

## The Land Of Palestine

By L. Dean Brown

Israeli officials have in the past few months begun to assert that the Palestinians should seek their right to self-determination in Jordan because, as the argument goes, Jordan is actually Palestine. While this recent campaign does give implicit recognition to the Palestinians' right to self-determination, it fails to address the future status of the West Bank and Gaza and of the Palestinians, all of whom call the land under Israeli control their home. To them, Jordan is not Palestine — it is as simple as that. Therefore, any proposal that does not address the concerns of these displaced and disenfranchised people merely perpetuates the injustices underlying the conflict in the Middle East. Renaming the East Bank (i.e., Jordan) Palestine will neither restore to the people of the West Bank and Gaza their right to self-determination nor provide Israel with a legitimate claim to the occupied territories. Even if Jordan were considered to be a Palestinian state, the West Bank and Gaza, where Palestinian Arabs constitute over 95 percent of the population, should be included in, rather than excluded from, that state.

Although the "Jordan is Palestine" argument fails to consider the region's basic problem, it can be refuted easily, even on its own terms. The argument evidently rests on the fact that Transjordan was combined with the West Bank in the League of Nations Mandate for Palestine awarded to Great Britain by the Council of the League in 1922.

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The political distinction between the Jordan River's East and West Banks is centuries old.

If, however, the mere inclusion of the area east of the Jordan River in the Palestine Mandate is deemed determinative of the issue of a Palestinian homeland today, equal or even greater weight should be given to the actual provisions of the Mandate. While the Mandate repeated the wording of the Balfour Declaration with respect to the establishment in Palestine of a Jewish

national home, and while it contained a number of clauses dealing with the development of the Jewish national home, it also provided that the "rights and position of other sections of the population" (i.e., the Arabs) should not be prejudiced and it recognized a distinction between Transjordan on the East Bank and Palestine proper on the West Bank.

# About This Issue

President Reagan's recent call for a Palestinian "homeland" on the West Bank elicited from Moshe Arens, Israel's Defense Minister, the response: "Israel's position is that a Palestinian homeland and state exists—Jordan."

No other country in the world shares that position, including America. The official U.S. State Department position has consistently held that the West Bank is Palestinian land and that Israel's settlements are illegal. Indeed, in his September 1, 1982 peace proposal, President Reagan called for a halt to all Israeli settlement activities. But the President rejected an independent West Bank state, supporting instead a West Bank-Gaza self-government in association with Jordan.

The Reagan proposal and the Arens retort give rise to three crucial questions that are examined in this issue: Is Jordan Palestine? Who holds sovereignty over the West Bank? Is a West Bank-Gaza association with Jordan compatible with Zionist policy? L. Dean Brown, former U.S. Ambassador to Jordan, surveys the historical record and concludes that the West Bank, not Jordan, is Palestine. David H. Ott, an international lawyer, locates sovereignty over the West Bank and Gaza within the entire Palestinian people, and spells out

the legal implications of this fact for the Reagan proposal. Muhammad Hallaj, Director of the Institute of Arab Studies, looks at the Zionist movement from its inception and concludes that the wholesale transfer of the Palestinian people from Palestine to present-day Jordan is the most persistent and deeply rooted Zionist concept dealing with the future of the Palestinian people. Consequently, according to Hallaj, Israel's advocacy of the "Jordan is Palestine" idea will frustrate President Reagan's peace plan, will continue to legitimize the injustices suffered by the Palestinians, and, inevitably, will ignite new conflicts in the Middle East.

Our book review selection is *Zionism in the Age of the Dictators* by Lenni Brenner, page 13. This and other books on the Middle East are available from A.M.E.U. at substantially reduced prices; see page 15 for details.

Our July/August issue of *The Link* will focus on the thousands of Palestinian prisoners being held in Israeli jails and concentration camps.

John F. Mahoney,  
*Executive Director*

While there is no doubt that Transjordan was initially included in the Palestine Mandate, there can also be no doubt that: (1) the Jordan River had been a political border for several centuries under the Ottoman Turks and at various times throughout earlier history; (2) the distinction between Transjordan and Palestine was recognized not only in the Mandate but also in the British First White Paper on Palestine, which was expressly accepted by the Zionist Executive; (3) Transjordan and Palestine were jointly administered under the Mandate for a period of only six weeks, at a time when the Mandate had not legally come into force; (4) the British implicitly recognized the separate existence of Transjordan during wartime negotiations with the Arabs and the French; and (5) the world continued to refer to the land now controlled by Israel as Palestine long after Jordan was recognized as a separate political entity;

the difference between the two was universally accepted until the current campaign.

The political distinction between the East Bank of the Jordan River and the West Bank is centuries old. The Jordan River served at various times throughout history both as a boundary between sovereigns, as during the Crusader Kingdom, and as an internal boundary, as under the Mameluks who recognized "Jordan" (al-Urdunn) and Palestine as separate regions. The Ottoman Turks, during most of the time from their conquest of the region in 1517 through the dismemberment of their empire after World War I, used the Jordan River as an internal administrative boundary. Before World War I, the Jordan River separated the Vilayet of Syria on the East Bank and the Vilayet of Beirut and the independent Sanjak of Jerusalem on the West Bank. The heads of these entities each reported directly and

separately to the government in Constantinople. (See map of pre-war Ottoman territories on page 3.) The term "Palestine" was not used by the Ottomans or the local population.

During World War I, the British sought assistance from the Arabs in their war effort against the Central Powers. To achieve this purpose, the British Government authorized Sir Henry McMahon, their High Commissioner in Cairo, to enter into an exchange of correspondence with the Sharif of Mecca, Hussein, who, speaking for all the Arabs, asked for independence throughout the Arab portions of the Ottoman Empire. In a note dated October 24, 1915, McMahon acknowledged this claim but added in part:

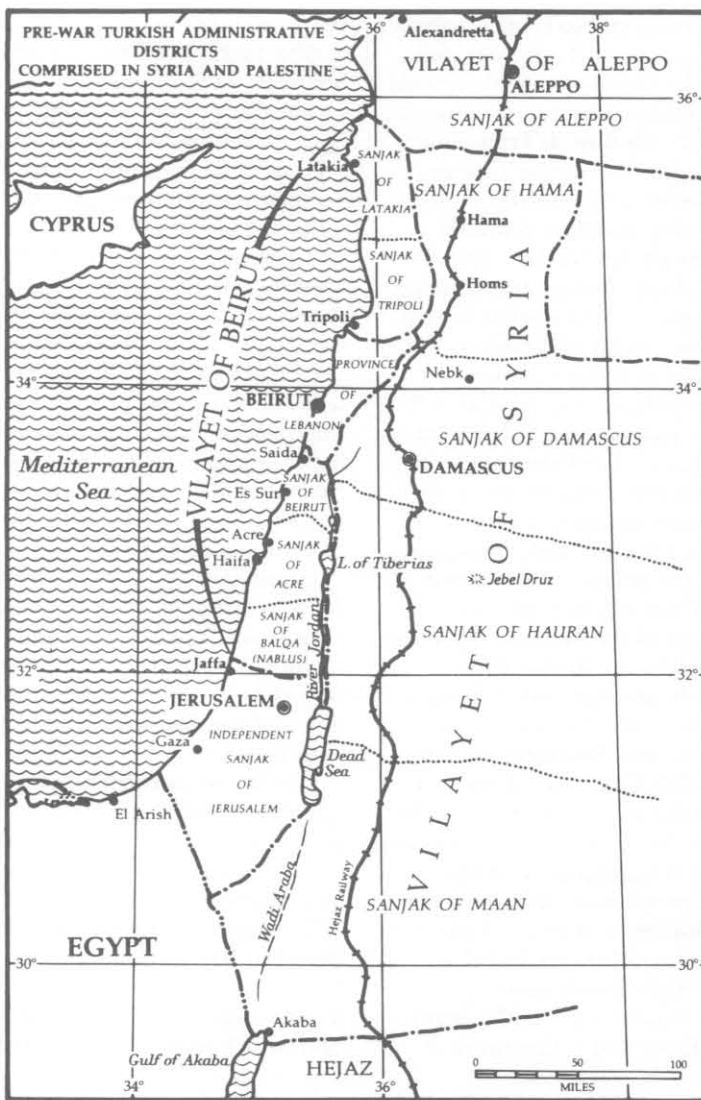
... portions of Syria lying to the west of the districts of Damascus, Homs, Hama and Aleppo cannot be said to be purely Arab, and must on that account be excepted from the proposed delimitation. . . .

Great Britain is prepared to recognize and uphold the independence of the Arabs in all the regions lying within the frontiers proposed by the Sharif of Mecca. . . .

The British were also negotiating the post-war disposition of the Ottoman territories with the French and the Russians. An exchange of notes between Sir Edward Grey, British Foreign Secretary, and M. Paul Cambon, French Ambassador to Great Britain, embodied the Anglo-French Agreement of May 16, 1916, which became known as the Sykes-Picot Agreement (after the officials who negotiated its terms) and which provided in part:

1. France and Great Britain are prepared to recognize and uphold an independent Arab state or a Confederation of the Arab States in the areas shown as (A) and (B) on the annexed map, under the suzerainty of an Arab Chief. France in area (A) and Great Britain in area (B) shall have a right of priority in enterprises and local loans. France in area (A) and Great Britain in area (B) shall alone supply foreign advisors or officials on the request of the Arab state or Confederation of Arab States.

2. France in the blue area and Great Britain in the red area shall be at liberty to establish such direct or indirect administration or control as they may desire or as they may deem fit to establish after agreement with the Arab state or Confederation of Arab States.



Adapted from sketch included in McMahon-Hussein exchange of correspondence.

Source: Magnes, Ralph H. (Ed.), *Documents on the Middle East* (Washington, D.C.: American Enterprise Institute

for Public Policy Research, July 1969), p. 13. Reprinted with permission.

3. In the brown area there shall be established an international administration of which the form will be decided upon after consultation with Russia, and after subsequent agreement with the other Allies and the representatives of the Sharif of Mecca. . . .

The brown (international administration) area referred to corresponded to Palestine, while the blue (French) area and area (A) corresponded roughly to the area later included in the Mandate for Syria and Lebanon. The red (British) area and area (B) corresponded roughly to the area later included in the Mandate for Iraq, with the important difference that Transjordan was included in area (B) (see map on page 4). In this agreement, the Jordan River was once again recognized as a political boundary.

On November 2, 1917, A.J. Balfour, then British Foreign Secretary, addressed a letter to Lord Rothschild,

Honorary President of the Zionist Federation of Great Britain, of which the operative paragraph reads as follows:

His Majesty's government view with favor the establishment in Palestine of a national home for the Jewish people, and will use their best endeavors to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.

Allied fighting with the Turks ended with the armistice of Mudros signed on October 30, 1918. At the Versailles Peace Conference, the Allies decided that the non-Turkish portions of the Ottoman Empire should not be restored to Turkish rule. This decision was incorporated in the Treaty of Versailles

and the Covenant of the League of Nations, which were signed on June 28, 1919. Article 22 of the Covenant of the League provided:

Certain communities formerly belonging to the Turkish Empire have reached a state of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

On April 25, 1920, the Allied Supreme Council, meeting at San Remo, decided that the Mandate for Palestine would be awarded to Great Britain and the Mandate for Syria and Lebanon would be awarded to France. The British argued successfully for including the East Bank in their Palestine Mandate, thereby extending the term "Palestine" beyond its traditional application. The agreements reached at the San Remo Conference were embodied in the Treaty of Sevres on August 10, 1920, which, due to Turkish objections, was never ratified. (See map of the San Remo Agreement on page 4.)

After the French, in July 1920, removed King Faisal and took control of Damascus, from which Transjordan had been administered, Sharif Hussein's son, Abdullah, separated Transjordan from Syrian rule and was made Prince (Amir) by acclamation. The British recognized Abdullah as the autonomous ruler of Transjordan in March 1921 and formally ratified the recognition later that year.

In June 1922, while the draft League of Nations mandates were under public consideration, Winston Churchill, then British Secretary of State for the Colonies, issued the so-called First White Paper on Palestine, which stated:

Unauthorized statements have been made to the effect that the purpose in view is to create a wholly Jewish Palestine. Phrases have been used such as that Palestine is to become "as Jewish as England is England." His Majesty's Government regard any such expectation as impracticable and have no such aim in view. Nor have they at any time contemplated, as appears to be feared by the Arab delegation, the disappearance or subordination of the Arab population, language or culture in Palestine.

Further, it is contemplated that

the status of all citizens of Palestine in the eyes of the law shall be Palestinian, and it has never been intended that they, or any section of them, should possess any other juridical status. . .

When it is asked what is meant by the development of the Jewish national home in Palestine, it may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community.

The White Paper also expressly recognized the distinction between the East and West Bank and implicitly stated that the East Bank was not covered by the Balfour Declaration.

Dr. Chaim Weizmann, President of the Zionist Organization, wrote Churchill on June 18, 1922, to assure him that the organization had formally resolved to act in conformity with the policies of the White Paper.

It is interesting to note that Weizmann's letter was written with the concurrence of Vladimir Jabotinsky, head of a radical wing of the Zionist movement which called for a Jewish state on both banks of the Jordan and which was the precursor of Menachem Begin's Herut Party.

On July 24, 1922, the League of Nations granted to Great Britain a single mandate that covered both Palestine

and Transjordan and to France a single mandate that covered both Syria and Lebanon. The League Council directed that the mandates were not to come into force until such time as France and Italy could agree on certain arrangements for the Syrian Mandate.

The Palestine Mandate provided in Article 4 that the Jewish Agency shall be "subject always to the control of the Administration," stated further in Article 6, that the "rights and position" of "other sections of the population" are not to be prejudiced and, in Article 7, authorized a nationality law "to facilitate the acquisition of Palestinian citizenship by Jews." Moreover, Article 25 implicitly recognized the distinction between Palestine and Transjordan by allowing the British under certain stated conditions to postpone or withhold the terms of the Mandate from the territories east of the Jordan River.

The British administered their mandate through Orders-In-Council, the first of which came into force on September 1, 1922. Clause 86 of the first Palestine Order-In-Council specifically excluded the territory to the east of the Jordan from the application of the Orders-In-Council and authorized the British High Commissioner to further define the extent of the excluded territory. The High Commissioner, by order dated September 1, 1922, made the Jordan River and a line running

from two miles to the west of the port of Aqaba to the Dead Sea the western boundary of Transjordan.

The Council of the League of Nations on September 16, 1922, approved a British Memorandum which provided for separate administration for Transjordan. Thus, the first official act of Great Britain as mandatory effectively removed the East Bank from the Mandate only six weeks after the Mandate was first provisionally granted.

On May 25, 1923, the British formally declared that they recognized the existence of an independent government in Transjordan under the rule of the Amir Abdullah and recognized Transjordan as a national state being prepared for independence.

It was only at the September 29, 1923, meeting of the League of Nations Council that France and Italy announced their agreement in accordance with the Council's July 24, 1922, resolution and the Council declared that the mandates had come into legal force.

The British reaffirmed the separation of Palestine from Transjordan when, after August 12, 1927, the British High Commissioners received separate commissions for Palestine and Transjordan.

The Anglo-Transjordan treaty was signed in Jerusalem on February 22, 1928, and an Organic Law of Transjordan came into force pending ratification, which followed in October 1929.



THE SYKES-PICOT AGREEMENT - 1916

Source: Bacharach, Jere L., *A Near East Studies Handbook*, Revised Edition (Seattle and London: University of Washington Press, 1976), p. 70. Reprinted with permission.



THE SAN REMO AGREEMENT

Source: Bacharach, Jere L., *A Near East Studies Handbook*, Revised Edition (Seattle and London: University of Washington Press, 1976), p. 72. Reprinted with permission.



Although waves of Palestinian refugees crossed the Allenby Bridge over the Jordan River in 1948 and 1967, equal numbers of Palestinians remain on the occupied West Bank and Gaza.

Article 2 of this treaty provided that the powers of legislation and administration entrusted to Great Britain by the Mandate would thereafter be exercised in Transjordan by Amir Abdullah. While the League of Nations Mandates Commission considered this agreement incompatible with the stipulation in Article 1 of the Mandate, which provided that Great Britain should have full legislative and administrative powers, the Council of the League reversed the Commission's decision and found the treaty to be in conformity with the Mandate. The Organic Law established a hereditary monarchy with an elected Legislative Council and an appointed Council of Ministers to replace the previous executive council.

Transjordan then started to take an active role in international affairs. It entered into treaties with other countries, including an extradition treaty with Palestine in July 1934. In 1934, Transjordan began to send consular representatives to Arab countries. Transjordan fought with the Allies during World War II and participated in the discussions leading to the creation of the Arab League in March 1945.

In the Treaty of London, signed March 22, 1946, the British recognized Transjordan as a fully independent state and transferred to the Amir all authority over Transjordan given them by international agreements. This termination of the Mandate over Transjordan and Transjordan's independence was recognized by the Assembly of the League of Nations, at its last meeting on April 18, 1946.

The United Nations assumed responsibility for all the mandates, including Palestine, from the League of Nations, but it never attempted to assert man-

datory authority over Transjordan. Transjordan was not included in the General Assembly's partition resolution of November 29, 1947, on the future of Palestine.

Transjordan participated as a member in United Nations specialized agencies from the inception of the United Nations. Although the initial application of the Hashemite Kingdom of Jordan (as the country was officially called from May 25, 1946) for full membership was blocked by a Soviet veto, the United Nations finally admitted Jordan as a member on December 14, 1955.

Thus, Jordan is Palestine only in the sense that Nebraska, which was part of the Louisiana Purchase, is still Louisiana.

The legal argument for the recent Israeli campaign appeared in an article by Eugene Rostow in the Spring 1979 issue of *Yale Studies in World Public Order*. In his article, Rostow contended that:

The Palestine Mandate survived the termination of the Mandate administration as a trust under Article 80 [of the United Nations Charter]. In Palestine, Israel and Jordan already exist as states, and only the Gaza Strip and the West Bank remain unallocated parts of the Mandate.

This view, however, takes into consideration neither the legitimate separation of Transjordan from the Mandate nor the United Nations partition resolution which led to the creation of Israel by allocating part of Palestine to a Jewish state and part to an Arab state and part to an internationalized Jerusalem. If Israel's territorial claims are based on the partition resolution's allocation of land to a Jewish state, the contempor-

aneous allocation of land to an Arab state must be given equal effect. If Israel's territorial rights are not based on the U.N. partition plan, then Israel is a borderless state with no legally cognizable claim to *any* specific territory and all territory under Israeli control, not just the West Bank and Gaza, is subject to future "allocation."

Because, according to Rostow, the terms of the Mandate continue in force, "Jewish rights of immigration and close settlement in the West Bank and the Gaza Strip, established by the Mandate, have never been qualified." This interpretation, however, accords Israel the rights and privileges granted Jewish settlers under the Mandate but disregards the obligations and restrictions imposed on them by the same document and ignores all intervening legal and political events.

Nonetheless, the recent statements of Israeli officials go beyond even Rostow's assertion that the West Bank and Gaza are "unallocated." It is not clear, however, how the Israeli leaders move logically from their premise that Jordan is Palestine to their conclusion that Israel has the right to impose its sovereignty on the West Bank and Gaza. Perhaps the jump is made on the assertion that because a large number of Palestinians live in Jordan, the rest of the Palestinians should move to Jordan to seek their rights as well. Yet the very use of separate population figures to support these claims inherently recognizes the distinction between native Jordanians and displaced Palestinians. The fact that Jordan accepted Palestinian refugees after the 1948 and 1967 wars does not mean that an equitable solution to the area's problems can be found by creating a third wave of homeless people.

Even the demographic evidence underlying this assertion is faulty. Today, fully half of all Palestinians in the Middle East live under Israeli rule, more than any other place in the world and almost twice as many as in Jordan. By U.S. State Department estimates, approximately 1.9 million Palestinian Arabs are included in the 4.8 million people under Israeli control or roughly 40 percent of that population, while approximately 1 million Palestinians are included in Jordan's population of 2.4 million, roughly 42 percent, about the same as their percentage among the population under Israeli control. If Jordan, with 1 million Palestinian refugees is to be called Palestine, *a fortiori*, the West Bank and Gaza, with 1.3 million native Palestinians comprising over

95 percent of the population, should be Palestine as well.

The speciousness of the "Jordan is Palestine" campaign has been widely confirmed by the world's statesmen.

The Reagan White House announced on August 30, 1982, that:

This administration, as its predecessors, is committed to the territorial integrity and sovereignty of Jordan and our support for its enduring character. We do not agree that Jordan is a Palestinian state.

Egypt's President, Hosni Mubarak, has written that:

Equally absurd is the Israeli idea of converting Jordan into a Palestinian state. . . Jordan is an Arab state with its distinct identity, which is well established and recognized by the in-

ternational community. The fact that it hosts a sizeable Palestinian community temporarily is of no significance, for this is the case in many Arab countries.

Former British Foreign Secretary Lord Carrington said in a speech to the Conservative Friends of Israel in November 1981:

The argument that the Palestinians have self-determination in a state of their own, namely Jordan, simply will not stand up in either historical or political terms. It is not accepted by the Palestinians.

Those most affected by the scheme, the Palestinians, do indeed reject it. Shafik al-Hout, Palestinian National Council member and head of the Palestinian Liberation Organization's

Lebanese office, has said:

Jordan is a sovereign Arab state and its people are Jordanian citizens. The Palestinian people belong to Palestine and their country is Palestine.

The selective use of "history" to support the "Jordan is Palestine" campaign must be viewed as an attempt to perpetuate, or even expand, the displacement and disenfranchisement of several million Palestinians by deflecting public debate from the true issue of self-determination for the people of the West Bank and Gaza.

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# Palestine In International Law

By David H. Ott

In his televised statement of September 1, 1982, on Middle East peace, President Ronald Reagan said that the "question now is how to reconcile Israel's legitimate security concerns with the legitimate rights of the Palestinians."<sup>1</sup>

His answer was to reaffirm the Camp David framework "as the only way to proceed" and to state unequivocally that "the United States will not support the establishment of an independent Palestinian state on the West Bank and Gaza." Instead, "self-government by the Palestinians of the West Bank and Gaza in association with Jordan offers the best chance for a durable, just and lasting peace," which will come "through negotiations involving an exchange of territory for peace."

In answering his own question, has President Reagan given a response that accords with the requirements of international law and justice?

Unfortunately, the President offered no legal justification for rejecting a Palestinian state and thereby left in doubt the legal basis for his inattentiveness to the substantive rights of the Palestinian people.

Yet these rights are a fundamental element in the Middle East situation, at the heart of which lies the Palestinian right to self-determination: the right to choose its own form of political organization and its relation to other groups.<sup>2</sup>

Although the League of Nations Mandate for Palestine violated this right, it remains inherent in the Palestinians' existence as a people. Only they as a whole can determine how it is exercised.

The Palestinian right of independent statehood and sovereignty flows from the right of self-determination, as numerous United Nations resolutions have recognized.<sup>3</sup> This basic legal fact invalidates attempts at imposing a partial solution of the Palestine problem without taking into account the wishes of the entire Palestinian people.

As regards the West Bank and

Gaza, now under Israeli military occupation, the point is strengthened by application of the Fourth Geneva Convention of 1949 to which Israel and the neighboring Arab states are parties.<sup>4</sup> Although Israeli writers have argued that the Convention is inapplicable to those territories because it is designed to protect only states, the Convention itself makes clear that its protections run directly to individuals in areas under a foreign state's military occupation.<sup>5</sup> Article 47 of the Convention applies to Israel's occupation of the West Bank and Gaza, and forbids the occupying power to deprive persons protected by the Convention of their benefits under it by "any change. . . [in] the institutions or government" of the territory or "by any agreement concluded between the [local] authorities of the occupied territories and the occupying power."

Perhaps the overriding benefit of the Convention (as of the law on military occupation in general) is that the occupying power must observe the laws in force in the occupied territory at the time of occupation<sup>6</sup> (and so not

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introduce its own legal system or laws into the territory) and is forbidden to transfer its own civilian population into occupied territory.<sup>7</sup>

The effect of Article 47 is to make illegal any attempt by Israel, alone or in concert with other states, to force local Palestinian leaders living on the West Bank and Gaza to accept deprivation of their own rights or the rights of the Palestinians living there. Local leaders need not give up those rights which belong directly to them (a conclusion reinforced by other provisions in the Convention<sup>8</sup>), nor must they give up the rights of the Palestinian people as a whole to those territories.

And even if none of the Fourth Geneva Convention's human rights guarantees applied to the situation of the West Bank and Gaza, the position of Israel as military occupier would be very little strengthened. For it is clear under Articles 2(4) and 51 of the United Nations Charter that all uses of force not in self-defense are illegal, including the acquisition of territory by force.

Self-defense is legitimate whenever it aims at overcoming an immediate armed attack against the defender. After restoring status-quo conditions as before the attack, self-defense must cease or risk becoming an illegal use of force. Self-defense is in no way a general license to violate the law by forcible attempts to improve a state's political or geographical circumstances.

This point is reinforced with regard to the Israeli occupation after 1967, since the use of force which brought about that occupation, even if in self-defense (a doubtful assumption<sup>9</sup>), was controlled under Article 51 of the Charter by any limitations which the Security Council might choose to impose.

In Resolution 242, as reaffirmed by Resolution 338 during the war of October 1973, the Council stated the principle of the "inadmissibility of the acquisition of territory by war." Under that principle self-defense could not give Israel legal title to any of the occupied territories. Consequently self-defense could not justify any Israeli attempts during the occupation to alter the fundamental legal status quo in those areas.

Thus both under the law governing military occupation and that governing self-defense Israel has no right to introduce basic changes into the situation of the occupied territories or of their inhabitants. The Israeli annexation of East Jerusalem was therefore legally in-

valid (as was that of the Golan Heights). Israeli settlements in occupied territory similarly violate the prohibition on changing the status quo by force and the Geneva Convention's rejection of the occupying power's transfer of its own civilian population into the occupied territories. In the Elon Moreh case in 1979 the Israeli High Court of Justice decided moreover that settlements could also amount to illegal permanent installations which a temporary military occupier has no right to establish.<sup>10</sup>

The illegality of the settlements themselves has been compounded by the illegal vigilante attacks which the Israeli occupation authorities have permitted armed civilian settlers to carry out against West Bank Palestinians. Allowing such attacks is a direct violation of the occupier's duty under Article 27 of the Fourth Geneva Convention to protect those covered by the Convention "against all acts of violence or threats thereof."

In view of these major Israeli violations of international law, it is puzzling to read in President Reagan's address that "our view on the extent to which Israel should be asked to give up territory will be heavily affected by the extent of true peace and normalization . . . offered in return."

Hitherto "normal" relations have always been regarded as discretionary between states. The United States, for example, has never felt bound by law to treat the Soviet Union in the same way it treats Canada, or Cuba in the way it treats Britain. States are not even bound to have diplomatic relations with each other, especially if one state believes that another is violating international law. In that light, the President's remark seems to imply that the victim must buy off the culprit with political concessions or risk the United States recognizing unilaterally and without Palestinian agreement certain Israeli acquisitions of occupied territory as legitimate.

Such a demand on the Palestinians is without any legal justification, since Israel's obligation to observe international law cannot be conditional on extorting from them political responses which they have no more legal duty to give than does the United States or any other country. Furthermore, international legal doctrine going back at least 50 years and reaffirmed by the United Nations<sup>11</sup> requires states not to recognize or accept illegal seizure of territory or any other acquisition by force of territorial or political advantages.

There is a good argument to be made that recognition of such illegal activities would itself be illegal, since the recognizing state would in effect become an accomplice of the wrongdoer in furthering the latter's illegal objectives.<sup>12</sup> The United States is therefore in no position to threaten the Palestinians with such recognition: it would have no legal effect on the Palestinians' rights but would simply place America in the dock along with Israel.

The same argument applies to the current American position regarding Israel's illegalities. Mild statements condemning annexation or settlement have in practice been offset by massive American aid which helps make such activities possible. The legality of such aid is dubious.

Similar difficulties beset American policy in Lebanon. Israeli forces remained there for months in 1982 after the United Nations Security Council passed the binding Resolution 509 demanding their withdrawal "forthwith and unconditionally."<sup>13</sup> The apparent acquiescence of the United States in Israel's attempt to condition its eventual withdrawal on securing a political *quid pro quo* from Lebanon suggests a rather lax view of America's obligations under the United Nations Charter.

## Exclusionary Policy Restricts Peace Process

With all this set plainly before them, the Palestinians may be forgiven for casting a wary eye on President Reagan's proposal for West Bank and Gaza self-government in association with Jordan. For if the United States is so insensitive to the present climate of illegality in the Middle East, it is unlikely to be any more concerned about the legal defects implicit in a misconceived emphasis on Jordan's role in a peace agreement.

Although the Geneva Conventions of 1949 were not in effect when Jordan occupied the West Bank in 1948, the principle of self-determination was applicable,<sup>14</sup> as were those rules of customary international law that require an occupying power to respect the indigenous laws and institutions of the occupied territory.<sup>15</sup> To the extent that the Palestinian people as a whole, including those Palestinians living in Israel, Gaza, Egypt, Syria, Lebanon and elsewhere, approved, in the exercise of their right of self-determination, the association of the West Bank with Jordan from 1948 to 1967, Jordan's position there would have been legitimate. It does not appear,

however, that such an exercise of self-determination ever took place. That period of Jordanian rule therefore provides no basis for restricting the present rights of the Palestinian people.

One notes also that Jordan has never had or claimed any legal standing whatever in the affairs of Gaza. Thus, neither in Gaza nor the West Bank is Jordan in a position legitimately to negotiate that exchange of territory for peace which the Reagan Plan envisaged.

Another objection to this over-emphasis on Jordan's role is that it serves as an excuse for American failure to come to terms with genuine representatives of the whole Palestinian people. This policy purports to be based partly on the reluctance of the Palestine Liberation Organization to "accept" Resolution 242, a document that President Reagan said "remains wholly valid as the foundation stone of America's Middle East peace effort." Yet that resolution does not specifically refer to the Palestinians or propose how their right to self-determination is to be implemented. It is addressed only to United Nations member states who are called upon to carry out their obligations under the organization's Charter. Referring only to the rights and duties of such states, the resolution is irrelevant to the Palestinians' present situation. P.L.O. "acceptance" of it would be meaningless until such time as an independent Palestinian state is admitted to United Nations membership.

American insistence on P.L.O. acceptance looks all the more bizarre in light of President Reagan's declared intention to prevent such a Palestinian state ever coming into existence. American policy on this point appears very like an attempt to impose the duties of statehood upon the Palestinians without granting them any of the corresponding rights.

The resulting exclusion of the Palestinians from the peace process seems paradoxical both in view of America's failure to attach comparable penalties to Israel's repeated violations of Resolution 242 (annexing East Jerusalem and the Golan Heights, absorbing the West Bank, attacking Lebanon, etc.) and in view of President Reagan's expressed desire to reconcile Israel's legitimate security concerns with legitimate Palestinian rights.

And, although the President acknowledged "the homelessness of the Palestinian people," his proposals in fact offered nothing to those living outside

the West Bank and Gaza. Since Jordan's role is apparently to be restricted to negotiating with Israel about those areas, one might reasonably infer that the President sees no other issues outstanding between Israel and the Palestinians except those that arise in connection with the occupied territories.

What, then, has happened to the refugees' right of return or compensation which United Nations resolutions have reiterated for more than 30 years? Perhaps the answer was meant to be found in the Camp David framework. But a close analysis of that document's remarkably opaque language merely suggests that in the end the refugee problem is either going to be ignored or left in the lap of Jordan and the present Arab host states.<sup>16</sup>

Yet if Jordan has no right to speak for the inhabitants of the West Bank and Gaza, it has less right to act for Palestinian refugees elsewhere or, indeed, lacks any legal responsibility to do so.

In such circumstances, the temptation for Jordan and Israel to concentrate in negotiations on bilateral questions, to the detriment of the Palestinians, could

prove irresistible, especially under American pressure for a quick agreement.

Viewed in this way, the Reagan Plan's emphasis on Jordan's role may, as Rabbi Arthur Hertzberg has suggested,<sup>17</sup> effectively separate the future of the Palestinian refugees and of the P.L.O. from the issue of the West Bank.

The situation would then be restored more or less to what it was before 1967, with this difference: that the parties to the resulting agreement might use it as an excuse to claim that all the questions at issue had been definitively resolved, thereby creating the opportunity to freeze the Palestinian people out of all future arrangements in the area. The effect of the American emphasis on Jordan's role would thus be to promote an agreement based essentially on Israel's premise that no Palestinian people exists. Palestinian rights would be a dead letter, in spite of President Reagan's declared concern for them.

Yet, the President's stated aim of reconciling Israeli and Palestinian rights is not impossible to attain. For to the extent that both parties have legitimate claims based properly on international

A special International Conference on the Question of Palestine has been called by the United Nations General Assembly for August 1983 in Paris. Lucille Mair, *foreground*, is Secretary-General of the Conference.



Taka Nagata



law, a reciprocal respect for the law should benefit each.

Although the Reagan Plan betrays a certain reluctance to accept the law's requirements, considerations of international legality figure prominently in the Fez Declaration of the Arab summit conference which ended on September 9, 1982.<sup>18</sup> The conference reaffirmed the Palestinian people's right to self-determination and the exercise of its inalienable national rights under the leadership of the P.L.O. The Declaration called for the withdrawal of Israel only from all Arab territories occupied in 1967 and the dismantling of Israeli

settlements there, in return for proposed guarantees of peace among all states of the region.

These and related proposals in the Fez Declaration are consistent with international law. Once applied to the West Bank and Gaza, they would lead to the creation of an independent Palestinian state with East Jerusalem as its capital. The Declaration must therefore be read as a reaffirmation of the Rabat Summit's decision in 1974 to reduce the role of Jordan in Palestinian affairs.

And so one returns to the right of self-determination and the Palestinians' entitlement to give their nationhood its

full expression.

It seems appropriate, in conclusion, to recall the words of Judge Hardy Dillard, a former American member of the International Court of Justice, who said: "It is for the people to determine the destiny of the territory and not the territory the destiny of the people."<sup>19</sup>

As negotiations on Middle East peace go forward, this simple fact should be in the forefront of everyone's consciousness. What is at stake is not simply the disposition of a few thousand square miles of rocky hillsides but the destiny of a entire people.

# The Jordanization Of The Palestine Question

By Muhammad Hallaj

The Zionist mind has been particularly fertile ground for spawning ideas for separating the Palestinian people from their country. This essay is concerned with one of these ideas, namely, that the homeland of the Palestinian people is not Palestine but Jordan. A discussion of this concept is important for the following reasons:

1. It has emerged as official Israeli policy regarding the Palestine question, and it is being promoted by Israel as an alternative to other proposals for the resolution of the Arab-Israeli conflict. Now that Israel is finding it increasingly difficult to ignore the international consensus in support of the Palestinian people's right to self-determination, it is seeking to deflect the issue by arguing that if the Palestinians must have a state of their own, the proper place of that state is Jordan and not Palestine.

2. Although the Israeli idea that Jordan is the Palestinian homeland has found no significant support anywhere outside Israel, the Israeli government's actual behavior toward the Palestinian

people, inside and outside occupied Palestine, and its attitude toward the various proposals for Arab-Israeli peace, are guided and motivated by this policy and by the attempt to make it into a *fait accompli*.

3. Although Israel has begun only recently to articulate this view as official Israeli policy, it is in fact the most persistent and deeply rooted Zionist concept regarding the future of the Palestinian people. It would be a mistake to attribute it to a particular person or party, or to dismiss it as a passing Israeli fantasy.

The most essential fact about this Israeli "Jordan is Palestine" thesis is that it is intended to justify and legitimize the Zionist conquest of Palestine and the consequent political, social and economic deprivations and hardships suffered by the Palestinian people. It shares this motivation with all the other Zionist-Israeli concepts regarding Arab rights in Palestine. Whether the argument is that the Palestinians do not exist, or that they do not merit the status and rights of a national community,<sup>1</sup> or that they properly belong elsewhere, the intended conclusion is the same: that Zionist colonization of Palestine deprives and victimizes no one. In the case of the "Jordan is Palestine" thesis a variety of

conclusions are advanced: that Palestine is not essential but only incidental to the rights and well-being of its Arab inhabitants; that the Israeli occupation of Palestine and even the displacement of its indigenous Arab population do not deprive them of any rights or opportunities, which they cannot exercise and enjoy elsewhere; and that, therefore, Israeli withdrawal from any part of occupied Palestine is not necessary for the resolution of the Palestine problem or the settlement of the Arab-Israeli conflict.

## Roots of the Israeli Thesis

Most of the literature on the early phases of the Palestine question focuses on Zionist claims to Palestine and on Zionist efforts to establish and expand Jewish presence in the country as a prelude to its transformation from Palestine to Israel. This emphasis gave Zionist colonization the appearance of a constructive effort and concealed its destructive impact on the indigenous Palestinian Arab society.

From its inception, the Zionist movement believed that the disruption, dismantlement and displacement of Palestinian society was just as essential to the realization of its plan to achieve

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the Judaization of Palestine as the up-building of Jewish presence in the country. For this reason, Jewish immigration and settlement were designed to produce a competing Jewish community in Palestine whose purpose is not to coexist with the indigenous Arab community but to supplant and replace it. As one Israeli writer put it, "Zionist colonization displaces and expels."<sup>2</sup> This necessary link between the enhancement of Jewish presence and the destruction of Palestinian society was stated by Dr. Fayez Sayegh as follows:

Just as the heartbeat consists of two rhythmic operations — pumping-in and pumping-out — so too the program of Zionism consists of two interrelated operations, each of which is essential for the heartbeat of Zionism and neither of which is dispensable: The detachment of Jews from their respective countries and their mass transfer to Palestine, and the detachment of the indigenous Palestinian Arabs and their mass transfer from Palestine.<sup>3</sup>

In preparation for the "pumping-out" of the Arab population, largely accomplished under the cover of war in 1948, the Zionist movement not only denied the legitimacy of the Palestinian people's link to their homeland but also undermined the material foundations of Arab life in Palestine. In the period between the two world wars, under the protection of British colonial power, the Zionist movement labored to bring about the material collapse of Arab existence in Palestine. Contrary to their protestations, couched in the familiar logic of racist colonialism in Afro-Asia, that Jewish immigrants brought enlightenment and progress to the native population, the Palestinian community in fact was subjected to secondary genocide. Zionist immigration and settlement, because of their political motivation, were making it increasingly difficult for the Palestinian Arabs to continue to live in their homeland. Through land alienation and various forms of economic strangulation, including the institution and application of a boycott of Arab labor and produce, the Zionists created "a hermetically sealed Jewish society in the middle of a disintegrating Palestinian society."<sup>4</sup> This destructive impact of Zionist colonization was evident even in the early stages of Jewish immigration and settlement, and was studied and documented by an official British inquiry into the deteriorating economic life of the Arab community in the 1920's.<sup>5</sup>

This destructive impact of Zionist colonization conflicted with the self-proclaimed image of the Zionist movement as the national liberation movement of the Jewish people. National liberation movements come about in order to free indigenous societies from alien encroachment and domination, the exact opposite of what the Zionists were doing in Palestine. This is the reason why the Zionist movement needed to appear to victimize no one, and the origin of its need for the various myths about the Palestinian people, including the myth that Jordan is the homeland of the Palestinian people.

Among themselves, the Zionists did not hesitate to be clear on what they aimed to achieve. The head of the Jewish Agency's colonization department, R. Weitz, in an article written years later, quoted from an entry in his diary:

Between ourselves it must be clear that there is no room for both peoples together in this country . . . there is no other way than to transfer the Arabs from here to neighboring countries, to transfer all of them: not one village, not one tribe, should be left.<sup>6</sup>

The expulsion of the Palestinian people from their homeland came to be known in Zionist parlance by the less threatening expression of population "transfer," but it signified nothing less than the eviction of a nation from its homeland. This seemingly impossible event actually came to pass, and is now the most relevant fact which fuels the Arab-Israeli conflict. As professor Janet Abu-Lughod put it: "Except for the extermination of the Tasmanians, modern history knows no cases in which the virtually complete supplanting of the indigenous population of a country by an alien stock has been achieved in as little as two generations."<sup>7</sup>

It is important to note two basic facts about the Zionist idea regarding the "transfer" of the Palestinian people out of their country. First, it did not come as a reaction to growing Arab-Israeli conflict in Palestine, but preceded it and contributed to it. It is an error, therefore, to perceive it as a proposal for the resolution of a conflict. For the same reason, it is incorrect to view the contemporary manifestation of the "transfer" idea, the Israeli "Jordan is Palestine" thesis, as a proposal for ending the Arab-Israeli conflict. The fact is that they represent the original and persisting Zionist scheme to vacate Palestine as a requirement for its

Judaization.

Even before the First World War, when the Arabs still constituted more than 90 percent of the population of Palestine, Zionist leaders began to devise plans for the "transfer" of the Palestinians to neighboring countries. "The concept of transfer was as old as the beginning of Zionist colonization. Even before the First World War, leading Zionists had toyed with the idea. Arthur Ruppin, the director of Zionist settlement in Palestine, proposed in 1911 a limited population transfer, with the Zionists purchasing land near Aleppo and Homs [Syria] for the resettlement of Arab peasants dispossessed in Palestine."<sup>8</sup> Another Zionist leader suggested in 1912 that the Arabs should use the money they received by selling land to Jews to resettle outside Palestine.<sup>9</sup>

The Zionist scheme to "transfer" the Palestinians out of the country originates in the Zionist claim that Palestine is the historic Jewish homeland and that, therefore, its Arab inhabitants are intruders and squatters who ought to be evicted now that the Jews are "returning." Sabri Jiryis told the story of the Palestinian peasant who was offered nominal compensation for his confiscated land, and protested to the Israeli official: "What are you offering me? Is my land worth only two hundred pounds per dunum?" The Israeli official's response was explicit and revealing. He said:

This is not your land, it is ours, and we are paying you "watchman's" wages for that is all you are. You have "watched" our land for two thousand years and now we are paying your fee. But the land has always been ours!<sup>10</sup>

The contemporary "Jordan is Palestine" thesis and its earlier Zionist version derive from this view. All subsequent Zionist-Israeli explanations in support of the idea of resolving the Arab-Israeli conflict by finding an alternative Palestinian homeland are *ex post facto* rationalizations of a preconceived notion. The motive behind them, in other words, is to dislocate the Palestinians, not to rehabilitate them. Consequently, the idea is the cause of the conflict rather than a solution to it.

The second important fact about the Zionist scheme to "transfer" the Palestinian people is that it was broadly supported Zionist policy, and not the warped vision of isolated extremist fanatics. As early as 1918, authoritative Zionist voices began to be heard ad-



Cooperative efforts by the Soviet Union and the United States brought about a Middle East Peace Conference, held in Geneva to consider disengagement of forces in the 1973 round of the Arab-Israeli conflict.

vocating that the Palestinian Arabs be cleared out of the country. In a letter to his son, Chaim Weizmann said that the Palestinians were like “the rocks of Judea” in the way of the Zionist project and “as obstacles that had to be cleared on a difficult path.”<sup>11</sup>

Based on his study of Zionist archives, the Israeli writer Simha Flapan concluded that “the transfer idea played a much greater role in Zionist thinking in the Mandatory period than is usually admitted.”<sup>12</sup> In fact it was the official Palestinian policy of the Zionist movement. When the British government appointed the Peel Commission in 1936 to study the situation in Palestine, the Jewish Agency met in October 1936 and decided nearly unanimously (with only two dissenting votes) to advocate the “transfer” of the Palestinians outside the country.<sup>13</sup> Practically all Zionist leaders who guided the movement in the pre-state period and who led Israel after its establishment, including Chaim Weizmann, David Ben-Gurion, Golda Meir, and Yitzhak Ben-Zvi, supported the “transfer” idea.<sup>14</sup> Ben-Gurion, who was one of its leading advocates, once said: “I am for a compulsory transfer: I don’t see anything immoral in it.”<sup>15</sup> When the Peel Commission proposed the partition of Palestine into Arab and Jewish states in 1937, he argued with his Zionist opponents, who opposed partition because it did not give all of Palestine to the Jews, on the grounds that once a Jewish

state is established it can abolish partition and take over the rest of the country by agreeing with Transjordan on the transfer of the Arabs there. He further advocated squeezing out of the country any Palestinian Arabs who may remain in the country through economic pressure. He suggested the Jewish state would limit Arab landholdings to a maximum of 20 dunums (5 acres), to force them to seek survival elsewhere.<sup>16</sup>

The Zionists sought to conceal the harshness of their proposed scheme for clearing the Arabs out of Palestine by arguing that Palestine was marginal to their needs and well-being. Their argument relied on the three following notions:

1. That Palestine was only a “small corner” of the Arab world. Using this argument, Vladimir Jabotinsky, Menachem Begin’s guru, made the Zionist usurpation of Palestine appear to be an act of justice. He said: “He who has nothing, give him; he who has too much, take from him.”<sup>17</sup> Weizmann said that “a Jewish state in Palestine is a question of life and death for the Jewish people, while the loss of less than 1 percent of their territory is not decisive for the future of the Arabs.”<sup>18</sup> As Flapan commented, Weizmann “ignored the fact that for those who lived in Palestine it *was* decisive.”<sup>19</sup>

2. The Zionists denied the political nature of the Palestine question and reduced it to an economic issue. They

argued that the eviction of the Palestinians would create landless peasants but not a homeless and stateless nation. Their “transfer” to neighboring Jordan, therefore, would take care of the problem. “Transfer” became the solution to the problem rather than the cause of it. Flapan attributed Weizmann’s support for the “transfer” idea to this logic. He said that Weizmann’s “insistence that the problem of Palestine Arabs was an economic one led him to the ill-conceived solution of transfer of Arabs to other countries.”<sup>20</sup> If the problem is an economic one, relocation is an adequate solution. As Ben-Gurion put it in a meeting of the Mapai Party’s leadership in 1936: “There was no danger of Arabs becoming landless” if cleared out of Palestine. “They could be transferred to Transjordan and no injustice would be done.”<sup>21</sup>

3. The Zionists argued that the Palestinians would experience no hardships due to their “transfer” to other Arab countries, because they would still be living in an Arab environment. The Zionists used the Palestinians’ Arab identity to deny them their homeland. They argued, as they did before the King-Crane Commission in 1919, that since the Palestinians “are bound together with the greater Arab nation, therefore they have no special national claim to Palestine,”<sup>22</sup> an argument which could be equally used against any of the Arab peoples.

To be able to take advantage of this argument, the Zionist movement always insisted that the Palestinian problem must be dealt with within a pan-Arab context. When the director of foreign affairs of the Saudi government explained to Ben-Gurion, in a meeting in 1937, that the Palestinians have a distinctive national identity, Ben-Gurion retorted that there was “no way out of the situation so long as the discussion of relations of Jews and Arabs did not break out of the narrow [Palestinian] framework in which it was now confined and if a broader [Arab] view were not taken.”<sup>23</sup> Weizmann also insisted that the conflict over Palestine must be resolved within a “pan-Arab” framework, which is an older version of the “Jordanian option” formula, and that is why he concluded as early as 1917 that the only Arabs with whom an agreement was possible “are the Hedjaz people [the Hashemites].”<sup>24</sup> As Flapan put it, this Zionist approach “set the pattern for all further Zionist contacts with the Arabs up to today’s stubborn insistence of the Israeli government on an agree-

ment with the last Hashemite — King Hussein of Jordan — rather than with the Palestinian leadership.”<sup>25</sup>

It should be pointed out that Palestinian pan-Arab sentiments did not indicate the absence of a distinctive Palestinian nationalism. On the contrary, such sentiments were strengthened by the Palestinians’ desire to protect their identity against the threat of Zionist colonization. As an Israeli student of Palestinian nationalism explained, it was the threat of Zionist domination which “reinforced their [Palestinian] desire to be considered a part of the population of Syria.”<sup>26</sup> Another Israeli, writing on Arab-Jewish relations in the Mandatory period, similarly explained the Palestinians’ identification with neighboring Arab peoples. “The pan-Arab (southern Syria) formula was a means of preserving Palestinian identity,” he said. “Numbering only half a million [at the time of the First World War], the Palestinians felt unable to confront the Jewish people, who outnumbered them 20 to 1 and commanded massive financial resources and international influence.”<sup>27</sup>

British officials in Palestine understood this fact. Herbert Samuel, the first High Commissioner of Palestine, saw Palestinian pan-Arab feelings as “the only means of combatting Zionism.”<sup>28</sup> British intelligence reports frequently explained Palestinian pan-Arabism as a defense mechanism against the Zionist threat rather than as the absence of distinct Palestinian national aspirations. One such report, in 1919, said that the rise of an Arab kingdom in Syria did not fulfill Palestinian aspirations, and that in fact it was “fear of Zionism. . . that led young pan-Arab elements to favor its [Palestine’s] union with an independent Arab Syria, for with Palestine joined to an Arab Syria, the people of Palestine with the help of other Arabs would be able to successfully resist Jewish immigration and Zionist plans.”<sup>29</sup>

This long-standing Zionist position that the resolution of the Palestine question must be effected within a broader Arab context continues to inspire and guide Israeli policy until this day. The Israeli concepts of “Jordanian option” and “Jordan is Palestine” are varieties of the same idea. One argues for the “de-Palestinization” of the Arab-Israeli conflict,<sup>30</sup> and the other for “the Palestinization of the East Bank of Jordan.”<sup>31</sup> Both agree on essentials: that Palestinian nationhood must not be recognized, that the Palestinian people are not en-

titled to political self-determination, and that their future is not in Palestine. These are the essential ingredients of Israel’s Palestinian policy.

## Political Implications

Yasser Arafat said, in an interview, that the Palestine question was unique. It goes beyond the experience of other colonized peoples. He said:

No other country has been confronted with a plan to liquidate its national identity, as has happened in the case of Palestine, nor confronted a plan to empty a country of its people as has happened in the case of the Palestinian people. It goes beyond anything previously recorded in modern history.<sup>32</sup>

The Palestinians coined new terms to describe their unique condition. They described Zionist-Israeli efforts to vacate Palestine of its Arab inhabitants (politically, culturally, economically and physically) as *taghyeeb* (absentification) of the Palestinian people. Israel’s “Jordan is Palestine” policy is the contemporary version of the attempt to “absentify” the Palestinians from their homeland. It is, therefore, a formula to dissolve the Palestinian people and not to resolve their problem. In that sense, it is a recipe for the perpetuation of the Arab-Israeli conflict rather than a plan for its settlement.

More concretely, the Israeli “Jordan is Palestine” concept contributes to further conflict in the Middle East in the following ways:

1. It leaves the Palestinian people’s resolve to live, and to live as a self-governing community, in their ancestral homeland totally unsatisfied. It does not even dissipate the fear, often given by Israel as a reason for objecting to a Palestinian state in any part of Palestine, that such a state would be irredentist. “Some have expressed fear of the inherent irredentism of a West Bank state. But suppose Jordan were Palestinianized completely. Could it not become irredentist too, so long as parts of Palestine were held by the State of Israel?”<sup>33</sup>

2. It places the burden of Palestinian homelessness and statelessness on Jordan, and absolves Israel of that responsibility, which is one of the basic motives behind the proposal. It displaces the issue and does not resolve it. It is likely to transform the Palestinian-Israeli conflict into a Jordanian-Palestinian conflict.

The “Jordan is Palestine” concept is not a proposal for Jordanian-Palestinian unity. Unification occurs between peo-

ples and their territories. What the Israeli proposal seeks to do is to graft a territorially deprived people onto an existing nation-state. The Palestinian experience in both Lebanon and Jordan demonstrates that national entities are *not* integratable in other states. What the Israeli proposal attempts to do is to Zionize the Palestinian people, to have them satisfy their need for a homeland at the expense of another people.

3. The “Jordan is Palestine” thesis exacerbates the Israeli-Jordanian conflict, because it is an attack on the legitimacy of Jordan as a nation-state. It seeks to delegitimize Jordan. Understandably, Jordan already perceives the Israeli proposal as a declaration of war on it. As King Hussein put it, Israel can implement such a plan “only through a military operation whose objective is the occupation of Jordan.”<sup>34</sup>

The conclusion is unavoidable that Israel’s advocacy of the “Jordan is Palestine” idea legitimizes the injustice suffered by the Palestinian people and ignites new conflicts in the Middle East. It is the road to continued strife masquerading as a proposal for peace.

## NOTES

### *International Law: The Legitimate Rights of the Palestinians*

1. Statement reprinted in 21 *International Legal Materials*, p. 1199. All further quotes from the President’s remarks are from this source.
2. Brownlie, *Principles of Public International Law* (3rd ed.), p. 593.
3. See discussion in Mallison, W.T. and S.V., *An International Law Analysis of the Major United Nations Resolutions Concerning the Palestine Question* (United Nations, 1979), particularly pp. 39-48.
4. Text and list of parties in Roberts and Guelf, *Documents on the Laws of War*, pp. 271-337.
5. See discussion in Ott, *Palestine in Perspective: Politics, Human Rights and the West Bank*, pp. 68-69.
6. Hague Regulations, annexed to Hague Convention IV on the Laws and Customs of War on Land (October 18, 1907), Article 43. Text in Roberts and Guelf, pp. 48-57.
7. Fourth Geneva Convention of 1949, Article 49.
8. See discussion in Ott, p. 69.
9. See Gerson, “Trustee-Occupant: The Legal Status of Israel’s Presence in the West Bank,” 14 *Harvard International Law Journal* 1, p. 18-19.
10. Partial unofficial text of the decision in 19 *International Legal Materials*, pp. 148-178, particularly pp. 176-177.
11. See General Assembly Resolution on the Definition of Aggression, Resolution 3314 (XXIX) of 1974, paragraph 5(3).
12. See Brownlie, *International Law and the Use of Force by States*, pp. 418-419.
13. Text of Security Council Resolution 509 of June 6, 1982, in 21 *International Legal Materials*, p. 917.
14. See Mallison, p. 39 and 44, on recognition of Palestinian right of self-determination implied in

the General Assembly Partition Resolution of 1947.

15. Cf. Hague Regulations.

16. Text of the Camp David Framework in 17 *International Legal Materials* 1466; analysis in Ott, p. 115-135, particularly pp. 123-133.

17. In *New York Review of Books*, October 21, 1982.

18. Full text in 21 *International Legal Materials*, p. 1144.

19. Separate Opinion of Judge Dillard in the *Western Sahara Case*, [1975] I.C.J. Reports 3, p. 122.

### *The Jordanization of the Palestine Question*

1. See "Palestine: The Suppression of an Idea,"

*The Link*, vol. 15, no. 1 (January-March 1982).

2. Arie Bober, ed., *The Other Israel* (New York: Doubleday, 1972), p. 11.

3. Fayez A. Sayegy, *Zionism: A Form of Racism and Racial Discrimination* (New York: Office of the Permanent Observer of the P.L.O. to the United Nations), 1976, p. 7.

4. Bober, pp. 10-11.

5. Sir John Hope Simpson, *Palestine: Report on Immigration, Land Settlement and Development*.

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6. Quoted in Bober, p. 13. The article appeared in the Israeli newspaper *Davar*, September 29, 1967.

7. Janet Abu-Lughod, "The Demographic Transformation of Palestine," in Ibrahim Abu-Lughod, ed., *The Transformation of Palestine* (Evanston, Illinois: Northwestern University Press, 1971), p. 139.

8. Simha Flapan, *Zionism and the Palestinians* (London: Croom Helm, 1979), p. 259.

9. *Ibid.*

10. Sabri Jiryis, *The Arabs in Israel* (New York: Monthly Review Press, 1976), p. 74, quoting from *Al-Ittihad* (Haifa), July 15, 1966.

11. Text of the letter in Flapan, p. 56.

12. Flapan, p. 82.

13. *Ibid.*, p. 260.

14. *Ibid.*, pp. 260-263.

15. Quoted in *Ibid.*, p. 263.

16. *Ibid.*

17. Neil Caplan, *Palestine Jewry and the Arab Question, 1917-1925* (London: Frank Cass, 1978), pp. 26-27.

18. Quoted in Flapan, p. 83.

19. *Ibid.*

20. *Ibid.*, p. 69.

21. *Ibid.*, p. 222.

22. Caplan, p. 38.

23. David Ben-Gurion, *My Talks With Arab*

*Leaders* (Jerusalem: Keter Books, 1972), p. 126.

24. Flapan, p. 36.

25. *Ibid.*, p. 33.

26. Y. Porath, *The Emergence of the Palestinian-Arab National Movement, 1918-1929* (London: Frank Cass, 1974), p. 72.

27. Flapan, p. 81.

28. Quoted in Porath, f.n. 12, p. 326.

29. Flapan, p. 59.

30. Shimon Peres, "War or Peace?" *Jerusalem Post*, October 5, 1980.

31. Aaron S. Klieman, *Israel, Jordan, and Palestine: The Search for a Durable Peace* (London: Sage Publications, 1981), p. 90.

32. "A Discussion with Yasser Arafat," *Journal of Palestine Studies*, vol. XI, no. 2 (Winter 1982), pp. 4-5.

33. Abraham S. Becker, *Israel and the Palestinian Occupied Territories: Military-Political Issues in the Debate* (Santa Monica, California: Rand, 1971), p. 107.

34. Quoted from *Al-Mustaqbal* (Paris), September 5, 1981, in Sheila Ryan, *Palestine Lives: But Not In Jordan*. Information Paper no. 24, being published by the Association of Arab-American University Graduates, Belmont, Massachusetts.

## Zionism in the Age of the Dictators

Lenni Brenner

Croom Helm Ltd., London:

Lawrence Hill and Co.,

Westport, CT, 1983, 277 pp., \$8.95

(paperback).

By Joseph J. Malone

Publication of the Israeli commission's report on the Sabra/Shatila massacres of Palestinians occurred within a few days of the issuance of an interim report by an American Jewish commission on the response of American Jewry to European Jewry's holocaust. The former was widely taken as evidence of the vibrant democracy of Israel and the moral probity of its people. But the latter may prove to be the latest model of Pandora's box, if the charges of white-wash now being heard from the Jewish community lead to major changes in the final report. Should this be the case, it will help to place the Israeli commission's report in a more realistic perspective. It can then be regarded as an exer-

cise in damage control.

An objective report by the American Jewish commission could only support the conclusion that the goal of Zionism was the occupation and control of Palestine, and not to rescue millions of Jewish victims of Nazi, Fascist and other European tyrannies. The investigators need go no further than the thoroughly researched, scholarly and utterly devastating exposition of Zionist strategy and tactics which is Lenni Brenner's *Zionism in the Age of the Dictators*.

Using a wide range of sources, predominantly Jewish, and displaying an easy familiarity with the broad spectrum of relevant Jewish and Gentile organizations, Brenner establishes that widespread sympathy for the founding of Israel was based upon what Hitler did to the Jews rather than upon what the Zionists did for them. The result helps us understand what the Revisionist Zionism of Jabotinsky and Begin has done to the Jews, to Israel and, of course, to Palestinians and other Arabs.

Increasingly, Menachem Begin em-

ploys the term "anti-Semitism" as a weapon. (He uses it in a political, not an ethnological sense — which would have for him the wholly undesirable result of throwing Arabs and Jews together.) But it has not always been that way, as Brenner demonstrates in a chapter entitled "Blut und Boden (Blood and Soil): the Roots of Zionist Racism." From Theodor Herzl's time through the Hitler era, anti-Semitism was a resource. As Jacob Klatzkin, an editor of *Encyclopedia Judaica*, wrote ". . . if we do not admit the rightfulness of anti-Semitism, we deny the rightfulness of our own nationalism." Anti-Semitism could be a Juggernaut pushing Jews out of Europe and into Palestine. This possibility became the *raison d'être* for collaboration.

Whether such collaboration nurtured fascist, extremist tendencies in Zionist Jews, or whether European Jews turned to Zionism — and therefore to collaboration with the dictators — because the conditions of Central and Eastern Europe had *ab initio* nurtured fascism

# Book Views

and extremism in them are questions which are no longer important. What is important is that analysis of Zionism under the dictators makes it clear that democracy cannot be all that vibrant in contemporary Israel, and that the Israelis cannot claim to have cornered the market on moral probity.

Brenner's coverage is comprehensive. No chapter is more riveting than "Choosing the Chosen People — the Doctrine of Zionist Cruelty." It was established that ghetto Jews, "ordinary" Jews, were neither healthy enough nor skilled enough for Zion. Most were too old and past learning Hebrew. In 1933 Berl Katznelson, the editor of *Davar*, described the means of solving the problem of determining who should enter Palestine: ". . . we will have to choose on the basis of the cruel criteria of Zionism." Between 1933 and 1935 more than 6,000 Jews from the United States, the Western Hemisphere, Africa and Turkey migrated to Palestine under Zionist auspices. Their lives were not menaced by Hitler. They were young, healthy and had resources. In the same period the applications of two-thirds of all German Jews seeking to migrate were turned down by the Zionist Executive.

The obsession with Palestine lay behind the scathing attack on Zionist policy given to Nahum Goldmann by Eduard Benes, the Czechoslovak foreign minister in 1935:

. . . don't you understand that by reacting with nothing but half-hearted gestures, by failing to arouse world public opinion and taking vigorous action against the Germans, the Jews are endangering their future and their human rights all over the world?

The problem began with Herzl. The author of *The Jewish State* regarded anti-Semitism as a panacea. He supported the election of the vicious Karl Lueger in Vienna; collaborated with the Tsarist progromist, Interior Minister Plehve, by promising that Russian Jewish campaigns for elementary human rights would be called off in exchange for a charter for migration to Palestine; and assured Kaiser Wilhelm that migration would reduce Jewish participation in socialist and revolutionary parties.

Worse was to come. Although Hitler endorsed the concept of Jewish immigration to Palestine, *Mein Kampf* revealed that his goal was to eliminate Judaism from the earth. Palestine was no haven so long as the Nazi engine of conquest rolled on. Yet the German Zionists conspired to break the anti-

Nazi boycott of German products. They entered into a pact, the Transfer Agreement, by which goods were purchased in Germany by migrating Zionists and sold for cash throughout the Middle East once the migrants reached Palestine. Many Jews entered over quota, securing exemptions because they possessed Transfer Agreement-generated funds in excess of £ 1,000. Soon the Zionists were facilitating German trade with Britain and Western Europe, making a mockery of the boycott organized by world Jewry and Gentile supporters. These activities produced 60 percent of the capital which Jews brought to Palestine between 1935 and 1939.

Such was the accomplishment of those Zionists who in 1932 organized anti-Communist meetings while offering no opposition to Hitler's rise to power. Revisionist Zionism's European past provides a dark legacy to Israel. Indeed, so long as Israelis who call themselves Zionists fail to purge their body politic of poisons, of the evil tendency so reminiscent of the "Thousand Year Reich" to regard Arabs as so many *Untermenschen*, the equating of Zionism with racism will continue. Yet the expectation is that the poisonous elements—Begin, Sharon, Shamir—will continue to ravage the Israeli body politic. The historical basis for this sad conclusion is well documented by Lenni Brenner.

Nor will the United States succeed in putting an end to Israeli colonization of the West Bank, or to excesses in Lebanon or elsewhere, so long as American resolve is diluted by Begin's assertion that Israel is the last, best hope of preventing Soviet penetration of the Middle East. It is not a new strategem. The Revisionist Zionists made anti-Marxism and anti-Communism into instruments of their policy of recruiting the support of the dictators for the takeover of Palestine. We are told by a leading Zionist, Harry Sacher, that in seeking Hitler's patronage, the German Zionist Gustave Krojanker wrote: "... for Zionists, Liberalism is the enemy; it is also the enemy of Nazism; ergo Zionism should have much sympathy and understanding for Nazism."

Liberalism apparently was worse than Hitler because it threatened Jewish racial purity by encouraging assimilation. Zionist cultivation of anti-Semitism encouraged the Nazis to promote cultural apartheid, and resulted in Zionists gaining exemption from most of the Gestapo's organized cruelty.

An even simpler matter was rationali-

zation of collaboration with Mussolini. The Jews had long suffered from Catholic persecution, and the Fascist regime was regarded as offering better prospects. To be sure, Mussolini had often voiced anti-Semitic sentiments in the early days of Italian fascism. But he found that anti-Semitism was unpopular in nationalist circles, which identified it with the Church and its opposition to Italian unification and modernization. So Mussolini's tactics changed. Thus he was able to dupe the Zionists, while seeking to exploit them in his program of projecting Fascist power into the Levant.

Concurrently the anti-Communism of the dictators beguiled the leadership of the Western democracies into believing that some greater good was being served by overlooking the excesses of Hitler and Mussolini. It is against this terrible backdrop that the inactivity of the Zionists is highlighted, invalidating their claims to have organized resistance to the Nazi terror. For them, it was *Palestina über Alles*.

In sum, it is Lenni Brenner's accomplishment that he forces his readership to assess the moral price of supporting Begin's and Sharon's and Shamir's vision of Israel. The price includes abandoning any realistic prospect for enduring peace in the Middle East. It includes the continued subjugation of Palestinian Arabs in their own historic homeland.

*Joseph J. Malone is President of Middle East Research Associates, Inc., Washington, D.C., and an A.M.E.U. National Council member.*

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## Notice

We bring to the attention of our readers the international monthly magazine, *Arabia*, published in London. *Arabia* provides reporting and analyses by respected writers of the political, social, cultural and economic developments in the Middle East and throughout the Muslim world. Special introductory subscription rates are available in the United States by contacting the Islamic Press Agency, P.O. Box 8139, Ann Arbor, MI 48107. Tel. (313) 663-1929.

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## Correction

The last line of the January-March 1983 *Link* book review incorrectly referred to the first name of Frances Fitzgerald who wrote *Fire in the Lake*.

# Books To Order

## New Selections

□ Lenni Brenner, *Zionism in the Age of the Dictators*, Croom Helm Ltd., London and Lawrence Hill and Co., Westport, Conn., 1983, 277 pp. \$8.95 (paperback). Using a wide range of sources, predominantly Jewish, Brenner concludes that from the beginning the goal of Zionism was the occupation and control of Palestine, and not the rescue of millions of Jewish victims of Nazi, Fascist, and other European tyrannies. See review, page 13. Our price, \$7.95.

□ Jacobo Timerman, *The Longest War: Israel in Lebanon*, Alfred A. Knopf, New York, 1982, 167 pp., \$11.95. Timerman foresees consequences that Israel will have to face in the years ahead: a rise in pacifism and anti-militarism among its people; an army and air force that will no longer unquestioningly follow their government's lead; the world's changing perception of Jews from victim to victimizer; inevitable changes in Israeli society and its relationship with overseas Jewish communities. Our price, \$9.50.

□ Ibrahim Abu-Lughod, *Palestinian Rights: Affirmation and Denial*, Medina Press, 225 pp., \$7.95. In this book of essays, seventeen distinguished international scholars examine, analyze and detail Palestinian national rights, including their right to national identity, sovereignty in Palestine, return, and representation. The international assessment and response to these rights and their violation by Israel are carefully probed and documented. Our price, \$3.95.

□ Dewey Beegle, *Prophecy and Prediction*, Pryor Pettengill, 274 pp., \$9.95 (paperback). Refutes the biblical claim of Zionists to the Promised Land by discussing what the Bible teaches about prophecy, especially concerning the predictions of events which already have occurred and those which are to come. Our price, \$8.25.

□ Kenneth Cragg, *The House of Islam*, Kickenson Publishing Co., Inc., 145 pp., \$8.95. Outlines basic elements of Islam; particularly geared to a Christian audience. Supportive yet not unafraid to face major questions between Christianity and Islam. Excellent group study guide with a section, "Questions For Further Study and Discussion." Our price, \$7.75.

□ Richard Curtiss, *A Changing Image: American Perceptions of the Arab-Israeli Dispute*, American Educational Trust, Washington, D.C., 1982, 216 pp., \$9.95. Traces the evolution of American public opinion on the Arab-Israeli conflict; concludes that it is becoming more balanced, and that this trend will continue. Our price, \$7.25.

□ Jonathan Dimbleby, *The Palestinians*, Quartet Books, 1979, 256 pp., \$25.00. Explores the crisis of a people without a land, demonstrating that the "Palestinian problem" is not an abstract issue but an urgent human tragedy. Fully illustrated with moving, dramatic, often harrowing photographs by Donald McCullin. Our price, \$17.50.

□ Saad El Shazly, *The Crossing of the Suez*, American Mideast Research, 333 pp., \$14.00. Egypt's former military commander-in-chief tells how the Egyptian Army executed its brilliant 1973 crossing of the Suez and how Egypt's political leaders turned that success into disaster. Our price, \$10.95.

□ James Ennes, Jr., *Assault on the Liberty*, Random House, 301 pp., \$13.95. The author served as lieutenant among the officers of the U.S.S. Liberty on her fatal voyage. He was on watch at the bridge during the day of the Israeli attack. Our price, \$9.95.

□ David Gilmour, *Dispossessed: The Ordeal of the Palestinians 1917-1980*, Sidgwick and Jackson, 242 pp. Well-documented history of Palestinians, based in part on revealing quotations from Zionist sources. Author examines the status of Palestinians in exile, the complex inter-relationships of the P.L.O., and the Palestinians vis-a-vis the international community, particularly with the Soviet Union and the Third World. Our price, \$5.50.

□ Grace Halsell, *Journey to Jerusalem*, Macmillan, 1982, 256 pp. \$7.95. A distinguished journalist visits the Holy Land and meets people as diverse as Mayor Bassam Shaka of Nablus and Bobby Brown of the Bronx, NY, now a Gush Emunim settler near Bethlehem. Our price, \$2.95.

□ David Hirst, *The Gun and the Olive Branch*, Futura Publications Ltd., London, 1983 reprint, 367 pp. Aptly subtitled "The Roots of Violence in the Middle East." In tracing those roots, the author dispells a

number of myths about Arabs and Zionists. Well researched and very readable. Our price, \$4.75.

□ Stephen D. Isaacs, *Jews and American Politics*, Doubleday & Co., 302 pp. An investigation into the role Jews play in American politics. It explodes many myths on this subject and shows how Jews have exercised the power they have. Our price, \$3.85.

□ Michael Jansen, *The Battle of Beirut*, Zed Press, London, 1982, \$8.50 (paperback). This book analyzes the war from its start in June 1982, to the massacre at Sabra and Shatila in September. It explodes the contention of a "limited operation" and "minimal civilian casualties," and exposes the longer term ambitions of Israel. U.S. policy is also examined, especially the degree of collusion between Alexander Haig and the Israeli leaders. Our price, \$5.95.

□ Sabri Jiryis, *The Arabs in Israel*, Monthly Review Press, 314 pp., \$12.50. Expanded version of Jiryis' original authoritative account of the deprivation of Arabs living in Israel. Our price, \$7.85.

□ Alfred Lilienthal, *The Zionist Connection: What Price Peace?*, Dodd, Mead & Co., 800 pp., \$9.95 (paperback). Covers the Arab-Israeli conflict from the time of Herzl to Camp David. Research involved is monumental. Contains much information of which most Americans are unaware. Our price, \$8.25.

□ Ian Lustick, *Arabs in the Jewish State*, University of Texas Press, 1980, 400 pp., \$10.95. A systematic, scholarly analysis of the strikingly low level of Arab political activity in Israel. Author examines success with which Israeli authorities have coopted Arab elites, maintained the backwardness of the Arab economy, and promoted parochial rivalries within the Arab sector. Our price, \$8.50.

□ Basheer Nijim, ed., *American Church Politics and the Middle East*, Association of Arab American University Graduates, Belmont, MA, 1982, 156 pp., \$6.95. Examines the biblical, theological and socio-religious factors in the formulation of U.S.-Middle East policy. Our price, \$5.25.

□ Livia Rokach, *Israel's Sacred Terrorism*, Association of Arab-American University Graduates, 1980, 68 pp., \$4.50 (paper-

back). Examines the 1953-57 diary of Moshe Sharett, founding member of Israel's Labor Party, his country's first foreign minister and its second prime minister. Our price, \$3.50.

Seth Tillman, *The United States in the Middle East: Interests and Obstacles*, Indiana State University Press, Bloomington, 1982, 333 pp., \$22.50. Presents a succinct, lucid account of the history of the area, providing the reader with a factual perspective for the evaluation of current developments. Full chapters are devoted to American and Soviet interests in the Middle East, Saudi Arabia, Israel and the Palestinians. Our price, \$17.50.

Evan M. Wilson, *Decision on Palestine*, Hoover Press, 244 pp., \$14.95. Well-

documented analysis of the six years leading up to the creation of Israel. Based on author's personal experience and on information made available by the United Nations and governments involved. Our price, \$10.00.

Marion Woolfson, *Prophets In Babylon: Jews In The Arab World*, Faber & Faber, London, 1980, 292 pp., 14 pounds (\$38.00). Traces the story of the Jews through Babylon, Yemen, Spain, the Maghreb, and in the Ottoman era, Iraq, Syria, Egypt and Palestine. Author points out that while the Jews were sometimes misused or persecuted, more often they enjoyed a privileged status, respected by Moslem and Christian alike as "people of the book." In the concluding chapters Woolfson traces the growth of Zionism and its sometimes subversive conse-

quences on Jews both inside and outside Israel. Our price, \$17.50.

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