

mechanisms developed to limit Arab land rights were subsequently used against Jews does provide insight into Israeli governance on another level, by illustrating that when discriminatory practices against a particular social grouping are implemented under the cover of law, they may take root in the country's legal culture and machinery and, ironically, come back to haunt the very group whose interests they were originally thought to serve.

BARGAINING CHIPS

Jewish Property Claims against Arab Countries, by Michael R. Fischbach. New York: Columbia University Press, 2008. xvii + 271 pages. Notes to p. 317. Bibliography to p. 327. Index to p. 355. \$35.00 cloth.

Reviewed by Sami Shalom Chetrit

Michael R. Fischbach's fascinating research portrays in a chronological fashion, and in parallel to the Arab-Israeli conflict, the process by which the Jews of the Muslim world lost not only their property but also, most importantly, the individual right to claim compensation for their loss in their relocation to Israel. Israel, with the collaboration of government-sponsored organizations of Jews from the Arab and Muslim world (mainly the World Organization of Jews from Arab Countries), has silenced property claims and held these as bargaining chips in future negotiations with the Palestinians over the 1948 Palestinian refugee issue. In his previous books, Fischbach, a history professor at Randolph-Macon College, had addressed Palestinian refugee and dispossession issues.

After a short introduction laying out the main questions addressed in the book, the first chapter describes in detail the history of the 1948 war and its consequences with regard to population displacement and property losses. The second and main chapter follows the history of Jewish claims for property losses and the evolution of Israel's "balancing" strategy referred to below. Finally, the third chapter surveys the reality of

Jewish claims today, country by country, up until today's Iraq under U.S. occupation.

According to Fischbach, as early as 1951, the official Israeli position asserted a mutual cancelation of compensation claims on both sides of the conflict: Palestinian refugees on one hand and Jewish Arab refugees on the other. The Israelis believed that this balancing approach would eliminate any future Palestinian compensation claim and, more crucially, the Palestinian claim to the right of return of the 1948 refugees, acknowledged in United Nations Resolution 194. Fischbach's argument throughout the book is that Israel's first prime minister, David Ben-Gurion, and his followers used these Jews as a bargaining chip with regard to the Palestinian refugee issue. While these Jews are regarded as *olim* (Jewish immigrants) in official Zionist historiography, at the negotiation table they were reduced to the status of "refugees." The Israeli logic was therefore that the 1948 war had resulted in relatively similar numbers of refugees on both sides, neither of which should return to their homes. Of course, not only would the return of approximately 750,000 Palestinian refugees to now-Israel be regarded as a disaster by Israelis, but the return of about 800,000 Jews to Arab and Muslim countries could also have been devastating from a demographic perspective.

Later in the book, Fischbach describes Israel's change in strategy on this issue during the 1990s, when it discovered the embarrassing ratio of the value of the property claimed by both sides—22:1 in favor of the Palestinians. This alone has stunted the Israelis' balancing approach, and they have now suggested an international fund to handle both sides' property claims. Rightly so, the Palestinians have rejected this suggestion, refusing to tie the issue of Palestinian refugees to Jewish emigration from the Arab world. In numerous quotations collected by Fischbach, Palestinian leaders reject the notion of balance, arguing that any Jewish claims against Arab countries should be filed with those governments, not with the Palestinians (who bear no responsibility for the relocation of those Jews to Israel). Fischbach's precise data and analysis show that Israel had no real ground for its balancing strategy and that only the case of Palestinian refugees should be discussed in Israeli-Palestinian negotiations.

I wish to bring into this discussion an additional observation from my own radical Mizrahi point of view. We know for a fact,

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and this book supports the theory, that Jews from the Arab and Muslim world were deliberately kept in poverty by Ben-Gurion and his government upon their arrival in Israel. As we have learned from G. N. Giladi (*Discords in Zion*, Scorpion Publishing, 1990) and Na'im Giladi (*Ben Gurion's Scandals*, Gilit Publishing, 1992), in some cases, like that of Iraqi and Yemenite Jews, Israel was involved in their departure without their property. Instructions by immigration officers were to take very few belongings, as Israel would provide for all their needs. In doing so, the Ashkenazi-Zionist government killed two birds with one stone: Not only did they bring in hundreds of thousands of additional Jews to win the demographic battle against the Palestinians, but, more importantly, those helpless, penniless, and dependent Jews also became the proletarian base for the Labor party's "socialist" revolution. The party could now mold them according to their Zionist agenda, using them to settle the occupied Palestinian territories and to staff the factories of the new industrial economy. Had these Arab Jews received compensation, they might instead have moved to the center of the country (metropolitan Tel-Aviv) or left Israel all together.

This book is a must-read for anyone dealing with the Israeli-Palestinian conflict, but it is particularly relevant for Jews from the Arab and Muslim world, for whom it will provide useful and up-to-date data and a deep understanding of the issue.

DISCUSSING TORTURE

Why Not Torture Terrorists? Moral, Practical, and Legal Aspects of the 'Ticking Bomb' Justification of Torture, by Yuval Ginbar. Oxford and New York: Oxford University Press, 2008. xxvii + 349 pages. Annex to p. 364. Bibliography to p. 397. Index to p. 414. \$130.00 cloth.

Reviewed by Marnia Lazreg

Yuval Ginbar's book, *Why Not Torture Terrorists? Moral, Practical, and Legal As-*

pects of the 'Ticking Bomb' Justification of Torture, critically examines the morality of the "ticking bomb" scenario, a fictitious case frequently used by advocates of torture to justify its use under exceptional circumstances "to save lives." Ginbar is an Israeli human rights activist with legal training. The book was first written as a dissertation and incorporates articles that originally appeared in human rights publications. Structured around twenty overlapping chapters, it focuses on two case studies, Israel and the post-9/11 United States, although it also refers to a wide array of cases and methods of torture drawn from Latin America, Africa, and Turkey, among others.

Moving from a depiction of the ideal type of an individual faced with the "dilemma" of torturing a suspect to justifications of torture provided by the state, Ginbar weighs the similarities and differences between two philosophical approaches to torture: the "absolutist," which rejects the use of torture under any circumstance, and the "utilitarian," which approves of torture under exceptional circumstances. He further studies the structure of concrete "models" of legalized torture adopted in Israel; the advocacy of "torture warrants" first formulated by Harvard law professor Alan Dershowitz; the legal maneuverings to justify torture in the United States under the Bush administration; and the status of torture in international law.

Ginbar is emphatic that torture cannot be justified on moral grounds, whether it is inflicted by an individual or by the state. He argues that the ticking bomb justification provides an illusory protection from acts of terror and opens the door to infinite definitions of what constitutes an emergency situation, as well as an unending slippery slope of acts that are far more corrupting and inhumane than those that torture seeks to prevent.

Noteworthy is Ginbar's discussion of the legalization of torture in Israel, as it provides information on this process's historical evolution and its consequences on Palestinian detainees. In 1987, the Landau Commission, looking into the legality of interrogation methods, concluded that the torture of detainees is justified as a lesser "evil" and is allowed by penal law as a "defense of necessity" (p. 173). Consequently, interrogation methods (euphemistically called "pressure") were secretly determined by a ministerial committee, which also instructed members of the General Security Services (Shin Bet)

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