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978-1-107-00858-8 - Proportionality: Constitutional Rights and their Limitations

Aharon Barak

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PROPORTIONALITY

Having identified proportionality as the main tool for limiting constitutional rights, Aharon Barak explores its four components (proper purpose, rational connection, necessity, and proportionality *stricto sensu*) and discusses the relationships between proportionality and reasonableness and between courts and legislation. He goes on to analyze the concept of deference and to consider the main arguments against the use of proportionality (incommensurability and irrationality). Alternatives to proportionality are compared and future developments of proportionality are suggested.

AHARON BARAK is a faculty member at the Interdisciplinary Center (IDC) Herzliya, Israel, and a visiting professor at Yale Law School. In 1975 he was appointed Attorney General of the State of Israel, becoming Justice of the Supreme Court of Israel in 1978 and serving as President from 1995 until his retirement in 2006. He has also served as a lecturer, professor and Dean of the Law School at the Hebrew University of Jerusalem.

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AHARON BARAK

Translated from the Hebrew by

DORON KALIR



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