

Foreword: Human Beings at the Center of the Law – A Call for Renewal

Daphne Barak-Erez

Individual human beings are the subjects of the law, which usually includes norms that grant rights and assign duties to individuals. At the same time, however, the law is also required to look at the "bigger picture" and establish the framework governing society as a whole. At present, various legal developments focus on larger social schemes, such as communities and corporations, rather than on individuals. Moreover, there is a growing tendency to emphasize rules that suit the "typical case" and aspire to efficient social ordering rather than the concrete circumstances of the individual to whom the rules apply. Against the background of these developments, this article seeks to reevaluate the status of the individual human being in the legal system – both in theory and in relation to developments that have occurred in the social and legal arenas in Israel. This article contends that the law is made for human beings, and therefore legal schemes should focus on treating the individual as a separate and unique moral personality for the purpose of both granting rights and assigning duties and liabilities.

Note: Two short comments in reply to this article appear in this issue.

Zvi Haim Triger: Putting Human Beings at the Center of Law as a Possible Possibility

José Brunner: Between Kafka & Kant: An initial reading in Justice Prof. Daphne Barak-Erez's criminal law rulings