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Title

Law and Economics in the Israeli Legal System: Why Learned Hand Never Made It to Jerusalem

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CENTER FOR THE STUDY OF LAW AND SOCIETY BERKELEY LAW

CSLS SPEAKER SERIES Monday, September 12, 2011

NOTE SPECIAL TIME & LOCATION:

**ROOM 100 BOALT HALL
12:50p.m. - 2:05 p.m. with a light lunch served at 12:20p**

Justice Eliezer Rivlin

Deputy President, Israeli Supreme Court

"Law and Economics in the Israeli Legal System: Why Learned Hand Never Made it to Jerusalem"

This event is co-sponsored with the Institute for Jewish Law and Israeli Law, Economy and Society and the Law & Economics Program

The Israeli legal system was always suspicious of law and economics. It was reluctant to apply economic analysis of the law. For years Judge Learned Hand was not even mentioned in Israel case law in spite of the exceptional influence of the American legal system upon the Israeli Court. Furthermore, when the Hand Formula was first invoked, explicitly, in an Israeli case, it was vigorously criticized and was rejected for deontological reasons. It was always suggested that judges should not guide themselves by efficiency considerations and that corrective justice and fairness in general, rather than overall economic values of society, shall prevail. Were there any hidden concerns that stood behind such stance? Can the clue be found in the United States rather than in Israel? The current approach of Israeli case law will be illustrated by referring to two exceptional judges and their legacy as manifested in American and Israeli case law.