

Index

- ABC. *See* Australian Broadcasting Corporation
- African-American civil rights, 111–12, 123, 126–27, 154
- The Age of Rights* (Henkin, L.), 98, 108
- Aggression and World Order* (Stone), 268, 273, 275, 277
- AIU. *See* Alliance Israélite Universelle
- AJC. *See* American Jewish Committee
- Akzin, Benjamin, 64, 65
- Algemeine Staatslehre* (Kelsen), 84
- Alliance Israélite Universelle (AIU), 191–93, 195, 213–14
- Altneuland* (Herzl), 67
- American Bar Association, 101
- American Civil Liberties Union, 138
- American Jewish Committee (AJC), 107, 231
- Henkin, L., and, 103–4, 110–11, 121, 132, 138–40
- human rights and, 136, 137–38
- Israel and, 137–38
- Kohler, M., and, 126–27, 133, 136
- Marshall and, 126–27, 133
- Reform Jewry and, 131, 132, 135, 137, 138–39
- UN and, 137
- Zionism and, 131, 132, 133–34, 135, 136, 137–38
- American Jewish Congress, 103–4, 123
- Anglo-American Committee of Inquiry, 68
- Animal Farm* (Orwell), 162
- anti-colonialism, 104
- antiquarian approach, in Jewish history, 9–12
- anti-Semitism
- Lauterpacht, H., and, 35–36
- Stone facing, 258, 259–60, 269, 270, 271, 274, 287
- anti-utopianism, postwar, 145–46
- Approaches to the Notion of International Justice* (Stone), 266
- Arendt, Hannah, 59, 72
- Arnold, Matthew, 288
- Article 6. *See* Nuremberg Charter, Article 6 of
- Article 49. *See* Fourth Geneva Convention, Article 49 of
- Aspen Institute, 108
- assimilationism, 73
- antinomies of, 71–74
- Arendt on radical, 72
- in Austria, 58–60, 72
- Kelsen and, 57–63, 65, 66–67, 69–73, 80
- through law, 57–58, 72
- private property rights and, 70–71
- progressivism and, 75, 78–79
- public/private divide and, 72–73
- universal rights and, 69–70
- into world community, 73–74
- Association for Civil Rights in Israel, 137–38
- Auerbach, Jerold, 124
- Australia, 270, 292
- anti-Semitism in, 259–60
- University of Sydney, 257, 259–60, 269
- Australian Broadcasting Corporation (ABC), 261
- Austria
- assimilation in, 58–60, 72
- Constitutional Court in, Kelsen introducing, 79
- fascism in, 52, 62
- Jews of, 51, 57, 58–60, 72
- Kelsen and, 51, 52–53, 57–63, 64, 65, 68, 79, 80
- Social-Democrats of, 62

- autonomism, 233–34, 235, 236
 axionormative dissent, 285–86, 291, 295
- Basle Program, 233, 246–47
 Baxi, Upendra, 270
 Beatson, Jack, 10–12
 Belarus, 95
 Bell, Duncan, 168–69
 Beller, Steven, 59, 72
 Benes, Eduard, 148–50, 153
 Berlin, Isaiah, 30–31
 Bernheim, Franz, 191
 Bernheim Petition, 191
 Bethlehem, Daniel, 16
 Bialik, Haim Nachman, 28
 biographical approach, in Jewish history, 12–13
 Black Sabbath (Operation Agatha), 221–22
 Bodin, Jean, 6
 Borchard, Edwin, 9
 Bosnia and Herzegovina, 250, 251, 252
 Boudin, Leonard, 157–58
 Brandeis, Louis, 126, 136
 pluralism of, 135–36
 Zionism and, 134, 135–36
 Bricker, John, 114
 Bundists, 33
 Burke, Edmund, 99
- Cabranes, José A., 164–65
 Carr, E. H., 44
 Carter, Jimmy, 107–8, 113, 114
 Cassin, René
 in AIU, 191–93, 195, 213–14
 domicile right and, 182–86, 189, 200–01, 204,
 206–10, 211, 213, 214–16
 on entry, 184, 185–86, 189
 exit and, 184–85, 186, 189–90, 196–97
 France and, 187–88, 191, 193–94, 210, 213
 Henkin, L., and, 16–17, 105
 Holocaust and, 193, 194, 195, 202
 International Colloquium of, on return,
 195–96, 201
 International Institute for Human Rights
 founded by, 105
 Jews and, 178, 190–95, 196, 201, 212–14
 League of Nations and, 183, 187, 206,
 211–12
 on Leviathan State, 187–88, 212
 mobility and, 177–78, 195, 196, 201
 on nationality, law of, 207–10
 on nation-state, 186–90, 214
 to Nazism, reaction of, 186–88, 191, 211–12
 1930 Hague Academy lectures of, 206–10,
 211, 214–15
 1968 Nobel Peace Prize Lecture of, 210–11
 non-Jewish influences on, 16–17
 Palestinians and, 178, 192, 194–96, 197–202,
 213, 215–17
 return, right of, and, 195–96, 197–201, 214–15
 Soviet Jews and, 195–97, 202
 UDHR and, 177, 195, 214
 at UN, 177
 veterans and, 184–85, 190, 205–6
 Zionism and, 191–93, 195, 212–14
 Central European legalism, 160–61
Christian Human Rights (Moyn), 119
 Christianity, 288
 Christian-Social Party (CSP), Austrian, 62
 Churchill, Winston, 62
 Civil War, American, 125
 Clemenceau, Georges, 285, 288
 Cleveland, Grover, 128
 Cohen, Albert, 143
 Cohen, Hermann
 on God, 87–90
 hypothesis, method of, and, 86–88
 on Judaism, philosophical account of, 87–90
 Kelsen and, 83, 84–90
 Maimonides and, 88–89
 natural law rejected by, 87
 neo-Kantianism of, 86–87, 88, 89
 Strauss and, 84–85
 Cohn, Haim, 287
 Collingwood, R. G., 284
 Cologne, Germany, 63
 Constitution, American
 Henkin, L., and, 101, 114, 115, 116,
 127
 Jews and, 112, 124–26, 127–28, 129, 135–36
 Reform Jewry and, 129–30, 138, 139
 Constitutional Court, Austrian, 79
 continuity
 domicile right as, 183–84
 of Israel, political, 198–200, 201
 Palestinians and, 199, 201, 201
 political, 198–200, 201, 204
 Convention on Marriage and Human
 Rights, 158
 cosmopolitanism, legal
 Kelsen and, 69–70, 78
 of Lauterpacht, H., 26–28, 29, 34, 40–41, 43,
 44, 46–47, 73

- cosmopolitanism, legal (cont.)
 national sovereignty and, 43–44
 post-World War II disappointment of, 146
- Crawford, James, 16, 198–99
- crimes against humanity
 in Nuremberg trials, concept of, 26
 Schwelb on, 150–53
- Croatia, 252–53
- CSP. *See* Christian-Social Party
- Cuban Missile crisis, 260
- Czechoslovakia
 Kelsen and, 63, 68
 Prague, 52–53, 63
 Schwelb and, 148–50, 153, 160–61
- D'Amato, Anthony, 277
- Davis, Garry, 265
- de Gaulle, Charles, 188, 191, 213, 216
- Dicey, A. V., 150
- Le Différend* (Lyotard), 44
- domicile, right of, 179–80, 181
 Cassin and, 182–86, 189, 200–01, 204, 206–10,
 211, 213, 214–16
 as continuity, 183–84
 entry and, 184, 185–86, 189, 214–15
 exit and, 184–85, 186, 189–90
 nationality, law of, and, 207–10
 Palestinian, 200–01, 214–16
- Dreyfusards, 285
- Du Bois, W. E. B., 154
- Dubnow, Simon
 autonomism of, 233–34, 235, 236
 Diasporic Jewish nationalism of, 232–34,
 235–37, 244
 Rosenne and, 232, 235–37, 244
 Versailles Conference and autonomism
 of, 234
 Zionism and, 232–33, 234–37
- Eban, Abba, 37
- Edel, Geert, 86, 88, 89
- Egypt, 230, 268–69, 273
- Eichmann, Adolf, 272, 281
- Englard, Izhak, 64
- entry, right of, 178–82
 Cassin on, 184, 185–86, 189
 domicile right and, 184, 185–86, 189, 214–15
 host country deciding, 180–81
 in ICCPR, 214, 215, 216
 Palestinian, 200, 214–15
 under refugee status, 180
 under return, right of, 179–80, 181
 for Soviet Jews, 196–97
- Eshkol, Levi, 293
- Ethik des reinen Willen* (Cohen, H.), 87–88
- Evatt, H. V., 261
- exit, right of, 181–82
 Cassin and, 184–85, 186, 189–90, 196–97
 domicile right and, 184–85, 186, 189–90
 in ICCPR, 178–79
 for Moroccan Jews, 196
 for Soviet Jews, 196–97
 in UDHR, 178
- Falk, Richard, 159, 263
- fascism, Austrian, 52, 62
- Federal Republic of Yugoslavia (FRY), 250–53
- Federation of Zionist Youth (FZY), 231
- Feinberg, Nathan, 41
 on genocide, legal concept of, 16
 Kelsen and, 64–66, 67–68, 72
- Florence Nightingale*, 227
- Forbath, William, 112
- formalism, legal, 160–66, 169–72, 174
- Fourth Geneva Convention, Article 49 of,
 293–94
- France
 Cassin and, 187–88, 191, 193–94, 210, 213
 Jewish emancipation in, 99
 UN General Assembly in, Davis at, 265
- Frankenstein, Ernst, 244
- Frankfurter, Felix, 96, 112, 123, 135,
 139
- Fraser, Donald, 105
- Freud, Sigmund, 53
- Fried, John, 152
- FRY. *See* Federal Republic of Yugoslavia
- Function of Law in the International
 Community* (Lauterpacht, H.), 45, 46
- FZY. *See* Federation of Zionist Youth
- Garcia-Salmones Rovira, Monica, 61, 78
- A Gateway between a Distant God & a Cruel
 World* (Paz, R.), 12–13
- Gaza Strip, 195, 198
- General Theory of Law and State* (Kelsen), 84
- genocide
 legal concept of, 16
 Lemkin and, 16, 146, 152–53, 173
- Genocide Convention, 146
 Rosenne and, 245, 250
 Schwelb and, 152–53

- The Gentle Civilizer of Nations* (Koskenniemi), 12–13, 159
- German National Union of Students, 36
- Germans, 290–91
 Lauterpacht, H., as, 11
 national paradigm of, Jews under, 11–12
- Ginsburg, Ruth Bader, 116
- God, 87–90
- Goebbels, Joseph, 191
- Gordon, Judah Leib, 73
- Graetz, Heinrich, 288
- Greek law, 287–88
- Grotius, Hugo, 6, 38, 45, 46
- group equality, 135–36
- Guide of the Perplexed* (Maimonides), 89
- Hague Academy
 Cassin lectures to, 206–10, 211, 214–15
 Stone lectures to, 264, 278
- Hammar skjöld, Dag, 159
- Hand, Learned, 96
- Harding, Don, 264
- Harvard University, 162, 259, 262, 267–68
- Hathaway, Oona, 26–27
- Hazzard, Shirley, 143
- Hebraic Political Studies field, 7
- Hebrew University
 Kelsen and, 64, 67
 Lauterpacht, H., and, 28, 41
 Law Faculty of, 41, 64, 65–66, 67
- Heine, Heinrich, 286
- Henkin, Alice, 108
- Henkin, Joshua, 96
- Henkin, Louis, 94, 95–96, 100, 108, 112
 The Age of Rights, 98, 108
 AJC and, 103–4, 110–11, 121, 132, 138–40
 American Constitution and, 101, 114, 115, 116, 127
 American liberalism of, 111–17, 121–24, 138, 139–40
 on anti-colonialism, human rights and, 104
 Cassin and, 16–17, 105
 early career of, 100–2
 Frankfurter compared with, 139
 on human rights, first writings of, 102–3, 104
 with human rights, early engagement of, 102–6
 as human rights advocate, self-reinvention of, 106–9, 118
 as human rights leader, 93, 103, 121, 138
 on ICCPR, 113, 122, 189
- Israel and, 109–12, 114–15, 120–21, 133–34
- Jewish internationalism and, 106–9, 111, 119–21, 126, 132, 133
 on Jewish political experience, human rights and, 98–100, 102–3, 108–11, 119–21, 122
 on Jim Crow, 111–12, 123, 127
- Judaism, observant, of, 13–14, 95–96, 116, 121, 138–40
 on Judaism, human rights and, 16–17, 93–95, 96–98, 105–6, 116, 118–19, 122
 “Judaism and Human Rights,” 94–95
- Lauterpacht, H., and, 113
- McGill University colloquium of, 105–6, 108–9
 on religion, human rights alternative to, 98
- The Rights of Man Today*, 108–9, 113–14, 122
- Soviet Jews and, 107, 110
 on UN, 100–01, 104, 105, 110
 at Uppsala conference, 107, 108
- Zionism and, 109–12, 114, 115, 121, 122–23, 133–34, 138, 139
- Hertz, Joseph, 287
- Herzl, Theodor, 29, 58–59
- Altneuland*, 67
 Dubnow and Zionism of, 232, 233
 Das Neue Ghetto, 65
- Hitler, Adolf, 52, 63, 186–87
- Hoffman, Stanley, 162
- Holocaust
 Cassin and, 193, 194, 195, 202
 genocide as term and, 16
 international law after, 2, 15–16, 99
 Lauterpacht, H., and influence of, 26–27
 Rosenne on, 252
- How Nations Behave* (Henkin, L.), 102
- Hula, Erich, 154
- Human Law and Human Justice* (Stone), 287–88
- human rights. *See also* Henkin, Louis;
 Schwelb, Egon
 AJC and, 136, 137–38
 American liberalism and, 111–17, 121–24, 136
 anti-colonialism and, Henkin, L., on, 104
 International Institute for, 105
 Israel and, 94, 104, 107, 109–12, 120–21, 137–38
 Jewish historical experience and, 98–100, 106–7, 118–21, 122
 Judaism and, 93–95, 96–98, 105–6, 116, 118–19, 122
 law school courses in international, 144, 162–65

- human rights (cont.)
 on mobility, myopia in, 177–78
 modern Jewish politics and, 94, 99–100, 108–9
 natural law and, 97
 Protestant theology and, 119
 UN and, 143–44, 146–47, 152–59, 173, 179–80, 201, 216
 Universal Declaration of, 137, 146–47, 154–57, 161, 177, 178, 195, 198, 214
 Uppsala conference and, 107, 108
 after World War II, 146
- Human Rights and International Law* (Lauterpacht, H.), 44
- Human Rights and the International Community* (Schwelb), 146–47
- humanism, 173–74
- Humphrey, John, 152, 153–54, 155, 159
- Hyderabad, 23–25, 39–40
- hyphenated Americans, Jews as, 135–36, 139
- hypothesis, method of, 86–88
- ICCPR. *See* International Covenant on Civil and Political Rights
- ICJ. *See* International Court of Justice
- Ideal Film Renting Company, 227
- idealism
 of Lauterpacht, H., liberal, 26–27
 realism and, 43, 145
 Zionism and, 25
- Ignatieff, Michael, 27
- immigrants, Jewish
 Kohler, M., and Marshall, L. defending, 127, 129, 130–31
 racism against, 127
 Reform Jewry and, 129
- India, 23–24, 39–40
- individual and community, antinomy of, 70–73, 74
- individual rights, justice and, 272, 282–83
- An International Bill of the Rights of Man* (Lauterpacht, H.), 27–28
- International Court of Justice (ICJ), 23–24, 222
 Lauterpacht, H., on, 41
 Rosenne advising FRY at, 250–52
- International Covenant on Civil and Political Rights (ICCPR), 198
 entry right in, 214, 215, 216
 exit right in, 178–79
 Henkin, L., on, 113, 122, 189
- International Guarantees of Minority Rights* (Stone), 290–91
- International Institute for Human Rights, 105
- International Law and Human Rights* (Lauterpacht, H.), 155
- internationalism, Jewish
 of AJC, human rights and, 137–38
 Henkin, L., and, 106–9, 111, 119–21, 126, 132, 133
 Kohler, M., Marshall, L. and, 126, 132
 Zionism and, 34, 132, 133–34, 136
- Inter-University Federation of Jewish Students of Britain and Ireland, 32–33
- Introduction to the Problems of Legal Theory* (Kelsen). *See* *Pure Theory of Law*
- inventorying, Jewish practice of, 4
- Iraq, 68
- Isaacs, Isaac, 270
- isolationism, 9
- Israel
 AJC, Jewish liberalism and, 137–38
 Henkin, L., and, 109–12, 114–15, 120–21, 133–34
 human rights and, 94, 104, 107, 109–12, 120–21, 137–38
 Kelsen and institutions of, 67
 Lauterpacht, H., and independence of, 23–25, 28, 37, 39–40
 Lauterpacht, H., identifying with, 40–41
 Law of Return in, 196–97
 MFA of, 222, 225, 245
 in occupied territories, settlements of, 114–15, 293–94
 political continuity of, 198–200, 201
 post-1967 occupation by, 114–15, 195, 197–98, 293–94
 Rosenne as legal adviser for, 222, 225, 245–46, 249, 254
 Soviet Jews and, 196–97
 Stone and, 261, 268–69, 273, 274–80, 281–83, 285, 287, 291–94, 295
 in Suez Crisis, 268–69, 273
 UN and independence of, 24, 37
Israel and Palestine (Stone), 275, 277, 292–93
- Jablonek, Clemens, 61
- Jackson, Robert, 1–2
- Janowsky, Oscar, 290
- Jenks, Wilfred, 155
- Jessup, Philip, 101, 158
- Jewish Agency

- Lauterpacht, H., advising, 28, 35
 Rosenne at, 221–22, 239–41
 Stone advising, 276, 292
- Jewish Congress Movement, 134, 135, 136
- Jewish history, international law in, 5
- antiquarian approach to, 9–12
 biographical approach to, 12–13
 modernist approach to, 8–9, 12
 multidisciplinary approach to, 13
 primordialist approach to, 5–7, 12
- Jewish Law, influence of, 64
- Jewish primogeniture, 288
- Jim Crow
 Henkin, L., on, 111–12, 123, 127
 Kohler, M., opposing, 126–27
- Jordan, 277, 282
- Joseph, Dov, 240–41
- “Judaism and Human Rights” (Henkin, L.),
 94–95
- Julius Stone (Star), 286
- Jurists Uprooted* (Beatson and
 Zimmermann), 10
- justice
 enclaves of, 266–67, 273
 individual rights and, 272, 282–83
 Stone and, 265–67, 271–73, 281–83,
 287–88, 291
- Justice for My People* (Frankenstein), 244
- Kant, Immanuel, 45, 187
- Kelsen, Hans, 52–53
 assimilationism and, 57–63, 65, 66–67,
 69–73, 80
 from Austria, departure of, 52, 62
 Austrian Constitutional Court introduced
 by, 79
 Austrian identity of, 51, 52–53, 57–63, 64, 65,
 68, 80
 autobiography of, 61–62
 basic norm and, 85–87, 89–90
 on Christian civilization, 59–60
 Christian conversions of, 13–14, 59
 Cohen, H., and, 83, 84–90
 in Cologne, 63
 cosmopolitanism and, 69–70, 78
 descriptive period of, 53–54, 75–78, 80–81
 dualisms rejected by, 70–71, 72–73, 74,
 77
 Feinberg and, 64–66, 67–68, 72
 followers of, 54–56
 Hebrew University and, 64, 67
 on individual and community, antinomy of,
 70–73, 74
 Israeli institutions and, 67
 Jewish and Austrian identity of, 58–63, 64,
 65, 80
 Jewish identity of, 13–14, 56–57, 62, 63–69,
 80, 82–83, 84–85, 90
 on Jewish Law, influence of, 64
 Koskenniemi on, 76, 78
 Lauterpacht, H., and, 26
 on legal person, 71–73
 monism of, 53, 64, 70, 73, 77, 82
 Nazi condemnation of, 60
 normative thought of, 54, 78–81, 83
 on Nuremberg trials, 151–52
Peace through Law, 59–60, 78
 positivism of, 52, 54–56, 57–58
 as pragmatist, 79
 in Prague, 52–53, 63
 on primitive, 75–77
 on private property, 70–71
 Prochazka and, 160–61
 progressivism of, 58, 74–80, 83, 84–85
 Pure Theory of, 52, 54–56, 57, 58, 60, 64,
 69–70, 74, 76, 77–78, 82–83, 84, 85–87, 88,
 89–90
Pure Theory of Law, 56, 57, 58, 77–78, 79, 80
 Schmitt and, 53, 60
 on sovereignty, 73–74, 77–78, 85–86, 89
 Strauss and, 83–85, 90
 on UN Charter, 79–80
 on world community, state sovereignty and,
 73–74, 77–78
 on world peace, 79
 on world state, 77
 writing of, periods in, 53–54
 Zionism and, 17, 63–69
- Kennedy, David, 76, 79, 165
- Kirby, Michael, 259
- Kita, Yasuo, 27
- Koh, Howard, 93
- Kohler, Kaufmann, 128, 129–30, 131, 138, 139
- Kohler, Max, 138, 139
 AJC and, 126–27, 133, 136
 Jewish immigrants defended by, 127, 129,
 130–31
 Jewish internationalism and, 126, 132
 Jim Crow opposed by, 126–27
 Marshall and, 126–27, 129, 134, 135, 136
 Zionism and, 132, 134, 135, 136
- Koskenniemi, Martti

- Koskenniemi, Martti (cont.)
The Gentle Civilizer of Nations, 12–13, 159
 on Kelsen, 76, 78
 on Lauterpacht, H., 27, 29, 30–31, 38
- Kuhn, Arthur, 5–6, 12
- Kunz, Josef, 54, 147, 163, 225–26
- Lahav, Pnina, 8, 12
- Lasson, Adolf, 71
- The Last Utopia* (Moyn), 100, 144
- Lauterpacht, Elihu, 28–29, 31, 45, 249
- Lauterpacht, Hersch Zvi, 38–39, 145
 anti-Semitism work of, 35–36
 Article 6 crafted by, 15–16
 British ideals of, 30–31
 Bundists conflict with, 33
 Carr and, 44
Function of Law in the International Community, 45, 46
 as German, 11
 on Grotius, 45, 46
 Hebrew University and, 28, 41
 Henkin, L., and, 113
 historical method of, 38–39, 45–46
 Holocaust influencing, 26–27
Human Rights and International Law, 44
 Hyderabad independence claims and, 23–25, 39–40
 on ICJ, 41
 idealist legal liberalism of, 26–27
An International Bill of the Rights of Man, 27–28
 Inter-University Federation of Jewish Students addressed by, 32–33
 with Israel, identification of, 40–41
 Israeli independence and, 23–25, 28, 37, 39–40
 Kelsen and, 26
 Koskenniemi on, 27, 29, 30–31, 38
 legal cosmopolitanism of, 26–28, 29, 34, 40–41, 43, 44, 46–47, 73
 Lemkin and, 9, 26, 27
 natural law and, 27–28, 38, 46, 69, 76
numerus clausus policies opposed by, 35–36
 Nuremberg trials and, 26, 47, 253–54
 Paz, R., on, 29, 73
 positivism of, 45–46
 positivism rejected by, 26–28
Private Law Analogies, 45
 progressivism and, 75, 76
 Rosenne and, 226, 240–41, 249, 253
- Schwelb and, 155
 sovereignty and, 27–28, 35–36, 37–38, 46–47
 Stone compared with, 262–63
 territorial sovereignty and, 35–36, 37–38
 on UDHR, 146, 155
 at Warsaw Congress on International Education, 35–36
 World Union of Jewish Students and, 28, 32, 33, 34–36
 Zionism of, 28–30, 31–37, 39, 41, 43, 44, 46–47
- Law of Nations, 5, 6
- Law of Return, Israeli, 196–97
- Lawyers Committee for Human Rights, 108
- League of Nations, 99, 289–91
 Bernheim Petition to, 191
 Cassin and, 183, 187, 206, 211–12
 Cohen, A., on, 143
 sovereignty in, Jews and, 35
- Legal Controls* (Stone), 269–70
- legalism, 160–66, 169–72, 174
- Lemberg pogrom, 35
- Lemkin, Raphael
 genocide and, 16, 146, 152–53, 173
 Lauterpacht, H., and, 9, 26, 27
 Schwelb and, 152–53
- Letters on Ancient and Modern Judaism* (Dubnow), 235
- Leviathan state, 187–88, 212
- Levontin, Avigdor, 64
- Lewis, David Levering, 127
- liberalism
 American Jews and, 111–17, 123–27
 Bell on, 168–69
 of Henkin, L., American, 111–17, 121–24, 138, 139–40
 human rights and American, 111–17, 121–24, 136
 idealist, of Lauterpacht, H., 26–27
 Jewish, Israel and, 137–38
 progress in, Strauss on, 75, 83–84
 Reform Jewry and, 128, 130, 138
 Zionism and, 9, 83–84
- Lieblich, Eliav, 40
- Liskofsky, Sidney, 103–04
- Lloyd George, David, 227
- Loveday (reverend), 228, 230–31
- Lueger, Karl, 58–59
- Lyotard, Jean-François, 44

- Machiavelli, Niccolò, 84
 Maimonides, 88–89
The Man Who Saved the Empire, 227
 Mancini, Pasquale Stanislao, 207–08
 Marshall, Louis
 AJC and, 126–27, 133
 Jewish immigrants defended by, 127, 129
 Jewish internationalism and, 126, 132
 Kohler, M., and, 126–27, 129, 134, 135, 136
 Zionism and, 132, 134, 135, 136
 Masaryk, Thomas, 148–49
 Mazower, Mark, 153, 173
 Mazzawi, Musa, 108, 201, 216
 McDougal, Myres, 159, 162
 McGill University, 105–6, 108–9
 McWhinney, Edward, 269–70, 281
 Meir, Golda, 292
 Mendes-Flohr, Paul, 285–86
 Meron, Theodor, 293–94
 Métall, Rudolf Aladár, 51, 54, 62
 Ministry of Foreign Affairs (MFA), Israeli, 222, 225, 245
 minority rights
 Jewish scholars on, 290
 Palestinian, Rawidowicz on, 294–95
 Rosenne on, 237, 243
 Stone on, 262, 271, 272, 289, 290–92
 after World War I, Jews and, 289–90
 mobility, 178, 204. *See also* domicile, right of;
 return, right of
 Cassin and, 177–78, 195, 196, 201
 entry right in, 178–82, 184, 185–86, 189, 196–97, 200, 214–15, 216
 exit right in, 178, 181–82, 184–85, 186, 189–90, 196–97
 myopia on, in human rights law, 177–78
 Palestinian, 200, 201, 214–15
 of Soviet Jews, 195–97, 202
 modernist approach, in Jewish history, 8–9, 12
 monism, 53, 64, 70, 73, 77, 82
 Morgenthau, Hans, 169, 262–63
 Moroccan Jews, 196
 Mosaic law, 6, 287–88, 291
 Moskowitz, Moses, 156–57, 158
 Moyn, Samuel, 173
 Christian Human Rights, 119
 The Last Utopia, 100, 144
 multidisciplinary approach, in Jewish history, 13
 National Association for the Advancement of Colored People (NAACP), 126
 nationality, law of, 207–10
 nation-state, 186–90, 214
 natural law
 Cohen, H., rejecting, 87
 human rights and, 97
 Lauterpacht, H., and, 27–28, 38, 46, 69, 76
 positivism and, 46
 revival of, 25
Natural Right and History (Strauss), 84
 Nazism. *See also* fascism, Austrian
 Cassin reaction to, 186–88, 191, 211–12
 Kelsen condemned under, 60
 Stone and, 272–73, 291
 neo-Kantianism, 86–87, 88, 89. *See also* Kant, Immanuel
Das Neue Ghetto (Herzl), 65
 Nobel Peace Prize Lecture (1968), 210–11
 norm, basic, 85–86, 87, 89–90
numerus clausus policies, 35–36, 258–59, 267
 Nuremberg Charter, Article 6 of, 15–16
 Nuremberg Principles, 150–52
 Nuremberg trials
 European-born Jewish lawyers in, 3–4
 failures of, 146
 Jackson and, 1–2
 Kelsen on, 151–52
 Lauterpacht, H., and, 3–4, 26, 47, 253–54
 Schwelb and, 150–52, 153
 Stone on, 281
 occupied territories, 114–15, 195, 197–98, 293–94
 Operation Agatha (Black Sabbath), 221–22
 optimism, 146, 163
The Organization Man (Whyte), 143
 Orwell, George, 162
 Ottoman Empire, 251
 Oven of Akhnai, Talmudic story of, 97
 Oxford University, 258–59, 262, 269, 286–87
 Paine, Thomas, 113, 114, 122
 Pakistan, 23–24, 39–40
 Palestine, British
 Black Sabbath in, 221–22
 Rosenne in, 238–41
 Stone and immigration to, 270

- Palestine question
 Kelsen on, 67–68
 in Zionism, different opinions on, 67–68
 Palestine Special Session, 241
 Palestinians
 Cassin and, 178, 192, 194–96, 197–202, 213, 215–17
 continuity and, 199, 201
 domicile right of, 200–01, 214–16
 entry right of, 200, 214–15
 minority rights of, Rawidowicz on, 294–95
 mobility and, 178, 200, 201, 214–15
 post-1967 occupation of, 114–15, 195, 197–98, 293–94
 return right for, 197–201, 214–16
 settlements and, 114–15, 293–94
 Stone and, 261, 277–80, 281–83, 285, 291–94, 295
 Uppsala conference and, 108, 215–16
 Paris Peace Conference, 289–90
 Paz, Reut, 12–13
 on Kelsen, 77
 on Lauterpacht, H., 29, 40, 73
Peace through Law (Kelsen), 59–60, 78
 Pella, Vespasian, 154
 Pentateuch, 287
People in Glass Houses (Hazzard), 143
 Permanent Court of International Justice, 23, 26
 person, legal, 71–73
 Pettiti, Louis E., 196
 pluralism, 135–36
 Poland, 290–91
 Galician region of, Jews in, 34
 Lemberg pogrom in, 35
 Politis, Nicolas, 172–73
 positivism
 of Kelsen, 52, 54–56, 57–58
 Lauterpacht, H., and, 26–28, 45–46
 naturalism and, 46
 rejection of, 25, 26–28, 39
 postcolonial states, 161
 Pound, Roscoe, 259, 267–68
 Prague, 52–53, 63
 primitiveness, 75–77
 primogeniture, Jewish, 288
 primordialist approach, in Jewish history, 5–7, 12
 Prinz, Joachim, 123
 private affair, Judaism as, 124, 140
Private Law Analogies (Lauterpacht, H.), 45
 private property rights, 70–71
Das Problem der Souveränität und die Theorie des Völkerrechts (Kelsen), 85
 Prochazka, Adolf, 160–61
 progressivism, 76
 assimilationist Jews and, 75, 78–79
 descriptive, Kelsen and, 75–78, 80
 of Kelsen, 58, 74–80, 83, 84–85
 Lauterpacht, H., and, 75, 76
 normative, of Kelsen, 78–80
 primitive and, 75–77
 Strauss and, 75, 83–84
 Protestant theology, 119
 public/private divide, 72–73
 Pure Theory. *See* Kelsen, Hans
Pure Theory of Law (Kelsen), 56, 79, 80
 assimilationist reading of, 58
 preface to, 57
 progress in, 77–78
Rabbis and Lawyers (Auerbach), 124
 Rawidowicz, Simon, 294–95
 realism
 idealism and, 43, 145
 Schwelb and legal, 159–60, 162–63
 Stone and, 262–63
 at Yale Law School, 159
 Reconstruction Era constitutionalism, 125
 Reform Jewry, 125, 127
 AJC and, 131, 132, 135, 137, 138–39
 American Constitution and, 129–30, 138, 139
 Jewish immigrants and, 129
 liberalism and, 128, 130, 138
 Pittsburgh Platform of, 128
 Zionism and, 128, 131–32
 Refugee Convention, 245
 refugees. *See* mobility
Regional Guarantees of Minority Rights (Stone), 290–91
Religion of Reason Out of the Sources of Judaism (Cohen, H.), 84–85
 return, right of
 Cassin and, 197–201, 214–15
 Cassin and International Colloquium on, 195–96, 201
 domicile right and, 215–16
 entry right under, 179–80, 181
 Israeli, 196–97
 mobility and, 178

- for Palestinians, 197–201, 214–16
- UNHRC and, 179–80, 201, 216
- The Rights of Man Today* (Henkin, L.), 108–09, 113–14, 122
- Robinson, Jacob, 225–26, 290
- Roman Empire, 51
- Roosevelt, Eleanor, 153
- Rosenne, Shabtai, 222, 246, 250
 - Black Sabbath and, 221–22
 - in British Palestine, 238–41
 - Dubnow and, 232, 235–37, 244
 - early life of, 227–29, 230–31, 249–50, 253
 - in Egypt, 230
 - family of, 226–29, 230, 249–50
 - Genocide Convention and, 245, 250
 - on Holocaust, 252
 - at ICJ, advising FRY, 250–52
 - on international law, Jews and, 6–7, 12, 241–44, 245–48
 - with international law, early engagement of, 223–26
 - as Israeli legal adviser, 222, 225, 245–46, 249, 254
 - with Jewish affairs, engagement of, 222, 224–26, 230–37
 - with Jewish Agency, 221–22, 239–41
 - Jewish identity of, international law and, 251–53, 254
 - Lauterpacht, H., and, 226, 240–41, 249, 253
 - on minority treaties, 237, 243
 - obituaries for, 222
 - Sephardic descent of, 251
 - Suriname case of, 254
 - during World War II, 229–30, 254
 - Zionism of, 231–32, 235–37, 238–39, 242–43, 244, 245, 246–47
- Rowson, Harry, 226–28, 229
- Rowson, Sefton. *See* Rosenne, Shabtai
- Rowson, Vera, 227–28, 229

- Sands, Philippe, 26, 29
- Sasson, Elihu, 240–41
- Saul, Ben, 275
- Schabas, William, 252–53
- Schechtman, Joseph, 173
- Schmitt, Carl, 53, 60
- Schwarzenberger, Georg, 156
- Schwebel, Stephen, 41
- Schwelb, Egon, 144–45, 157, 167
 - Cabranes on, 164–65
 - Central European legalism and, 160–61
 - class affiliation of, 172–74
 - Czechoslovakia and, 148–50, 153, 160–61
 - emotional restraint emphasized by, 145, 158, 168, 170, 174
 - formalism, legalism of, 160–66, 169–72, 174
 - Genocide Convention and, 152–53
 - humanism of, 173–74
 - on humanity, crimes against, 150–53
 - international human rights course of, 144, 162–65, 171
 - on jurist, character of, 147–48
 - Kunz cited by, 147, 163
 - Lauterpacht, H., and, 155
 - legal realism and, 159–60, 162–63
 - Lemkin and, 152–53
 - Moskowitz and, 156–57, 158
 - Nuremberg trials and, 150–52, 153
 - on optimism, 146, 163
 - peers of, 172–73
 - postwar anti-utopianism and, 145–46
 - on professional conduct, role of, 163–64
 - Stoicism and, 158, 170
 - UDHR and, 146–47, 154–57, 161
 - UN, state sovereignty and, 156–58
 - at UN, 106, 143–44, 145, 146–47, 150–59, 167–68
 - at UN, postcolonial states and, 161
 - on UN War Crimes Commission, 150–52
 - World War I and, 148
 - during World War II, 148–50
 - at Yale, 159, 162–65, 171
- Selden, John, 6
- Sephardic Jews, 251
- Serbia. *See* Federal Republic of Yugoslavia
- Shachar, Yoram, 40
- Shandler, Jeffrey, 4
- Shapiro, Scott, 26–27
- Sharett, Moshe, 221, 241, 243
- Shawcross, Hartley, 47, 253–54
- Shelley v. Kraemer*, 101
- Sidorsky, David, 110
- Siehr, Kurt, 10
- Simmons, Beth, 155
- Simon, Leon, 237
- Six-Day War, 120–21, 293
- Social-Democrats, Austrian, 62
- Sohn, Louis, 100, 105, 145, 157, 162, 165
- sovereignty. *See also* states
 - Cassin and, 186–90
 - cosmopolitanism and national, 43–44
 - Kelsen on, 73–74, 77–78, 85–86, 89

- sovereignty (cont.)
 Lauterpacht, H., and, 27–28, 35–36, 37–38, 46–47
 in League of Nations, Jews and, 35
 territorial, 35–36, 37–38
 UN, Schwelb, and state, 156–58
 world community and, Kelsen on, 73–74, 77–78
 Zionism and, 25
- Soviet Jews, 108
 Cassin and, 195–97, 202
 Henkin, L., and, 107, 110
 Israel and, 196–97
 mobility of, 195–97, 202
- Spinoza, Benedict, 7, 45–46
Spinoza's Critique of Religion (Strauss), 83–84
 Stalin, Joseph, 231
- Star, Leonie, 286
 on anti-Semitism, Stone facing, 259
 on Israel, Stone and, 276, 281, 292
- states
 Cassin on, 186–90, 214
 dissociation from, 204–5, 216–17
 Leviathan, 187–88, 212
 postcolonial, Schwelb and, 161
 world, 77
- Steinberg, Michael, 11
- Stoicism, 158, 170
- Stone, Julius
Aggression and World Order, 268, 273, 275, 277
 anti-Semitism faced by, 258, 259–60, 269, 270, 271, 274, 287
Approaches to the Notion of International Justice, 266
 axionormative dissent of, 285–86, 291, 295
 background and achievements of, 257, 258–62, 286–87
 Cuban Missile crisis and, 260
 on Eichmann, 272, 281
 extralegal, objective focus of, 264, 267–70, 276–78, 283, 284
 Hague Academy lectures of, 264, 278
 Harvard and, 259, 262, 267–68
Human Law and Human Justice, 287–88
 on individual rights, justice and, 272, 282–83
 international policy shaped by, 257
 inter-systemic, intercultural analysis of, 264–65, 267, 270–71, 278–80, 283
 Israel and, 261, 268–69, 273, 274–80, 281–83, 285, 287, 291–94, 295
 Israel and Palestine, 275, 277, 292–93
 Jewish Agency advised by, 276, 292
 Jewish identity of, 273–76, 284–86, 295
 Jewish identity of, justice and, 271–73, 281–83, 287–88, 291
 Jewish identity of, sociological approach and, 257–58, 261–62, 267–83, 284, 286–87, 289–91, 295
 Jewish primogeniture advocated by, 288
 on justice, 265–67, 271–73, 281–83, 287–88, 291
 on justice, enclaves of, 266–67, 273
 Lauterpacht, H., compared with, 262–63
 as majoritarian, 291–94
 on minority rights, 262, 271, 272, 289, 290–92
 Nazism and, 272–73, 291
numerus clausus policies opposed by, 258–59, 267
 on Nuremberg trials, 281
 as outsider, 269–70, 274, 287
 Oxford study of, 258–59, 262, 269, 286–87
 Palestinians and, 261, 277–80, 281–83, 285, 291–94, 295
 pragmatism of, 260–61, 262
 realism and, 262–63
 sociological approach of, 257, 259, 260–61, 262–67
 Suez Crisis and, 268–69, 273
 on UN Charter, 268–69
 at University of Sydney, 257, 259–60, 269
 White House-Kremlin hotline and, 257, 260–61
 Zionism of, 291–94
- Strauss, Leo
 Cohen, H., and, 84–85
 Kelsen and, 83–85, 90
Natural Right and History, 84
 on progress, 75, 83–84
Spinoza's Critique of Religion, 83–84
 on Zionism, 83–84
- Suez Crisis, 268–69, 273
- Suriname, 254
- sutler, 51
- Syria, 23–24
- Talmud, 97, 294
- Taylor, Telford, 114
- Torah, 64

- UDHR. *See* Universal Declaration of Human Rights
- UN. *See* United Nations
- UN Palestine Partition Plan, 68
- UNHRC. *See* United Nations Human Rights Committee
- United Nations (UN)
- African-American civil rights and, 154
 - AJC and creation of, 137
 - Cassin at, 177
 - Davis at, 265
 - Hazzard and, 143
 - Henkin, L., on, 100–01, 104, 105, 110
 - human rights and, 143–44, 146–47, 152–59, 173, 179–80, 201, 216
 - Israel, Stone, and, 261
 - Israeli independence and, 24, 37
 - Kelsen on Charter of, 79–80
 - Palestine Partition Plan of, 68
 - Palestine Special Session of, 241
 - postcolonial states and, 161
 - return right and, 179–80, 201, 216
 - Schwelb at, 106, 143–44, 145, 146–47, 150–59, 161, 167–68
 - state sovereignty and, 156–58
 - Stone on Charter of, 268–69
 - War Crimes Commission of, Schwelb on, 150–52
- United Nations Conference on International Organization, 1
- United Nations Human Rights Commission, 155
- United Nations Human Rights Committee (UNHRC), 179–80, 201, 216
- Universal Declaration of Human Rights (UDHR), 137, 198
- Cassin and, 177, 195, 214
 - exit right in, 178
 - Lauterpacht, H., on, 146, 155
 - pessimistic reaction to, 146–47
 - Schwelb and, 146–47, 154–57, 161
- universal rights, 69–70
- University of Sydney, 257, 259–60, 269
- Upper Silesia, German-Polish Convention on, 290–91
- Uppsala conference, 107, 108, 215–16
- Verdross, Alfred, 54
- Versailles, Treaty of, 289–90
- Versailles Conference, 234
- Vienna School, of international law, 54–56
- Vietnam war, 113, 114, 117
- Von Bernstorff, 78, 159
- Warsaw Congress on International Education, 35–36
- Weber, Max, 159
- Weis, Paul, 144, 197–98, 215–16, 245
- Were the Minorities Treaties a Failure?* (Robinson), 290
- West Bank, 195, 293–94
- Westlake, John, 41
- Weyl, Joseph, 149
- White House-Kremlin hotline, 257, 260–61
- Whyte, William, 143
- Wilson, Woodrow, 1–2, 136, 148–49
- Winter, Jay, 177
- Wise, Stephen, 123
- Wittgenstein, Ludwig, 18
- Wolf, Lucien, 290
- world community, 73–74, 77–78
- world peace, 79
- world state, 77
- World Union of Jewish Students
- Lauterpacht, H., and, 28, 32, 33, 34–36
 - numerus clausus* policies opposed by, 35–36
- World War I
- Cassin and, 184–85, 190, 205–6
 - minority rights after, Jews and, 289–90
 - Paris Peace Conference following, 289–90
 - Schwelb and, 148
 - Zionism and, 134, 136
- World War II
- human rights after, 146
 - Rosenne during, 229–30, 254
 - Schwelb during, 148–50
- Yale Law School
- legal realists of, 159
 - Schwelb at, 159, 162–65, 171
- Yerushalmi, Yosef, 93
- Yugoslavia, former, 250–53
- Zangwill, Israel, 228
- Zimmermann, Reinhard, 10–12
- Zionism, 25, 228
- AJC and, 131, 132, 133–34, 135, 136, 137–38
 - Basle Program of, 233, 246–47
 - Brandeis and, 134, 135–36
 - Cassin and, 191–93, 195, 212–14
 - Dubnow and, 232–33, 234–37
 - on Europe, dualism in, 67

Zionism (cont.)

- FZY, 231
- group equality and, 135–36
- Henkin, L., and, 109–12, 114, 115, 121, 122–23, 133–34, 138, 139
- Herzlian, 29, 58–59, 65, 67, 232, 233
- internationalist, 34
- Jewish internationalism and, 34, 132, 133–34, 136
- Kelsen and, 17, 63–69
- Kohler, M., and, 132, 134, 135, 136
- of Lauterpacht, H., 28–30, 31–37, 39, 41, 43, 44, 46–47
- liberal model and, 9
- Marshall and, 132, 134, 135, 136
- on Palestine question, different opinions in, 67–68
- pluralism and, 135–36
- Reform Jewry and, 128, 131–32
- of Rosenne, 231–32, 235–37, 238–39, 242–43, 244, 245, 246–47
- of Stone, 291–94
- Strauss on, 83–84
- World War I and, 134, 136
- Zweig, Stefan, 52, 78–79