

Who Knows More About The Legal Status Of The Territories Israel Took Possession Of In June, 1967 – Julius Stone Or Denis McDonough?

[Julius Stone.](#)

[Denis McDonough.](#)

The Australian jurist Julius Stone was born in 1907. He spent sixty years studying, researching, and writing about, the law, and a special interest was the law of nations. Roscoe Pound, the Dean of Harvard Law School, described Julius Stone as the most important jurist of his generation. He wrote many books, but the book that is most relevant to the matter clearly at hand – the status of the territories known to the world by their Jordanian name, “the West Bank,” but to the Israelis, to the entire West for 2000 years until the Jordanians carefully renamed it, and to Jesus too, as “Judea” and “Samaria”– is *Israel and Palestine: An Assault on the Law of Nations* (1981).

I realize now that Denis McDonough was born after the Six-Day War. I am of course impressed by his background, coming from a family of 11 in rural Minnesota, playing high school football for a Hall of Fame coach, teaching high school in Belize, working on Capital Hill as an aide, specializing in Latin America affairs, and then working for Mark Lippert, who had caught candidate Barack Obama’s eye, and then when Lippert left, replacing him and then managing to win Obama’s trust for his expert advice and knowledge, and rising high in the national-security hierarchy at the White House. Despite all

these accomplishments, I worry that Denis McDonough may not realize that the phrase "Palestinian people" was never used before that war, not by any Arab historian, Arab diplomat at the U.N., any Arab leader. He may simply think it was always used – and why not, since so many have engaged in nunc-pro-tunc backdating of the phrase, talking about "Palestinian refugees" in histories of the 1948-49 war. He may, for all I know, understand the law of war and peace at the same level as Julius Stone, or as Professor Eugene Rostow, who was for many years Dean of Yale Law School, understood them. But I'd feel more confident in making that generous assumption if there were anything at all, even something as short as Barack Obama's several paragraphs, a "note," that was his sole contribution to the Harvard Law Review when he was its president, that Denis McDonough had written on the legal status of the "West Bank," that then might be compared with the exhaustive study of the subject, by that learned jurist, Professor Julius Stone.