

BARAK MEDINA

PERSONAL DETAILS

Date of birth: March 6, 1966
Home address: Nir-Banim 7952500 Israel
Office Address: Law Faculty, The Hebrew University of Jerusalem, Mount Scopus, Jerusalem 91905, Israel
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HIGHER EDUCATION

Date	Institution	Area of studies	Degree	Supervisors
3/1991	Tel-Aviv University	Law	LL.B. (Cum Laude)	
3/1991	Tel-Aviv University	Economics	B.A. (Cum Laude)	
12/1991	Tel-Aviv University	Economics	M.A. (Cum Laude)	Alex Cukierman
6/1996	Harvard University	Law	LL.M.	Louis Kaplow
9/1999	Hebrew University	Economics	Ph.D.	Joram Mayshar & Uriel Procaccia

ACADEMIC APPOINTMENTS AT THE HEBREW UNIVERSITY

2014–present: Justice Haim H. Cohn Chair in Human Rights Law
2012–present: Full Professor
2007–2012: Lawrence D. Biele Associate Professor (with Tenure)
2003–2007: Joseph H. and Belle R. Braun Senior Lecturer in Law
2001–2002: Adjunct, Faculty of Law
1994–1995: Assistant Teacher, Economics Department

ACTIVITIES AT THE HEBREW UNIVERSITY

2009–2012: Dean of the Law Faculty
2017–present: Co-Academic Director of the Center for the Study of End-of-Life
2016–present: Academic Director of the Research Center on Multi-Culturalism and Diversity
2013–present: Head of the Office of Assessment & Evaluation at the Hebrew University
2013–present: Chair of the academic committee of the Center for Clinical Legal Studies
2013–present: Co-Academic Director of the Program in Transitional Justice
2013–2015: Chair of the Law Faculty's Appointments Committee
2003–2007: Co-Editor-in-Chief of the *Israel Law Review* (Volumes 36-40)
2003–2006: Coordinator of scientific meetings, Faculty of Law

- 2004–2006: Member of the academic committee of the Minerva Center
 2005–2012, 2016–2017: Member of the Hebrew University Senate
 2008–2009: Head of the Advanced Studies Programs, Faculty of Law
 2008–2009: Member of the Research Students Committee of the Hebrew University
 2009–2012: Member of the Central Financial Aid Committee
 2007–2009: Vice Dean for Academic Affairs, Faculty of Law
 2007–2016: Member of the Appointment Committee, Faculty of Law

SERVICE IN OTHER ACADEMIC AND RESEARCH INSTITUTIONS

- 2012–2013: Rosalind and Arthur Gilbert Distinguished Visiting Professor, University of California at Berkeley, School of Law
 2006–2007: Visiting Professor, Columbia University School of Law, NY
 5/2004: Visiting Professor, Scuola Superiore Sant'Anna, Pisa, Italy
 2001–2003: Senior Lecturer, the College of Management Academic Studies Law School
 1997–2001: Lecturer, the College of Management Academic Studies Law School
 2000–2002: Adjunct, Tel-Aviv University Faculty of Law
 1989–1991: Teaching Assistant, Tel-Aviv University Economics Department

OTHER ACTIVITIES AND PRIZES

- 2017: Justice Cheshin Prize for Excellence in Legal Research
 2015: The Movement for Quality Government in Israel Award
 2015: Israel Science Foundation Research Grant
 2014: Fattal Prize for Excellence in Reserach, Haifa University
 2012–present: Substitute Member, the Venice Commission (the European Commission for Democracy through Law, the Council of Europe's advisory body on constitutional matters)
 2010–2012: Member, Van-Leer Project on Regulating Privatization, the Van-Leer Jerusalem Institute
 2004–2005: Adviser, the Israel Democracy Institute
 2004: Ellis and Alma Birk Prize
 2003–2006: Secretary of the Israeli Association of Public Law
 1992–1993: Associate, Dr. J. Weinroth & Co. Law Offices
 1991–1992: Clerk, Dr. J. Weinroth & Co. Law Offices
 1992: Addmitted to the Israeli Bar

Supervision of Master's degree students:

Efrat Rosen, *Judicial Review of the Legislative Process in Israel* (2008)

Samah Ayoub, *The Arab's Minority Autonomy Rights in Education* (2008)

Moran Nagid, *Municipal Law and Self-Ruling* (2012)

Izhak Dese, *The Duty to Employ Affirmative Action Programs* (2015)

Nisreen Mansour, *The Right to Die of People with Alzheimer Disease* (2017)

Supervision of Doctorate students:

Liav Orgad, *Legitimate and Illegitimate Criteria for Regulating Immigration: Europe, Israel, and the United States* (2011)

Yoed Halbersberg, *Multiple-Victim torts: The Problem of Victims Heterogeneity* (co-supervisor: Ehud Guttel) (2012)

Tamar Harel Ben-Shachar, *Equality in Education and the Privatization of Education* (co-supervisor: David Enoch) (2013)

Moshe Bachar, *Legal Aspects of the activities of the General Security Service* (2013)

Yael Efron, *Legal Education* (co-supervisor: Michael Karayanni) (2014)

Ronen Poliack, *The Right to Compensation for Lawful Infringement of a Constitutional Right* (2015)

Tali Marcus, *The Right to be a Parent* (2015)

Shay Levi, *Judicial Supremacy and Judicial Review*

Eliad Shraga, *Legal Protection of "Whistle Blowers"*

Boaz Segal, *Regulatory Negligence* (2017)

Limor Yehuda, *Equality in Ethno-National Conflicts* (co-supervisor: Yuval Shany)

Hassan Jabareen, *The Rule of Law and the Foundation Values* (co-supervisor: Paul Kahn)

Yael Cohen-Rimer, *Social-Security Rights*

Michal Cotler-Wunsh, *Freedom of Expression in Academic Campuses*

BARAK MEDINA, LIST OF PUBLICATIONS**Books**

1. Amnon Rubinstein, THE CONSTITUTIONAL LAW OF THE STATE OF ISRAEL (5th edition by Amnon Rubinstein and Barak Medina, 1996) [Hebrew]
2. Rhanan Har-Zahav and Barak Medina, THE LAW OF HIGHER EDUCATION (2000) [Hebrew]
3. Avi Weinroth and Barak Medina, THE LAW OF BANK LOANS (2000) [Hebrew]
4. Amnon Rubinstein and Barak Medina, THE CONSTITUTIONAL LAW OF THE STATE OF ISRAEL: FOUNDATIONS (6th edition, 2005) [Hebrew]
5. Amnon Rubinstein and Barak Medina, THE CONSTITUTIONAL LAW OF THE STATE OF ISRAEL: INSTITUTIONS (6th edition, 2005) [Hebrew]
6. Eyal Zamir and Barak Medina, LAW, ECONOMICS, AND MORALITY (Oxford University Press, 2010) [Reviews: Christopher T. Wonnell, *Deontology, Thresholds, and Efficiency*, 17 LEGAL THEORY 301 (2011); Symposium, 3 JERUSALEM REVIEW OF LEGAL STUDIES 45-146 (2011); Guha Krishnamurthi, *Book Review, Money Can't Buy Me Love*, 89 TEXAS LAW REVIEW dicta (2011)]
7. Barak Medina, HUMAN RIGHTS LAW IN ISRAEL (2016) [Hebrew]

Books Edited

8. Celia Fassberg, Barak Medina, and Eyal Zamir, STUDIES OF AHARON BARAK'S JURISPRUDENCE (Sacher Institute, Hebrew University of Jerusalem, 2009). [Hebrew]
9. Celia Fassberg, Barak Medina, and Joshua Weisman, STUDIES IN LAW—HONORING AVIGDOR LEVONTIN (Sacher Institute, Hebrew University of Jerusalem, forthcoming, 2013) [Hebrew]

Chapters in Collections

1. Barak Medina, *The State's Duties to Provide Basic Needs: From a "Discourse of Rights" to a "Public Finance Theory"* ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN ISRAEL 131-194 - (Yoram Rabin and Yuval Shany eds., 2004, Ramot, Tel-Aviv University) [Hebrew]
2. Barak Medina, *Frustration of Contract* in CONTRACT LAW – THE FORM OF THE CONTRACT 411-472 (Daniel Freidmann and Nili Cohen eds., 2004) [Hebrew]
3. Barak Medina, *Renegotiation, Efficient Breach and Adjustment: The Choice of Remedy for Breach of Contract as a Choice of a Contract-Modification Theory* in COMPARATIVE REMEDIES FOR BREACH OF CONTRACT 51-72 (Nili Cohen and Ewan McKendrick eds., 2005, Oxford: Hart Publishing)
4. Barak Medina, *Does the Establishment of Religion Justify Regulating Religious Activities? The Israeli Experience* in RELIGION IN THE PUBLIC SPHERE: A COMPARATIVE ANALYSIS OF GERMAN, ISRAELI, AMERICAN AND INTERNATIONAL LAW (Winfried Brugger and Michael Karayanni eds., Heidlener, Max Planc Press, 2007) [also published in 39(2) ISRAEL LAW REVIEW 127-157 (2006)]; reprinted in RELIGIOUS FREEDOM AND NEUTRALITY (N. Sudarshan ed., Amicus Books, 2008)

5. Barak Medina, "Economic Constitution," *Privatization and Public Finance: A Framework of Judicial Review of Economic Policy* in ZAMIR BOOK ON LAW, SOCIETY AND POLITICS 583-670 (Yoav Dotan and Ariel Bendor eds., 2005, Sacher Institute, Hebrew University) [Hebrew]
6. Barak Medina & Yuval Shany, *Separation of Powers in Treaty Making: Foundations*, in THE POWER TO RATIFY TREATS IN ISRAEL: CRITICAL EVALUATION AND A SUGGESTED REFORM (Moshe Hirsch et al. eds., 2009). [Hebrew]
7. Barak Medina, *Legislating Responses to Security Threats: The Requirement of Legislative Authority to Take Anti-Terrorist Measures*, in CONSTITUTIONAL INTERPRETATION (Fort Fu-Te Liao ed., Justitutum Jurisprudentiae of Academia Sinica, Taiwan, 2014)
8. Barak Medina, *The Role of the Legislature, in Determining Legitimate Responses to Security Threats: The Case of Israel*, in ISRAELI CONSTITUTIONAL LAW 445-460 (Aharon Brak, Daphne Barak-Erez, & Gidon Sapir eds., Oxford: Hart Publishing, 2014)
9. Barak Medina, *Economic Analysis of Public Law*, in LAW AND ECONOMICS (Uriel Procaccia ed., Sacher Institute, Hebrew University of Jerusalem, 2012). [Hebrew]
10. Barak Medina and Yotam Zeira, *The Right to Equality and Sexual Orientation*, in THE RIGHTS OF LGBT IN ISRAEL 159-194 (Alon Harel et. Al. eds., Sacher Institute, Hebrew University of Jerusalem, 2016). [Hebrew]
11. Barak Medina, *Equality and Non-Discrimination: The Scope of the Duty to "Neutralize the Difference"* in TOVA STREBEG-COHEN BOOK (Aharon Barak et al. eds., forthcoming) [Hebrew]
12. Barak Medina, *The Right to Live in Dignity: Critical Evaluation of the Israeli Supreme Court Approach*, in EDMOND LEVY BOOK 197 (Ohad Gordon et al. eds., 2017) [Hebrew]
13. Barak Medina and Ilan Saban, *On Reconciliation in a Rifted Society*, in Law, Society, and Culture (Raef Zreik and Ilan Saban Eds., forthcoming)

Articles in Academic Journals

14. Barak Medina, *Declaratory Judgment—Economic Analysis*, 24 MISHPATIM (Hebrew University Law Review) 605-621 (1995) [Hebrew]
15. Barak Medina, *Directing Behavior through the Negligence Rule*, 4 HAMISHPAT (The College of Management Academic Studies Law Review) 255-293 (1999) [Hebrew]
16. Barak Medina, *Directing Behavior by Default Rules: The Purpose of the Law of Remedies for Breach of Contract*, 22 IYONEY MISHPAT (Tel-Aviv University Law Review) 685-744 (1999) [Hebrew]
17. Barak Medina, *Inducing Investment in Gathering Information by Settling Conflict of Rights between a Bona Fide Purchaser and the Original Owner*, 5 HAMISHPAT (The College of Management Academic Studies Law Review) 117-148 (2000) [Hebrew]
18. Barak Medina, *Economic Analysis of the Duty to Act in Good Faith in Contractual Negotiation*, 29 MISHPATIM (Hebrew University Law Review) 513-543 (2000) [Hebrew]
19. Barak Medina, *Toward A New Social Pact? – Review of Ruth Gavison, Israel as a Jewish and Democratic State* 6 HAMISHPAT (The College of Management Academic Studies Law Review) 369-377 (2001) [Hebrew]
20. Barak Medina, *The Limits of The Knesset's Power to Set Supra-Majority Rules*, 6 MISHPAT UMIMSHAL (Haifa University Law Review) 509-549 (2003) [Hebrew]

21. Barak Medina, *Economic Justifications of Antidiscrimination Laws*, 3 ALEY MISHPAT (The Academic College Law Review) 37-70 (2003) [Hebrew]
22. Amnon Rubinstein and Barak Medina, *The Constitution of the State of Israel*, 8 HAMISHPAT (The College of Management Academic Studies Law Review) 291-356 (2003) [Hebrew]
23. Barak Medina, *The Fall of Formalism and the Rise of Mediation: Consensus-Based Dispute Resolution Mechanisms as "Legal" Ones*, 1 FOCAL POINT 31-45 (2003) [Hebrew]
24. Barak Medina, *Augmenting the Value of Ownership by Protecting it only Partially: The "Market-Overt" Rule Revisited*, 19 JOURNAL OF LAW, ECONOMICS, AND ORGANIZATION 343-372 (2003)
25. Barak Medina, *Political Disobedience in the IDF: The Scope of the Legal Right of Soldiers to be Excused from Taking Part in Military Activities in the Occupied Territories*, 36(3) ISRAEL LAW REVIEW 73-110 (2003)
26. Barak Medina, *A Search for a Theory of Israeli Law of Procurement – A Review of Omer Dekel, The Law of Procurement*, 4 ALEY MISHPAT (The Academic College Law Review) 359-371 (2005) [Hebrew]
27. Barak Medina, *Roundtable: Israeli Constitutionalism* 6 THE YALE ISRAEL JOURNAL 27-45 (2005)
28. Barak Medina, *Forty Years to the Yeredor Decision: The Right to Political Participation*, 22 MEHKEREY MISHPAT (Bar-Ilan University Law Review) 327-383 (2006) [Hebrew]
29. Barak Medina and Ilan Saban, *On the Freedom of a Knesset Member to Oppose the Occupation (following H CJ 11225/03 Beshare v. AG)*, 37 MISHPATIM (Hebrew University Law Review) 219-251 (2007) [Hebrew]
30. Yoav Dotan and Barak Medina, *Legal Aspects of the Privatization of the Supply of Goods and Services*, 37 MISHPATIM 287-347 (Hebrew University Law Review) (2007) [Hebrew]
31. Barak Medina, *Critical Evaluation of the Provisions on Impossibility and Frustration of Contract in the Proposed Israeli Civil Code*, 36 MISHPATIM 453-497 (Hebrew University Law Review) (2007) [Hebrew]
32. Barak Medina, *Four Myths about Judicial Review (In Response to Robert Bork's and Richard Posner's Criticism of Aharon Barak's Judicial Activism)*, 3 DIN UDVARIM 399-426 (Haifa University Interdisciplinary Law Review) (2007) [Hebrew]
33. Ofer Grosskopf and Barak Medina, *Regulating Contract Formation: Pre-Contractual Reliance, Sunk Costs, and Market Structure*, 39 CONNECTICUT LAW REVIEW 1977-2032 (2007)
34. Ofer Grosskopf and Barak Medina, *Drennan Revisited: Rationalizing Implied Irrevocability of Price Offers*, 3(2) REVIEW OF LAW AND ECONOMICS (2007)
<http://www.bepress.com/rle/vol3/iss2/art4>
35. Ehud Guttel and Barak Medina, *Less Crime, More (Vulnerable) Victims: The Distributional Effects of Criminal Sanctions*, 3(2) REVIEW OF LAW AND ECONOMICS (2007)
<http://www.bepress.com/rle/vol3/iss2/art9>
36. Eyal Zamir and Barak Medina, *Law, Morality, and Economics: Integrating Moral Constraints with Economic Analysis of Law*, 96 CALIFORNIA LAW REVIEW 323 (2008)

37. Ofer Grosskopf and Barak Medina, *A Revised Economic Theory of Disclosure Duties and Break-Up Fees in Contract Law*, 13 STANFORD JOURNAL OF LAW, BUSINESS & FINANCE 148-187 (2007)
38. Barak Medina, *A Response to Richard Posner's Criticism of Aharon Barak's Judicial Activism*, 49 HARVARD INTERNATIONAL LAW JOURNAL ONLINE 1 (2007)
[\[http://www.harvardilj.org/online/116\]](http://www.harvardilj.org/online/116)
39. Ofer Grosskopf and Barak Medina, *Remedies for Wrong Preliminary Injunctions: The Case for Disgorgement of Profits*, 32 SEATTLE UNIVERSITY LAW REVIEW 903-941 (2009)
40. Barak Medina and Ilan Saban, *Human Rights and Risk-Taking: On Democracy, Ethnic-Profilng and the "Limitation Clause" (following the Decision on the Validity of the Citizenship and Entry into Israel Law)*, 39 MISHPATIM 47-113 (Hebrew University Law Review) (2009) [Hebrew]
41. Barak Medina and Dror Vagshal, *Demonstrations in Front of Private Homes*, 2 HUKIM (Hebrew University Journal on Legislation) 197-254 (2010) [Hebrew]
42. Barak Medina, *Constitutional Limits to Privatization: The Israeli Supreme Court Decision to Invalidate Prison Privatization*, 8 INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW 690-713 (2010).
43. Barak Medina, *On "Infringements" of Human Rights and the "Proper Purpose" Requirement (following Aharon Barak, Proportionality—Constitutional Rights and their Limitations)* 15 IDC LAW REVIEW 281-316 (2012). [Hebrew]
44. Barak Medina, *The No-Delegation Doctrine—A Reply to Dotan and Sapir*, 42 MISHPATIM (Hebrew University Law Review) 449-479 (2012). [Hebrew]
45. Eyal Zamir and Barak Medina, *Law, Economics, and Morality: Response to Critiques*, 4 JERUSALEM REVIEW OF LEGAL STUDIES (2012).
46. Barak Medina, *Judicial Supremacy and Delayed Judicial Review—Comment to Sandberg*, 11 INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW 771 (2013).
47. Barak Medina, *Foundational Originalism*, 5 JERUSALEM REVIEW OF LEGAL STUDIES 1-16 (2013)
48. Barak Medina, Shlomo Naeh, and Uzi Segal, *Ranking Ranking Rules*, 10 REVIEW OF LAW AND ECONOMICS 73-96 (2013)
49. Barak Medina, *Ethnic Profiling is Discriminatory even if it is Efficient (Following Floyd v. City of New York)*, THE EMIL ZOLA CHAIR FOR HUMAN RIGHTS CASE NOTES (2013)
http://www.colman.ac.il/RESEARCH/RESEARCH_INSTITUTE/KATEDRA_HUMANRIGHTS/PSIKA/Pages/default.aspx
50. Eyal Zamir, Barak Medina, and Uzi Segal, *Who Benefits from the Uniformity of Contingent Fee Rates?* 11 REVIEW OF LAW AND ECONOMICS (2014)
51. Barak Medina, *The Legal Protection of the Right to Live in Dignity*, 14 LABOR LAW JOURNAL 227-262 (2015) [Hebrew]
52. Barak Medina, *The Right to Equality in the Israeli Supreme Court*, 17 MISHPAT U'MIMSHAL (Haifa University Law Review) 63-146 (2016) [Hebrew]
53. Barak Medina, *Academic Freedom – Between Law and Ethics (Book Review)*, 53 HA'PRAKLIT (Israel Bar Association Law Journal) 559 (2015)

54. Barak Medina and Hagar Segev, *Conflict of Rights: Vertical vs. Horizontal Balancing Tests*, 46 MISHPATIM (Hebrew University Law Review) (forthcoming). [Hebrew]
55. Barak Medina and Asor Watzman, *The Constitutional Revolution or Human-Rights Revolution? The Constitutional Basis of "Institutional" Norms*, IYONEY MISHPAT (Tel-Aviv University Law Review) (forthcoming). [Hebrew]
56. Barak Medina and Uria Beeri, *Minority Position and Collective Responsibility: On the Freedom of Speech of Cabinet Members* MA'ASEI MISHPAT (forthcoming). [Hebrew]
57. Barak Medina, *Domestic Human-Rights Adjudication in the Shadow of International Law: The Status of Human Rights Conventions in Israel*, 50 ISRAEL LAW REVIEW (forthcoming)