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Palestine and the U. N.

Adjudication by International Court of Justice Is Suggested

TO THE EDITOR OF THE NEW YORK TIMES:

Every friend of Palestine or of world peace is disheartened by the failure of the truce in Palestine. Since it appears to be the Arabs who have refused to prolong the truce, while the Israelis have declared themselves willing to extend it, the temptation is strong to insist that the U. N. now crack down on the Arabs and make them behave. Loss of patience and a resort to force is no way out of this frightful situation. It may be possible by force to compel the Arabs to leave the Jews alone, though it would take much more force than most people realize and the compulsion would have to be maintained for a long time; but force cannot remove a bitter sense of injustice. If the Arabs are to be compelled to keep the peace, they should at least be given assurance that their case will receive a fair hearing and much fairer treatment than it has thus far received from the United Nations or the United States.

Angry denunciation of the Arabs as aggressors does not help. Whether we agree with them or not, we should recognize that from their point of view it is the Zionists who are the invaders and aggressors. At first sight it seems obvious that the armies of Egypt, Trans-Jordan, and the other Arab nations have committed an act of aggression by crossing the borders of Palestine; but whose borders have they crossed, and whose country have they invaded? To their way of looking at it, Palestine is only a part of the Arab territory freed from the Turkish empire by World War I, supposedly for the benefit of its inhabitants. The separation of Palestine under a special mandate has always seemed to them a violation of the promises made to them by the Allies, particularly as the terms of the mandate included the ambiguous but not wholly meaningless Balfour Declaration.

Arab League Stand

With the withdrawal of the mandatory power, it seems to them, the country should now revert to its real owners, the people who inhabited it when the mandate was established. Since the people had no government of their own ready to take over the administration of the country, the Arab League felt itself justified in coming to their defense and preventing them from being overpowered by the aggressive well organized Zionists.

Americans find it hard to understand why the Arabs should not consent to an extension of the truce or a permanent cease-fire agreement if the Jews are willing. The representatives of Israel, realizing that their very existence is dependent upon the favor of the United Nations, have wisely endeavored to be strictly correct in the observance of every request of the organization. The intransigeance of their own extremist elements has been very embarrassing to them, for they know that the support of the United Nations is indispensable for the survival of their state. The Arabs have no such feeling, because their experience has been a series of rebuffs and betrayals. They have lost all confidence in commissions. Their faith in the integrity and sincerity of the United States has been dashed, and when our Government, itself yielding to political pressure, put on a shameless demonstration of power politics and forced through the Assembly a plan which was otherwise obviously doomed to rejection, trust in the possibility of achieving justice through the U. N. was badly shaken.

The subsequent miserable series of unrealistic and contradictory proposals were not calculated to restore their faith. What now appears to be a defiance of the community of nations is therefore a counsel of despair,

To Avert Bloodshed

The one thing which might even now restore some measure of confidence in the United Nations and willingness to accept its mediation would be a commitment to submit the whole question of the basic rights of all the parties to a full and impartial adjudication, preferably by the International Court of Justice. Doubtless this would take time, but many more years of destruction and bloodshed might be averted, and real peace might be at last achieved.

The instructions to the United Nations Special Committee on Palestine last year assumed the legality of the Balfour Declaration and its inclusion in the terms of the British mandate under the League of Nations. The effort of the Arab delegates to secure a reexamination of this question was not merely an attempt to delay action. From the beginning they have denied that the Balfour Declaration was morally or legally justifiable.

The United Nations, in assuming the right as heir of the League of Nations to receive the power over Palestine relinquished by Great Britain, should be willing to reopen the previous question and give the Arab case a full hearing. In its haste to arrive at a practical solution the Assembly only postponed the attainment of any solution at all. No amount of patching and repairing can ever take the place of a solid foundation.

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New Haven, Conn., July 9, 1948.

The writer of the above letter is Winkley Professor of Biblical Theology at the Yale Divinity School and director of the American Schools of Oriental Research at Jerusalem and Baghdad.

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