

## Organisation

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**Weitere Veranstaltung** mit Dr. Itamar Mann im Rahmen der Veranstaltungsreihe *Wissen in Gesellschaft* des Zentrums «Geschichte des Wissens»:

**18. Oktober 2017**

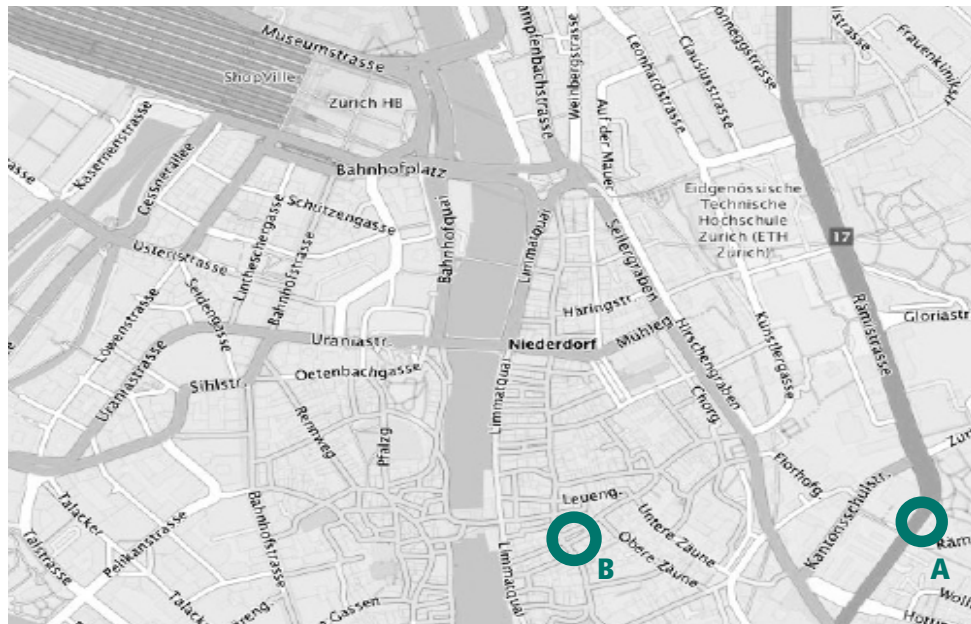
## Recht und Unrecht im Mittelmeer

Vortrag, Film und Gespräch mit Dr. Itamar Mann (Haifa), Charles Heller (Filmmacher, Genf), Prof. Monika Dommann (UZH) und Svenja Goltermann (UZH)

Ort: Cabaret Voltaire (B)  
Zeit: 18.30 Uhr

# Crisis as Precedent: Population Transfer and the Making of Israel-Palestine

**Workshop am Zentrum «Geschichte des Wissens»  
am 17. Oktober 2017**



**Dienstag, 17. Oktober 2017**

## **Crisis as Precedent: Population Transfer and the Making of Israel-Palestine**

Dr. Itamar Mann (University of Haifa)

Ort: FSW, Rämistrasse 64, Seminarraum (A)

Zeit: 14-17.30 Uhr

### Reading:

1. Umut Özsu, *Formalizing Displacement* (Oxford University Press, 2015), (introduction).
2. Hilary Charlesworth, *International Law: A Discipline of Crisis*, *The Modern Law Review* vol. 65, No. 3 (May, 2002), pp. 377-392.
3. Catriona Drew, *Remembering 1948: Who's Afraid of International Legal History in the Israeli-Palestinian Conflict?*, in *Who's Afraid of International Law*, Raimond Gaita and Gerry Simpson, eds., (Monash University Publishing, 2017), pp. 103-131.
4. Optional dossier of primary sources, available here <https://www.scribd.com/document/351393711/Primary-Sources-Dossier>

**Anmeldung, Programm und PDF der Texte unter [zgw@ethz.ch](mailto:zgw@ethz.ch)**

The role of crisis as international legal precedent has recently become the subject of renewed interest among scholars. As Michael Reisman has famously observed, for international lawyers a major crisis operates much in the same way as an important case operates in the common-law tradition. Hilary Charlesworth influentially criticized this orientation towards crisis, emphasizing that it has prevented international lawyers from focusing on everyday forms of injustice. Today, it seems misguided to deny that international legal responses to crises create legal instruments that are then employed in other contexts. This workshop will explore precisely how that may happen by focusing on one case study, taken from the history of Israel-Palestine.

Several precedents were relevant in Israel's attempts to justify the expulsion of Palestinians during its founding, in 1947-1949. Most notably, the Greek-Turkish population transfer, formalized in the 1922 Lausanne Treaty, was cited to develop an argument that British colonial authorities had first introduced: what happened was a population transfer in which the new state received Jewish refugees from Arab countries. Such a transfer was therefore to be accepted as legal.

This argument was never formally accepted at the level of international law. But it had far-reaching ramifications, which run as a red thread through Israeli history. To name one recent example, a 2010 Israeli statute requires the government to include compensation for "Jewish refugees from Arab countries and Iran" as an issue in any "negotiations for peace in the Middle East." Furthermore, the notion of population transfer arguably shaped Israeli citizenship, particularly the status of Palestinian citizens of Israel and of Jewish citizens from Arab descent.

With the "human rights revolution" after WWII the colonial legal instrument of formalized population transfer fell into disrepute. But it arguably became part and parcel of Israeli law, and of the political imagination that sustains the protracted Israeli-Palestinian conflict. As such, it provides an excellent case through which the legal life of an international crisis can be traced and studied.