

Israel Law Review

A journal of human rights, public and international law

Introduction

Nigel Rodley, Yuval Shany and Yaël Ronen

ARTICLES

The League of Nations Mandate System and the Palestine Mandate: What Did and Does It Say about International Law and What Did and Does It Say about Palestine?

Malcolm Shaw

Reinventing a Region (1915–22): Visions of the Middle East in Legal and Diplomatic Texts Leading to the Palestine Mandate

Karin Loevy

The Mandate System as a Messianic Alternative in the Ultra-Religious Jurisprudence of Rabbi Dr Isaac Breuer

Amos Israel-Vleeschhouwer

The Unique Character of the Mandate for Palestine

Matthijs de Blois

Legal Entitlements, Changing Circumstances and Intertemporality: A Comment on the Creation of Israel and the Status of Palestine

Yuval Shany

The Mandate for Palestine: Past and Present

Proceedings of an international workshop, Hebrew University Faculty of Law, 11 February 2016

BOOK REVIEW

Self-Determination, Statehood, and the Law of Negotiation: The Case of Palestine

Reviewed by Robbie Sabel

THE 2015 LIONEL COHEN LECTURE

Magna Carta and the Development of Modern International Law

Christopher Greenwood



מרכז מינרבה לזכויות האדם
The Minerva Center for Human Rights
مركز مينيرفا لحقوق الإنسان



Faculty of Law,
The Hebrew University
of Jerusalem

CAMBRIDGE
UNIVERSITY PRESS

EDITORS-IN-CHIEF

Sir Nigel Rodley *University of Essex, UK*
Yuval Shany *Hebrew University of Jerusalem, Israel*

EXECUTIVE EDITOR

Danny Evron *Hebrew University of Jerusalem, Israel*

ACADEMIC EDITOR

Yaël Ronen *Hebrew University of Jerusalem, Israel*

STUDENT EDITORS

Hebrew University of Jerusalem, Israel

Jacob Becker	Adi Greenfeld
Yuval Bresler	Elisha Harlev
Gal Cohen	Noa Haviv
Talila Devir	Gilad Katzir
Tamar Drori	Adina Leah Rothkopf
Hen Feder	Yael Levy
Ofek Gal Gendler	Michal Novetsky

INTERNATIONAL ADVISORY BOARD

Justice Rosalie Abella, <i>Supreme Court of Canada</i>	Prof. Anne Peters, <i>Max Planck Institute for Comparative Public Law and International Law, Heidelberg</i>
Prof. Dapo Akande, <i>University of Oxford</i>	Prof. Monica Pinto, <i>University of Buenos Aires</i>
Prof. Aharon Barak, <i>Interdisciplinary Center Herzliya</i>	Prof. Kerry Rittich, <i>University of Toronto</i>
Judge Daphne Barak-Erez, <i>Supreme Court of Israel</i>	Prof. Naomi Roht-Arriaza, <i>University of California Hastings</i>
Prof. Tom Ginsburg, <i>University of Chicago</i>	Prof. Maurice Sunkin, <i>University of Essex</i>
Prof. Oren Gross, <i>University of Minnesota</i>	Prof. Adam Tomkins, <i>University of Glasgow</i>
Prof. Michael Karayanni, <i>Hebrew University of Jerusalem</i>	Prof. Armin von Bogdandy, <i>Max Planck Institute for Comparative Public Law and International Law, Heidelberg</i>
Prof. Kieran McEvoy, <i>Queen's University Belfast</i>	
Prof. Barak Medina, <i>Hebrew University of Jerusalem</i>	
Justice Andreas Paulus, <i>Federal Constitutional Court of Germany</i>	

Focusing on law in times of tension and conflict, the *Israel Law Review* is a leading publication in the field of human rights, public law and international law.

The *Review* is a peer-reviewed journal with a long-standing reputation for excellence, and attracts a combination of established authors and new voices writing on cutting edge topics. It is the oldest and most acclaimed Israeli law journal published in English, established in 1966.

The *Israel Law Review* is published under the auspices and management of the Minerva Center for Human Rights at the Law Faculty of the Hebrew University of Jerusalem. Under this stewardship, it focuses on scholarship in the fields of human rights, public law and international law. It also examines the application of legal norms under conditions of conflict and political uncertainty, highlighting the relevance of the Israeli experience in these fields to other parts of the world and that of other societies to Israel.

ISRAEL LAW REVIEW

Volume 49

Number 3

2016

Introduction

Nigel Rodley, Yuval Shany and Yaël Ronen 285

ARTICLES

The League of Nations Mandate System and the Palestine Mandate: What Did and Does It Say about International Law and What Did and Does It Say about Palestine?

Malcolm Shaw 287

Reinventing a Region (1915–22): Visions of the Middle East in Legal and Diplomatic Texts Leading to the Palestine Mandate

Karin Loevy 309

The Mandate System as a Messianic Alternative in the Ultra-Religious Jurisprudence of Rabbi Dr Isaac Breuer

Amos Israel-Vleeschhouwer 339

The Unique Character of the Mandate for Palestine

Matthijs de Blois 365

Legal Entitlements, Changing Circumstances and Intertemporality: A Comment on the Creation of Israel and the Status of Palestine

Yuval Shany 391

The Mandate for Palestine: Past and Present

Proceedings of an international workshop, Hebrew University Faculty of Law, 11 February 2016 409

BOOK REVIEW

Self-Determination, Statehood, and the Law of Negotiation: The Case of Palestine

Reviewed by *Robbie Sabel* 427

THE 2015 LIONEL COHEN LECTURE

Magna Carta and the Development of Modern International Law

Christopher Greenwood 435

ACKNOWLEDGEMENTS

The *Israel Law Review* gratefully acknowledges the financial assistance provided by the permanent endowment fund established by Abraham D. Slavitt of Norwalk, Connecticut, USA, in memory of his beloved wife, Jennie A. Slavitt; by the Minerva Foundation, through the Minerva Center for Human Rights at the Hebrew University of Jerusalem; by the Faculty of Law at the Hebrew University of Jerusalem; and by the Bruce W. Wayne Chair in International Law at the Hebrew University of Jerusalem.