Legal education is political. The way in which law students are taught what is “Law” and what is not, the description of how “Law” relates to “Society” (as well as the definition of “Society”), the description of the role of lawyers in society, all serve political powers and political interests.¹

This article examines the interaction between politics and legal education in one specific historical context, that of Mandatory Palestine in the first half of the twentieth century. Mandatory Palestine was one of the few British territories in which there was a formal system of legal education, and the only territory administered by the British Colonial Office in which nationalists set up a law school of their own.² Legal education at the British and at the nationalist law schools differed radically.

The British law school, which was called the Jerusalem Law Classes, was a vocational school designed to train the legal technicians needed to assist the British in running the legal system of Palestine. Law was conceived at this law school as a practical, autonomous and neutral subject. Formalist approaches to the study of law dominated the curriculum, and students at the school were taught that law need not be created by the society it served and that English law could easily be transplanted into the legal system of Mandatory Palestine.

The nationalist law school, which was called the Tel Aviv School of Law and Economics, was established by Zionist lawyers. It was meant to be an academic institution that would train not only the lawyers but also the legal scholars and political leaders of the future Jewish State. The founders

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of the School, who were inspired by Romantic German theories of law, conceived law as an organic creation of the national community. They sought to teach law in its social and historical context, and argued against the excessive importation of English norms and procedures.

The vocational-technical-autonomous, and the academic-theoretical-historic models of legal education, were, of course, not unique to Palestine. In the specific context of Mandatory Palestine, however, these two models were used, respectively, to support the conflicting political aims of British colonialism, on one hand, and Jewish nationalism, on the other. British legal education in Palestine propagated an image of law as practical, technical and autonomous, because such an image legitimized British colonial practices such as the dominance of British judges and legislators in the legal system of Palestine, as well as the gradual Anglicization of the law of Palestine. Jewish legal education, on the other hand, advocated an academic, historical-sociological approach to the study and teaching of law, because the particularistic assumptions embedded in such an approach vindicated the nationalist agenda of some Jewish lawyers. These lawyers believed that the Jews of Palestine should be granted political independence and that the future legal system of their State should be based on revived Jewish law, rather than on imported English norms.

This article begins with a brief survey of the state of legal education in the British Empire in the first part of the century. It then describes the history and curriculum of the British law school in Palestine, the Jerusalem Law Classes, and the history and curriculum of the nationalist law school, the Tel Aviv School of Law and Economics. Finally, it examines how British colonialism and Jewish nationalism in Palestine influenced the shape of legal education in these two schools.

I. Legal Education in British Colonies in the First Half of the Twentieth Century

Higher education, including formal legal education, was a rare phenomenon in many parts of the British colonial Empire in the first part of the twentieth century. The Dominions, British India and even British-administered Egypt had a developed system of higher education, including formal legal education, but in the territories controlled by the British Colonial Office in Asia and Africa, which by 1945 had a population of over 66 million people, there were only four universities. These were the Royal University of
Malta, Ceylon University College, the University of Hong Kong, and the Hebrew University of Jerusalem. All these universities were quite small, none having more than a thousand students, and, except for the Hebrew University, none of them carried out any original research. Of the four universities, only the University of Malta had a law faculty. In Ceylon and Palestine, independent law schools established by the British authorities (the Colombo Law College and the Jerusalem Law Classes) provided formal legal education. Thus at the end of the Second World War there were only three law schools in the territories administered by the Colonial Office.

English legal education was traditionally conceived as vocational and practical rather than as an academic pursuit. It is therefore not surprising that the same approach influenced the nature of legal education at the colonial law schools. All three schools were centers for professional training, and none of them was involved in any research activity.

The scarcity of colonial law schools can be better understood if one looks at the requirements for admission to the colonial bars. In most colonies, persons who were called to the bar in the United Kingdom could be admitted to the local bar. In some places, such as Hong Kong, Cyprus and many of the West Indian colonies, only such lawyers could practice. Many African colonies, such as Kenya, Tanganyika or Northern Rhodesia, also admitted persons who practiced before the Supreme Court in any Dominion, or before a High Court in British India. Instruction in local law was often deemed unnecessary, although there were a few colonies, like the Straits Settlements, where lawyers were required to receive such instruction before being admitted to the local bar. In Malta, Ceylon and Palestine, the only territories with a formal system of legal education, persons who had completed the course of studies in the local law school and spent a certain period of time in the chambers of a local lawyer were admitted to the Bar. However, even in these colonies, people who were admitted to the bar in the United Kingdom were allowed to practice.

Because a call to the English bar would in most cases automatically qualify lawyers to practice in their native colony, many colonial students studied law in England, took the English bar exams, and were admitted to the English Bar. The British encouraged this situation because they believed that “colonial students may derive real value from a fairly prolonged contact with the buildings, libraries and traditions of which the Inns of Court are the owners or repositories.” Indeed, a commonly held view among English lawyers was that the chief object of having colonial
law students in Britain was to “imbibe” them with the “glorious traditions of the English Bar.” A more practical consideration was that because of the expenses involved, only a limited number of colonial students were able to travel to England, and so the number of lawyers in the colonies was kept in check. However, by the end of the Second World War, British officials came to realize that there were also disadvantages to forcing colonial students to travel to England to study law, among them the disadvantage that, as one official put it, law students from the colonies, “not infrequently form connections legitimate or otherwise with European women which may well be a lifelong source of trouble to both parties.” For this and other reasons, the Commission on Higher Education in the Colonies, recommended in 1945 that the weight of legal training be shifted from England to the colonies, although this did not necessarily mean the establishment of local law schools. In most colonies, the British authorities believed, a period of articles in the office of a practicing lawyer would serve as quite satisfactory legal training.

II. The Jerusalem Law Classes

Palestine was part of the Ottoman Empire until the First World War. During the Ottoman period, Palestine did not have a local law school and Palestinian lawyers obtained their legal knowledge by practice or by studying in law schools in other parts of the Ottoman Empire.

In 1917, Palestine was occupied by British forces. The British retained parts of Ottoman law, an amalgam of French-based and Islamic-based codes, and also enacted a series of new, British-inspired, local ordinances. The legal system which applied these codes and ordinances was operated mainly by British judges. These judges, many of whom did not speak the local languages, Arabic and Hebrew, soon discovered that they had a need for local intermediaries, people who would be able to converse with litigants but who would also know how to behave in a British court – who would speak only when spoken to, who could cross-examine a witness according to British evidentiary procedures, and who would not be tainted with the corrupt ethos of the previous Ottoman regime.

The Attorney General of Palestine, Norman Bentwich, decided in 1920 to establish a local law school in Jerusalem, which was called the “Law Classes.” The object of this school was to provide legal education for “government officials,” to give “clerks and interpreters of the Courts . . .
some knowledge of law,” and also to prepare local students for admission to the Palestine Bar.\textsuperscript{19} Perhaps one of the factors that led to the establishment of such a school in Palestine and not in other colonies was the intense cultural competition with other imperial powers that Britain faced in Palestine. Palestine was surrounded by Arab countries with western institutions of higher learning, such as the French \textit{Université Saint Joseph} in Beirut or the American University of Beirut. British officials did not want young Palestinians to study law at these universities because they would be exposed to non-British cultural influences. This was the reason behind an early abortive plan to establish a British university in Palestine in the 1920s, which was justified by the argument that “whether it is in the interest of Orientals or not,” higher education will be sought, and it is better that Palestinians would seek it in a British institution and not in an American or a French one.\textsuperscript{20} Such reasoning may also have played a part in the establishment of the Law Classes.

The Law Classes were divided into two sections, a Jewish section and an Arab one.\textsuperscript{21} The course of studies was divided into two parts. The lectures of the first part were given in Hebrew or Arabic by Jewish and Arab administrators, judges and lawyers. Students who passed an examination at the end of this part were allowed to proceed and take the lectures of the second part, given in English and dealing with more theoretical subjects, like jurisprudence and legal history. These lectures were given by English lawyers and judges.\textsuperscript{22}

Let me now turn to the content of the legal education provided by the Law Classes. This education can be described as practical rather than academic, autonomous rather than sociological or historical and English-centered rather than local. I will now discuss each of these aspects.

\textit{A. Practical}

British administrators viewed law as a “professional” or “technical” subject,\textsuperscript{23} and classified it as a “vocational” as opposed to an “educational” pursuit (in contrast to studies in, for example, the Classics, languages, mathematics or pure science).\textsuperscript{24} This tendency shaped the nature of studies at the Jerusalem Law Classes. The founders of the Law Classes defined the aim of the school as being “in the main, practical.”\textsuperscript{25} The school itself was never perceived as an academic institution by British officials in Palestine or in England. Although the course of study at the school was quite long (three years, later extended to four years), the students were not awarded a
university degree. They only received a diploma granting them an exemption from taking the Palestine Bar examination, and allowing them to practice law in Palestine after serving for two years as articled clerks of a Palestinian lawyer.26

B. Autonomous

The Law Classes were created by Norman Bentwich, an Anglo-Jewish lawyer who was the first Attorney General of Palestine. Bentwich, more than many English lawyers at the time, was aware of the importance of historical and sociological approaches to the study of law.27 This awareness, however, did not have an impact on the curriculum of the Law Classes. The object of the Law Classes was to teach the law of Palestine, not to give students a legal education in the history and philosophy of law, nor to provide them with the social-science tools to understand law in its social context.28 The majority of the courses given at the School were formalist surveys of various areas of Palestinian law. The students were required to take courses in political science and political economy, in addition to a course in legal history,29 but there was no attempt to teach law in the other courses from a historical or sociological perspective. Indeed, the limited number of non-legal courses was reduced over the years and the curriculum of the Law Classes gradually became even narrower in scope and more practical. In the early 1920s students had to take a course in political economy, but by the 1930s this course had been eliminated from the curriculum. Similarly, during the 1940s, the courses in political science and legal history were replaced by courses in drafting legal documents and bookkeeping.30

The dominance of the internal-analytic-formalist approach to law was also evident in the Jurisprudence textbook studied at the Law Classes. This textbook, entitled An Introduction to the Study of Law: A Handbook for the Use of Law Students in Egypt and Palestine,31 was written by Frederic Goadby, an English comparative lawyer, who had studied law in England and France, had lectured at the Royal School of Law in Egypt before the First World War and was brought by Bentwich to Palestine after the First World War to serve as the director of the Law Classes.32

Goadby, like Bentwich, was aware of the need for non-autonomous approaches to the study of law.33 He opened his book with a discussion of different theoretical approaches to law, among them the approach of the German Historical School.34 However, Goadby then remarked that such an
approach was inappropriate for lawyers, because it could not tell them what would be considered law by the courts.\textsuperscript{35} In addition, he argued that historical or sociological theories of law could only describe customary legal systems of primitive peoples, or religious systems that derive their binding power from God. They did not work well if used to describe the law of modern states.\textsuperscript{36} Goadby thus associated modernity with the analytical approach, and accordingly, the rest of the book became an Austinian discussion of law, using mainly English and Roman examples.\textsuperscript{37}

\textit{C. English}

Students at the Law Classes studied Ottoman codes (based on French and Islamic law) and British-inspired Palestinian Ordinances, but a large portion of the curriculum was devoted to the study of English fields of law which were not in force in Palestine. For example, students at the Law Classes studied contract and tort law twice. First, they studied the contract and tort laws of Palestine, which were based on Islamic law and codified in an Ottoman code called the \textit{Mejelle}. Then they studied English contract and tort law in a course called “Principles of the English Common Law.” When students at the Law Classes studied constitutional law, two-thirds of the course was devoted to the study of the English and Imperial constitutional law rather than to the study of specific constitutional documents and principles applicable to Palestine, a territory unlike most other British colonial territories because it was administered under a League of Nations mandate.\textsuperscript{38}

The dominance of English law in the curriculum was implicitly justified by teaching the students to view legal development through Henry Maine’s evolutionary perspective. In the jurisprudence course, students were taught that European law represented a higher stage of evolutionary development, and that the reception of European law in the Levant had only beneficial effects.\textsuperscript{39}

Because English law dominated the curriculum of the Law Classes, the study of “national” law (except for the Islamic part of Ottoman law) was confined to two elective courses on religious law, one (on the \textit{Shari’a}) for Arab students, and another (on the \textit{Halachah}) for the Jewish students. This was done despite the fact that both Islamic and Jewish law played an important part in the legal life of Palestine, not only because family matters in Palestine were decided in religious courts which applied Islamic or Jewish religious law, but also because a large number of civil disputes were
settled by Islamic courts or by an autonomous system of Zionist courts established by the Jews before the British conquest.40

English legal influence was dominant at the Law Classes, but not totally so. Many of the Arab and Jewish lecturers at the Law Classes were trained in the European Continental legal tradition,41 and because of their background, Continental influences often infiltrated into the lectures. For example, the textbook used in the Arab section of the criminal law course was French,42 and the Hebrew lectures on civil procedure, which were given by Moshe Snoira, a German-Jewish lawyer, were spiced with examples taken from Roman and German law.43

Over time, however, Continental influences tended to disappear. In the 1920s, for example, students studied a course on “European civil law” where they were taught both English and French law; but by the 1930s, the course was changed to the “Principles of English Common Law,” and the French part was dropped.44 In the 1920s, students were encouraged to consult both English and French textbooks, but by the 1930s, only English textbooks were mentioned by lecturers.45

III. The Tel Aviv School of Law and Economics

Palestine was not only one of the few British colonial territories which had a law school, it was also one of the few places in the British Empire where legal scholars established a nationalist law school.46 The School of Law and Economics in Tel Aviv was created by legal scholars associated with the movement for the revival of Jewish law. This movement, inspired by German Romantic conceptions of cultural nationalism, called for the creation of a national legal system for the Jews in Palestine, a system that would be based on the norms and procedures found in Jewish law.47

The revivers were interested in legal education. As early as 1918, they proposed that a Jewish law school would be established in Palestine. They expected the Hebrew University, founded in 1925, to carry out this task, and when the leaders of the University declined to do so, they harshly criticized them.48

During the 1920s and early 1930s, the revivers put forward a number of proposals for the creation of a Jewish law school in Palestine, none of which materialized.49 In the middle of the 1930s, however, conditions proved ripe, as Jewish students and professors fleeing eastern European anti-Semitism and central European fascism flocked to Palestine.50
In 1934, the revivers convened a “World Conference of Jewish Law.” Following the conference, a group of participants resolved to establish a “School of Law and Economics” in Tel Aviv. The school, which accepted its first students in 1935, consisted at first of a department of law and a department of economics. Later, these departments were augmented by a business school, a political science department and an accountancy institute. The School published a number of books on legal and economic subjects, and (for a short while) even published an academic journal on law and economics.

Lecturers at the Jerusalem Law Classes were mainly administrators or lawyers, but about a third of the 35 teachers at the Tel Aviv School were former scholars or professors in European universities. Since most of the law lecturers at the school were educated in the Continental legal tradition, Continental notions were far more influential at Tel Aviv. Jewish legal nationalism inspired the founders of the School, and nationalist conceptions of knowledge influenced its aims. The study of law and economics, declared its founders, was different from the study of technology, the natural sciences or mathematics. Law and economics in Palestine had to be studied with the specific social context of Palestine in mind, not by simply importing European knowledge. The Tel Aviv School was to serve as an “academic tool for the revival of Jewish law, and the creation of ‘Hebrew’ economics and politics.” It was to be a center for research of the legal history of the Jewish people and the history of its economic and political life. It was established to promote “Hebrew science” or “Hebrew knowledge.” The particularistic nature of education in this school meant that even its economics courses were to be “imbued with a special Hebrew idea, [and] clothed in appropriate national attire.”

The school would thus serve as a model for a new type of legal education which would be different both from the western education received by many Jewish lawyers who immigrated to Palestine and also different from the “colonial type legal education given by the Jerusalem law classes.” It was to be an education that would combine the study of local law with the study of Jewish law and thus create nationalist lawyers who would be able to counter the British tendency to Anglicize the law of Palestine.

In view of these nationalist goals, it is not surprising that the School did not receive any support or recognition from the British authorities in Palestine, who feared that the school “would be a center of radical anti British sentiments.” Its graduates were unable to take the Palestine Bar
exams, and had to complete their studies abroad, in French or Italian universities, before being admitted to the Palestine Bar.61

The school also received little support from official Zionist bodies or the Hebrew University. Indeed, throughout its history, Jewish and later Israeli government officials, lawyers and professors, questioned its academic credentials and refused to view its graduates as equal to the graduates of the less academically-oriented Jerusalem Law Classes.62

The founders of the school regarded the training of lawyers as a secondary aim. More important aims were to provide the students “with a complete, university-level education in the social sciences, affairs of state, law, economics and commerce,” to train future Jewish political and business leaders, and to advance the scientific research of law and the social sciences.63 Because the training of lawyers was only a subsidiary aim, the curriculum was far more academically oriented than that of the Jerusalem Law Classes. Law students were required to take courses on the history of Jewish law, on legal history, Roman law, comparative law, colonial policy, and one or two courses in philosophy. They were also required to take a number of social-science courses, such as political economy, sociology, “colonial criminology” and statistics. The legal courses they took were also more socially oriented. For example, the students at Tel Aviv took courses on labor or administrative law, courses which were not offered at the Jerusalem Law Classes.64

IV. The Effect of Colonialism and Nationalism on Legal Education in Palestine

The Jerusalem and Tel Aviv law schools represented two different conceptions of legal education. The “Colonialist” conception of legal education at the Jerusalem Law Classes conceived legal education as a way of producing low-ranking civil servants and legal technicians who would assist the British government in the running of Palestine. The curriculum of the Law Classes was therefore practical and formalist, rather than academic and theoretically oriented. Because the British wanted the graduates of the Law Classes to assist the process of Anglicization of the law of Palestine, English law dominated the curriculum. Students were taught that European law generally and English law in particular represented the pinnacle of legal evolution.
“Nationalist” legal education at Tel Aviv, on the other hand, was meant to produce a cadre of committed Jewish politicians and scholars who would revive Jewish culture in Palestine, and present a cultural alternative to English culture. Legal education was therefore academic, theoretical and socially and historically oriented.65

Why did the British choose one model of legal education and the Jewish nationalists another? One possible explanation is the influence of the Anglo-American and the Continental legal traditions. Legal education in the Anglo-American world is more practical. Continental legal education, on the other hand, perhaps because it was geared to produce judges and legal scholars rather than lawyers, is more theoretical.66 One could argue that the Jewish lawyers who founded the Tel Aviv School of Law and Economics were more concerned with legal theory than British officials, because British officials were educated in the Anglo-American tradition while the Jewish lawyers, who came from Central and Eastern Europe, brought with them Continental conceptions of legal education.

This possible explanation is certainly one of the reasons for the difference between the Jerusalem and Tel Aviv schools. However, it fails to take into account the fact that the two figures who dominated the Law Classes in its formative years, Norman Bentwich and Frederic Goadby, were both fully aware of Continental legal traditions and the importance of non-analytical conceptions of law.

One must therefore look for deeper reasons for the difference, and these, I believe, are to be found in the different ideological context in which these two schools functioned. As one Jewish lawyer in Palestine remarked, British legal education in Palestine was a “colonial-type legal education”,67 uniquely adapted to legitimize British colonial legal policy in Palestine at the time.

The vocational nature of legal education at the Jerusalem Law Classes, as well as the lack of theoretical education, were due to the specific shape of colonial legal systems. In Palestine, as in other British colonies, important legal decisions were made by British legislators and judges, and natives played only a minor and subsidiary role in the legal system, as translators, low ranking judges and officials. If the natives were allowed to play only such a role, there was no need to provide them with a wide ranging and theoretical legal education.

In addition, one of the major justifications of European colonial expansion was that Europeans were bringing the blessings of “Progress” and “Civilization” (identified with European culture) to a primitive and
stagnant non-European world. The imposition of European legal norms and procedures on non-European societies was part of this civilizing mission of Europe. The propagation of an image of law as neutral and transferable, helped convince Palestinians that European legal norms and European legal procedures could be adapted to local use, and that they should be adapted because they did not represent unjustified intervention of the colonial power in native practices but rather were part of a laudable attempt by the colonizer to raise local norms to a higher level of cultural development.

Finally, the neutral and analytic conception of law on which the Jerusalem Law Classes were based also had undemocratic undertones which served the interests of colonial rulers. Law, according to such an approach, was similar to technology.68 It was unrelated to politics and to popular will. By implication, enlightened colonial rulers (i.e., the British in Palestine) were justified in imposing their “technologically advanced” laws on the native population, even if this population were not consulted about it.

On the other hand, the theoretical, sociological-historical approach to law used by the Tel Aviv school had subversive implications which suited the need of Jewish nationalism at this, oppositional, phase in its history. A conception of law which views legal systems as embedded in a particular social and cultural context, vindicated demands for Jewish legal independence, and for the creation of a uniquely Jewish legal system in Palestine.

Colonialism and Nationalism thus effected the nature of legal education in Mandatory Palestine; colonialist ideology propagating a politically conservative conception of law, and nationalism (in its oppositional, pre-independence, phase) propagating a subversive approach.69 It is, therefore, not surprising that after the establishment of the State of Israel, when the Jews became the lawmakers and rulers in their new State and there was no longer a need to subvert the existing legal system, Israeli legal education and Israeli legal discourse generally jettisoned the “Nationalist” model and adopted a model similar to the “Colonial,” British inspired one.70 The colonized of yesterday now became the new colonizer, what was particular yesterday now became universal, and legal education in Israel adapted itself accordingly.

Notes

1 The political implications of certain modes of legal education and discourse are discussed, for example, in Robert W. Gordon, “Legal Thought and Legal Practice in


4 On the system of legal education in India, see Public Record Office, London (hereafter cited as PRO), Colonial Office (hereafter cited as CO) 958/1, serial no. 84, “Evidence of Lord Hailey”; PRO, CO 958/2, “Report on Higher Education in India, January 1944”.

5 See PRO, CO 958/1, “Minutes of the first meeting of the Commission on Higher Education in the Colonies, 21 September 1943”, 1; PRO, CO 958/1, serial no. 25, “Draft letter to the autonomous universities”; PRO, CO 958/3, “Report of the Commission on Higher Education in the Colonies, June 1945” (Cmd. 6647), 78.


8 PRO, CO 958/1, serial no. 25, “Draft letter to the autonomous universities”.

9 The legal systems of most colonies, with the notable exception of Malta and Ceylon, did not adopt the English distinction between barristers and solicitors.


11 In 1937, 43 of the 466 persons called to the English Bar came from the Colonies. In 1943, 82 of the 358 persons called to the English Bar came for the Colonies, ibid., 79.


14 PRO, CO 958/2, serial no. 102, “Colonial Office Circular, 22 January 1944,” Annex, Education in Law in the Colonies, 7.

15 PRO, CO 958/2, “Education in Law in the Colonies,” 7.
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16 Israel State Archives, Jerusalem (hereafter cited as SA), Record Group 3, Legal Secretary (hereafter cited as LS) 194/23 II, “Note on the Jerusalem Law Classes”; SA, Record Group 3, Chief Secretary 256, “Law Classes in Jerusalem, 5 October 1920”.


20 See, generally, PRO, CO 733/155/6. See also PRO, CO 958/1, serial no. 30, “Marrs to Asquith, 9 October 1943” (warning that the lack of universities in Palestine, Cyprus and other colonies results in a “cultural pull away from English, whether Arabian or Greek or French”); PRO, CO 958/2, serial no. 169, “The British Council’s Contribution to Higher Education in Palestine”. See also Jean-Jacques Waardenburg, Les Universités dans le Monde Arabe Actuel (Paris: Mouton, 1966), 175-181, 222-23 (discussing the history of Western and Arab institutes of higher education in the Levant).

21 SA, Record Group 3, “Minutes of the Law Council (Law Classes) Committee (beginning 1 November 1944), Minutes of Meeting on 24 June 1946.” Although lawyers are one of the professions most prone to espouse the cause of nationalism (see, e.g., Benedict Anderson, Imagined Communities: Reflections on the Origins and Spread of Nationalism, rev. ed. [London: Verso, 1991], 74), Jewish and Arab students at the Law Classes proved remarkably free of nationalist fervor. Jewish student attendance at what may be termed the most “nationalist” part of the curriculum, the elective course in Jewish family law, was so low that the Council of Legal Studies proposed to drop this subject all together. See CZA, A 212/31, “Kantorowicz to Eisenstadt, 22 November 1929”; SA, Record Group 3, LS 194/23 II, “Minutes of a Meeting of the Council of Legal Education, 24 November 1927,” 2. There was one recorded incident of Zionist political protest at the school, when Jewish students boycotted the lectures of Jacob De-Haan, an anti-Zionist orthodox Dutch Jew who taught criminal law. See CZA, A 255/654, “Students of Secondary Schools to Bentwich, 19 February 1922”. De-Haan was later assassinated by Zionist activists because of his anti-nationalist views. The Arabs too sometimes protested, for example, when the government printed diplomas whose Hebrew title read “Government of Eretz Yisra’el” instead of “Government of Palestine.” See SA, Record Group 3, LS 194/23 II, “Note on the Jerusalem Law Classes, Bentwich to F.A. S., 27 May 1927.” There were also a number of incidents involving Jewish and Arab students. See, e.g., SA, Record Group 3, “Minutes of the Law Council (Law Classes) Committee, Minutes of Meeting of 20 February 1945,” 1-2.
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23 PRO, CO 958/1, serial no. 84, “Evidence of Lord Hailey,” 3.

24 PRO, CO 958/2, serial no. 148, “Jennings to Cox, 1941.”


27 In the early 1920s, on being asked to draw up plans for the creation of a law faculty for the Hebrew University of Jerusalem, plans which were never carried out, Bentwich envisioned a faculty which would be more than a “professional school.” He proposed a curriculum based on an historical approach to the study of law, requiring the study of social sciences, such as sociology, as an integral part of legal education. See CZA, A 255/826, Norman Bentwich, “Proposal for a Legal Faculty at the Jerusalem University” (undated). See also Gad Frumkin, The Way of a Judge in Jerusalem (Tel Aviv: Dvir, 1954), 231 (Hebrew). In his capacity as an Attorney General as well, Bentwich showed his awareness of the existence of non-formalist approaches to the study of law. For example, in 1927 he asked that the Government of Palestine purchase books by Roscoe Pound and Oliver Wendell Holmes in addition to a textbook on Modern French Legal Philosophy. See SA, Record Group 3, LS 194/23/II, “Bentwich to Treasurer, 21 June 1927.”


34 Goadby, An Introduction, 50-52.

35 Ibid., 57.

36 Ibid., 55-58.

37 Ibid., 387.

39 Goadby, An Introduction, 63 (When military conquest “brings in its train the conqueror’s law,” Goadby assured his students, “this may be a great blessing to the vanquished race,” because of the conqueror’s “higher degree of civilization.”)


41 See, e.g., SA, Record Group 3, LS 194/23 II, “Goadby to Bentwich, 3 July 1932”; Adnan Mohammed Abu-Ghazaleh, Arab Cultural Nationalism in Palestine during the British Mandate (Beirut: Institute for Palestine Studies, 1973), 25.

42 See Council of Legal Studies, Jerusalem, Provisional Program of Studies and Examination Regulations, 1922 (Jerusalem: Ha-Solel, 1922), 6-7.


44 Compare Council of Legal Studies, Jerusalem, Provisional Program of Studies (1922), 10-11; with Regulations of the Jerusalem Law Classes, “Program of Courses,” Palestine Gazette, 29 October 1936.

45 Compare Council of Legal Studies, Jerusalem, Provisional Program of Studies, with Regulations of the Jerusalem Law Classes, “Program of Courses.”

46 The school was established by Zionist Jews. There was no parallel Arab law school, although in the 1930s, Arab nationalist activists planned to establish a law faculty as part of a proposed Islamic University in Jerusalem. See SA, Record Group 65, George Antonius archive, Al-mu'atamar al-islami al-'am, “Kitab bi-sha'an lajnat jami`at al-masjid al-aksa al-ismamyyah,” (n.d.).


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See, generally, CZA, A 212/37, Eisenstadt, Tel Aviv University, 11.


For example, students were required to take a course on the history of Roman law and its principles, and in the jurisprudence course, the students were required to read a textbook on the principles of the Civil law system, as well as Salmond’s Jurisprudence. See CZA A 212/2, School of Law and Economics Catalogue 1947/8, 15.

Jewish nationalism was also the moving force behind the primary and secondary Zionist education system in Palestine, established before the First World War. This system retained its autonomy after the War. See generally, Rachel Elboim-Dror, “Decision Foci of the Hebrew Education System in Eretz-Yisra’el,” Cathedra: For the History of Eretz Israel and its Yishuv 23 (1982): 125 (Hebrew); Rachel Elboim-Dror, “The British Mandate and Hebrew Education: Reactions to Cultural Colonialism,” Cathedra: For the History of Eretz Israel and its Yishuv 75 (1995): 93 (Hebrew).


CZA, A 212/2, School of Law and Economics Catalogue 1947/8, 3; CZA, A 212/37, Eisenstadt, Tel Aviv University, 11; CZA, A 212/2, School of Law and Economics: Tel Aviv (1936); CZA, A 212/2, B. Ziv, “What do we want?” The School of Law and Economics (1935, Hebrew); CZA, A 212/32, “To the Friends of the Hebrew Science in the World” (1947).

CZA, A 212/2, School of Law and Economics Catalogue 1947/8, 3.

CZA, A 212/37, Eisenstadt, Tel Aviv University, 12.

Strasman, Wearing the Robes, 74. Another factor may have been British fears of Arab reactions. See CZA, A 212/37, Eisenstadt, Tel Aviv University, 102.

In 1944, the administrators of the school reached an agreement with French authorities that graduates of the school would be able to obtain a doctorate in law from the Beirut branch of the University of Lyon. Later a similar arrangement was reached with the University of Florence. These degrees enabled the graduates of the school to take the Palestine bar exams for foreign-educated lawyers. See CZA, A 212/37, Eisenstadt, Tel Aviv University, 12, 16-17, 72, 102; Orren, “50th Anniversary”, 10, 14.

See, e.g., CZA, A 212/32, Paltiel Dickstein, “On the School of Law and Economics in Tel Aviv”, 4. The only official body that supported the school was the Tel Aviv
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63 CZA, A 212/32, To the Friends of the Hebrew Science in the World (1947); Dickstein, “On the School of Law and Economics in Tel Aviv,” 3.

64 CZA, A 212/32, To the Friends of the Hebrew Science in the World (1947); CZA, A 212/2, School of Law and Economics Catalogue 1937/8.

65 The dominance of nationalist rhetoric at Tel Aviv may also have been an attempt to justify the school to its Zionist opponents. Zionist ideology at the time sought to reverse the Jewish occupational pyramid, to create more Jewish manual workers instead of more Jewish lawyers. The founders of the Tel Aviv School sought to justify the establishment of their law school by arguing that training a nationalist cadre of lawyers, economists and civil servants was as essential to the building of the future Jewish state as the training of Jewish farmers and workers. See Dickstein, “On the School of Law and Economics in Tel Aviv,” 1-2. Zionist anti-lawyer attitudes may have been one of the reasons that the Hebrew University did not establish a law school during the British Mandate. See PRO, CO 958/2, serial no. 140, “Evidence of Norman Bentwich, 2 June 1944,” 6, 11.

66 See Richard Stith, “Can Practice Do Without Theory: Differing Answers in Western Legal Education” Archiv für Rechts und Sozialphilosophie 80 (1994): 426 (arguing that the difference between the practical nature of Anglo-American legal education and the theoretical nature of Continental legal education is to be found in the fact that in the Anglo-American world, law schools are geared to produce practitioners, whereas Continental schools are geared to produce judges). The dichotomy between the Anglo-American and Continental models of legal education is somewhat misleading because the Anglo-American model was to some extent shaped by continental influences. See, e.g., Enid Campbell, “German Influences in English Legal Education and Jurisprudence in the 19th Century,” Univ. of Western Australia Annual Law Review 4 (1959): 357; Mathias Reimann, “Nineteenth Century German Legal Science,” Boston College Law Review 31 (1990): 837.

67 See CZA, A 212/2, School of Law and Economics Catalogue 1947/8, 3.

68 On the “Law as technology” approach, see Friedman, “Law and Social Change,” 237, 246.