice 1988), reprinted with English translation, Isr. Nat'l Council for Democracy and Rule of L.
53. The American Constitution and Israeli Law, 26 Zmanim 12 (1987)
54. The Foundations of Law Act and the Heritage of Israel, 13 Jewish L.Y.B. 265 (1987), reprinted In Memoriam: Uri Yadin 27 (1990)

55. Judicial Review and Responsibility - The Scope of Supreme Court Judicial Review of National Labor Court rulings, 38 Hapraklit 245 (1989)
56. Remarks on the Publication of "Ghetto, Day by Day", by A. Tori, 17 Mishoah 16 (1989)
56. Chief Justice President Agranat: "Kol Ha'am" - The Voice of the People, in Essays in Honor of Shimon Agranat 129 (1987)
57. The Supreme Court and the Labor Courts - A Theoretical Observation, In Memoriam: Zvi Bar Niv 103 (1987)
58. The "Legislator's Intent": Reality or Fiction? 36 Hapraklit 165 (1985)
- 59.*. Regarding Compensation, the Law for an Injured Party - Deceased is Unlike the Law for an Injured Party - Survivor, 10 Ins. In Isr. 7 (1984)
60. Interpretation and Judging: Elements of an Israeli Theory of Statutory Interpretation, 10 Tel Aviv U. L. Rev. 467 (1984)
61. Judicial Ruling and the Social Realm: A Link to the Basic Principles, In Memoriam: Y. Sussman 71 (1984)
62. Judicial Law Making, 13 Mishpatim 25 (1983)
63. Damages for Personal Injury: The Law and Its Reform, 9 Tel Aviv U. L. Rev. 243 (1983)
64. The Judge as an Interpreter, 12 Mishpatim 248 (1982)
65. A Train is Also a "Motor Vehicle" (Judgment), 7 Ins. In Isr. 6 (1981)
66. The Sentencing Recommendation and the Parole Officer for Adults, 3 Soc'y and Welfare 162 (1980)
67. Conflict of Interests While Fulfilling a Duty, 10 Mishpatim 11 (1980)
- 68.*. A Court May Not Consider Individualistic Details of Pain and Suffering (Judgment), 5 Ins. In Isr. 6, 22 (1979)
69. The Rule of Law, in Lectures Delivered at 1976 Seminar of Judges (S. Shetreet ed. 1977)
70. On the Retirement of Professor Uri Yadin from the Faculty of Law, 8 Mishpatim 3 (1977)
71. The Independence of the New Civil Codification: Risks and Prospects, 7 Mishpatim 15 (1976) (with commentary)

72. On the Nature of Undisclosed Agency, 5 Mishpatim 499 (1974) translated in 2 Tel Aviv Stud. L. 45 (1976)
73. Bills of Exchange, 5 Mishpatim 410 (1974)
74. Provisions Concerning the Independence of the New Israeli Legislation, 5 Mishpatim 99 (1974)
75. Short Term Debentures to the Bearer: The Rights of the Buyer in Good Faith, 5 Mishpatim 160 (1974)
76. The Codification of the Civil Law in Israel, 3 Tel Aviv U. L. Rev. 5 (1973)
77. The Definition of "Agency" in the Law of Agency, 4 Mishpatim 539, (1973)
78. The Agency Law and the Organs Theory, 2 Tel-Aviv U.L.Rev. 203 (1972)
79. Fraud in the Endorsement of a Bill, 3 Mishpatim 451 (1972)
80. Estoppel Towards a Distant Party to a Bill, 26 Hapraklit 471
81. The Statutory Order for the Liability of an Occupier of Land, 2 Mishpatim 129 (1970)
82. Ratification of the General Meeting, 25 Hapraklit 289 (1969)
83. A Window Dependent on Two Husbands, 25 Hapraklit 289 (1969)
84. The Scope of Interference of Shareholders in the Management of a Company by its Officers, 25 Hapraklit 333 (1969)
85. Doctrines of Company Law and the Law of Agency, 24 Hapraklit 39 (1968)
86. The Power of a Bankrupt Manager to Bind the Company, 24 Hapraklit 372 (1968)
87. The Effect of an Extension Given to the Principal Debtor on the Liability of an "Awal" ["First"] Guarantor, 24 Hapraklit 404 (1968)
88. Fraud at the Drawing of a Cheque: Ends and Means in the Allocation of Risk Between the Bank and Its Client, 1 Mishpatim 134 (1968)
89. The Making of an "Awal" ["First"] Guarantee and Its Relation to Quasi-Endorsed Liability, 24 Hapraklit 280 (1968)
90. The Duty to Enact General Norms, 22 Hapraklit 292 (1966)
91. The Status of a Corporation in the Law of Torts, 22 Hapraklit 463 (1966)

92. Supervision of the Courts over Secondary Legislation, 21 Hapraklit 463 (1965)
93. Liability Towards Child Trespassers - Advancing Towards Regression, 21 Hapraklit 426 (1965)
94. Vicarious Liability of an Agent in the Civil Wrongs Ordinance, 21 Hapraklit 204 (1965)
95. The Liability in Tort of the State of Israel, as a Possessor of Land, Towards Child Trespassers, 20 Hapraklit 303 (1964)
96. The Liability in Tort of the Employer Due to the Actions of His Independent Contractor, 20 Hapraklit 335 (1964)
97. Can a Nominal Pecuniary Damage Serve as a Source for Exemplary Damages, 20 Hapraklit 216 (1964)
98. A Note on the Case of "Livni v. Torgeman", 20 Hapraklit 110 (1964)
99. The Liability in Tort of a Land Possessor, 19 Hapraklit 209 (1963), reprinted in Legal Research in Memory of A. Rosenthal 104 (1964)
100. The Liability in Tort of the Possessor of Land Towards Child Trespassers, 20, Hapraklit 17 (1964)
101. The Liability in Tort of the Owner Who is Not a Possessor, Towards a Licensee of the Possessor, 19 Hapraklit 213 (1963)
102. The Liability of the Land Possessor Towards an Invitee Who is Aware of an Unusual Risk, 19 Hapraklit 209 (1963)
103. The Liability in Tort of the Possessor of Land, 19 Hapraklit 3 (1963)
104. The Liability of an Employer for Damages Caused to a Hitchhiker Due to the Negligent Driving of His Employee, 18 Hapraklit 227 (1962)
105. On the Matter of Vicarious Liability, 18 Hapraklit 193 (1962)