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## Taking the Ambivalent Road

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Müller's book offers important new insights on the logics at work in the European public sphere. It is a treasure trove regarding the events and debates around Maastricht – an event that took place just 30 years ago, but which increasingly feels like ancient history. However, from the historian's perspective, in which archival sources are first made available after a 30-year period, this is very up to date. Müller's accessibly written book clearly

deserves the attention not only of legal and political historians dealing with Maastricht now and in the future, but also those interested in the European public sphere, a literature that has received less attention recently, except for the debate about populism. The book is accessible via open-access, which should certainly help in this respect. ■

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## Taking the Ambivalent Road\*

Rotem Giladi is a professor of law at Roehampton Law School and a former practitioner of international law. His book *Jews, Sovereignty, and International Law. Ideology and Ambivalence in Early Israeli Legal Diplomacy* is profound and innovative from several perspectives.

Giladi's book can be included in an impressive group of studies published in recent years that dealt with the influence of Jewish jurists on the evolution of international law. This literature has been published by internationally leading scholars. And yet Giladi's book is a true contribution to the field. For instance, unlike other scholars in the field, Giladi does not conclude his research in 1948, the year of Israel's establishment. Rather, he takes a further step forward in time to inquire into the influence of the establishment of the state of Israel as the Jewish state, and explores how Israeli jurists of the newly established Ministry of Foreign Affairs (MFA) approached international law.

The book examines on a time period of five years. Instead of beginning with the establishment of Israel in 1948, it takes 1949 as its starting point, when Israel was admitted to the UN as a state. It ends around 1954, a time when, as Giladi states, the case studies examined were no longer dealt with by his book's »main characters«.

The author focuses on two legal jurists that were part of the group of the Israeli Ministry of Foreign Affairs' »founding fathers«, but whose gravitas and influence on Israel's foreign policy were exceptional even among these. According to Giladi, these two jurists were »the engines of Israel's early international law diplomacy«. They were the London-born Shabtai Rosenne (born Sefton Wilfred David Rowson, 1917–2010), Israel's first foreign ministry legal advisor, and Jacob Robinson (born Jokubas Robinzonas, 1889–1977), Israel's first legal advisor to its UN Mission. Giladi credits Rosenne and Robinson with having made a pivotal contribution to shaping the newly established state's approach to and practice of international law.

Giladi's book focuses on three case studies: the right of petition to international organisations, the 1948 Genocide Convention and the 1951 Refugee Convention. All case studies were relevant Israeli interests and engaged Jewish scholars both in the pre-state and the pre-sovereignty eras. Giladi's analysis is therefore critical to the examination of the changing or continuing attitudes of the MFA legal jurists towards the three aforementioned examples and towards international law in general – if indeed such a change occurred – in the sovereign phase. These case studies uncover ten-

\* ROTEM GILADI, *Jews, Sovereignty, and International Law. Ideology and Ambivalence in Early Israeli Legal Diplomacy*, Oxford: Oxford University Press 2021, XIV + 338 p., ISBN 978-0-19-885739-6

sions between the »Zionist Creed«, as Giladi calls it, and the Diaspora and between different approaches towards Zionism.

Giladi's main conclusion is that the »Israeli« approach to international law changed after 1949 in comparison to that of the pre-state era by becoming more ambivalent. Throughout the book, Giladi traces early signs of that change, which appeared already in the pre-state era. He shows that Zionism and the sovereignty perception became more of a factor in the way international law was perceived and handled by the MFA and the state of Israel in its early years. Throughout this fascinating discussion, several prominent jurists make a »guest appearance«, mostly Jewish international law jurists who did not immigrate to Israel, such as Raphael Lemkin or Hersch Lauterpacht.

Chapter 1 lays the groundwork for the subsequent in-depth analysis by outlining the pre-state era and Zionist or Jewish dealings with international law.

The tension that arose between Lauterpacht and the »Israeli approach« concerning the individual right of petition demonstrates the complexity between the pre-sovereign attitude to the »Israeli approach« (chapters 2 and 3). The focus in these chapters lies on the approach to the right of individual petition. Here lay the tension between the Zionist ideology, as conceived by Rosenne and Robinson, and Lauterpacht's approach. The question whether Jewish organisations, rather than Israeli citizens, would be allowed the right of petition to international organizations is a crucial example of Giladi's argument. It shows both how the transition to a nation state influenced the way in which Rosenne and Robinson operated as state representatives and the fact that Israel becoming a state influenced its approach towards international law.

Chapter 4, dealing with the Genocide Convention in its various phases, might be the most convincing chapter regarding Robinson and Rosenne's ambivalence towards international law. The following chapter discusses the tension between Robinson and Rosenne's approach towards the Genocide convention and Raphael Lemkin's position. Robinson and Rosenne's objections to various elements of the convention was based on their Zionist ideology, but they were also an expression of their own personal past experience in the pre-sovereignty era.

In chapters 6 and 7, Giladi discusses the Refugee convention. Chapter 6 focuses on Robinson's role

in the drafting process of the Refugee convention, while in chapter 7 Giladi reveals the lack of agreement between Robinson and Rosenne and their different approaches to the convention.

The last part of the book is an epilogue. In it, Giladi examines his decision to focus on Robinson and Rosenne and wonders if they were representative of the MFA at its early days. He returns to the point that both of them were highly influenced by Zionist ideology which manifested in foreign policy questions.

In conclusion, Giladi's study offers a compelling perspective on the significance of the historical transition to sovereignty. I hope it will stimulate discussion of how the transformation to sovereignty affected the different branches of law. After all, Robinson and Rosenne's colleagues and peers at the Ministry of Justice, for example, were highly influenced by their German orientation, both personally and professionally. That German influence could be also elaborated regarding other branches of government, like the Supreme Court's judges, a topic that has been researched but might need a reassessment.

Giladi's study is an important contribution to the existing literature of international law, international relations, history and political science. As every great work it leaves us with further questions. For example, how did the ambivalent approach change with Rosenne and Robinson's »heirs«, who were Israeli-born and »raised« on the ethos of the MFA jurists' legacy? Giladi touches on this question in the epilogue, and I hope he will further elaborate on that issue.

In 1998, UN Secretary General Kofi Annan visited Israel and the Knesset. Aware of Israel's skeptical stance towards the UN as captured in the dismissive expression »Um-Shmum« of Israel's founding father, David Ben Gurion – made up of the Hebrew abbreviation of the United Nations, UM, and *shmum*, slang for »nothing« – Annan said: »Without the UM, we will all have *klum*« – meaning that without the UN, we will all have nothing. In my eyes, this reflection by a non-Israeli of the Israeli attitude towards the UN in many ways illustrates Giladi's claim concerning Israel's complex and ambivalent approach towards international law, which could, at times, be indifferent, dismissive or hostile.

