

Book Review: The Case for Palestine: An International Law Perspective

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John Quigley. *The Case for Palestine: An International Law Perspective*. Durham and London: Duke University Press, 2005.

The Case for Palestine is a concise, well written book with invaluable summary of historical background for the Palestinian-Israeli conflict. John Quigley's dispassionate analysis and presentation of unbiased historical facts from credible sources overwhelmingly serves to educate and inform any reader. In the midst of the current global disorder, Quigley's book comes out as a reminder for us all for the importance of international law in resolving international conflicts. In addition, this book contribute greatly to inform the misinformed reader and to deal with the total lack of knowledge of the average American on this subject. Given the central role of this issue in world politics this volume could not come at a more important time in our world history.

Quigley's discussion of international law is, in large part, overwhelmed by historical narratives of the conflict. Nonetheless, Quigley's historical narrative, interwoven with applicable international law is a success and a must read for those seeking a short, accessible, and copiously documented book.

Quigley, who is a distinguished Professor of Law at The Ohio State University College of Law, attempts to bring an international law perspective to what has become one of history's longest running and most fundamentally misunderstood conflicts. Through out the volume Quigley's mastery of this topic is evident. His consistent citation to credible sources from the Arab (both Christian and Muslim) and Jewish communities serves to legitimate his propositions.

Quigley's volume is broken into five parts: the first part examining the origins of the Zionist movement in Europe and its influence on the British Mandate in Palestine. In addition, to questioning the jurisdiction of the United Nations over mandated Palestine prior to 1948 and whether the UN General Assembly has the legal authority to adapt resolution 181 that calls for the partition of Palestine (Part 1, p. 47).

The chapters in part 1 focus on the Zionist goal of creating a Jewish state in Palestine and the steps taken by "one of the most successful colonizing instruments in history" (the Jewish Agency) (p.23) to ensure the realization of this singular goal. Herein, Quigley describes how the power vacuum created by the British departure after the failed

Mandate and the subsequent UN recommendation of partition (Resolution 181) presented ideal circumstances for the Zionist movement to realize its ultimate goal. It is in this section of the volume that the reader first becomes aware of the underlying history of this conflict and how the massive immigration of European Jews into Palestine played a central role in the tensions that arose between Arab and Jews, where in fact, none had previously existed. Moreover the reader is exposed to the lengths at which the exceptionally well funded and organized pro-Zionist group were willing to go to ensure that the dream of a Jewish state come to fruition.

Part two includes an intimate description of the war in 1948 and is based largely on the recollections of those on the ground. Quigley quickly dispels any myths that the so-called "Israeli war of Independence" was anything but a war of aggression against a largely unarmed population waged by Zionist machine cloaked in an outdated colonialist mindset and focused on the singular goal of a purely Jewish state in Palestine. The mental picture of unarmed Arab fleeing their towns and villages just ahead of the Zionist forces, the descriptions of psychological warfare and the disparity between the fighting forces leaves the reader shocked and in utter despair.

Due to the significance of 1948 and the central role it is destined to play in this conflict, in parts two and three, Quigley appropriately devotes detailed attention to the legitimacy of Israeli and Zionist claims to the territory of Palestine, to the dispossession of Palestinians during the 1948 war, and to what become of Palestinian towns and land in and after that fateful year. It is disarming to learn how the Israeli leadership, with predetermination, forcibly removed a native population from its homeland. Reinforced by quotes from prominent Israeli leadership such as Golda Meir, David Ben-Gurion, Moshe Dayan and Menachem Begin, the author clearly establishes the fact that Israel was always intended to be a purely Jewish state encompassing all of Mandate Palestine to the exclusion of its native population and in contradiction to Palestinian's fundamental right to self-determination.

In the remainder of Part three, Quigley analyzes Israeli national institutions and ethnic distinction in the law of Israel (described as "legal apartheid" p.181), and thereby provides important information not easily accessible to the average reader. It is here that the reader becomes fully aware of the fact that the policy and practice of martial law, check

points, home demolitions, curfews, travel permits and other various constraints on Palestinian life were not implemented to combat “terrorism”, which is a relatively recent phenomenon, but were in fact implemented very early on. Moreover, he exposes the reader to the strangulation of Palestinian society both economically and socially as a direct result of these policies. It becomes painfully obvious throughout this section that Palestinian in Israeli society are accorded second class citizen status and are denied the basic and fundamental rights that Americans take for granted.

Discussion of the 1967 Arab-Israeli war and its consequences takes up all of part four. Relying almost exclusively on the words of Israeli political and military leadership to substantiate his proposition, Professor Quigley dispels any misconception that Israel was in “mortal danger” (p.161) of invasion in June 1967. Professor Quigley also summarizes the harsh realities that Palestinians have faced under Israeli occupation, including what the UN Human rights Commission, using the *IV Geneva Convention’s* provisions, has found to be “war crimes” (p.205). He goes on to describe how the years since 1967 have served to complete what Zionism began in 1948 and the years preceding, by continuing settlement activities and removing native populations. Herein, Quigley devotes special attention to the validity of the Pal-

estinians’ claim of a “right” (pp.181, 193, 203) to resist occupation. A right recognized by the UN General Assembly and Security Council.

In the book’s final part, Quigley suggests how Jerusalem (with regard to which Quigley observes that Palestinians, not Israeli, have the stronger legal claim, p.226), Israeli settlements in the West Bank and Gaza (which violate countless UN General Assembly and Security Council Resolutions), and the Palestinian refugee problem might be adjudicated in any Israeli-Palestinian settlement.

Surely this book will not please many of those who want to believe otherwise. However, if as Quigley states, “applicable international norms inform the negotiations between Israel and the PLO, the parties might achieve a negotiated solution that can lead to long lasting durable peace” (p.238).

Although a volume could be written on each of the book’s five parts, and some the arguments leave the reader wanting more information, the volume is an overall success, and should be considered a must read for all those interested in a comprehensive overview of the legal issues surrounding this conflict and for all those interested in bringing about a long-lasting, durable peace and justice in the holy land.