

LEGAL ASPIRATIONS

From Coexistence to Conquest: International Law and the Origins of the Arab-Israeli Conflict, 1891–1949, by Victor Kattan with foreword by Richard Falk. New York and London: Pluto Press, 2009. ix + 261 pages. References to p. 367. Select bibliography to p. 387. List of individuals to p. 395. Glossary to p. 402. Index to p. 416. \$54.95 paper; \$149.50 cloth.

Reviewed by Diana Buttu

Law—not to be confused with justice—has always been a main tool for Israel. From its colonial birth to the present, Israel has sought to legally justify its actions—whether torture, home demolitions, expulsions, or racist legislation—in order to promote and protect its colonial designs and tactically attempt to portray itself as a democracy.

But the centrality of law did not start with the establishment of Israel. Rather, political Zionism was (and remains) rather obsessed with law so as to present the founding of Israel, with its concomitant expulsion of Palestinians, as the legitimate fulfillment of Jewish self-determination. To create Israel, Zionists needed the recognition and support of the international community, with such recognition afforded only if it could be shrouded in law. It is this same tool—law—that Palestinians often resort to, laying out their case, so to speak, by employing arguments of law, justice, and fairness and highlighting Israel's legal violations. So how is it possible that international law could simultaneously give Zionists the legitimacy they craved while also acting as a tool for Palestinian self-determination on the very same land? The answer, for Victor Kattan, a teaching fellow at the University of London's School of Oriental and African Studies, lies in a close examination of the broader political and historical contexts within which Zionists obtained the legitimacy they so desperately sought. Then, as now, law was not created in a vacuum but was a reflection of the interests of those with power. Kattan traces the legal history of Zionist aspirations in Palestine outlining

the developments that shaped this history, including anti-Semitism, political agreements, behind-closed-door dealings that led to the Zionist takeover of Palestine in 1948, and its subsequent recognition internationally. It is this placing of international law in its proper historical and political context and Kattan's extensive archival research that make this book an invaluable contribution to critical legal scholarship on the issue of Palestine.

From Coexistence to Conquest: International Law and the Origins of the Arab-Israeli Conflict, 1891–1949 is divided into nine chapters. In the first chapter, "Anti-Semitism, Colonialism and Zionism," Kattan links the rise of anti-Semitism in Europe and the development of Zionism with the interests of anti-Semitic European leaders. He observes that "the Zionists wanted to use [British imperialism] to create a Jewish colony in Palestine for the Jewish immigrants they envisaged emigrating there from Eastern Europe and the British realized that such a colony could help it solve its 'immigration problem'" (p. 37).

In the next three chapters, Kattan discusses the conflicting pledges given to the Zionists and the Arabs. Closely examining the Balfour Declaration and the Husayn-McMahon correspondence, Kattan concludes that the latter amounted to a valid agreement binding on both sides and that contrary to some views, it did not exclude Palestine. More importantly, Kattan, citing archival material, notes that "the Balfour Declaration was not originally intended to provide for the conversion of Palestine from an Arab into a Jewish State, or to establish a policy which—as is now recognized—can only end in the suppression or eviction of its native population" (p. 77).

In the two following chapters, Kattan examines self-determination and partition plans. Here, he assesses the applicability of the right to self-determination to the people living in Palestine—the indigenous Palestinian Arab population and the mostly Jewish European settlers—and wryly notes that "the Zionists' claim to self-determination in Palestine . . . was not based on effective occupation, the 'free will of the people,' majority rule or decolonization. Rather it was based on a document. This was self-determination by treaty" (p. 118). Kattan later discusses the legal, moral, and political grounds that informed Palestinian and Arab objections to the 1947 UN

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partition plan, highlighting the marriage of convenience between European desires to rid themselves of the Jewish “refugee problem” and Zionist ambitions for territory.

In the final three chapters, Kattan focuses on the Zionist conquest of Palestine, the Palestinian refugee problem, the creation of the State of Israel, and its subsequent admission to the UN. Refuting claims by veteran Israeli lawyers, Kattan correctly notes that the birth of Israel was one of the twentieth century’s last examples of a successful *conquest* and not a case of holding onto territory as is often claimed by Israeli scholars. Kattan examines Israel’s obligations as a UN member, properly noting that “Israel had made a declaration to the UN General Assembly committing itself to return, repatriation and compensation [of refugees] in the context of an overall peace settlement. Israel’s membership in that organization is predicated on reaching an agreement on these issues” (p. 237). On the issue of territory, Kattan concludes that “it was never envisaged that the 1949 ceasefire lines would become Israel’s permanent borders. Rather, Israel was required to negotiate over them and was being subjected to pressure to relinquish its control over the territories it captured beyond the 1947 UN Partition Plan’s boundaries in the envisaged Arab state” (p. 238). Later, he outlines how the United States capitulated from these requirements in the face of Israeli intransigency.

From Coexistence to Conquest provides a cutting examination of the role of power in the formation and development of international law. Its strength lies in its unique use of new information, data, and archival materials to examine the legal history leading up to events. But the book, while conveying dense legal analysis, does so in an accessible way, making it appealing to lawyers and nonlawyers alike.

Kattan’s analysis of Israel’s use and abuse of international law to achieve its goal of conquest begins and ends with observations on the peace process: “[I]t is rather paradoxical that today the reverse of what was promised to Lord Rothschild in 1917 has transpired: instead of there being a Jewish national home in Palestine, as envisaged by the Balfour Declaration and the Mandate, we essentially have a situation where a ‘Palestinian national home’ may be established within a Jewish state” (p. 5). He concludes, “[I]n the end it is unlikely that a lasting

peace would subsist unless it is based on equity, justice and principles of international law, which have been sidelined throughout the course of the Arab-Israeli conflict to the detriment of all concerned. In the absence of such conditions any peace agreement is doomed to fail” (p. 261).

U.S. IMPERIALISM

Palestine, Israel and the U.S. Empire, by Richard Becker. San Francisco: Party for Socialism and Liberation Publications, 2009. ix + 165 pages. Appendices to p. 212. Endnotes to p. 227. Index to p. 233. \$17.95 paper.

Reviewed by Joel Kovel

Richard Becker’s *Palestine, Israel and the U.S. Empire* is a succinct yet ambitious study of the conquest of Palestine eventuating in the formation of the State of Israel, and of the history of Palestinian resistance to this development. The narrative covers the whole twentieth century and extends to the present, and its point of view is strongly pro-Palestinian and politically alert. Its chief merit is an uncompromising look at the potent role played by U.S. imperialism in the history and behavior of the State of Israel. This is refreshingly different from customary views of the Jewish state that regard Zionism and its triumph in Palestine through the lens of Jewish history and abstract from the great power relations that necessarily condition the fortunes of a settler-colonial society like Israel. I have already endorsed Becker’s book for this reason. But I had to set aside some qualms in doing so; and while I would not change my overall assessment, I welcome this opportunity to correct the balance.

The problem derives from Becker’s heavy-handed and mechanical view of imperialism. Thus, asking a hackneyed question: “[D]oes the pro-Israel lobby—or Israel itself through the lobby—control and direct U.S. policy in the Middle East? To put it another way, does the tail wag the dog? Is it really conceivable that a small, dependent country should call the shots for the most powerful

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