**The Coexistence of Diverse Legal Traditions in a Single Territory: The Case of the Freedom of Expression in Palestine***[[1]](#footnote-1)\**

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*Abstract*

*This paper examines the coexistence among the three legal traditions in Palestine (continental law, common law and Islamic law) by revising various legislative pieces relating to the freedom of expression and comparing such instruments with the International Covenant on Civil and Political Rights (ICCPR). The paper proposes certain measures to reform the existing systems, taking into account the assumption that Palestine would be interested to become party to the Covenant as it declared in its 2003 Amended Basic Law (constitution), particularly in the light of Palestine’s recent attempts to acquire full membership of the United Nations. Using comparative and inductive approach, the paper adopts a wider definition of the freedom of expression that comprises five components: privacy, freedom of religion, freedom of opinion, right to peaceful assembly, and freedom of association.*

**Introduction**

Although the West Bank and Gaza Strip are recognized as a single entity (i.e. Palestine), legislation that regulates the freedom of expression differs in these two areas. In the West Bank, which inherited the Jordanian legal system as Jordan controlled that part of Palestine from 1948 to 1967, the continental law tradition prevails. Gaza retained most of the common law practices adopted by the British authorities during the Palestine Mandate era. In the two parts of Palestine,

1. \* A shorter version of this article was presented at an international conference on the Legal Tradition in a Diverse World that took place at the Faculty of Law, University of Cambridge, 18-19 May 2013. [↑](#footnote-ref-1)
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