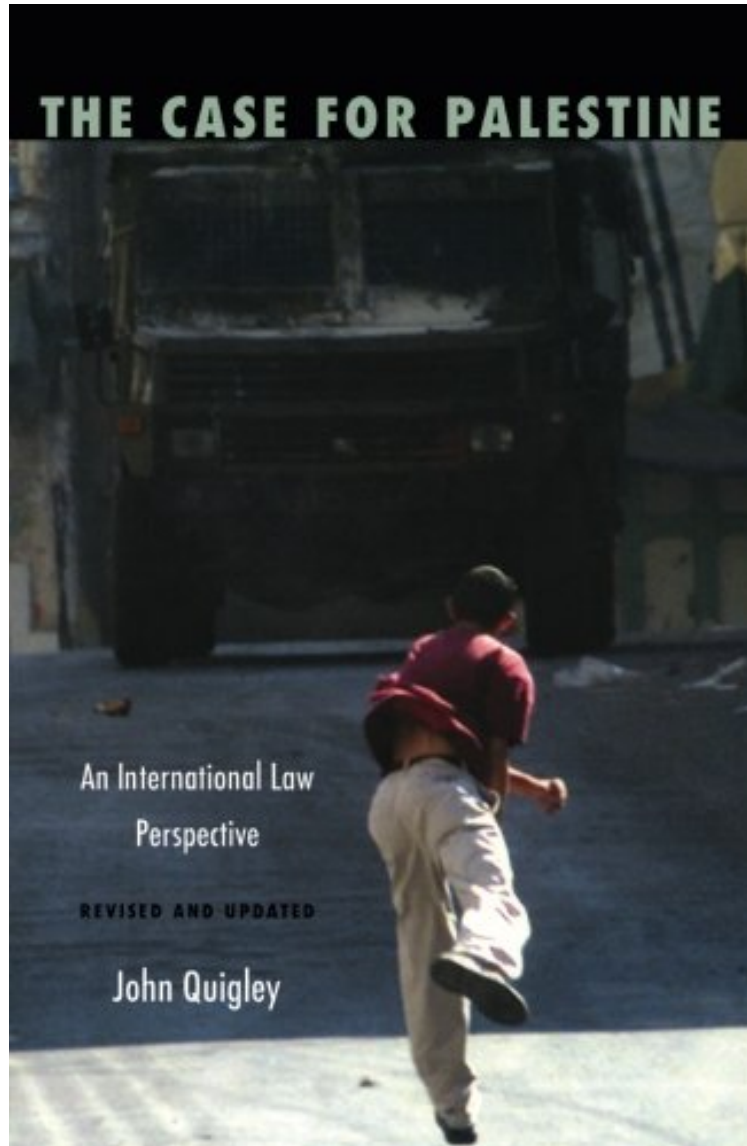


[Free read ebook] The Case for Palestine: An International Law Perspective

## The Case for Palestine: An International Law Perspective

*John Quigley*

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**John Quigley : The Case for Palestine: An International Law Perspective** before purchasing it in order to gage whether or not it would be worth my time, and all praised The Case for Palestine: An International Law Perspective:

4 of 7 people found the following review helpful. A masterful and objective analysisBy Anorak44John Quigley's forensic analysis of the history and legal subtleties of the Middle East crisis is a must-read for anyone wanting to understand the Arab-Israel conflict. It is an eloquent rejoinder to Alan Dershowitz's much-derided and academically flawed book "The Case for Israel". This last book has been comprehensively demolished by Norman Finkelstein in his

book "Beyond Chutzpah", so rather than knocking copy Quigley just focuses on the facts: the tenuous claim of the Jewish people to ownership of the land, the scandalous way in which Palestinian rights to self-determination were ignored first by the League of Nations and then the UN, and the dubious legal basis for the declaration of the State of Israel in 1948. The greatest irony is that the Palestinians are being punished for their unilateral declaration of a state in New York. Yet this is exactly what Israel did in 1948, on much shakier legal ground: the 1947 UN General Assembly resolution 181 covering partition, on which it was based, was a recommendation, not legally-binding, and indeed the one body which could have legal force, the UN Security Council, had already abandoned partition and UNGA resolution 181, as it realised it could not in law impose a solution on an unwilling Palestinian people. How many people have this background when challenged by Zionists on Israel's "right to exist"? A superb book, and surprisingly readable for a legal subject. 17 of 26 people found the following review helpful. A stunning history in a legal context that will blow readers away.

By K. Brothers  
John Quigley, professor of Law at Ohio State University and a leading American expert in humanitarian law, has written a 2005 update of his 1990 *The Case for Palestine*. Quigley introduces this book with the hope that it will be used to further peace between Israel and Palestine through better understanding of the situation. The book is highly readable, despite numerous but unobtrusive academic footnotes; the story Quigley relates will stun many who thought they understood much of this historical background. Quigley starts at the beginning of the Zionist movement, when the first Zionists considered (and tried to obtain at least one of) various locations for a Jewish homeland. This initiative met with success not from a groundswell of support from any Jewish community, but from the persuasion of British officials that a client state near the Suez Canal and oil fields would be useful to British interests. The British requested the British Mandate in 1922 which allowed the Zionist state to develop safely. Quigley shows that the real start of Israel was not from the UN but was from US President Harry Truman. The UN General Assembly Resolution 181, which laid out a partition of Palestine in 1947 was merely a recommendation that did not even pass! The US had decided that the proposed partition was unworkable and its own UN delegates were about to help draw up a trusteeship for Palestine when President Truman stunned everyone by recognizing Israel after Israel declared itself a state in May of 1948. According to Quigley, Israel had neither title nor legal claim to any part of Palestine until Arafat's recognition at the 1993 Oslo Accords. Quigley notes that the rationale for Israel's existence as a Jewish refuge was enhanced by Zionist and Israeli actions. Jewish immigration after WW II was often as a result of either the lobbying of foreign governments to curtail the opportunities for refugees to move to countries other than Israel or Israeli intelligence operations that created the belief that Jews were under attack in various countries. Quigley not only notes that Israel was the aggressor in the 1967 Six Day War which started the occupation of Palestinian and Syrian territory, but also discounts the Israeli rationale for its aggression, putting this instead in the context of Israel's various attempts to expand its territory. Quigley describes the current grim situation of Palestinian civilians under occupation noting the legal legitimacy of their armed resistance to occupation forces, a resistance that is too often described as "terrorism" in our media. He notes that world judicial bodies give more legitimacy to those seeking their self-determination than to colonizers trying to maintain their power. This fascinating book is filled with history in a legal context that will equip readers to speak knowledgeably about this situation. It is an important contribution to public understanding as well as media balance, which too often repeats a one-sided perspective of both history and ongoing events. 17 of 22 people found the following review helpful. Outstanding study of the Israel-Palestine conflict.

By William Podmore  
This excellent survey is a new edition of John Quigley's 1990 classic, 'Palestine and Israel'. The author, who is Professor of Law at Ohio State University, examines the origins of the Zionist-Arab conflict in Palestine, the League of Nations' decision to promote a Jewish homeland in Palestine, the 1948 war and the establishment of Israel, the status of Arabs in Israel, the 1967 war, Israel's illegal occupation of the West Bank and the Gaza Strip, and the way to resolve the Palestine-Israel conflict. During and after the 1948 war, Israeli forces drove 780,000 Palestinian Arabs out of the most densely populated areas of Palestine: only 60,000 remained. As the commander of the Palmach, the elite unit of the Israeli army, admitted, "We did everything to encourage them to flee." From 1950 onwards, when Palestinians attempted to cross into Israel to attend to their land, Israel repeatedly attacked its Arab neighbours. The UN Security Council condemned these attacks saying, "reprisals have proved to be productive of greater violence rather than a deterrent to violence." This remains true right up to today's brutal Israeli assaults on Gaza and Lebanon. Mordecai Bentov, who was a cabinet minister when Israel attacked the Arab states in 1967, wrote that Israel's 'entire story' about 'the danger of extermination' was "invented of whole cloth and exaggerated after the fact to justify the annexation of new Arab territories." Quigley attributes the breakdown of negotiations in 2000 to Israel's refusal to negotiate on the basis of principles of justice and law. He contends that the Palestinians have a stronger legal claim to Jerusalem than do the Israelis; that Palestinian refugees should be repatriated to areas including those within the borders of Israel; and that Israel should withdraw from all the territories it occupied in 1967. He argues that throughout the twentieth century and into the twenty-first, Israel and its allies have overridden the basic tenets of international law, particularly the right of self-determination, to the detriment of the Palestinians. He concludes that the conflict can only be ended by establishing a viable Palestinian state.

John Quigley brings a necessary international law perspective to bear on the seemingly intractable Israeli-Palestinian

conflict in this updated edition of his important book. Since 2000, the cycle of bloodshed and retribution has spiraled increasingly out of control. Quigley attributes the breakdown of negotiations in 2000 to Israel's unwillingness to negotiate on the basis of principles of justice and law. He argues that throughout the last century, established tenets of international law and particularly the right of self-determination have been overlooked or ignored in favor of the Zionists and then the Israelis, to the detriment of the Palestinians. In this volume, Quigley provides a thorough understanding of both sides of the conflict in the context of international law. He contends that the Palestinians have a stronger legal claim to Jerusalem than do the Israelis; that Palestinian refugees should be repatriated to areas including those within the borders of Israel; and that Israel should withdraw from the territory it occupied in 1967. As in his earlier volume, Quigley provides an extensively documented evaluation of the conflict over the last century, discussing the Zionist movement, the League of Nations decision to promote a Jewish homeland in Palestine, the 1948 war and creation of Israel, and Israel's occupation of the West Bank, Gaza Strip, and Golan Heights during the 1967 war.

In this new edition of his classic *Palestine and Israel*, John Quigley succinctly yet thoroughly covers developments since the first Gulf War of 1991. He shows that by excluding the United Nations and insisting on bilateral peace negotiations between Israel and the Palestinians, Washington diluted the principles of international law to the ultimate detriment of the parties themselves and of the international community as a whole. Richard H. Curtiss, executive editor, *Washington Report on Middle East Affairs*