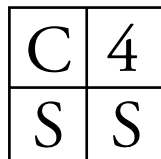


**ABOLISHING ETHNONATIONALISM  
AND THE ETHNOSTATE**  
**With Particular Regard to the  
Israel-Palestine Conflict**

Kevin A. Carson

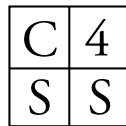


Center for a Stateless Society

KEVIN A. CARSON

ABOLISHING  
ETHNONATIONALISM  
AND THE ETHNOSTATE

With Particular Regard to the  
Israel-Palestine Conflict



Center for a Stateless Society

# Table of Contents

<b>Introduction</b> .....	<b>3</b>
<b>Part I. Ethnonationalism – Colonial and Postcolonial</b> .....	<b>8</b>
Orientalism and Indirect Rule in the Colonial World.....	8
The Postcolonial Inheritance .....	27
Breaking the Chains of Nationalism .....	31
<b>Part II. Israel-Palestine</b> .....	<b>36</b>
Background to the Conflict .....	36
History of conquest and expropriation .....	37
Israel as an Ethnostate .....	58
Official Role of the Religious Establishment in the State.....	72
Zionist Erasure of Jewish Identities .....	73
<b>Part III: Proposed Solutions</b> .....	<b>77</b>
The Path Not Taken – Non-State Zionism.....	77
One State, Two State, and No State Solutions .....	98
One State Solutions.....	98
Two State Solutions .....	100
Disillusionment with the Two-State Solution, the Revival of the Binational State, and	
Confederal or Two-State Solutions .....	103
The No-State Solution .....	112
Getting There From Here .....	116
<b>Conclusion</b> .....	<b>126</b>

## Introduction

The central thesis of this paper – one which will be restated throughout – is the problematic nature of the nation-state, in the sense of a state or polity built around an official ethnicity. The ideology of ethnonationalism, as the basis for the nation-state, is a relatively modern European invention.

Before the rise of the modern nation-state, states were typically imperial and/or dynastic, with communities of different language or ethnicity commingled in the same territory and interacting on a regular basis. This includes precolonial states in Africa and elsewhere in the Global South. According to Mahmood Mamdani:

Writers on African affairs often bemoan the artificial nature of boundaries drawn by colonial powers – artificial in that they cut across cultural communities. This criticism reinforces colonial modernist ideology by suggesting that internal boundaries between ethnic groups territorialized as tribes were somehow natural. Yet the ethnic nations these writers cherish did not necessarily exist as territorialized groups before colonialism. Ethnic political communities were created by colonizers drawing lines between culturally distinct peoples and subjecting them to law said to be customary. The tribal governance that activists seek to protect reflects the politicization of cultural identity.<sup>1</sup>

This state of affairs persisted in many places for long after the initial rise of nation-states in Western Europe: a 19th century linguistic map of Eastern Europe, with islands of ethnic Germans, Magyars, and Slavs in Austria-Hungary, or of various eastern Slavic languages in the Russian Empire, resembles a shotgun scatter.

The state form itself, whether national, imperial, or dynastic, was by no means foreordained either. The “transnational politico-commercial *complex*, centered upon one or several *cities*” (e.g. the Hanseatic League) was also a possibility.<sup>2</sup>

The first national, or ethnic, states to emerge in modern Europe adhered to official ideologies based on a constructed national identity. National states, Etienne Balibar writes, “project beneath their political existence to a preexisting ‘ethnic’ or ‘popular’ unity (into the past, into the depths of ‘civil’ society). ...”<sup>3</sup>

But most modern “nationalities” are indeed artificial constructs, in that they erase the actual

<sup>1</sup> Mahmood Mamdani, *Neither Settler Nor Native: The Making and Unmaking of Permanent Minorities* (London and Cambridge: The Belknap Press of Harvard University Press, 2020), pp. 327-328.

<sup>2</sup> Etienne Balibar, “The Nation Form: History and Ideology,” *Review (Fernand Braudel Center)*, Vol. 13, No. 3 (Summer, 1990), p. 342.

<sup>3</sup> *Ibid.*, p. 331.

## Center for a Stateless Society

ethnic and cultural identities of a majority of the national population. For every such nation that is artificially constructed, many more ethnic groups must be suppressed within its boundaries. The “French” national identity was constructed around one local *langue d’oel* dialect in the Ile de France region, and entailed the suppression of cultural identities of speakers of Provençal and other occitan dialects, Breton, and virtually every other dialect spoken outside the environs of the capital. Likewise the “Spanish,” or Castilian, national identity, which erased Aragonese, Catalan, Leonese, Galician, and Basque identities. So far from empowering a popular majority within a given territory, ethnonationalism and “national self-determination” have been tools for violent assimilation of majorities by minorities.

To illustrate how arbitrary modern-day “national” identities are, consider France, which most people think of as a natural entity, and consider what other entities might have taken its place had, say, the Hundred Years War gone differently. Within the present-day boundaries of “France,” there might instead be a western Plantagenet kingdom united with England, a Burgundian state in the northeast including Belgium and Luxembourg, and an Occitan state in the south – possibly united with Aragon and Catalonia.

Consider how arbitrary the “Russian” national identity is. In late medieval times the Mongols withdrew from the area north of the Black Sea and west of the Volga, leaving an emerging patchwork of many related, overlapping, and more or less mutually intelligible dialects with common Old East Slavic roots. Depending on which of the principalities finally managed to unify the region – if they ever did – the official common language might just as easily have been based on the Novgorodian or Smolenskian dialect. Had Kievan Rus persisted with no Mongol disruption, modern-day Moscow might be an eastern frontier state seeking autonomy from “Russia.” But either way, children today would be taught to view that version of Russia as a natural, unified entity, with a continuous history and foreordained destiny.

As Nandita Sharma points out, the very idea of the nationally-defined state simultaneously entails the transformation of substantial populations into the Other.

National forms of territorialization transform land, water, and air into the territory of a nationally sovereign state and, in the process, forge a naturalized link between a limited group of people and a certain place. As each nation imagines that it has its own place on earth, Nationals come to see themselves as the “*people of a place*.”... Those excluded from the heaven of national belonging in the actual places they live come to be represented as foreign bodies contaminating the national body politic. They are made into the “*people out of place*.”<sup>4</sup>

This tendency is further intensified by “the discourse of *autochthony*” which “restrict[s] national belonging to those who can show they are Native to the nation.”

<sup>4</sup> Nandita Sharma, *Home Rule: National Sovereignty and the Separation of Natives and Migrants* (Durham and London: Duke University Press, 2020), pp. 3-4.

## Center for a Stateless Society

...[E]mbedded in each idea of national sovereignty – or home rule – is the notion that “true” Nationals are those who are Natives of its territory. By restricting the making of claims to sovereignty, territory, and rights to those who are *National-Natives*, discourses of autochthony produce borders even more fortified and difficult to cross than those between National and Migrant.<sup>5</sup>

The construction of nationality is a violent process. “Partitions, expulsions from nationalized territory through “population transfers,” and social and legal exclusion from the nation are par for the course.”<sup>6</sup> This was demonstrated in the policies of the victorious Western Allies in partitioning the former territories of the disintegrated Habsburg Empire after WWI, and in the forced expulsion of ethnic Greeks from the Anatolian coast by Turkish nationalists. The same tendencies again manifested themselves in the Balkan wars, after the collapse of the former Yugoslavia. “In each national territory, people targeted for ‘ethnic cleansing’ were said to be Migrants and thus foreign elements in the national homelands of others. A total of 140,000 people were killed, with another two million people displaced.”<sup>7</sup>

Nationalism and the nation-state had their origins as a modern European ideology; but – much as the expropriation and enclosure of common lands began in early modern Europe and then spread to the colonial world – the ideology of nationalism was used by European colonial powers to remake the colonial world. And, since 1945, it has contaminated and sabotaged most efforts at genuine self-governance in the former colonial world. Ultimately, the only solution is to challenge the nationalist principle itself, and break the link between ethnicity and territorial governance.

Of course, a white Westerner commenting on such issues in the former colonial countries of the Global South should tread lightly. Anarchists are rightly hostile in principle to the idea of exclusive rights to extended territory grounded in ethnicity. As Center for a Stateless Society comrade William Gillis notes, the concept of Indigenous anarchism, of territorial sovereignty enforced by borders, “causes a lot of suspicion and ire from anti-nationalists” – himself not least among them.

Nevertheless, both he and comrade Emmi Bevenssee are agreed on the need for nuance, and for extra care in speaking on matters outside of many of our experiences. As Gillis writes, we should “be nuanced in how we attack nationalism, how we distinguish and interact with expressions of “indigenous nationalism,” and what critiques we prioritize with our time...”

I am not urging western anarchists to intrude on indigenous activists like some kind of colonial anthropologist to sneer and offer peanut gallery advice from immediate perceptions. Those of us on the outside of any tradition or culture or discourse should generally follow the lead of those anarchists on the inside. Becoming familiar

<sup>5</sup> *Ibid.*, p. 7.

<sup>6</sup> *Ibid.*, pp. 13-14.

<sup>7</sup> *Ibid.*, p. 10.

## Center for a Stateless Society

enough with a space to critique in detail productively rather than wasting people's time is an arduous journey....

There are of course significant differences between variants of "indigenous nationalism," "global south nationalism," and the direct colonial settler nationalisms of the west. Many more important subdivisions, distinctions, and addenda are possible. Pragmatism and strategy are frequently called for. Even while anarchists should resolutely say what only those with our aspirational... values can say, there is a place for collaboration and holding our tongues....<sup>8</sup>

And despite the historical connections of Indigenous nationalism to imperial divide and rule strategies and to the earlier European ideologies of ethnonationalism, Bevenssee notes, the differences of Indigenous nationalism "are dramatic enough to warrant much greater nuance than the discourse currently has...."<sup>9</sup> Further, colonized and Indigenous people may feel they have little choice in adopting the language of nationalism and sovereignty.

Even when Indigenous and global south radicals are forced to play the game of settler nationalism, we must acknowledge the power differentials at play. In most cases they are faced with the choice of genocide, both cultural and literal, or playing the colonial game.<sup>10</sup>

And despite his less ambivalent hostility toward nationalism, Gillis to a considerable extent concurs:

Today it's common for indigenous activists to use "nationalism" in self-identification. The conscious embrace of the western term was intended to emphasize an equal status that westerners didn't recognize with terms like "tribes". Nationalism is seen as a language and framework that can be appropriated and redefined. Further many see it as one thrust upon them.<sup>11</sup>

Nevertheless, nationalism is a conceptual straitjacket insofar as it "collapses the vast diversity of perspectives that I've heard from my indigenous friends and comrades."<sup>12</sup> Perhaps worst of all, it accepts an essentializing, Orientalist narrative imposed on Indigenous peoples by colonizers, and in so doing suppresses the richness and complexity of actual precolonial history and identities. "*Imperialist and settler-colonial practice thus shaped and constructed indigenous*

<sup>8</sup> William Gillis, "The Continuing Obfuscation of Nationalism," *Human Iterations*, October 18, 2018 <<https://humaniterations.net/2018/10/18/the-continuing-obfuscation-of-nationalism>>.

<sup>9</sup> Emmi Bevenssee, "Settler Anarchists Should Tread Lightly Around Indigenous Anarchism," Center for a Stateless Society, October 2, 2018 <<https://c4ss.org/content/51335>>.

<sup>10</sup> *Ibid.*

<sup>11</sup> Gillis, "The Continuing Obfuscation of Nationalism."

<sup>12</sup> *Ibid.*

## Center for a Stateless Society

*subjectivities....*” It “removed all fluidity and activity” from subject populations, “[r]atcheting up the definition and immobilization inherent to any construct of nativeness, hoping to impose such to the point of rigor mortis.”<sup>13</sup>

Both the colonial project of imposing essentialist identities for the sake of divide-and-rule considerations, or for simplification and legibility,<sup>14</sup> and the adoption by the colonized of those identities in self defense, obscure all the historical nuances of commingling and interpenetration, cultural diffusion, and cosmopolitanism, between actual peoples. For example:

Pushing back against the limited carrying capacity of their environment, peoples of the great plains sought to transcend and surpass the micronationalisms of tribes, coming together in great cosmopolitan convergences. This attempt to move beyond nationalism is deeply inspiring. Just as there were empires and problematic societies across Turtle Island before the genocides, so too were there myriad projects of human liberation shining through....<sup>15</sup>

All things considered, I thought it best in this paper to highlight the voices of the colonized or formerly colonized themselves as much as possible, in examining the problematic aspects of Indigenous nationalism. Fortunately, three such voices – Edward Said, Nandita Sharma, and Mahmood Mamdani – are also three of the finest scholars of the subject. As such, I have relied heavily on them in writing this study.

<sup>13</sup> Gillis, “Partition & Entanglement: Review of Home Rule by Nandita Sharma,” Center for a Stateless Society, January 11, 2022 <<https://c4ss.org/content/55841>>.

<sup>14</sup> A concept developed by anthropologist James C. Scott in *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (Yale University Press, 1998) and *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* (Yale University Press, 2010).

<sup>15</sup> Gillis, “The Continuing Obfuscation of Nationalism.”

# Part I. Ethnonationalism – Colonial and Postcolonial

## Orientalism and Indirect Rule in the Colonial World

European empires, particularly from the mid-19th century on (e.g. Britain's imperial policy in India after the rebellion of 1857, and in Africa after the defeat of the Mahdiyyah in 1898), had an orientalist tendency to essentialize ethnicity in connection with a given territory: "the idea that a primordial relationship existed between a certain group of people and a designated place."<sup>16</sup>

I use the term "orientalist" in Edward Said's sense. Orientalism, for Said, is a "radical realist" (in the Scholastic sense) approach by European rulers to understanding the peoples and cultures of the colonial world: that is, they "designate, name, point to, fix what he is talking or thinking about with a word or phrase, which then is considered either to have acquired, or more simply to be, reality."<sup>17</sup> Said also uses the term "textualist" to characterize the orientalist approach.

It seems a common human failing to prefer the schematic authority of a text to the disorientations of direct encounters with the human....

...Many travelers find themselves saying of an experience in a new country that it wasn't what they expected, meaning that it wasn't what a book said it would be. And of course many writers of travel books or guidebooks compose them in order to say that a country is like this, or better, that it is colorful, expensive, interesting, and so forth. The idea in either case is that people, places, and experiences can always be described by a book, so much so that the book (or text) acquires a greater authority, and use, even than the actuality it describes.<sup>18</sup>

The actual tribal and ethnic identities, traditional offices like *zamindar*, etc., which colonial authorities absolutized and fixed in stone, are nowhere near as absolute and distinct in real life, and are indeed expressed much more partially, ambivalently and ad hoc – more *messily* – in real life than in the essentialized categories of orientalist thought. In the latter, every person, group and institution can be instantly pigeonholed into its proper place in the schema.

...Orientalism overrode the Orient. As a system of thought about the Orient, it always rose from the specifically human detail to the general transhuman one; an

<sup>16</sup> Sharma, *Home Rule*, p. 8.

<sup>17</sup> Edward Said, *Orientalism* (London: Pantheon Books, 1977, 2003), p. 72.

<sup>18</sup> *Ibid.*, pp. 92-93.

## Center for a Stateless Society

observation about a tenth-century Arab poet multiplied itself into a policy towards (and about) the Oriental mentality in Egypt, Iraq, or Arabia. Similarly a verse from the Koran would be considered the best evidence of an ineradicable Muslim sensuality. Orientalism assumed an unchanging Orient, absolutely different (the reasons change from epoch to epoch) from the West. And Orientalism, in its post-eighteenth-century form, could never revise itself.<sup>19</sup>

...The Orientalists... saw Islam, for example, as a “cultural synthesis”... that could be studied apart from the economics, sociology, and politics of the Islamic peoples. For Orientalism, Islam had a meaning which, if one were to look for its most succinct formulation, could be found in Renan’s first treatise: in order best to be understood Islam had to be reduced to “tent and tribe.” The impact of colonialism, of worldly circumstances, of historical development: all these were to Orientalists as flies to wanton boys, killed – or disregarded – for their sport, never taken seriously enough to complicate the essential Islam.<sup>20</sup>

...If Islam is flawed from the start by virtue of its permanent disabilities, the Orientalist will find himself opposing any Islamic attempts to reform Islam, because, according to his views, reform is a betrayal of Islam....<sup>21</sup>

So for the orientalist, taxonomies become reductive categories that are more real than the individuals comprising them. Tribe, clan, language, and sect are essentialized into eternal categories, and in Western dealings with the Orient no policy is permitted – like acknowledging the fact of people relating to one another and addressing ordinary problems in the same ways as people elsewhere – which might disrupt or blur these categories.

In practice this notion has meant that when Orientals struggle against colonial occupation, you must say... that Orientals have never understood the meaning of self-government the way “we” do. When some Orientals oppose racial discrimination while others practice it, you say “they’re all Orientals at bottom” and class interest, political circumstances, economic factors are totally irrelevant. Or with Bernard Lewis, you say that if Arab Palestinians oppose Israeli settlement and occupation of their lands, then that is merely “the return of Islam,” or, as a renowned contemporary Orientalist defines it, Islamic opposition to non-Islamic peoples, a principle of Islam enshrined in the seventh century. History, politics, and economics do not matter. Islam is Islam, the Orient is the Orient, and please take all your ideas about a left and a right wing, revolutions, and change back to Disneyland.<sup>22</sup>

<sup>19</sup> *Ibid.*, p. 96.

<sup>20</sup> *Ibid.*, p. 105.

<sup>21</sup> *Ibid.*, p. 106.

<sup>22</sup> *Ibid.*, p. 107.

## Center for a Stateless Society

Orientalists “conceive of humanity either in large collective terms or in abstract generalities. Orientalists are neither interested in nor capable of discussing individuals; instead artificial entities... predominate.”<sup>23</sup> They engage in a “radical typing”:

Thus within broad, semi-popular designations such as “Oriental” there were some more scientifically valid distinctions being made; most of these were based principally on language types – e.g., Semitic, Dravidic, Hamitic – but they were quickly able to acquire anthropological, psychological, biological, and cultural evidence in their support. Renan’s “Semitic,” as an instance, was a linguistic generalization which in Renan’s hands could add to itself all sorts of parallel ideas from anatomy, history, anthropology, and even geology. “Semitic” could then be employed not only as a simple description or designation; it could be applied to any complex of historical and political events in order to pare them down to a nucleus both antecedent to and inherent in them. “Semitic,” therefore, was a transtemporal, transindividual category, purporting to predict every discrete act of “Semitic” behavior on the basis of some pre-existing “Semitic” essence, and aiming as well to interpret all aspects of human life and activity in terms of some common “Semitic” element.<sup>24</sup>

As Anouar Abdel Malek further elaborates, orientalism “consider[s] the Orient and Orientals as an ‘object’ of study, stamped with an otherness – as all that is different... – but as a constitutive otherness, of an essentialist character...” It “adopt[s] an essentialist conception of the countries, nations and peoples of the Orient under study, a conception which expresses itself through a characterized ethnist typology...”<sup>25</sup> As an example, Malek cites the Orientalist scholar Louis Massignon, who saw, “at the base of the Arab conflict, this fratricidal hatred between Israel and Ismael.”<sup>26</sup>

Orientalists study the past entirely in terms of “its cultural aspects – notably the language and religion – detached from social evolution.”<sup>27</sup>

“Tribes” and “traditional institutions,” as European colonialists understood them, were almost entirely artificial constructs imposed on the ruled populations. Ethnicity, in the actual precolonial lives of the people, was nowhere near the totalizing category into which it was transformed by colonial authorities. “Colonized peoples,” Mamdani observes, “lacked this subjectivity [of defining oneself by membership in the nation] until Europeans foisted it on them.” But it was done to the colonized in much the same way “as this subjectivity was foisted on Europeans themselves, at least in the early days of the nation-state. The Castilians had to impose the nation in order to make it thinkable. Later Europeans, steeped in the idea of the

<sup>23</sup> *Ibid.*, pp. 154-155.

<sup>24</sup> *Ibid.*, p. 231.

<sup>25</sup> Anouar Abdel Malek, “Orientalism in Crisis,” *Diogenes* 44 (Winter 1963), p. 50.

<sup>26</sup> *Ibid.*, p. 51.

<sup>27</sup> *Ibid.*, p. 51.

nation, could hardly think of any other.”<sup>28</sup>

Did tribe exist before colonialism? If we understand by tribe an ethnic group with a common language, it did. But tribe as an administrative entity that distinguishes between natives and non-natives and systematically discriminates in favor of the former and against the latter – defining access to land and participation in local governance and rules for settling disputes according to tribal identity – certainly did *not* exist before colonialism. One may ask: did race exist before racism? As differences in pigmentation, or in phenotype, it did. But as a fulcrum for group discrimination based on “race” difference, it did not. The consensus among contemporary scholars of race is that while race does not exist, racism – a system of discrimination [sic], legal or social, based on the perception or conviction that race is real – does exist. Like race, tribe became a single, exclusive, and total identity only with colonialism. Above all, tribe was a politically driven, modern – *totalizing* – identity.<sup>29</sup>

Before the rise of colonialism in the Global South, as before the rise of nationalism in Europe, the imagined communities in which people mentally placed themselves were constructed around religious identities or dynastic realms.<sup>30</sup> Benedict Anderson writes:

Communities are to be distinguished, not by their falsity/genuineness, but by the style in which they are imagined. Javanese villagers have always known that they are connected to people they have never seen, but these ties were once imagined particularistically – as indefinitely stretchable nets of kinship and clientship.<sup>31</sup>

As already mentioned previously, European empires increasingly shifted from the mid-19th century on toward a policy of indirect rule, based on essentialist and largely constructed ethnic or tribal identities and “customary” native authorities, which the colonial powers imposed on the ruled populations. This policy heavily reflected the orientalist understanding of ethnic identity and customary society described above.

This understanding required the conscious or unconscious repression of any evidence of complexity or cosmopolitanism, or of larger political societies not based on particular tribal identity that were not the product of outside influences. Nineteenth century historians, as Mamdani quotes Nigerian historian Yusuf Bala Usman, operated on the assumption that the

<sup>28</sup> Mamdani, *Neither Settler Nor Native*, p. 3.

<sup>29</sup> Mamdani, *Define and Rule: Native as Political Identity* (Cambridge and London: Harvard University Press, 2012), pp. 73-74.

<sup>30</sup> Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. Revised Edition (London and New York: Verso, 1983, 2006), pp. 12-22.

<sup>31</sup> *Ibid.*, p. 6.

## Center for a Stateless Society

“basic units of the society and history are races, nations, and tribes.”<sup>32</sup>

If it could be shown that people lived in multi-ethnic communities, what would be the reason to hold on to the prejudice that kinship was the only key to understanding their lives – social, political, and cultural?<sup>33</sup>

If any one figure linked the orientalist approach to history with European policies of indirect colonial rule, it was Henry Sumner Maine. For Maine, the “native” and their “tribal” identities were static, standing outside history.

Maine sought to recognize the historicity and the agency of the colonized as part of an endeavor to rethink and reconstitute the colonial project on a more durable basis. Through a theory of history and a theory of law, he distinguished the West from the non-West and a universal civilization from local custom. In the process, he distinguished the settler from the native, providing elements of a theory of nativism: if the settler was modern, the native was not; if history defined the settler, geography defined the native; if legislation and sanction defined modern political society, habitual observance defined that of the native. If continuous progress was the mark of settler civilization, culture was best thought of as part of nature, fixed and unchanging.<sup>34</sup>

And by definition, the native in a “primitive society” was incapable of any identity above the tribal level, unless it were imposed from outside:

But when it came to the colonies, Maine insisted on the purity of phenomena; thus his insistence on privileging evidence from the isolated but uncontaminated interior over that from the cosmopolitan and therefore contaminated coast of India.... These intellectuals had constructed a binary between the West and the non-West, one based less on observation than on conception, so much so that the same observations were interpreted in sharply opposite ways: developments ascribed to urbanization, cosmopolitanism, and progress in the West were seen as outcomes of impurity and miscegenation in the non-West.

The existence of multi-ethnic states above the level of clan and tribe, and cosmopolitan cities, was seen as something always imposed on preexisting tribal societies by outside “Hamitic” invaders.<sup>35</sup> In reality, of course, it was this essentialized tribal identity that was imposed.

<sup>32</sup> Mamdani, *Define and Rule*, p. 93.

<sup>33</sup> *Ibid.*, p. 97.

<sup>34</sup> *Ibid.*, p. 6.

<sup>35</sup> *Ibid.*, p. 104.

## Center for a Stateless Society

Unlike what is commonly thought, native does not designate a condition that is original and authentic. Rather, as in Maine, the native is the creation of the colonial state: colonized, the native is pinned down, localized, thrown out of civilization as an outcast, confined to custom, and then defined as its product.<sup>36</sup>

This understanding of “native” identity, upon which Maine was the greatest influence, formed the basis of colonial administration.

From Alfred Lyall in India to Frank Swettenham in Malaya, Theophilus Shepstone in Natal, Lord Cromer in Egypt, Frederick Lugard in Nigeria and Uganda, Harold MacMichael in Sudan, and Donald Cameron in Tanganyika, colonial administrators throughout the empire translated the assumptions around which Maine had marshaled his arguments – particularly in his well-known text, *Ancient Law* – into policies. The result was a mode of rule undergirded by a set of institutions – a racialized and tribalized historiography, a bifurcation between civil and customary law, and an accompanying census that classified and enumerated the native population into so many “natural” groups.<sup>37</sup>

The policy of indirect rule through artificially constructed “native authorities” was pioneered in India after the rebellion of 1857.

...[T]he reforms of 1862 promulgated multiple personal codes: “one code for each recognized religious group.” Aptly summed up by Scott Alan Kugle, “This sealed the division between Hindu and Muslim, and in addition broke the Muslim community into its constituent ‘sects,’ each with its own code of law.” The period after 1857 marked a sharp break in the legal sphere between the Moghul polity and British rule. When it came to non-Muslim communities, Moghul policy left each community “to administer its own law to its own members through its own specialists as long as the community maintained certain limits on public religious practices and offered up financial compensation in taxes.” The big difference with British rule was that “the Mughal polity never took up as a state project to administer a community’s laws to that community.” Whereas the Moghuls, like the Ottomans, related to communities as historically defined, the British actively defined and shaped community identities.

In the period that followed, the native was classified and reclassified, each time in response to political necessity, but always in the language of cultural difference and cosmopolitan tolerance. Claiming to protect authenticity against the threat of progress, the settler defined and pinned the native.<sup>38</sup>

<sup>36</sup> *Ibid.*, pp. 2-3.

<sup>37</sup> *Ibid.*, p. 7.

<sup>38</sup> *Ibid.*, pp. 29-30.

## Center for a Stateless Society

From India, it spread to British Africa – especially in the period of rapid colonial expansion following the Berlin Conference.

Under indirect rule, the governance of the native was the prerogative of the *native authority*. As a form of governance, *native administration* claimed to be faithful to tradition and custom, which it defined in the singular, more or less unchanged since time immemorial. No matter its local variations, a core set of rules defined the “customary” in indirect rule colonies. They functioned as the gold standard. The rules concerned land and governance. Land in a colony was defined exclusively as a composite of different homelands, each the home of a designated native tribe. Only those officially designated as natives could claim land rights in the tribal homeland. As a result, participation in public affairs was no longer the right of all those who lived on the land; instead, it became the exclusive preserve of natives said to belong to the homeland.<sup>39</sup>

This involved, in practical terms, an intensive process of enumeration and classification of the Empire’s new subjects.

First, the census divided the population into two kinds of groups; some were tagged as races and others as tribes. When a census-taker entered your name, it was either as member of a race or as member of a tribe. What determined whether you belonged to a race or a tribe? The distinction was not between colonizer and colonized, but between native and nonnative. *Non-natives* were tagged as *races*, whereas *natives* were said to belong to *tribes*. *Races* were said to comprise all those officially categorized as not indigenous to Africa, whether they were indisputably foreign (Europeans, Asians) or whether their foreignness was the result of an official designation (Arabs, Colored, Tutsi). *Tribes*, in contrast, were all those defined as indigenous in origin. Rather than highlight the distinction between colonizers and colonized, the race-tribe distinction cut through the single category – colonized – by politically distinguishing those indigenous from those foreign. When the state officially distinguished nonindigenous races from indigenous tribes, it paid heed to one single characteristic, *origin*, and totally disregarded all subsequent developments, including, *residence*. By obscuring an entire history of migrations, the state portrayed the native as the product of geography rather than history.

Second, the race-tribe distinction had a direct legal significance. Whether a person was defined as belonging to a race or a tribe determined the law under which that person would live. All *races* were governed under a single law: civil law. This, however, was not true of tribes and the law under which they were governed: customary law. There was never a single customary law to govern all tribes as

<sup>39</sup> *Ibid.*, p. 3.

## Center for a Stateless Society

natives, as one racialized group. Each *tribe* was ruled under a separate set of laws; there were thus as many sets of customary laws as there were said to be tribes....

...Even if their languages were similar and mutually intelligible, *tribes* were governed under separate laws, called “customary” laws, which were in turn administered by ethnically defined native authorities.... [C]ultural difference was reinforced, exaggerated, and built up into different legal systems, each enforced by a separate administrative and political authority.<sup>40</sup>

The French policy in Algeria, as Sai Englert describes it, was similar. It was a threefold approach:

control the Indigenous population through geographic containment and separation, emphasise and institutionalise supposedly innate religious and ethnic differences between different Indigenous groups, and create a handpicked ‘Indigenous elite’ to whom the day-to-day running of settler rule could be outsourced – always under the settler state’s tight supervision.<sup>41</sup>

French administrative policy in its West African colonies relied, more broadly, on the concept of the *autochthon*.

For the administrator and ethnographer Maurice Delafosse, for instance, later to become a towering figure in organizing French rule in West Africa, autochthony was a kind of first criterion in his seminal three-volume *Haut-Sénégal-Niger*. He used it as a first step in categorizing the dazzling variety of *indigènes*: Some *indigènes* were *autochthons*, whereas others definitely were not. His emphasis on this distinction was derived from the *politique des races*, a fixed principle for setting up a colonial administration during the early decades of French rule. Unlike the British with their Indirect Rule, which concentrated on finding “real” chiefs, French policy, at least initially, was to by-pass chiefs (who might prove troublesome) in favor of homogeneous cantons, populated by the same *race*; hence, ruling immigrant groups had to be distinguished from true *autochtones*. In practice, however, the French as well soon resorted to involving local chiefs in the administration of the new colonies.<sup>42</sup>

This required, again, studied ignorance of the actual complexity of African society, and the continent’s history of large-scale, multi-ethnic and cosmopolitan, political units organized along the same dynastic lines as European empires.

<sup>40</sup> *Ibid.*, pp. 46-49.

<sup>41</sup> Sai Englert, *Settler Colonialism: An Introduction* (London: Pluto Press, 2022), p. 90. Pagination is from Cloud Convert pdf conversion of the epub version hosted at Library Genesis <<https://libgen.is/book/index.php?md5=C4DE84CB1D4D4A22A1A942539C0C384A>>.

<sup>42</sup> Bambi Ceuppens and Peter Geschiere, “Autochthony: Local or Global? New Modes in the Struggle over Citizenship and Belonging in Africa and Europe,” *Annual Review of Anthropology* 34 (2005), p. 388.

## Center for a Stateless Society

Colonial powers were concerned first and foremost with establishing the credentials of their native allies as traditional and authentic. They were preoccupied with defining, locating, and anointing the traditional authority – in the singular. We need to remember that African colonies did not share with early modern Europe the political history of an absolutist state. This means that the rule-making authority was not in the singular but always plural. Instead of a centralized state authority whose writ was law – in all social domains – the practice was for different authorities to define the convention in different domains of social life. Besides chiefs, the definers of tradition could come from women’s groups, age groups, clans, religious groups, and so on.

Once a single authority, called the chief, was exalted as *the* traditional authority, it was a short step to define tradition, too, as single, noncontradictory, and authoritative. Marked by two characteristics, age and gender, the authority of the chief was inevitably patriarchal. With its “indirect rule” allies ensconced as “customary,” the colonial state became both the custodian and the enforcer of tradition. Enforcing tradition became a way of entrenching colonial power. The fact is that colonial powers were the first political fundamentalists of the modern period. They were the first to advance and put into practice two propositions: one, that every colonized group has an original and pure tradition, whether religious or ethnic; and two, that every colonized group must be made to return to that original condition, and that the return must be enforced by law. Put together, these two propositions constitute the basic platform of every political fundamentalism in the colonial and the postcolonial world.<sup>43</sup>

This cartoonish pigeonholing of people into ethnic categories, as their primary source of identity and political affiliation, meant stratifying people of multiple ethnicities, who had peacefully coexisted time out of mind in common societies, into artificial categories of rulers and ruled based solely on ethnicity.

Natives were said to be tribal by nature and the practice of governing them was called native administration. At the heart of native administration was an administrative distinction between native and non-native tribes. Non-natives were identified as such no matter how many generations they had lived in the area, for no amount of time could erase the difference in origin. Every colony was divided into so many tribal homelands, each homeland identified with a tribe administratively tagged as native. Immigrants wanting access to land could only do so as “strangers” who had to pay a specified tribute to chiefs in the native authority. Colonial customary law acknowledged only one form of stable land tenure: the customary right of use in the tribal homeland.

<sup>43</sup> Mamdani, *Define and Rule*, pp. 49-50.

## Center for a Stateless Society

The native identity involved three distinct privileges. The first was right of access to land. The second involved right of participation in the administration of the native authority. Chiefs in the native authority could only be appointed from among those identified as natives. It was only at the lowest level of administration – the lowest tier of the native authority – that one could find village headmen from resident non-native tribes in a tribal homeland. The higher the level of native authority, the stricter was the observance of the colonially sanctioned custom that only natives have the right of representation and governance in the homeland. The third privilege was in the area of dispute settlement, for every native authority settled disputes on the basis of customary laws that privileged natives.

The institutionalized regime of inequality between supposedly original residents and subsequent immigrants led to a monoethnic administration ruling over a multiethnic society.<sup>44</sup>

It's noteworthy that the customary right of use was collectively vested, not in particular functional units like village communities, but in the ethnic group. So even when a village of "foreign" tribespeople had existed in an area for many generations, the tribal homeland amounted to an absentee landlord.

The British protectorate in Malaya took a similar approach to that employed earlier in India and Africa.

Swettenham put the regime of protection into effect in Malaya. It turned around a definition of two different kinds of natives: aboriginal and civilized. The 1874 Treaty of Pangkor, which marked the beginning of British colonization of the Malay states, officially defined a Malay as "one who habitually speaks Malay, professes the religion of Islam and practices Malay customs." This definition continues to be enshrined in Article 160 of the Malay Constitution. The official declaration had a double effect. One, it allowed for many immigrant Muslims to be assimilated into the Malay identity. As a result, Muslim migrants from near and far – from the surrounding Dutch East Indies archipelago to the Arab peninsula – were able to *masuk Melayu* ("become Malay") through the adoption of the Malay language (*bahasa*) and custom (*adat*). Two – and this was its opposite effect – it turned non-Muslims who had hitherto been as Malay as Muslim Malays into the aborigines they are considered to be today....

The political order established at independence in 1957 distinguished between two groups of Malay: the Muslim ("Malay") and the non-Muslim ("Orang Asli"). The two categories were identified with different rungs of the racial ladder: whereas Muslim Malay were officially acknowledged as civilized, civilized by religion; the Orang Asli, the aboriginal native, was consigned to the lowest rung of the civiliza-

<sup>44</sup> *Ibid.*, pp. 51-52.

tional ladder.<sup>45</sup>

But as Benedict Anderson points out, it's "extremely unlikely" that at the time of the Federated Malay States Census of 1911, which categorized the population by ethnic group,

more than a tiny fraction of those categorized and subcategorized would have recognized themselves under such labels. These 'identities,' imagined by the (confusedly) classifying mind of the colonial state, still awaited a reification which imperial administrative penetration would soon make possible. One notices, in addition, the census-makers' passion for completeness and unambiguity. Hence their intolerance of multiple, politically 'transvestite,' blurred, or changing identifications. Hence the weird subcategory, under each racial group, of 'Others' – who, nonetheless, are absolutely not to be confused with *other* 'Others.' The fiction of the census is that everyone is in it, and that everyone has one – and only one – extremely clear place. No fractions.<sup>46</sup>

...At the same time, there were frequent endeavours to force a better alignment of census with religious communities by – so far as was possible – politically and juridically ethnicizing the latter. In the Federated States of colonial Malaya, this task was relatively easy. Those whom the regime regarded as being in the series 'Malay' were hustled off to the courts of 'their' castrated Sultans, which were in substantial part administered according to Islamic law. 'Islamic' was thus treated as really just another name for 'Malay.'<sup>47</sup>

The Dutch authorities in the East Indies, similarly, "allocated proselytizing zones to different missionary groups according to its own census-topography." The result was "the growth of 'ethnic' Christianities (the Batak Church, the Karo Church, later the Dayak Church, and so on)."<sup>48</sup>

The peoples living under these artificially constructed sectarian or ethnic identities were subjected to the rule of "traditional" native officials, whose authority was absolutized and freed from previous customary controls, in much the same way as the zamindars in Bengal under Warren Hastings.

The native agents administering customary law [in Natal] would be called chiefs. Their powers were formalized through statutes of 1849, 1878, and 1891. 3 These were draconian laws by any standard. The tribal chief was a local despot who could requisition tribesmen for any number of purposes, including "defense, or to suppress disorder or rebellion, or as laborers for public works, or for the general needs of the

<sup>45</sup> *Ibid.*, pp. 31-33.

<sup>46</sup> Anderson, *Imagined Communities*, pp. 165-166.

<sup>47</sup> *Ibid.*, p. 170.

<sup>48</sup> *Ibid.*, p. 170.

colony?”...

The regime of absolute control reorganized relations within Zulu society, establishing a rigid patriarchy in which the native head man of each kraal, or village, exercised total authority over minors and women within his domain. By law he was the “absolute owner of all property belonging to his kraal,” and it was his duty to “settle all disputes” within. All residents of a kraal were “minors in law,” except for married men, widowers, and adult men “not related to the kraal head.” Unless exempted by civil legal authorities, women were “always considered minors and without independent power.” They could “neither inherit nor bequeath.” All income was controlled by the head of the kraal, who was given powers to disinherit any minor who may disobey him. Kraal heads also had police powers, ranking as “constables within the precincts of their own kraals and... authorized to arrest summarily any person therein.” Kraal heads were also given powers to “inflict corporal punishment upon inmates of their kraals” for “any just cause.” The code went on to specify the type of salute natives must give and the manner in which they must hail each category of official, from the white supreme chief to the native headman.<sup>49</sup>

Along with artificially constructed “tribal” identities and corresponding “native” governing authorities, came the imposition of a “customary” law which was similarly artificial.

Those categorized as Indigenous-Natives were subject to a new imperial regime of “protection,” one that worked to enclose them within “custom.” Colonialism was now portrayed as necessary, not to change Indigenous-Natives (e.g., to “civilize” them), but to preserve their (often invented) traditions and customs as they encountered the “modern” world.... The governance of Indigenous-Natives through appointed “Native authorities” became the new governmentality of imperial states.<sup>50</sup>

Within the borders of [of colonies and settler states] were and remain inhabitants subject to another kind of law: customary law. The people governed by it are members of native tribes, so called because the civil law groups them that way. If this sounds circular, it is: natives are not natives because of anything essential to them but because they were created as natives in law by settlers. Like civil law, customary law is unequal. It can offer its native enforcers capricious and tyrannical authority over other natives.

But customary law... is in no sense traditional. It is not a practice predating colonization. Customary law, like civil law, is created by settlers. The particular practices and norms associated with customary law are sometimes inspired by those of an era preceding colonialism, but customary law’s authority over natives, and the

<sup>49</sup> Mamdani, *Neither Settler Nor Native*, pp. 151-152.

<sup>50</sup> Sharma, *Home Rule*, p. 23.

## Center for a Stateless Society

authority of natives to wield it, derives from statutes of the civil law. Those who write the civil law ultimately determine what the customary law is, while the natives themselves serve as customary law's custodians, implementing it within the tribal territory. Together, the authors and enforcers of law determine, say, who gets to be a tribal member, which land the member may own or use, what religion the member may practice, how the member is to dress and groom himself, or whether the member is at liberty or detained.<sup>51</sup>

As Terence Ranger put it, "British administrators set about inventing African traditions for Africans.... They set about to codify and promulgate these traditions, thereby transforming flexible custom into hard prescription."<sup>52</sup>

A profound misunderstanding was at work here. In comparing European neo-traditions with the customary in Africa the whites were certainly comparing unlike with unlike. European invented traditions were marked by their inflexibility. They involved sets of recorded rules and procedures – like the modern coronation rites. They gave reassurance because they represented what was unchanging in a period of flux. Now, when Europeans thought of the customary in Africa, they naturally ascribed to it these same characteristics. The assertion by whites that African society was profoundly conservative – living within age-old rules which did not change; living within an ideology based on the absence of change; living within a framework of clearly defined hierarchical status – was by no means always intended as an indictment of African backwardness or reluctance to modernize. Often it was intended as a compliment to the admirable qualities of tradition, even though it was a quite misconceived compliment. This attitude towards 'traditional' Africa became more marked as whites came to realize in the 1920s and 1930s that rapid economic transformation was just not going to take place in Africa and that most Africans had to remain members of rural communities, or as some whites came to dislike the consequences of the changes which had taken place. The African collaborators... then came to seem less admirable than 'real' Africans, still presumed to be inhabiting their own, appropriate universe of tradition.

The trouble with this approach was that it totally misunderstood the realities of pre-colonial Africa. These societies had certainly valued custom and continuity but custom was loosely defined and infinitely flexible. Custom helped to maintain a sense of identity but it also allowed for an adaptation so spontaneous and natural that it was often unperceived. Moreover, there rarely existed in fact the closed

<sup>51</sup> Mamdani, *Neither Settler Nor Native*, p. 146.

<sup>52</sup> Terence Ranger, "The Invention of Tradition in Colonial Africa," in Eric Hobsbawm and Terence Ranger, eds., *The Invention of Tradition* (Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, Sao Paulo: Cambridge University Press, 1983), p. 212.

## Center for a Stateless Society

corporate consensual system which came to be accepted as characteristic of ‘traditional’ Africa. Almost all recent studies of nineteenth-century pre-colonial Africa have emphasized that far from there being a single ‘tribal’ identity, most Africans moved in and out of multiple identities, defining themselves at one moment as subject to this chief, at another moment as a member of that cult, at another moment as part of this clan, and at yet another moment as an initiate in that professional guild. These overlapping networks of association and exchange extended over wide areas. Thus the boundaries of the ‘tribal’ polity and the hierarchies of authority within them did *not* define conceptual horizons of Africans....

Similarly, nineteenth-century Africa was not characterized by lack of internal social and economic competition, by the unchallenged authority of the elders, by an acceptance of custom which gave every person – young and old, male and female – a place in society which was defined and protected.<sup>53</sup>

...The most far-reaching inventions of tradition in colonial Africa took place when the Europeans believed themselves to be respecting age-old African custom. What were called customary law, customary land-rights, customary political structure and so on, were in fact *all* invented by colonial codification.<sup>54</sup>

Ranger quotes the Dutch social scientist Wim van Binsbergen: “Modern Central Africa tribes are not so much survivals from a pre-colonial past but rather largely colonial creations by colonial officers and African intellectuals....”<sup>55</sup>

He also quotes the historian John Iliffe on the nearly whole-cloth invention of “tribes” in Tanganyika by colonial authorities:

The notion of the tribe lay at the heart of indirect rule in Tanganyika. Refining the racial thinking common in German times, administrators believed that every African belonged to a tribe, just as every European belonged to a nation. The idea doubtless owed much to the Old Testament, to Tacitus and Caesar, to academic distinctions between tribal societies based on status and modern societies based on contract, and to the post-war anthropologists who preferred ‘tribal’ to the more pejorative word ‘savage’. Tribes were seen as cultural units ‘possessing a common language, a single social system, and an established common law’. Their political and social systems rested on kinship. Tribal membership was hereditary. Different tribes were related genealogically.... As unusually well-informed officials knew, this stereotype bore little relation to Tanganyika’s kaleidoscopic history, but it was the shifting sand on which Cameron and his disciples erected indirect rule by ‘taking the

<sup>53</sup> *Ibid.*, pp. 247-248.

<sup>54</sup> *Ibid.*, p. 250.

<sup>55</sup> *Ibid.*, p. 248.

*tribal unit*.<sup>56</sup>

As Mamdani observes, the intended effect of all these policies was to divide and weaken the ruled populations, and deputize natives in enforcing colonial rule on their own people.

...[T]he new colonial method [of indirect rule] involved drafting native allies and claiming to protect their ways of life. In the colonies, there would be no native majority built to resemble the colonizer; instead there would be assorted minorities, each preserved under the leadership of a native elite. The native elite's power was said to derive from custom, but it was the backing of the colonizer that was their true source of authority. Separated into so many distinct races and tribes, the natives would look to their "own" rather than to each other in a solidarity that could challenge the colonizer.<sup>57</sup>

...Rather than build the national permanent majority, there would be a proliferation of permanent minorities, each kept down through indirect management by so-called natives deputized by the colonizer.<sup>58</sup>

This approach to colonial governance, based on assigning ruled populations to constructed absolutist ethnic or religious categories, intensified existing antagonisms, or created them where they had not existed. For example, a considerable amount of the religious antagonism that led to the partition of India after 1848 can probably be attributed directly to British policy.

In 1862, the idea that Hindus and Muslims were wholly different types of people was shored up by identifying each as having discrete customs, culture, history, and traditions. The British Raj institutionalized such ideas by empowering the supposed guardians of tradition – princes, priests, and landholders – and by consolidating authoritarian British rule. The passing of separate "personal codes" or "personal laws" was part of this. The "civil" (or "personal") matters of Hindus and Muslims would be dealt with by separate Native authorities established by the British but portrayed as emanating from the "traditions" of the named group. In the subsequent decade (1862 – 1872), further legal and administrative reforms were enacted to "preserve" and "protect" these now-differentiated groups of Natives. The British thus actively constructed new identities – communal and individual – by institutionalizing the significance of religion in social and political life in unprecedented ways.

The construction of separate legal systems and political constituencies that produced differences between the colonized Natives also fueled antagonism between

<sup>56</sup> *Ibid.*, p. 250

<sup>57</sup> Mamdani, *Neither Settler Nor Native*, p. 3.

<sup>58</sup> *Ibid.*, p. 11.

them. This was not beside the point.<sup>59</sup>

Colonized populations, for whom ethnicity and religious sect had previously not been essentialized bases for identification, gradually adopted such identities under colonial tutelage.

Historical writing, census-taking, and lawmaking fostered new subjectivities by creating for the colonized a new past, altering their status in the present, and anticipating for them futures that otherwise would never have come to pass. Colonizers wrote European race theories and perverted variations on local history into the histories of colonized peoples, making European categories of race and tribe appear local and natural. Thus did colonized peoples learn that they had always been rivals. Colonizers then mapped the colonized using census categories organized according to these histories, reinforcing racial and tribal identifications. Finally, by predicating laws and their application on identification with racial and tribal distinctions, colonizers ensured that future political, economic, and social realities would reflect these distinctions.<sup>60</sup>

Nandita sharma describes the process in almost identical terms. Indirect rule colonialism

changed how people in state-spaces came to know and relate to one another through racialized temporalities and geographies of stasis and mobility. Regimes of land tenure, political rights, and the minutia of daily life in the colonies were drastically changed, as were ideas of history, belonging, subjectivities, and the imagined space of “society” itself. The governmentality of protection, with its preservation of the “traditions” of emplaced Indigenous-Natives – and the displaced Migrant-Natives – produced a racialized territorialization of politics.<sup>61</sup>

(Consider, by way of comparison, the recent example of the Coalition regime in Iraq after the 2003 invasion, which set up a new constitution based on sectarian identities and thereby arguably pushed a secular society into sectarian civil war.)

The practice of colonial empires, by artificially distinguishing between the one ethnic group “Native” to a given territory and all other as “Migrant” outsiders, is also the source of genocides like those of the Rohingya Muslims in Myanmar and the Tutsis in Rwanda.<sup>62</sup> In the latter country, the “Hutu/Tutsi divide”

is one particularly stark – and genocidal – example of how National-Native time has reified the process by which imperial states separate Indigenous-Natives and

<sup>59</sup> Sharma, *Home Rule*, p. 39.

<sup>60</sup> Mamdani, *Neither Settler Nor Native*, p. 12.

<sup>61</sup> Sharma, *Home Rule*, p. 45.

<sup>62</sup> *Ibid.*, pp. 9-10.

Migrant-Natives. Indeed, the 1994 Rwandan genocide is perhaps the most analyzed example of the politics of autochthony in the African context. Carried out by Hutus in the name of their autochthonous rights in Rwanda, Tutsis – defined as *colonizing Migrants* – were attacked and killed in the hundreds of thousands. “Traitorous” Hutus who refused to participate in this genocide were also targeted.<sup>63</sup>

When the Belgian colonists conducted censuses, they wanted to identify the people throughout Rwanda-Burundi according to a simple classification scheme. They defined “Tutsi” as anyone owning more than ten cows (a sign of wealth) or with the physical features of a longer thin nose, high cheekbones, and being over six feet tall, all of which are common descriptions associated with the Tutsi.<sup>64</sup>

...In Rwanda, Belgian colonizers had classified the population into two opposed groups, Tutsi and Hutu (with a third residual group, the Twa), even though the majority of the population was “mixed.”... [T]he colonial power set up the minority Tutsi as managers of a state that contained a Hutu majority.... The 1959 revolution in Rwanda, with tacit support from the departing colonial power, declared itself a “Hutu Revolution”. ... The 1994 “liberation” of Rwanda, with active participation from the Ugandan Army and tacit support from the United States, turned the tables, placing the Tutsi-dominated Rwanda Patriotic Army in charge.<sup>65</sup>

In Burma, likewise, the British – in keeping with “the logic of ‘indirect rule’ colonialism” – “placed people they defined as different from one another in various biopolitical groups.”

Throughout Burma, the British placed people they defined as different from one another in various biopolitical groups. As elsewhere, the British favored certain groups over others. In areas the British classified as Frontier (later Scheduled) Areas – where the majority of “national ethnic minorities” in Myanmar live today, including Chin, Shan, Kachin, and Karenni people – “traditional rulers” were selected to nominally rule over the colonized Natives. On the other hand, in areas classified as “Ministerial Burma,” a form of parliamentary home rule (controlled by the British India Office in Calcutta) was established. This is where the majority of people constituted as Bamar (or Burman: speakers of Burmese) lived. The British disadvantaged Bamar people – who now dominate the nation-state of Myanmar – in relation to those groups who today are constituted as either national ethnic minorities or, like the Rohingya, as Migrants.<sup>66</sup>

Sudan followed the same pattern, “in which the racial and tribal structures imposed by the

<sup>63</sup> *Ibid.*, p. 222.

<sup>64</sup> “Tutsi,” Wikipedia <<https://en.wikipedia.org/wiki/Tutsi>>. Accessed January 25, 2024.

<sup>65</sup> Mamdani, *Neither Settler Nor Native*, p. 243.

<sup>66</sup> Sharma, *Home Rule*, pp. 226-227.

British became the basis for explosive civil wars following independence.”<sup>67</sup>

If we do not know enough of the history of Sudan, this will sound like a familiar story of ancient hatreds exploding in violent Africa. But what happened in South Sudan only looked like that. In fact, the Dinka and Nuer were not fighting some endless feud; they had not been at each other’s throats before the introduction of the colonial order. Rather, they were fighting over control of the brand-new state. They sought the spoils of rule, which they understood to be the province of ethnicity. Whoever rules – which means whoever has enough guns and money to maintain a loyal fighting force – can funnel cash, real estate, jobs, business opportunities, contracts, and protection to his own ethnic group. That is how things work in South Sudan, thanks to colonial modernity. After the British took over in the early twentieth century, they politicized ethnic boundaries, reconstituting cultural difference as tribal difference. The inheritors of this colonial mentality govern as the British did, not as their ancestors did.

The territory of what is now Sudan and South Sudan has been home to impressive human diversity for at least half a millennium, but only for the past hundred years or so has this diversity been a source of conflict. That is due to the logic of indirect colonial rule. Beginning just after the turn of the twentieth century, and with increased urgency and concentration in the 1920s, British colonial authorities tribalized Sudan, erecting legal and physical barriers between groups that previously intermingled in spite of their cultural differences. The British hemmed groups into borders that had not formerly existed and installed over them a system of chiefly rule invented by colonial administrators. All this was done in order to prevent the colonized from developing solidarities beyond the tribal.<sup>68</sup>

In instituting “native authority” in Sudan, the British followed the same pattern as in other colonies.

First, using the census, the colonizer identified each ethnic group with its particular territory, which was deemed an exclusive homeland of that ethnic group. Second, each homeland was placed under the administration of a colonially appointed or approved tribal authority. Third, that authority was given the right to administer land allotments exclusively to those identified as indigenous to the homeland and to adjudicate internal conflicts. The law of the homeland was thereby rendered customary because administered by tribal members. The same measures made indigenous-only land-use rights customary, too, which gave locals a stake in the native identities that had been created for them. Finally, the power of the native

<sup>67</sup> Mamdani, *Neither Settler Nor Native*, p. 4.

<sup>68</sup> *Ibid.*, pp. 196-197.

## Center for a Stateless Society

authority was unhinged from accountability to the community, which was also said to be a matter of custom: according to the colonizer, chiefly authority was by nature absolute, for natives did not know or understand things like democracy or the rule of law, only timeless custom and the rule of dictators claiming to enforce it.<sup>69</sup>

And the imposition of artificial “customary” identities on the South Sudanese involved systematic de-Arabization.

The South, then, was run by native authorities subject to the oversight of British administrators. This despotism was augmented by missionary societies, each assigned its own religious fiefdom. These authorities together undertook a policy of ethnic cleansing, to ensure minimum Arab influence. As Christian missionaries were given exclusive charge of educational and social policy, English replaced Arabic as the official language. The practice of Arabic culture was discouraged, as residents were induced to use names deemed appropriate for their own ethnic group and to don clothing clearly not Arab or Islamic. Sunday replaced Friday as the official day of rest; Islamic proselytization was banned and Christian proselytization facilitated. Northern traders were weeded out of the South, and Greek and Syrian Christian traders were brought in to replace them. Ethnic cleansing was further enabled by Closed Districts and Passport and Permits Ordinances of 1922, which criminalized movement between the South and the North. All emigration from the South to the North was declared illegal, with transgressors subject to jail or a fine, and people were required to obtain passes in order to move into and out of the South.<sup>70</sup>

The protectorate of Dar Fur was established after the defeat of the Mahdiyyah, extending the same logic of rule to British Africa – in the form of tribalization – that the Empire had adopted in India after 1857.

Key to native administration was an administrative distinction between “natives” and “strangers.” Natives were said to be original to the area, and non-natives were identified as such no matter how many generations they had lived in the area. Darfur, the province, was parceled into a series of homelands, *dars*, each identified with a tribe administratively tagged as native. The *dar* was considered the homeland of its native tribe. Immigrants wanting access to land could only do so as “strangers” who had to pay a specified tribute to the native authority. With all African land tenure identified as tribal, all other forms of tenure, including the individual land holding introduced during the sultanate – the *hakura* of privilege – was rendered

<sup>69</sup> *Ibid.*, p. 215.

<sup>70</sup> *Ibid.*, p. 218.

obsolete.<sup>71</sup>

Just the fact that it defined a person's access to land, to participation in governance, including preference in the very process of dispute settlement, turned the membership of the administratively defined *dar* into a truly meaningful identity. Though imposed from above, through colonial law and associated administrative measures, tribal identity became the basis of voluntary organization over time. Enforced from above, native identity begot a native agency.<sup>72</sup>

## The Postcolonial Inheritance

Between the old colonial powers and the newly independent states of the former colonial world, after WWII, there was a great deal of continuity in nationalities policy. The postcolonial nation-state or ethnostate model, Sharma argues, inherits the orientalist, essentializing tendencies of colonialism, and intensifies the levels of violence: "Postcolonialism has indeed ended the legitimacy of imperial states, but not the practices associated with them. Instead, practices of expropriation and exploitation have expanded and intensified in the Postcolonial New World Order."<sup>73</sup> There is a continuous line from colonial practices of indirect rule through artificially constituted "traditional authorities" governing artificially constructed "tribal" ethnicities, and "the emergence in the postcolonial situation of a violent nationalism following from the creation of minorities under indirect rule."<sup>74</sup>

Claims to indigenous nationhood comprise a form of presentism. The existence of political communities imagining themselves as nations is read back into a time when people did not organize themselves as such....

As such, while sometimes deploying radical, anticolonial discourse, Indigenous National-Native nationalist projects do not disrupt a postcolonial world of separate and national territorial sovereigns. They *reproduce* it.<sup>75</sup>

"National self-determination," as understood in the UN Charter, was not simply the right of the population of a given territory to freedom from external rule; it enshrined the exclusive ethnostate as the basis for a Westphalian international order.

In its 1945 founding charter, the UN enshrined the recognition of the right of national self-determination – or the right to national sovereignty for those people who could successfully claim to being the "people of a place" – as the bedrock of

<sup>71</sup> Mamdani, *Define and Rule*, p. 71.

<sup>72</sup> *Ibid.*, p. 72.

<sup>73</sup> Sharma, *Home Rule*, p. 15.

<sup>74</sup> Mamdani, *Neither Settler Nor Native*, p. 3.

<sup>75</sup> Sharma, *Home Rule*, p. 251.

international law. Hostility to Migrants was firmly established in this charter. With its declaration of the rights of nations to self-determination, it would not – nor could it – account for the rights of all those people who were not the *People* of the nation, i.e. those who were “people out of place.”<sup>76</sup>

...Unsurprisingly, it is those people who are not recognized as a *People* – the “subalterns,” or those who have had no beneficial part of the nation or its state – who are to be found at the losing end of national hierarchies. National minorities, Tribals, and Migrants are the losers of the UN Charter’s declaration on national self-determination.<sup>77</sup>

All of these postcolonial nationalisms, Sharma writes, “are fundamentally autochthonous and productive of a hierarchical separation between National-Natives (autochthons) and Migrants (allochthons).” In this dichotomy, “the right of National-Natives is the right to home rule. In the process, Migrants are left without a home in this world.”<sup>78</sup>

In such “national liberation states...”, discursive practices of national autochthony not only have been perverted but have *thwarted* projects for decolonization.” Fictionalized autochthony, as the basis of authentic national citizenship, has “led to a procession of partitions, expulsions, and even genocide...”<sup>79</sup>

What flowed from nationalist ideas of home rule was the sorting of “populations.” The idea that nation-states ought to be comprised *of* and *for* those whose nationality matched that of the state began its rapid ascent. With the dissolution of many empires party to WWI, some significant parts of their territories were redefined as national homelands by those hoping to govern new, nationally sovereign states. As nationalists everywhere viewed nations as having an “eternal” and essential sovereignty over certain territories, autochthony was given a new, *national* lease on life.

As Nationals autochthonized themselves into National-Natives, those defined as outsiders to the nation were made allochthons. In each new nation were people redefined as “foreign” bodies, people racialized as originating from a place that those “of their type” were from. As foreigners were portrayed as existing within national territories only because they had moved there from someplace else, nationalist origin stories not only narrated the timeless and territorial nation but also narrated a *migration story* for the others. For this reason, each partition and forced population transfer was portrayed as a return, a *sending home* of Migrants to “their own” eternal and essential national territory.<sup>80</sup>

<sup>76</sup> *Ibid.*, p. 16.

<sup>77</sup> *Ibid.*, p. 20.

<sup>78</sup> *Ibid.*, p. 13.

<sup>79</sup> *Ibid.*, p. 210.

<sup>80</sup> *Ibid.*, p. 98.

## Center for a Stateless Society

Mamdani writes, similarly, that postcolonial violence “mirrors the violence of European modernity and colonial direct rule,” manifested primarily by ethnic cleansing.

Because the nation-state seeks to homogenize its territory, it is well served by ejecting those who would introduce pluralism. Ethnic cleansing can take a variety of forms. These include genocide, whereby the minority population is killed en masse, and population transfer, whereby the minority is removed from the territory or concentrated in a minimal portion of it, away from the majority.<sup>81</sup>

This was true, in particular, of the postwar “Africanization” project, which, Sharma observes, “did not prevent new nation-states from also expelling those who were racialized as (Black) Africans but not as Nationals...”

Immediately upon its independence in 1960, Nigeria expelled those seen as Ghanaian. It did so again in 1983 when approximately three million people were expelled, of which an estimated one million were Ghanaians. Likewise, throughout the 1960s Ghana, which became independent from the British in 1957, expelled hundreds of thousands of “foreigners,” including those born in Ghana. In 1969, the Pan-Africanist president of Ghana, Kwame Nkrumah, relabeled Yoruba people as “aliens” from Nigeria, portrayed them as threats to the “national interest,” and deported them en masse. Indeed, a popular term to identify Yoruba people in Ghana was *Mubako*, meaning “You are going.” Guinea, which gained its independence in 1958 from France, expelled fishermen who went to Ghana. Cameroon, Ivory Coast, Ghana, and Zaire each expelled traders who went to Nigeria. Ivory Coast and Niger expelled civil servants who went to Benin. Ghana and Ivory Coast expelled farmers and laborers who went to Togo. Unsurprisingly, the discourse of autochthony haunted the deportees. They faced many difficulties as a result of being referred to as “newcomers or new arrivals” upon their entry to nation-states viewed as their autochthonous homelands by those who deported them.<sup>82</sup>

In exactly the same manner as European indirect rule, the tendency of postcolonial nation-states to essentialize ethnic groups as the autochthonous “People of X Place” had the effect of strengthening systems of power within each nation-state, and undermining the *real* customary forms of social organization or local community self-rule that didn’t fit into “state” or “private” pigeonholes.

...national liberation states “grafted” the discourse of national development “onto local class, ethnic, racial, and religious hierarchies.” Megadevelopment projects and the destruction of the rural economy and resultant urbanization, along with import-

<sup>81</sup> Mamdani, *Neither Settler Nor Native*, p. 4.

<sup>82</sup> Sharma, *Home Rule*, p. 215.

## Center for a Stateless Society

substitution policies valorizing industrialization, expanded the ranks – and the immiseration – of the proletariat. As more and more land was expropriated, by both states and capital, as more and more of the remaining commons was titled as either public or private property, as more and more aspects of people’s lives came under the surveying eye of nation-states, more and more people found that participation in capitalist markets for land, food, shelter, clothing, healthcare, and more had become even more of an imperative than it had been under imperial rule...<sup>83</sup>

More recently, Bambi Ceuppens and Peter Geschiere commented in 2005 on the rise of autochthony in the 1990s as “a burning issue in many parts of Africa, inspiring violent efforts to exclude ‘strangers’ – especially in francophone areas, but spilling over into anglophone countries.”<sup>84</sup> The movement is a direct inheritance from the concept of autochthony originally imposed on colonial populations by administrators in French West Africa.<sup>85</sup>

In the 1990s especially, after the end of the cold war and the demise (at least formally) of one-party authoritarianism on the African continent, the seemingly clear-cut categorizations of colonial administrators according to the autochthons/non-autochthons divide turned out to be explosive. Ivory Coast made the headlines recently for the fierce hatred underlying the violence with which self-styled *autochtones* are trying to push out immigrants. But similar outbursts have been reported elsewhere. A major factor precipitating this violence was the wave of democratization that overran the continent. Democratization as such was certainly welcomed, but... the reintroduction of multipartyism inevitably turned into red buttons such questions as “who can vote where?” or, more important, “who can stand candidate where?” – that is, questions of where one belongs. In the more densely settled areas and in larger cities in particular, the fear by locals of being outvoted by more numerous “strangers,” often citizens of the same nation-state, reached such a pitch that the defense of autochthony seems to take precedence over national citizenship.<sup>86</sup>

In Cameroon, the Biya regime attempted to secure its hold on power by stirring up *autochtone* fears “in the core economic areas of the Southwest Province and Douala city of being outvoted under the new, democratic constellation by more numerous immigrants from the highlands of the Northwest and West Province.”<sup>87</sup> The comments of a Cameroonian political figure made clear the extent to which autochthony outweighed national citizenship: “Every

<sup>83</sup> *Ibid.*, pp. 18-19.

<sup>84</sup> Bambi Ceuppens and Peter Geschiere, “Autochthony: Local or Global? New Modes in the Struggle over Citizenship and Belonging in Africa and Europe,” *Annual Review of Anthropology* 34 (2005), p. 386.

<sup>85</sup> *Ibid.*, p. 388.

<sup>86</sup> *Ibid.*, p. 389.

<sup>87</sup> *Ibid.*, p. 390.

Cameroonian is an *allogène* anywhere else in the country... apart from where his ancestors lived and... where his mortal remains will be buried. Everybody knows that only under exceptional circumstances will a Cameroonian be buried... elsewhere.”<sup>88</sup>

In Ivory Coast, likewise, “country the concept of autochthony, again introduced by French colonials, was quickly appropriated by local spokesmen.” The first *allogènes* to be targeted were Senegalese and Dahomean clerks in the colonial administration, followed by immigrants from the north part of the country, and Mali and Burkina Faso, who after independence were encouraged to move to the south to work in the cocoa industry. The advocates of autochthony made little to no distinction between those from neighboring countries and those from the north of Ivory Coast, in their hostility to “strangers.” The paranoia continued to escalate through the 80s and 90s.<sup>89</sup>

## Breaking the Chains of Nationalism

Nandita Sharma and Mahmood Mamdani, the two scholars whose interpretations most heavily influenced the previous sections of this paper, agree in large part on the necessary approach to the problems outlined there. The evil to be abolished, as Sharma describes it, is “autochthonous discourse,” characterized by “essentialist and ahistorical ideas of nation and race, both of which are then made the fundamental basis of legitimate political claims,” a corresponding claim that “National-Natives are the original and ultimate source of law and the grantors of rights,” and a demand to “transform land into nationally sovereign territory.”<sup>90</sup> To reject these things is “to reject the postcolonial system of nation-states and build social relationships, social bodies, and practices of social reproduction able to meet liberatory demands.”<sup>91</sup>

This is not to say, of course, that Sharma in any way opposes demands for justice for Indigenous people; she unambiguously opposes the “long and infamous list of scholars trying to deny and to depoliticize the violence enacted upon those categorized as Natives and to reject their demands for liberty.” She challenges, rather, “the strategy of laying claim to national sovereignty...”<sup>92</sup>

...I join the many others who have taken “lines of flight” away from essentialist, ahistorical, and reified views of social relations and recognized that difference making is always political. Along with the mythical builders of the tower of Babel creating their own heaven on earth, I follow the many, many people who have forged solidarity across – and against – gods, empires, and nations and who have worked

<sup>88</sup> *Ibid.*, p. 391.

<sup>89</sup> *Ibid.*, pp. 393-394.

<sup>90</sup> Sharma, *Home Rule*, p. 208.

<sup>91</sup> *Ibid.*, p. 268.

<sup>92</sup> *Ibid.*, p. 21.

for a worldly place that is a home for all.... Claiming this “we-ness” is also a political decision, of course, one that, unlike nationalist autochthonies, is borne out of a shared political project, not a shared genealogy or a shared territory. This book urges us to join the many people over time and place struggling to liberate our land and our labor from expropriators and exploiters. Now, as then, a heaven on earth will only be of our making.<sup>93</sup>

The call to replace the nation-state, Sharma observes, seems to imply a “postnational state – that is, a state that merely administers its territory without setting any boundaries of state belonging, a state that merely acts as a system of redistribution and protection without demanding adherence to one or another form of identity.” But states, as such, can be problematic; the very concept of the territorial state carries historical connotations of domination.

Yet, states are much more than administrative institutions. Historically, states emerge when a ruling class is formed. In the process, land is turned into state territory upon which people’s labor is exploited. This is an aspect of *each and every form* of state power: monastic, monarchical, imperial, or national. It is through these sorts of relationships, ones that govern people’s sense of both time and place, that certain forms of state-mandated identities, such as “race” and nation, arise. Such identities are indeed *state effects*.

This is to say that a world without borders, without racisms, without people being separated into categories of Natives or Migrants, is not a matter of making a slight administrative fix. *It would turn the Postcolonial New World Order upside down.*<sup>94</sup>

Here she appears to be calling for something more like an end to the state itself, at least of the Westphalian type that has existed for the past four hundred years. As possible models for what might take its place, she suggests the historical precedents of the builders of the Tower of Babel, who “set out to defy God’s claim to be their Lord by collectively erecting a tower to the glory of their self-produced heaven on earth,” and the Diggers, who “demanded not only a return of the commons stolen from them, but its expansion to encompass the whole of the world being taken by capitalists and colonists”; and the Ranters, who “refused distinctions of *place*” and called for the people of the nations to become “one people and one body.”<sup>95</sup> This evokes something that transcends the state – something both larger than the traditional state, in that it has no boundaries, and at the same time less statelike and more administrative in the exercise of its powers.

In regard to demands for justice to the dispossessed and expropriated, Sharma distinguishes

<sup>93</sup> *Ibid.*, p. 22.

<sup>94</sup> *Ibid.*, p. 281.

<sup>95</sup> *Ibid.*, pp. 281-282.

between claims to land based on possession – including customary common or other communal rights based on actual physical possession by communities – and theoretical collective title to a territory based on ethnicity. What should be restored, through landback or land reform policies, is the right of people, *as people* and not *a People*, to maintain occupancy of land – either individually or communally, including seasonal hunting grounds – of which they are and have been in physical occupancy. What is to be restored is possession, both physical and functional, by concrete communities, and not by imagined and constructed communities on the basis of ethnic identity.

Unlike demands for a return of *land* (and water and air) in order to liberate people from exploitative relationships such as demands for the return of the commons..., demands for *territory* are political claims that define the extent of the sovereign's domain over land (and water and air) as well as the labor of the people living on it.<sup>96</sup>

Mamdani's vision is slightly less ambitious. Rather than a new Tower of Babel or Digger commonwealth, he proposes something like the denationalized state Sharma mentioned in passing.

I don't pretend to know exactly what this next world will look like. Decolonizing the political is nothing less than reimagining the order of the nation-state. I cannot prescribe the outcome. I do have some recommendations for getting there, though. First, to reform the national basis of the state by granting only one kind of citizenship and doing so on the basis of residence rather than identity. Second, to denationalize states through the institution of federal structures in which local autonomy allows diversity to flourish.<sup>97</sup>

As his call for local autonomy suggests, Mamdani makes it clear that abolishing the national state, as a territorial sovereignty grounded in ethnic identity, does not as such rule out some form of corporate existence for ethnic groupings within the territory of a state. For example, he proposes the continued existence of self-governing Native American communities in the United States, along with the restoration of land to them as corporate entities.

What would decolonization mean from the point of view of Indians in the United States? In the words of Roxanne Dunbar-Ortiz, "That process rightfully starts by honoring the treaties the US made with Indigenous nations, by restoring all sacred sites, starting with the Black Hills [of South Dakota] and including most federally held parks and land and all stolen sacred items and body parts, and by payment of sufficient reparations for the reconstruction and expansion of Native nations."

<sup>96</sup> *Ibid.*, p. 209.

<sup>97</sup> Mamdani, *Neither Settler Nor Native*, p. 36.

## Center for a Stateless Society

Decolonization should also feature “extensive educational programs” and extend beyond Indians, requiring “the full support and active participation of the descendants of settlers, enslaved Africans, and colonized Mexicans, as well as immigrant populations.”

The further question, as I see it, is what exactly the participation of the settlers should look like. Dunbar-Ortiz rightly points to the payment of reparations; I would add further conditions. One is the establishment of constitutionally defined federal autonomy. This could mean statehood, building on the demand of the Five Civilized Tribes “for admission as a state of the Union.” Such a change would be impossible without the cooperation of the wider American people and their representatives in Congress. Another possibility is to end the status of wardship by granting reservations themselves representation in both houses of Congress, abolishing the BIA, and democratizing tribal governance.<sup>98</sup>

In the United States, he continues, decolonizing the political in practical terms “would involve full and equal individual rights for all citizens, whether they live within or outside Indian reservations.”

It would involve the abolition of reservations and their replacement with a constitutionally defined form of autonomy, akin to that of individual states of the Union. This autonomy would mean an end to Congressional rule by decree, and its corollary, the exclusion of autonomous Indian communities from representation in both houses of Congress. These communities would be empowered to make local laws in place of the federally sanctioned, Bureau of Indian Affairs-supervised regime of customary laws. Finally, decolonization of the political would incorporate reparations for the wrongs done over centuries, a measure of social justice for Indians and for descendants of enslaved Africans as well as for Mexicans and Puerto Ricans forcibly incorporated into the United States....<sup>99</sup>

Nevertheless, the existence of a high degree of decentralization, on the “community of communities” model which Mamdani seems to suggest, does not extend to national sovereignty of the Westphalian type. The larger territorial state is denationalized entity whose people transcend their former identities as natives and settlers, as “survivors.” “The only emancipation possible for settler and native is for both to cease to exist as political identities.”<sup>100</sup>

As an anarchist, I find the proper approach to abolishing the national state much closer to Sharma’s Tower of Babel than to Mamdani’s denationalized state with local autonomy and landback. If he seeks to free the state from the nation, we must take one step further and free

<sup>98</sup> *Ibid.*, pp. 99-100.

<sup>99</sup> *Ibid.*, p. 353.

<sup>100</sup> Mamdani, *Define and Rule*, p. 4.

## Center for a Stateless Society

governance and administration from the state. This issue will be addressed in the third and last part of this paper.

## Part II. Israel-Palestine

### Background to the Conflict

Zionism had its origins in the wave of European ethnonationalisms that followed the French Revolution. Before the rise of Zionism in the 19th century, Ilan Pappé writes, the traditional Jewish attitude was far different:

Eretz Israel, the name for Palestine in the Jewish religion, had been revered throughout the centuries by generations of Jews as a place for holy pilgrimage, never as a future secular state.... Zionism secularised and nationalised Judaism. To bring their project to fruition, the Zionist thinkers claimed the biblical territory and recreated, indeed reinvented, it as the cradle of their new nationalist movement.<sup>101</sup>

What became the dominant strain of Zionism, in contrast, and predominated in the settlement of Palestine, mirrored other such nationalisms in Europe, insofar as it involved 1) an essentialist view of its ties to the land of Palestine as a homeland to the exclusion of other peoples and 2) an artificially constructed national identity, to the extent of eventually requiring the erasure of actual Jewish identities. As Mahmood Mamdani describes it, the purpose of Zionism

is precisely to make this translation: to make the experience of being Jewish – historically a matter of religious practice, upbringing, and lineage – into an experience of nationhood and to tie this nation to a state. A central tenet of political modernity as it emerged from Europe is that the state exists to protect and further the interests of the nation; in Israel, the state exists to protect and further the interests the Jewish nation, which constitutes Israel's permanent majority identity.

Zionism arguably is the most perfected expression of European political modernity in a colonial context. Zionism is both a product of the oppression of Jews under European modernity and a zealous enactment of European modernity under colonial conditions. Nationalism made the European Jew an impossible presence in Europe, yet, steeped in the same ideology that denied them dignity and equality in Europe, Zionists decided that Jews' only option was a state of their own, so they went elsewhere to build it. When they did, they became the oppressor, for in the nation-state, one can be only][the oppressor or the oppressed, the majority or the minority,

<sup>101</sup> Ilan Pappé, *The Ethnic Cleansing of Palestine*. Ebook edition (Oxford: One World, 2011), pp. 29-30.

the nation or the other.<sup>102</sup>

Hannah Arendt, writing in 1948, highlighted the parallel between Zionist ethnonationalism's implications for Palestinian Arabs, and how European Jewry had previously fared at the hands of European ethnonationalisms. Regarding the nature of ethnonationalism in Europe, she remarked on the inevitable conflict

within the framework of a national state whose fundamental identity between people and territory and state cannot but be disturbed by the presence of another nationality which, in whatever forms, wants to preserve its identity. Within the framework of a national state there are only two alternatives for the solution of nationality-conflicts: either complete assimilation – that is, actual disappearance – or emigration.<sup>103</sup>

## History of conquest and expropriation

Contrary to Zionist framing of the 20th century settlement project as simply the peaceful purchase of land, with the conflict initiated entirely on the Arab side through their unwillingness to coexist peacefully with Jews, the record shows

- 1) that the method of acquiring land was actually quite problematic; and
- 2) that for many Zionist leaders the project shifted, at a fairly early date, from the simple acquisition of land to the establishment of a Jewish majority and an ethnos-tate.

According to Rashid Khalidi, Palestine at the turn of the 20th century experienced “the accumulation of private land ownership by fewer people. Large tracts were coming under the control of absentee landlords – many of whom lived in Beirut or Damascus – at the expense of peasant smallholders.”<sup>104</sup>

...[B]etween 1909 and 1914 some forty thousand Jewish immigrants had arrived... and eighteen new colonies (of a 1914 total of fifty-two) had been created by the Zionist movement on land it had bought mainly from absentee landlords. The relatively recent concentration of private land ownership greatly facilitated these land purchases. The impact on Palestinians was especially pronounced in agricultural communities in areas of intensive Zionist colonization: the coastal plain and the

<sup>102</sup> Mamdani, *Neither Settler Nor Native*, pp. 250-251.

<sup>103</sup> Hannah Arendt, “Zionism Reconsidered,” *New York Times*, May 5, 1948. Hosted by &&& Publishing <<https://tripleampersand.org/zionism-reconsidered/>>.

<sup>104</sup> Rashid Khalidi, *The Hundred Years' War on Palestine: A History of Settler Colonial Conquest and Resistance, 1917-2017* (New York: Henry Holt and Company, 2020), p. 21.

## Center for a Stateless Society

fertile Marj Ibn ‘Amer and Huleh valleys in the north. Many peasants in villages neighboring the new colonies had been deprived of their land as a result of the land sales.<sup>105</sup>

The rapid increase in Jewish settlements under these conditions was accompanied by the rise of conflicts with Arabs. But as Mamdani observed, the source of the conflict was not “that Arabs felt animus toward Jews or saw them as invaders in what was properly an Arab territory.” Rather,

struggles between Arab peasants and Jewish settlers long preceded those between the Palestinian nationalist intelligentsia and the settler movement. What Palestinian Arabs resented were Jews who sought to exercise sovereignty, through their exclusive national institutions and, relatedly, through their policies with respect to land. Unlike previous landlords, who had been content to gather rent from tenants who worked the soil, Jewish settlers cleared out the tenants and took direct possession. This generated grievances, for the Arab peasants did not recognize eviction as among the rights of a landlord. The first serious clashes, leading to the death of two Arabs and two Jews in April 1909, led to the formation of the first Jewish militia in Palestine. Jewish militias reveled in a cult of militarism and self-sacrifice....<sup>106</sup>

The King-Crane Commission of 1919, a Near Eastern junket representing Woodrow Wilson, was told by Zionist leaders that the Zionist movement “looked forward to a practically complete dispossession of the present non-Jewish inhabitants of Palestine.”<sup>107</sup> Ze’ev Jabotinsky, the founder of revisionist (fascist) Zionism, in 1925 wrote that Zionism was a project “to colonize a land in which people are already living,” and that such a “colonizing venture” could not be imposed on the native population without armed force.<sup>108</sup>

The second aliyah, as Mamdani observes, “created the foundations of a separate nationhood,” while

the third (1923 – 30) began in earnest the project of joining nation to state. Whereas earlier Zionists such as Weizmann had counted on the British and other international players to one day ensure a Jewish state, third aliyah took up that project on its own on the basis of yet more Jewish immigration, labor, and militancy. One of the key institutions of this period was the Jewish Agency, founded in 1929 under the aegis of the World Zionist Organization, which aggressively pursued settlement by encouraging Jewish immigration and establishing towns to house the settlers.

<sup>105</sup> *Ibid.*, p. 30.

<sup>106</sup> Mamdani, *Neither Settler Nor Native*, p. 260.

<sup>107</sup> Khalidi, *The Hundred Years’ War on Palestine*, p. 54.

<sup>108</sup> *Ibid.*, p. 53.

## Center for a Stateless Society

Perhaps the agency's most able and inspiring leader was David Ben-Gurion. Under Ben-Gurion's leadership, the agency built a proto-state; its structures and its people would go on to found the state and serve as its functionaries.<sup>109</sup>

The nakedly political and nationalist objectives of the third aliyah accelerated the development of Palestinian nationalism. Clashes became unavoidable, and matters came to a head in the mid-1930s. The Arab Revolt of 1936 – 1939 began with a six-month-long general strike.<sup>110</sup>

The Balfour Declaration, named for the British secretary of state for foreign affairs, was issued on November 2, 1917, as Khalidi recounts:

His Majesty's government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours 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.

The rights guaranteed to the existing Palestinian population, note, were solely religious and civil – not political.<sup>111</sup> The 1922 League of Nations Mandate for Palestine not only incorporated the Balfour Declaration verbatim, but expanded on it.<sup>112</sup>

Seven of the Mandate's twenty-eight articles are devoted to the privileges and facilities to be extended to the Zionist movement to implement the national home policy.... The Zionist movement, in its embodiment in Palestine as the Jewish Agency, was explicitly designated as the official representative of the country's Jewish population, although before the mass immigration of commied European Zionists the Jewish community comprised mainly either religious or *mizrahi* Jews who in the main were not Zionist or who even opposed Zionism. Of course, no such official representative was designated for the unnamed Arab majority.

Article 2 of the Mandate provided for self-governing institutions; however, the context makes clear that this applied only to the *yishuv*, as the Jewish population of Palestine was called, while the Palestinian majority was consistently denied access to such institutions.... Representative institutions for the entire country on a democratic basis and with real power were never on offer (in keeping with Lloyd George's private assurance to Weizmann), for the Palestinian majority would naturally have voted to end the privileged position of the Zionist movement in their country.

<sup>109</sup> Mamdani, *Neither Settler Nor Native*, p. 260.

<sup>110</sup> *Ibid.*, p. 263.

<sup>111</sup> Khalidi, *The Hundred Years' War on Palestine*, p. 27.

<sup>112</sup> *Ibid.*, p. 37.

## Center for a Stateless Society

One of the key provisions of the Mandate was Article 4, which gave the Jewish Agency quasi-governmental status as a “public body” with wide-ranging powers in economic and social spheres and the ability “to assist and take part in the development of the country” as a whole.

Beyond making the Jewish Agency a partner to the mandatory government, this provision allowed it to acquire international diplomatic status and thereby formally represent Zionist interests before the League of Nations and elsewhere. Such representation was normally an attribute of sovereignty, and the Zionist movement took great advantage of it to bolster its international standing and act as a para-state. Again, no such powers were allowed to the Palestinian majority over the entire thirty years of the Mandate, in spite of repeated demands....

In sum, the Mandate essentially allowed for the creation of a Zionist administration parallel to that of the British mandatory government, which was tasked with fostering and supporting it. This parallel body was meant to exercise for one part of the population many of the functions of a sovereign state, including democratic representation and control of education, health, public works, and international diplomacy. To enjoy all the attributes of sovereignty, this entity lacked only military force. That would come, in time.<sup>113</sup>

The Mandatory authority immediately began putting the Declaration’s aims into practice.

Britain implemented three critical measures to secure these ends. First, it enacted the Immigration Ordinance, which aimed to encourage Jewish immigration. Second, it enacted the Land Ordinance, which favored Jewish acquisition of land while limiting Arab property holding. Finally, Jewish-owned companies were granted “concessions” over state and natural resources in Palestine.<sup>114</sup>

Far from Palestinians simply refusing to live peacefully alongside Jewish immigrants, the actual pushback was in response to British-backed colonists evicting Arab fellaheen, preempting control of vital resources, and establishing a quasi-governmental authority over areas inhabited by Palestinians.

His [Yossef Weitz, head of the settlement department of the Jewish National Fund] main priority at the time was facilitating the eviction of Palestinian tenants from land bought from absentee landlords who were likely to live at some distance from their land or even outside the country, the Mandate system having created borders where before there were none. Traditionally, when ownership of a plot of land, or even a whole village, changed hands, this did not mean that the farmers or

<sup>113</sup> *Ibid.*, pp. 38-40.

<sup>114</sup> Mamdani, *Neither Settler Nor Native*, p. 259.

## Center for a Stateless Society

villagers themselves had to move; Palestine was an agricultural society, and the new landlord would need the tenants to continue cultivating his lands. But with the advent of Zionism all this changed. Weitz personally visited the newly purchased plot of land often accompanied by his closest aides, and encouraged the new Jewish owners to throw out the local tenants, even if the owner had no use for the entire piece of land. One of Weitz's closest aides, Yossef Nachmani, at one point reported to him that 'unfortunately' tenants refused to leave and some of the new Jewish land owners displayed, as he put it, 'cowardice by pondering the option of allowing them to stay.' It was the job of Nachmani and other aides to make sure that such 'weaknesses' did not persist: under their supervision these evictions quickly became more comprehensive and effective.<sup>115</sup>

Naturally, this resulted in escalating resentment and pushback on the part of the native population.

As soon as they were able to do so in the wake of World War I, Palestinians began to organize politically in opposition both to British rule, and to the imposition of the Zionist movement as a privileged interlocutor of the British. Palestinians' efforts included petitions to the British, to the Paris Peace Conference, and to the newly formed League of Nations. Their most notable effort was a series of seven Palestine Arab congresses planned by a countrywide network of Muslim-Christian societies and held from 1919 until 1928. These congresses put forward a consistent series of demands focused on independence for Arab Palestine, rejection of the Balfour Declaration, support for majority rule, and ending unlimited Jewish immigration and land purchases....

In contrast to these elite-led initiatives, popular dissatisfaction with British support for Zionist aspirations exploded into demonstrations, strikes, and riots, with violence flaring notably in 1920, 1921, and 1929, each episode more intense than the previous one. In every case, these were spontaneous eruptions, often provoked by Zionist groups flexing their muscle. The British repressed peaceful protests and outbreaks of violence with equally harsh severity, but Arab popular discontent continued. By the early 1930s, younger, educated lower-middle- and middle-class elements, impatient with the conciliatory approach of the elite, began to launch more radical initiatives and organize more militant groups....

All of these efforts took place initially in the shadow of a strict British military regime that lasted until 1920 (one of the congresses was held in Damascus because the British had banned Palestinian political activity), and thereafter under a series of British Mandatory high commissioners.<sup>116</sup>

<sup>115</sup> Pappé, *The Ethnic Cleansing of Palestine*, pp. 36-37.

<sup>116</sup> Khalidi, *The Hundred Years' War on Palestine*, pp. 34-35.

Again, contrary to framing by apologists for Israel, the main objection was not to Jewish immigration or settlement as such, on antisemitic grounds, but to the mass transfer of population with the backing of an imperialist great power, the establishment of a Zionist state within a state with a great power at its back, and the purchase of land in collusion with absentee owners resulting in the eviction of cultivators. The hostility was intensified by admissions in the Hebrew press in Palestine, covered “via the extensive reportage... in the Arabic press since well before the war” on the “doings and sayings of Zionist leaders,” that “unlimited immigration would produce a Jewish majority that would permit a takeover of the country.”<sup>117</sup>

To the extent it was able, the Zionist community in Palestine functioned both as a governmental authority, and an autarkic economy that excluded Arabs. From the time that Jewish settlers discovered “the existence of ‘a foreign people,’” as Arendt observed in 1948,

Jewish Labor has fought against Arab Labor under the pretense of class-struggle against the Jewish planters, who certainly did employ Arabs for capitalist reasons. During this fight – which more than anything else, up to 1936, poisoned the Palestine atmosphere – no attention was paid to the economic conditions of the Arabs who, through the introduction of Jewish capital and labor and the industrialization of the country, found themselves changed overnight into potential proletarians, without much chance to find the corresponding work positions. Instead, Zionist Labor repeated the true but wholly inadequate arguments regarding the feudal character of Arab society, the progressive character of capitalism, and the general rise of the Palestine standard of life shared in by the Arabs. How blind people can become if their real or supposed interests are at stake is shown by the preposterous slogan they used: although Jewish Labor fought as much for its economic position as for its national aim, the cry was always for “*Avodah Ivrit*” (“Jewish Labor”); and one had to peer behind the scenes to detect that their chief menace was not simply Arab labor but, more actually, “*avodah zolah*” (cheap labor), represented, it is true, by the unorganized backward Arab worker.

In the resulting pickets of Jewish workers against Arab workers the leftist groups, most important among them *Hashomer Hazair*, did not directly participate; but they did little else: they remained abstentionists. The consequent local troubles, the latent internal war which has been going on in Palestine since the early 'twenties, interrupted by more and more frequent outbreaks, in turn strengthened the attitude of official Zionism.<sup>118</sup>

Khalidi describes the increasing levels of Palestinian hostility, as they saw themselves becoming “strangers in their own land”:

<sup>117</sup> *Ibid.*, p. 36.

<sup>118</sup> Arendt, “Zionism Reconsidered.”

## Center for a Stateless Society

Over the first twenty years of British occupation, the Palestinians' increasing resistance to the Zionist movement's growing dominance had found expression in periodic outbreaks of violence, which occurred in spite of commitments by the Palestinian leadership to the British to keep their followers in line. In the countryside, sporadic attacks, often described by the British and the Zionists as "banditry," bespoke the popular anger at Zionist land purchases, which often resulted in the expulsion of peasants from lands they considered to be theirs that were their source of livelihood. In the cities, demonstrations against British rule and the expansion of the Zionist para-state grew larger and more militant in the early 1930s.<sup>119</sup>

The first significant violent clash occurred in 1929, over access to the holy sites in Jerusalem. The actual point at issue, however, was not the presence of Jews as such. It was a fear that Jewish settlers would appropriate Muslim holy places for themselves, with the backing of British authorities. The Jewish demonstration of August 15, 1929 raised red flags for Palestinian Muslims, against the background from the late 19th century on of images of a rebuilt Temple on the site of the Dome of the Rock, as a popular theme on Jewish postcards. This fear was only heightened by the facts that the demonstration was organized by Revisionists – i.e., fascist followers of Jabotinsky – and that three hundred Revisionist youths from the Battalion of the Defenders of the Language marched to the Wailing Wall proclaiming "The Wall is ours," raised the Zionist flag, and sang the Zionist anthem "Hatikvah."<sup>120</sup>

Following the end to the 1936 general strike, brokered by Arab rulers who were clients of the British and involving false promises that Palestinian grievances would be addressed, the Peel Commission in July 1937 proposed partitioning off 17% of the area of Palestine as a Jewish state, leaving the rest of the Mandate under British control. This immediately sparked, in turn, an armed revolt which took the British two years to suppress. The British counter-insurgency prefigured French tactics in Algeria and those of Israel in the occupied territories, including summary execution for possessing one bullet; ten percent of the Palestinian Arab population was killed in the revolt.<sup>121</sup> The Zionist position in Palestine was greatly strengthened, thanks to large-scale British arming and training of settler militias.<sup>122</sup>

The Peel Commission's partition proposal also alienated many Zionist settlers, according to Mamdani, who resented the growing evidence that "the British conception of a Jewish national home entailed sharing the holy land, which was not at all what settlers had in mind..."

<sup>119</sup> Khalidi, *The Hundred Years' War on Palestine*, p. 44.

<sup>120</sup> Gudrun Krämer, *A History of Palestine: From the Ottoman Conquest to the Founding of the State of Israel* (Princeton University Press, 2008), pp. 227-228, 230. Cited in "Pro-Wailing Wall Committee," Wikipedia <[https://en.wikipedia.org/wiki/Pro%E2%80%93Wailing\\_Wall\\_Committee](https://en.wikipedia.org/wiki/Pro%E2%80%93Wailing_Wall_Committee)>, accessed June 10, 2024.

<sup>121</sup> Khalidi, *The Hundred Years' War on Palestine*, pp. 46-47.

<sup>122</sup> *Ibid.*, p. 50.

## Center for a Stateless Society

At the same time, WWII weakened the ability of the British Mandatory authorities to combat full-scale Zionist pursuit of their aims. “As British troops were removed to Europe, the field was left to settler militias, who gained in strength. By December 1947, they were powerful enough to begin driving Arabs from the land.”<sup>123</sup>

After the end of World War II, Khalidi writes, facing the “well-developed para-state of the Jewish Agency,”

which had been granted vital arms of governance by the League of Nations Mandate, the Palestinians had no foreign ministry, no diplomats... nor any other government department, let alone a centrally organized military force. They had neither the capacity to raise the necessary funding, nor international assent to creating state institutions. When Palestinian envoys had managed to meet with foreign officials, whether in London or Geneva, they were condescendingly told that they had no official standing, and that their meetings were therefore private rather than official.<sup>124</sup>

In 1947, faced with postwar exhaustion and a Zionist guerrilla war that Britain lacked the will to cope with, the Atlee government handed the issue of Palestine over to the UN Special Commission on Palestine. UN Resolution 181 of November 29 called for a partition which gave the Jewish state 56% of Palestine, as opposed to the Peel Commission’s prewar figure of 17%.<sup>125</sup>

In December 1947, Haganah began a systematic intimidation campaign against Palestinian villages. The typical pattern of attack, as Pappé describes it, “was to enter a defenceless village close to midnight, stay there for a few hours, shoot at anyone who dared leave his or her house, and then depart.”<sup>126</sup> In the case of one village, Deir Ayyub:

Just before the Jewish attack, the village had been celebrating the opening of a new school, which already had the gratifying number of fifty-one pupils enrolled in it, all made possible by money the villagers had collected among themselves and from which they could also pay the teacher’s salary. But their joy was instantly obliterated when at ten o’clock at night a company of twenty Jewish troops entered the village – which, like so many villages in December, had no defence mechanism of any kind – and began firing randomly at several houses.<sup>127</sup>

This was followed on December 31 by a stepped up campaign of terror – this time involving much larger-scale massacres – to test the willingness of British forces to intervene. The High Command “decided to ransack a whole village and massacre a large number of its inhabitants.”

<sup>123</sup> Mamdani, *Neither Settler Nor Native*, p. 263.

<sup>124</sup> Khalidi, p. 64.

<sup>125</sup> *Ibid.*, p. 72.

<sup>126</sup> Pappé, *The Ethnic Cleansing of Palestine*, pp. 75-76.

<sup>127</sup> *Ibid.*, p. 76.

It ordered a local force to encircle the Arab village of Balad al-Shaykh, “kill the largest possible number of men, damage property, but refrain from attacking women and children.” The attempted sparing of women was noteworthy, because the Israeli leadership decided shortly afterward that the distinction between men and women as an unnecessary complication. Meanwhile Hagana forces in Haifa expelled the entire population of the Wadi Rushmiyya neighborhood and demolished all its houses. This was followed, in January, by the expulsion of 5,000 people from the Hawassa neighborhood in Haifa and the demolition of all its building. And Irgun conducted a large string of terror bombings in Arab neighborhoods.<sup>128</sup>

January also witnessed a pivotal meeting of the Israeli leadership group in Ben-Gurion’s home, which Pappé refers to as the “Long Seminar.” It established a clear consensus of attendees that Israeli policy should not be simply retaliation, even massively disproportionate retaliation or collective punishment, but to take the initiative in ethnic cleansing. As two attendees put it, “there was a need for a more aggressive policy in areas that had been ‘quiet for too long.’” By the end of the meeting, Ben-Gurion

had given the green light to a whole series of provocative and lethal attacks on Arab villages, some as retaliation, some not, the intention of which was to cause optimal damage and kill as many villagers as possible. And when he heard that the first targets proposed for the new policy were all in the north, he demanded a trial action in the south as well, but it had to be specific, not general. In this he suddenly revealed himself as a vindictive book-keeper. He pushed for an attack on the town of Beersheba (Beer Sheva today), particularly targeting the heads of al-Hajj Salameh Ibn Said, the deputy mayor and his brother, who in the past had both refused to collaborate with the Zionist plans for settlement in the area. ere was no need, stressed Ben-Gurion, to distinguish any more between the ‘innocent’ and the ‘guilty’ – the time had come for inflicting collateral damage. Danin recalled years later that Ben-Gurion spelled out what collateral damage meant: ‘Every attack has to end with occupation, destruction and expulsion.’ Danin even claimed that some specific villages were discussed.<sup>129</sup>

One attendee later admitted, in the 1960s, that “[i]f it had not been for the open [Zionist military] preparations which had a provocative nature, the drift into war [in 1948] could have been averted.”<sup>130</sup>

Even Israeli civilians complained that the military’s provocative measures were disrupting their attempts to establish peaceful relations with neighboring Arabs.

In the weekly meeting of 7 January, officials of Tel-Aviv’s municipality wondered

<sup>128</sup> *Ibid.*, pp. 79-80.

<sup>129</sup> *Ibid.*, pp. 83-84.

<sup>130</sup> *Ibid.*, p. 83.

why the Hagana, and not just the Irgun, was provoking the Arabs of Jaffa, when they themselves had been successful in ensuring an atmosphere of peace between the two neighbouring cities. On 25 January 1948, a delegation of these senior officials came to see Ben-Gurion at home, complaining that they had detected a distinct change in the Hagana's behaviour towards Jaffa. There was an unwritten agreement between Jaffa and Tel-Aviv that the two towns would be divided by a strip of no-man's land along the coast, which enabled an uneasy coexistence. Without consulting them, the Hagana troops had entered this area, covered by citrus groves, and had upset this delicate balance. And this was done at a time, remonstrated one of the participants, that the two municipalities were trying to reach a new *modus vivendi*. He complained that the Hagana seemed to be doing its best to foil such attempts and spoke of them attacking randomly: killing people without provocation, near the water wells, within the no man's land, robbing the Arabs, abusing them, dismantling wells, confiscating assets, and shooting for the sake of intimidation.

Similar complaints, Ben-Gurion noted in his diary, were coming from members of other Jewish municipalities located in proximity to Arab towns or villages. Protests had come in from Rehovot, Nes Ziona, Rishon Le-Zion, and Petah Tikva, the oldest Jewish settlements in the greater Tel-Aviv area, whose members, like their Palestinian neighbours, failed to grasp that the Hagana had adopted a 'new approach' against the Palestinian population.<sup>131</sup>

Meanwhile, following the Long Seminar, Hagana maintained a permissive atmosphere toward independent campaigns of terror bombings, murder and torture.<sup>132</sup>

So much for the standard Zionist framing that Palestinians were unwilling to coexist peacefully with Jewish settlers.

The first Arab volunteer army, the ALA, entered Palestine on January 9 and "engaged with the Jewish forces in small battles over routes and isolated Jewish settlements."<sup>133</sup>

On February 19th participants in the previous Long Seminar met for a second time at the same location. Ezra Danin reported: "The villagers show no wish to fight.' Moreover, the ALA was clearly confining its activities to the areas the UN resolution had allocated to a future Palestinian state."<sup>134</sup> Nevertheless Ben-Gurion insisted on intensified ethnic cleansing.

Easily winning the upper hand in [the early] skirmishes, the Jewish leadership officially shied its tactics from acts of retaliation to cleansing operations. Coerced expulsions followed in the middle of February 1948 when Jewish troops succeeded in

<sup>131</sup> *Ibid.*, p. 85.

<sup>132</sup> *Ibid.*, p. 88.

<sup>133</sup> *Ibid.*, p. 60.

<sup>134</sup> *Ibid.*, p. 99.

emptying five Palestinian villages in one day.<sup>135</sup>

Plan Dalet, which had been discussed in draft in February, was officially adopted on March 10. On that date,

a group of eleven men, veteran Zionist leaders together with young military Jewish officers, put the final touches to a plan for the ethnic cleansing of Palestine. That same evening, military orders were dispatched to the units on the ground to prepare for the systematic expulsion of the Palestinians from vast areas of the country. The orders came with a detailed description of the methods to be employed to forcibly evict the people: large-scale intimidation; laying siege to and bombarding villages and population centres; setting fire to homes, properties and goods; expulsion; demolition; and, finally, planting mines among the rubble to prevent any of the expelled inhabitants from returning. Each unit was issued with its own list of villages and neighbourhoods as the targets of this master plan. Codenamed Plan D (*Dalet* in Hebrew), this was the fourth and final version of less substantial plans that outlined the fate the Zionists had in store for Palestine and consequently for its native population. The previous three schemes had articulated only obscurely how the Zionist leadership contemplated dealing with the presence of so many Palestinians living in the land the Jewish national movement coveted as its own. This fourth and last blueprint spelled it out clearly and unambiguously: the Palestinians had to go.<sup>136</sup>

Plan Dalet was not squeamish about stating its objectives and means in plain language:

These operations can be carried out in the following manner: either by destroying villages (by setting fire to them, by blowing them up, and by planting mines in their rubble), and especially those population centres that are difficult to control permanently; or by mounting combing and control operations according to the following guidelines: encirclement of the villages, conducting a search inside them. In case of resistance, the armed forces must be wiped out and the population expelled outside the borders of the state.<sup>137</sup>

Pappé characterizes this plan as “both the inevitable product of the Zionist ideological impulse to have an exclusively Jewish presence in Palestine, and a response to developments on the ground once the British cabinet had decided to end the mandate.”

Clashes with local Palestinian militias provided the perfect context and pretext

<sup>135</sup> *Ibid.*, p. 60.

<sup>136</sup> *Ibid.*, p. 13. Quotation marks in quoted text sic.

<sup>137</sup> Quoted in *Ibid.*, p. 101.

for implementing the ideological vision of an ethnically cleansed Palestine. The Zionist policy was first based on retaliation against Palestinian attacks in February 1947, and it transformed into an initiative to ethnically cleanse the country as a whole in March 1948.<sup>138</sup>

The ethnic cleansing was planned with ruthless scientific efficiency, with lists and timetables of villages to be liquidated.

The country was divided into zones according to the number of brigades, whereby the four original brigades of the Hagana were turned into twelve so as to facilitate the implementation of the plan. Each brigade commander received a list of the villages or neighbourhoods that had to be occupied, destroyed and their inhabitants expelled, with exact dates.<sup>139</sup>

The original draft of Plan Dalet approved by the political leadership provided for Arab villages to spare themselves destruction by surrendering unconditionally. It also specified that the ethnic cleansing would be implemented only after the British withdrew. The version issued by the military command to Hagana forces, on the other hand, included no provision for surrender. And it ordered brigade commanders to begin the destruction of villages immediately.<sup>140</sup>

According to Khalidi, the implementation of Plan Dalet was every bit as genocidal as its conception.

Plan Dalet involved the conquest and depopulation in April and the first half of May of the two largest Arab urban centers, Jaffa and Haifa, and of the Arab neighborhoods of West Jerusalem, as well as of scores of Arab cities, towns, and villages, including Tiberias on April 18, Haifa on April 23, Safad on May 10, and Beisan on May 11. Thus, the ethnic cleansing of Palestine began well before the state of Israel was proclaimed on May 15, 1948.

Jaffa was besieged and ceaselessly bombarded with mortars and harassed by snipers. Once finally overrun by Zionist forces during the first weeks of May, it was systematically emptied of most of its sixty thousand Arab residents. Although Jaffa was meant to be part of the stillborn Arab state designated by the 1947 Partition Plan, no international actor attempted to stop this major violation of the UN resolution. Subjected to similar bombardments and attacks on poorly defended civilian neighborhoods, the sixty thousand Palestinian inhabitants of Haifa, the thirty thousand living in West Jerusalem, the twelve thousand in Safad, six thousand

<sup>138</sup> *Ibid.*, p. 14.

<sup>139</sup> *Ibid.*, p. 102.

<sup>140</sup> *Ibid.*, p. 103.

## Center for a Stateless Society

in Beisan, and 5,500 in Tiberias suffered the same fate....

Scenes of flight unfolded in smaller towns and villages in many parts of the country. People fled as news spread of massacres like that on April 9, 1948, in the village of Dayr Yasin near Jerusalem, where one hundred residents, sixty-seven of them women, children, and old people, were slaughtered when the village was stormed by Irgun and Haganah assailants.<sup>141</sup>

In this first phase of the Nakba before May 15, 1948, a pattern of ethnic cleansing resulted in the expulsion and panicked departure of about 300,000 Palestinians overall and the devastation of many of the Arab majority's key urban economic, political, civic, and cultural centers. The second phase followed after May 15, when the new Israeli army defeated the Arab armies that joined the war.... In the wake of the defeat of the Arab armies, and after further massacres of civilians, an even larger number of Palestinians, another 400,000, were expelled and fled from their homes, escaping to neighboring Jordan, Syria, Lebanon, and the West Bank and Gaza (the later two constituted the remaining 22 percent of Palestine that was not conquered by Israel). None were allowed to return, and most of their homes and villages were destroyed to prevent them from doing so.<sup>142</sup>

One of the most notorious Israeli atrocities, the Deir Yassin massacre, occurred on April 9.

The systematic nature of Plan Dalet is manifested in Deir Yassin, a pastoral and cordial village that had reached a non-aggression pact with the Hagana in Jerusalem, but was doomed to be wiped out because it was within the areas designated in Plan Dalet to be cleansed. Because of the prior agreement they had signed with the village, the Hagana decided to send the Irgun and Stern Gang troops, so as to absolve themselves from any official accountability. In the subsequent cleansings of 'friendly' villages even this ploy would no longer be deemed necessary....

As they burst into the village, the Jewish soldiers sprayed the houses with machine-gun re, killing many of the inhabitants. The remaining villagers were then gathered in one place and murdered in cold blood, their bodies abused while a number of the women were raped and then killed.<sup>143</sup>

Meanwhile, the ethnic cleansing and de-Arabization of the towns proceeded in parallel, starting with Tiberias on April 18. It was followed over the next few weeks by Haifa, Safad, the Arab neighborhoods of West Jerusalem, Acre, and Jaffa, among others.<sup>144</sup>

So, contrary to the official Israeli narrative concerning the ethnic cleansing of 1948, over

<sup>141</sup> Khalidi, *The Hundred Years' War on Palestine*, pp. 73-74.

<sup>142</sup> *Ibid.*, p. 75.

<sup>143</sup> Pappé, *The Ethnic Cleansing of Palestine*, p. 109.

<sup>144</sup> *Ibid.*, pp. 111-122.

## Center for a Stateless Society

300,000 Palestinians had been forcibly expelled before the Arab League decided to intervene militarily. That framing – which has also served, more broadly, as the standard narrative in general – is, as Ilan Pappé summarizes it:

The tale Israeli historiography had concocted spoke of a massive ‘voluntary transfer’ of hundreds of thousands of Palestinians who had decided temporarily to leave their homes and villages so as to make way for the invading Arab armies bent on destroying the fledgling Jewish state.<sup>145</sup>

In addition, the historical record shows that, far from ordering it, Arab political and military leaders mostly *opposed* Palestinian flight from the villages and towns.

The claim that the exodus was an “order from above,” from the Arab leadership, proved to be particularly good propaganda for many years, despite its improbability. Indeed, from the point of view of military logistics, the contention that the Palestinian Arab leadership appealed to the Arab masses to leave their homes in order to open the way for the invading armies, after which they would return to share in the victory, makes no sense at all. The Arab armies, coming long distances and operating in or from the Arab areas of Palestine, needed the help of the local population for food, fuel, water, transport, manpower, and information.

The recent publication of thousands of documents in the state and Zionist archives, as well as Ben-Gurion’s war diaries, shows that there is no evidence to support Israeli claims. In fact, the declassified material contradicts the “order” theory, for among these new sources are documents testifying to the considerable efforts of the AHC [Arab Higher Committee] and the Arab states to constrain the flight.<sup>146</sup>

...According to Aharon Cohen, head of MAP AM’s Arab department, the Arab leadership was very critical of the “fifth columnists and rumormongers” behind the flight. When, after April 1948, the flight acquired massive dimensions, Abd al-Rahman Azzam Pasha, secretary general of the Arab League, and King Abdallah both issued public calls to the Arabs not to leave their homes. Fawzi al-Qawukji, commander of the Arab Liberation Army, was given instructions to stop the flight by force and to requisition transport for this purpose.<sup>147</sup>

Palestinian sources offer further evidence that even earlier, in March and April, the Arab Higher Committee, broadcasting from Damascus, demanded that the population stay put and announced that Palestinians of military age must return from the Arab countries. All Arab officials in Palestine were also asked to remain at their posts. Why did such pleas have so little impact? They were outweighed by the

<sup>145</sup> *Ibid.*, p. 15.

<sup>146</sup> Flapan, *The Birth of Israel*, pp. 84-85.

<sup>147</sup> *Ibid.*, p. 86.

cumulative effect of Zionist pressure tactics that ranged from economic and psychological warfare to the systematic ousting of the Arab population by the army.<sup>148</sup>

Overwhelming documentation demonstrates the falsity of the Israeli narrative not only in regard to the actual process of ethnic cleansing, as we have already seen above, but also shows that the Israeli leadership deliberately envisioned removal of the Arab population long before fighting even began.

During the 1930s, Zionist authorities conducted systematic surveys of every Arab village in Palestine, including its defensive topography and male population of fighting age, and specifically Palestinians against which settlers had scores to settle (e.g. who had participated in past revolts, were involved in the Palestinian national movement, lost family members in clashes with Zionists, or had themselves killed Jews – all of these things together forming the basis for summary execution lists in 1948) with a view to future military assault. Moshe Pasternak, who had participated in such an excursion in 1940, wrote in retrospect:

We had to study the basic structure of the Arab village. This means the structure and how best to attack it. In the military schools, I had been taught how to attack a modern European city, not a primitive village in the Near East. We could not compare it [an Arab village] to a Polish, or an Austrian one. The Arab village, unlike the European ones, was built topographically on hills. That meant we had to find out how best to approach the village from above or enter it from below.<sup>149</sup>

One such village, Umm al-Zinat, was systematically infiltrated in 1944 by informers, who gathered information about the location of the mosque, the homes of the Imam and other leading citizens, and armaments. In 1948, according to documents Pappé cites from the Haganah archives, this village was destroyed and its inhabitants expelled despite no prior provocation.<sup>150</sup>

Pappé writes, “Palestinian sources show clearly” that the process of ethnic cleansing began long before May 15, when Palestinian Arabs allegedly “self-evacuated” in order to facilitate the Arab invasion:

The Partition Resolution was adopted on 29 November 1947, and the ethnic cleansing of Palestine began in early December 1947 with a series of Jewish attacks on Palestinian villages and neighbourhoods in retaliation for the buses and shopping centres that had been vandalised in the Palestinian protest against the UN resolution during the first few days after its adoption. Though sporadic, these early Jewish assaults were severe enough to cause the exodus of a substantial number of people

<sup>148</sup> Simha Flapan, *The Birth of Israel: Myths and Realities* (New York: Pantheon Books, 1987), p. 87.

<sup>149</sup> *Ibid.*, p. 38, 41.

<sup>150</sup> *Ibid.*, pp. 40, 279n.

## Center for a Stateless Society

(almost 75,000).<sup>151</sup>

...[M]onths before the entry of Arab forces into Palestine, and while the British were still responsible for law and order in the country – namely before 15 May – the Jewish forces had already succeeded in forcibly expelling almost a quarter of a million Palestinians.<sup>152</sup>

He adds, in a note:

David Ben-Gurion, in *Rebirth and Destiny of Israel* noted candidly that: “Until the British left [May 15, 1948] no Jewish settlement, however remote, was entered or seized by the Arabs, while the Haganah... captured many Arab positions and liberated Tiberia, and Haifa, Jaffa, and Safad... So on the day of destiny, that part of Palestine where the Haganah could operate was almost clear of Arabs.”<sup>153</sup>

The Arab League, reacting to this escalation, made the decision on April 30 to intervene directly with state military forces, but only at the end of the British mandate.<sup>154</sup>

The British left on 15 May 1948, and the Jewish Agency immediately declared the establishment of a Jewish state in Palestine, officially recognised by the two super-powers of the day, the USA and the USSR. That same day, regular Arab forces entered Palestine.<sup>155</sup>

So again, at the time when Palestinians allegedly began to “self-evacuate” in aid of invading Arab armies, hundreds of thousands had already been forcibly expelled by the Israelis.

Another official narrative – that the war that began in May 1948 was a David and Goliath scenario, or threatened a “second Holocaust” – was also nonsense. If any party was in the position of Goliath, it was Israel.

A few weeks into the war, the Israeli recruitment was so efficient that by the end of the summer their army stood at 80,000 troops. The Arab regular force never crossed the 50,000 threshold, and in addition had stopped receiving arms from Britain, which was its main arms supplier.<sup>156</sup>

Immediately upon the adoption of UN Resolution 181 the Arab leaders officially declared they would dispatch troops to defend Palestine. And yet, not once between the end of November 1947 and May 1948 did Ben-Gurion and, one should add, the small group of leading Zionist figures around him sense that their future state was in any danger, or that the list of military operations was so overwhelming that they

<sup>151</sup> Pappé, *The Ethnic Cleansing of Palestine*, p. 60.

<sup>152</sup> *Ibid.*, p. 16.

<sup>153</sup> *Ibid.*, p. 276n.

<sup>154</sup> *Ibid.*, p. 60.

<sup>155</sup> *Ibid.*, p. 60.

<sup>156</sup> *Ibid.*, p. 65.

would impinge on the proper expulsion of the Palestinians. In public, the leaders of the Jewish community portrayed doomsday scenarios and warned their audiences of an imminent 'second Holocaust'. In private, however, they never used this discourse. They were fully aware that the Arab war rhetoric was in no way matched by any serious preparation on the ground. As we saw, they were well informed about the poor equipment of these armies and their lack of battlefield experience and, for that matter, training, and thus knew they had only a limited capability to wage any kind of war. The Zionist leaders were confident they had the upper hand militarily and could drive through most of their ambitious plans. And they were right.<sup>157</sup>

The editors of Ben-Gurion's diary were surprised to discover that between 1 April and 15 May 1948, the leader of the Jewish community in Palestine seemed rather oblivious to the military side of events.

Instead, he appeared much more preoccupied with domestic Zionist politics and was dealing intensively with organisational topics such as transforming the Diasporic bodies into organs of the new state of Israel. His diary certainly does not betray any sense of a looming catastrophe or a 'second Holocaust', as he proclaimed with pathos in his public appearances.

To his inner circles he spoke a different language. To members of his party Mapai, early in April, he proudly listed the names of the Arab villages Jewish troops had recently occupied....

His diary does indeed offer a stark contrast to the fear he planted in his audiences during public gatherings and, consequently, the Israeli collective memory. It suggests that by then he had realised Palestine was already in his hands.<sup>158</sup>

The ethnic cleansing of Palestine within the ceasefire lines was not the byproduct of a desperate and hard-fought defensive campaign, but was planned months earlier in cold blood – as an objective in its own right – by a leadership confident of its ability to defeat any Arab military force. In February, Ben-Gurion had stated his certainty that Israel could not only defend itself, but could project offensive force into Syria, and in the process “take over Palestine as a whole.”<sup>159</sup>

The standard historiography frames March as the hardest period of the war, with the turning point coming in April.

According to this version, an isolated and threatened Jewish community in Palestine was moving from defence to offence, after its near defeat. The reality of the situation could not have been more different: the overall military, political and economic balance between the two communities was such that not only were the

<sup>157</sup> *Ibid.*, p. 66.

<sup>158</sup> *Ibid.*, pp. 105-106.

<sup>159</sup> *Ibid.*, pp. 66-67.

majority of Jews in no danger at all, but in addition, between the beginning of December 1947 and the end of March 1948, their army had been able to complete the first stage of the cleansing of Palestine, even before the master plan had been put into effect. If there were a turning point in April, it was the shift from sporadic attacks and counterattacks on the Palestinian civilian population towards the systematic mega-operation of ethnic cleansing that now followed.<sup>160</sup>

Israelis had numerical superiority over the combined Arab forces on May 15 – several times over, if “second-line troops in the settlements, Gadna youth battalions [sic], home guard, and the Irgun and LEHI groups” are included – and quickly gained superiority in equipment thanks to massive arms transfers from Europe from May 20 onward.<sup>161</sup>

The commander of Arab forces, which entered the conflict after May 15, was King Abdallah of Jordan – who had for some time been involved in private negotiations with the Israelis to take over the portions of Palestine, namely the West Bank, allocated to the Arab state under the Partition Plan. The Arab effort was, in addition, quite lukewarm in terms of resource commitments. The Arab countries

sent less than half their forces against the Israelis – what the Arab chiefs of staff viewed as absolutely minimal for an effective war against Israel. And although Abdallah was overall commander, they never revealed to him the size, composition, or strategic plans of the invading armies. Furthermore, they tried until the last moment to prevent the invasion. They knew they could not defeat the Jewish state. Had the situation been otherwise, they would never have left the “honor of victory” in Abdallah’s hands. In fact, one of the most nationalistic Arab leaders, Akram Hourani of the Syrian Baath party, declared in the Syrian Parliament a week before the invasion that “the war to save Palestine is coming to an end and the creation of the Jewish state is nearly finished. The intervention of the Arab states is not going to change anything.” In short, the appointment of Abdallah as commander of the Arab forces indicated Arab disbelief in the possibility of liquidating Israel by military intervention.<sup>162</sup>

So much for threats to “throw the Jews into the sea.”

After the direct entry of Arab armies after May 15, the Jordanian army – the strongest of the Arab militaries participating – was largely neutralized by King Abdallah’s private understandings with the Israeli leadership. The Jordanian effort was devoted mainly to defending the boundaries of the West Bank territories that had been agreed upon as his in private negotiations with Israelis. The most effective actual fighting Jordanian forces did was in support of Abdallah’s

<sup>160</sup> *Ibid.*, p. 104.

<sup>161</sup> Flapan, *The Birth of Israel*, p. 196.

<sup>162</sup> *Ibid.*, p. 140.

claim to East Jerusalem. For the most part, Arab armies limited themselves to occupying the areas of Palestine assigned to the Arab state by the UN Partition Resolution and encircling some of the isolated Jewish settlements in those areas. Even there, the ultimate outcome was not in doubt; the delay in relieving the encirclement and expelling Arab forces resulted primarily from the priority Ben-Gurion placed on ethnic cleansing in predominantly Jewish areas rather than upon confrontation with regular Arab militaries – a fact which in itself says a great deal about the degree of threat Israel actually faced at the time. When Hagana did turn its attention to relieving the encircled settlements, they quickly gained local superiority and lifted encirclements one after the other. The heroic legends of desperate Israeli settlers, with one hand on the plow and one holding a rifle, largely referred to these cases in which the danger was at most modest.<sup>163</sup>

Flapan confirms that Arab forces limited themselves largely to defending areas guaranteed to the Arab state under the Partition Plan against Israeli attacks.

Although Abdallah continued to play his double game throughout the war, *he honored his commitment not to disturb the creation of the Jewish state or attack its forces*. The fighting between the Jewish forces and the Arab Legion took place in Jerusalem and around its approaches, areas that the UN resolution had not included in the Jewish state. At Latrun and Bab al-Wab, the Arab Legion fought a defensive battle against Israeli forces trying to conquer the Arab villages along the road to Jerusalem, and it did not hinder or interfere with the building of Israel's new road to the city. The legion abandoned Lydda and Ramleh, Ben-Gurion's "Arab islands" in Israeli territory. There was even a kind of military collusion between Abdallah and Israel when the IDF launched its offensive against the Egyptian forces in the Negev. The Israelis captured Beersheba on October 21 and Beit Jibrin and Beit Hanoun on the twenty-second. The next day the Arab Legion took Bethlehem and Hebron, which had previously been occupied by the Egyptians. In his talks with the Israelis, Abdallah did not conceal his desire to see the Egyptian forces crushed. In fact, he had a well-planned strategy to achieve a clear-cut objective: to prevent the Egyptians and Syrians from taking permanent hold of Palestinian areas by undermining any common Arab military action.<sup>164</sup>

Flapan demolishes the "mythology of the War of Independence... that most of the Jewish casualties were suffered in the defense of the Yishuv."

The figures... tell a different story. They show that more than 50 percent of Jewish casualties were suffered in offensive actions and only 21 percent in defensive ones.

<sup>163</sup>Pappé, *The Ethnic Cleansing of Palestine*, pp. 147-149; the ethnic cleansing with which Ben-Gurion was preoccupied included the mass atrocity at Tantura (*Ibid.*, pp. 152 *et seq.*).

<sup>164</sup> Flapan, *The Birth of Israel*, p. 142.

## Center for a Stateless Society

Furthermore, 60 percent of all Jewish casualties occurred in actions in areas outside the borders of the Jewish state.<sup>165</sup>

So, as opposed to the standard historical narrative that Israel was “in danger of annihilation,” it is more accurate to say that, at most, Israel was “facing some obstacles on the way to completing its ethnic cleansing plan.”<sup>166</sup>

At any rate, the ethnic cleansing process proceeded at a rapid pace, and was completed exactly as planned. As Pappé describes Hagana procedures following the occupation of a Palestinian community:

This meant that, with the help of informants, they detected and identified men who were suspected of having attacked Jews in the past, or of belonging to the Palestinian national movement, or who simply were disliked by the local informants who exploited the opportunity to settle old scores. The men thus selected were usually executed on the spot.... His unit was also responsible, as soon as a village or town had been occupied, for separating all men of ‘military age’, namely between ten and fifty, from the rest of the villagers, who were then ‘just’ expelled or imprisoned for long periods in POW camps.<sup>167</sup>

The final results, in sheer numerical terms, are comparable to Milosevic’s crimes in the former Yugoslavia. According to Mamdani:

In 1948 there were 526 distinct Palestinian communities. Four years later 418 had either been destroyed or were left intact but appropriated for other uses. Some ruined locations were turned into forests; only the remains of holy places and historical buildings survived as tell-tale signs among the trees. Others were fenced off and turned into ranches. Infrastructure left standing might be resettled by Jews, perhaps absorbed into an urban neighborhood. Some of those left intact became “artist colonies, exhibits, museums and tourist attractions” (for example, Ein Houd, Caesarea, the old port of Safad, Ez-Zib, parts of Ja! a and Acre) or public parks (for example, Yalo, Imwas, Kabri, Lubia, Dallatheh, Qula, Muzeir’a). Hadeel Assali, a Palestinian anthropologist, writes of the Port of Jaffa, “where old Palestinian homes and buildings have been repurposed into trendy artist galleries”. ... Finally, a few intact communities were used to resettle Arabs who were displaced from their homes elsewhere inside the new state of Israel.<sup>168</sup>

It’s a common Zionist narrative that Palestinians were expelled only because they rejected

<sup>165</sup> *Ibid.*, p. 199.

<sup>166</sup> Pappé, *The Ethnic Cleansing of Palestine*, p. 104.

<sup>167</sup> *Ibid.*, pp. 72-73.

<sup>168</sup> Mamdani, *Neither Settler Nor Native*, pp. 280-281.

the offer of a state in Palestine that was available to them under the UN Partition Plan, and would not otherwise have been driven out. As Flapan describes it:

Israel's legendary willingness to compromise and sacrifice with regard to the scope of the Jewish state was the foundation on which its entire mythology was built during the crucial period of the UN deliberations in 1947 and 1948. The myth was invoked by all of Israel's representatives – Moshe Sharett, Abba Eban, Eliyahu (Eliat) Epstein, Gideon Raphael, and Michael Comay – in their conversations with UN delegates, foreign ministers, and foreign diplomats....

Israel's ostensible acceptance of the resolution remained its most important propaganda weapon, even as it violated one section of that document after another. Today, with Israel controlling the West Bank, the Golan Heights, and southern Lebanon, the myth lingers on, engraved in Israel's national consciousness and in its schoolbooks.<sup>169</sup>

The record shows, to the contrary, that the Zionist leadership in Palestine had envisioned the transfer of the Arab population for a period predating WWII by some time, and even while publicly acknowledging the Partition Resolution explicitly reserved in private the right not only to absorb all of Palestine but to expand into Transjordan, Lebanon and virtually the entirety of the Solomonic kingdom at its height.<sup>170</sup>

Ben-Gurion had viewed public acceptance of any partition plan as purely temporary, and a Trojan horse for further expansion, going back to the Peel Commission's partition recommendation.

In his view, the increasing British tendency following the Arab Revolt to restrict Jewish immigration, land purchase, and settlements made it imperative to establish a state immediately, even if the area for settlement were – for the time being – restricted. He pointed out that the Peel commission's proposal “gives us a wonderful strategic base for our stand... for our fight... the first document since the Mandate which strengthens our moral and political status... it gives us control over the coast of Palestine, large immigration, a Jewish army, and systematic colonization under state control.”

Ben-Gurion's long-range objective was quite clear: “Just as I do not see the proposed Jewish state as a final solution to the problems of the Jewish people,” he told his party members, “so *I do not see partition as the final solution of the Palestine question*. Those who reject partition are right in their claim that this country cannot be partitioned because it constitutes one unit, not only from a historical point of view but also from that of nature and economy” (emphasis added).

<sup>169</sup> Flapan, *The Birth of Israel*, pp. 15-16.

<sup>170</sup> *Ibid.*, p. 31.

Addressing the Zionist Executive, he again emphasized the tactical nature of his support for partition and his assumption that “after the formation of a large army in the wake of the establishment of the state, *we will abolish partition and expand to the whole of Palestine*” (emphasis added). He reiterated this position in a letter to his family during that same period: “A Jewish state is not the end but the beginning... we shall organize a sophisticated defense force – an elite army. I have no doubt that our army will be one of the best in the world. And then I am sure that we will not be prevented from settling in other parts of the country, either through mutual understanding and agreement with our neighbors, or by other means.”<sup>171</sup>

From the War of Independence on, Israel rejected any legally specified borders as a potential hindrance to further expansion; Ben-Gurion explicitly rejected a proposal for a Palestinian state on the grounds that it would imply accepting the Partition Plan. On the eve of British withdrawal from the Mandate, the People’s Administration – provisional government of the Yishuv – decided against defining the borders of the Jewish state in its Declaration of Independence or specifically mentioning the Partition Plan.<sup>172</sup>

Meir Vilner, the leader of the Communist Party in the new state and a signatory to the Declaration of Independence, proposed that Palestinian Arabs also be granted a right to an independent state, but his proposal was also defeated over territorial issues. To assert a Palestinian right to self-determination would mean accepting the borders offered by the UN plan.<sup>173</sup>

That did not stop Jewish Agency representative Eliyahu Epstein, in the meantime, from paying lip-service to the Partition Plan in his statement to President Truman: “I have the honor to notify you that the state of Israel has been proclaimed as an independent republic within the frontiers approved by the General Assembly of the United Nations in its resolution of November 29, 1947.”<sup>174</sup>

## Israel as an Ethnostate

Although apologists for Israel often point to the existence of a minority of Palestinian citizens in Israel as proof that it is not an ethnostate, they are in many ways officially defined as Other despite their citizenship status.

Palestinians did not even become citizens until almost twenty years after independence. Until then, they lived under an official, explicit Apartheid regime.

<sup>171</sup> *Ibid.*, p. 22.

<sup>172</sup> *Ibid.*, pp. 34-35.

<sup>173</sup> Mamdani, *Neither Settler Nor Native*, p. 273.

<sup>174</sup> Flapan, *The Birth of Israel*, p. 35.

## Center for a Stateless Society

The foundation of apartheid is separate rule of the national majority and minority. In Israel, this was achieved initially through military governance and special government departments. While Jewish citizens were governed by civil law and could appeal to the state on the basis of that law – including to legislators who represented them in the Knesset – non-Jews were governed by the decrees of military officials and bureaucrats. They could appeal to officers and agencies, but not to legislators.

This system lasted nearly two decades, from 1948 until 1966. Under this structure Palestinians within Israel were effectively captives of a military dictatorship, established on the basis of the 1945 Defence (Emergency) Regulations inherited from the British. The regulations included severe restriction on civil liberties, including freedom of movement....

Immediately after conquering a Palestinian community, Israel would use the emergency regulations to impose a curfew and travel-permit requirement on Palestinians there. The travel permit was the Israeli version of the American and South African pass systems. The result was to fracture Arab population concentrations into a number of security zones, the equivalent of homelands in other colonies. There were three such zones – northern, central, and southern – each commanded by an official appointed by the chief of staff of the military and accountable only to him. Each of the regional military governors was akin to an autocrat. The regulations authorized him to detain any person within his zone, deport residents, confiscate land and houses, and demolish “any house, structure or land.” Of course, because the emergency defense laws were implemented only in relation to Palestinians, not Jews, they constrained only the former, while giving the Jews carte blanche to occupy the lands from which the Palestinians were denied access. Closing Palestinian areas meant preventing Palestinians, both returning refugees and internally displaced persons, from reoccupying their homes. But Jews could move in and take them over. When Prime Minister Ben-Gurion justified the practice before the Knesset, he said the military government “came into existence to protect the right of Jewish settlement in all parts of the state.” Even when military rule formally ended in 1966, the Defence (Emergency) Regulations of 1945 remained in force.<sup>175</sup>

Even as citizens, Palestinians continued to hold second-class status in many regards. As Jonathan Cook writes:

Strict segregation between Jews and Palestinians in Israel exists in the main realms of national life: citizenship rights, constitutional protection, political representation, recognition of diaspora interference, land and planning laws, education, employment, and law enforcement. The various laws governing these aspects of life are mutually supporting and reinforcing..., and have allowed the Jewish population

<sup>175</sup> Mamdani, *Neither Settler Nor Native*, p. 283-284.

## Center for a Stateless Society

to control the country's resources, principally land and water, for its own benefit.<sup>176</sup>

“Non-Jewish citizens in Israel” according to Mamdani, “are second-class citizens in law, officially denied state services and marked for dispossession.” He elaborates on the forms of official inequality between Jewish Israelis and Palestinians, even those of the latter who are “citizens”:

That is what it is to be a non-Jew in the Jewish national homeland. Tzipi Livni, a prominent Israeli liberal politician, puts it thi's way: “I would like to see the State of Israel be a home for Arab Israelis, but it cannot be their national home.” Israel proper, excluding the West Bank and Gaza, is indeed home to Palestinians, almost 2 million of them. But because Israel is not their national home, they do not exercise sovereignty in it. Law assures that they lack the ability to influence state action or petition the state to secure their interests. While any Jew is automatically a citizen of Israel, non-Jews with longstanding ties to the land face huge hurdles to obtaining citizenship. While the state, in league with quasi-public institutions such as the Jewish National Fund and the Jewish Agency, assures that Jews have access to land on which to build and farm, non-Jews have had their land confiscated, are barred from developing their cities, and are routine victims of home demolitions carried out by the Israeli security apparatus. Palestinian Israelis are surveilled by Israeli security agents in their schools and communities, barred from participating in the armed forces, and barred from collecting numerous state benefits that accrue to such service. Palestinian Israelis can vote and run for office, but on highly constrained terms. Merely expressing the desire for equal rights can result in prohibition from running, and anyone in office who questions Israel's favoritism toward Jews can be removed from their position.<sup>177</sup>

The fundamentally second-class nature of Palestinian citizenship in an officially defined Jewish state is illustrated, above all, by the law of return.

The notion of citizenship is particularly complicated in Israel – and for good reason. Two important laws define citizenship: the Law of Return (1950) and the Citizenship Law (1952), each law creating a different and unequal class of citizenship based on national belonging. The Law of Return gives all Jews everywhere the automatic right to come to Israel and become citizens. By contrast, the Citizenship Law, while conferring citizenship on those Palestinians who remained inside Israel in 1948, imposes severe restrictions on extending the same rights to other non-Jews. In particular, it ensures that the 750,000 Palestinian refugees from the 1948 war and

<sup>176</sup> Jonathan Cook, “‘Visible Equality’ as Confidence Trick,” in Ilan Pappé, ed., *Israel and South Africa: The Many Faces of Apartheid* (London: Zed Books, 2015), p. 125.

<sup>177</sup> Mamdani, *Neither Settler Nor Native*, p. 251.

## Center for a Stateless Society

their millions of descendants are denied the right ever to return to their homes and claim Israeli citizenship. These two laws together are designed to ensure that Israel remains a Jewish state in perpetuity: the Citizenship Law denies Palestinian citizens the right to bring exiled family members to Israel, while the Law of Return guarantees precisely this right, and more, to Jewish citizens of Israel.<sup>178</sup>

Ben-Gurion, addressing the Knesset, 1950, described the Law of Return as embodying

a central purpose of our state, the purpose of the ingathering of the exiles. This law states that it is not this state which grants Jews from abroad the right to settle in it, but that this right is inherent by virtue of one's being a Jew, if one wishes to settle in the country.<sup>179</sup>

By the very definition of Israel as a Jewish state, Palestinian citizens existing within its borders – and within all Israeli-occupied territories west of the Jordan – constitute an official Other whose existence presents a potential demographic threat. The “demographic problem” – the imperative of keeping the Arab minority sufficiently small – is a central issue of Israeli politics.<sup>180</sup>

To evaluate the legitimacy of Israel's claim to be a democracy, or claims by its apologists that it cannot be an ethnostate because of the 20% of its citizens who are Arab, we need only to consider proposals by a Palestinian member of the Knesset Azmi Bishari to amend the basic law to declare Israel a “state of all its citizens” rather than a Jewish state. Not only did the Knesset reject his proposals, but amended the law so as to ban any member who questioned Israel's completely democratic character. Bishari was expelled, he and his party were disqualified from future ballots, and he subsequently became a political refugee in Qatar.

The Knesset in 2018 passed a law declaring Israel the Nation State of the Jewish people – effectively recognizing the second-class status of Arab citizens and their character as an official Other.<sup>181</sup>

For decades Zionists insisted, often referring to the state's declaration of independence, that Israel could be and was both “Jewish and democratic.” As the contradictions inherent in this formulation grew ever more apparent, some Israeli leaders admitted (indeed, even declared it with pride) that if they were forced to choose, the Jewish aspect would take precedence. In July 2018, the Knesset codified that choice in constitutional law, adopting the “Basic Law on the Jewish Nation-State,” which institutionalized statutory inequality among Israeli citizens by arrogating the right of national self-determination exclusively to the Jewish people, downgrading the status

<sup>178</sup> Cook, “‘Visible Equality’ as Confidence Trick,” p. 126.

<sup>179</sup> Mamdani, *Neither Settler Nor Native*, p. 268.

<sup>180</sup> Pappé, *The Ethnic Cleansing of Palestine*, pp. 263-264.

<sup>181</sup> Mamdani, *Neither Settler Nor Native*, pp. 311-314.

## Center for a Stateless Society

of Arabic, and declaring Jewish settlement a “national value” with precedence over other needs. Former Justice Minister Ayelet Shaked, one of the more forthright advocates of Jewish supremacy and a sponsor of the law, had made the case bluntly a few months before the legislation came to a vote: “There are places where the character of the State of Israel as a Jewish state must be maintained and this sometimes comes at the expense of equality.” She added, “Israel ... isn’t a state of all its nations. That is, equal rights to all citizens but not equal national rights.”<sup>182</sup>

Incidentally, while Israel holds up UN Resolution 181, with its call for partition of Palestine and creation of a Jewish state, in defense of its character as an ethnostate, this is in fact a violation of the actual terms of the resolution. As Virginia Tilley points out:

First, Resolution 181 called for partition into two states on terms that absolutely rejected ethnic statehood on the model later developed by Israel. The resolution endorsed partition into a ‘Jewish state’ and an ‘Arab state’ but these were to be ethnic with regard to only some mechanisms (such as gerrymandered borders and guidelines for citizenship choices) to encourage, not compel, titular ethnic majorities. Otherwise, the text of the resolution explicitly and repeatedly prohibited discrimination in either state on the basis of ethnicity. Thus Resolution 181 never endorsed ethnic statehood on the model that Israel would later adopt, in which Jewish ethnic rights are juridically privileged in many social sectors....

Second, subsequent General Assembly resolutions tacitly retracted the endorsement of a Jewish state expressed in Resolution 181 by calling for the return of Palestinian Arab refugees to Israel’s territory: first, and famously, in Resolution 194 of 19 November 1948. Because the territory that became modern Israel had held a Palestinian Arab majority before the war (Zionist forces having seized a much larger area than Resolution 181 had recommended, including the entire Galilee with its dense Arab population), this instruction to allow the Arab refugees to return signalled that the UN no longer endorsed a Jewish majority in that territory.<sup>183</sup>

Uri Davis, likewise, stresses Israel’s concealment from the UN of its intent to create an apartheid ethnostate.

The State of Israel would not have been able to project itself in the West as successfully as it has done since its establishment in 1948 as the ‘only democracy in the Middle East’ without elaborately veiling its apartheid legislation. As Musa Mazzawi points out, the discussions at the UN Security Council suggest, the

<sup>182</sup> Khalidi, *The Hundred Years’ War on Palestine*, p. 235.

<sup>183</sup> Virginia Tilley, “Redefining the Conflict in Israel-Palestine: The Tricky Question of Sovereignty,” in Ilan Pappé, ed., *Israel and South Africa: The Many Faces of Apartheid* (London: Zed Books, 2015), pp. 317-318.

holocaust notwithstanding, that the UN would have been reluctant to allow the admission of the Jewish state as a member state had the UN not received formal and solemn assurances from the Government of the State of Israel that Israel would abide by Resolution 181(II) of November 1947 recommending the partition of Palestine with economic union, and Resolution 194(III) of December 1948 resolving that the 1948 Palestinian refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date.... It goes without saying that, under the circumstances, had the new state failed to project itself as anything other than an international-law-abiding state, it would have seriously jeopardized the prospects of its admission as a member state in the UN.<sup>184</sup>

Although petty Apartheid of the South African or Jim Crow type is outlawed, there is a great deal of difference in legal status. This is not merely *de facto* discrimination in application of the law, but official, *de jure* status.

One Palestinian academic in Israel, Yousef Jabareen, has noted what he calls the ‘remarkable normative duality’ in Israeli law. On the one hand, unlike petty apartheid in South Africa, Israel formally bans discrimination on the grounds of race or national belonging in relation, for example, to employment and entry to public places. On the other, however, it expressly institutionalises inequality between Jewish and Palestinian citizens in the major areas of national life.<sup>16</sup> This legal and intellectual contortion is necessary to solve the conundrum of Israel’s self-definition as a ‘Jewish and democratic’ state and to maintain the idea of visible equality. The legal group Adalah has identified more than fifty laws that explicitly enshrine inequality between Jewish and Palestinian citizens, including in the way the state defines itself, state symbols, immigration, citizenship, political participation, land, culture, religion, state budgeting and more....

The important point to note here, however, is that the inequality referred to above is not *de facto* discrimination, or discrimination as a result of bias by officials in implementing and enforcing laws designed to promote equality. Palestinian citizens suffer this kind of *de facto* discrimination too, of course....

But Palestinian citizens must also contend with a far more damaging *de jure* discrimination: that is, inequality that is the goal of Israeli legislation, and which it is the job of state officials to implement. This kind of inequality cannot be appealed against in the courts precisely because it is intentional, as was inequality between blacks and whites in Apartheid South Africa.

Nonetheless, this *de jure* discrimination is better veiled than its South African equivalent because Israel has conferred on all citizens, whether Jew or Palestinian,

<sup>184</sup> Uri Davis, *Apartheid Israel: Possibilities for the Struggle Within* (London and New York: Zed Books, 2003), p. 38.

the same individual rights. This ostensible equality, however, has been fatally undermined by creating a body of laws that ignores Israel's binational reality and assigns collective rights to one national group only: Jews. These collective rights, for Jews, always take priority over the individual rights available to all Israelis, ensuring that, in a contest of rights, Palestinian citizens invariably lose out.<sup>185</sup>

Although Palestinian citizens have the vote, the Palestinian political parties exist on the edge of illegality; the officially Jewish character of the state puts them in danger of sanction for "sedition" if they advocate for genuine democracy.

...Israel's self-definition as a 'Jewish and democratic state' means that Palestinian parties are skating close to illegality when they campaign for Israel's democratisation by ending its Jewish character. The constant threat of disqualification, and prosecution, hangs over the minority's politicians. This has been an effective way to rein in free speech and silence dissent. In the years following the outbreak of the second intifada, Israel launched investigations of all of its Palestinian MKs (members of the Knesset), regularly accusing them of incitement or sedition when they promoted their political platforms.<sup>186</sup>

...Following the election of a rightwing government under Benjamin Netanyahu, a raft of bills tried to limit the role of non-Zionist parties. At the time of writing, they included legislation to require Palestinian MKs to swear an oath of loyalty to Israel as a 'Jewish and democratic state' and to make possible the revocation of citizenship for disloyalty. The latter bill, proposed by the Interior Minister Eli Yishai, was intended to target two Palestinian MKs, Azmi Bishara and Haneen Zoabi.<sup>31</sup> Bishara had been forced into exile in 2007 after being accused of spying for Hizbullah, though no evidence was produced; Zoabi had been stripped of her parliamentary privileges, possibly as a prelude to trial, for participating in an aid flotilla to Gaza in May 2010. Both were members of the National Democratic Assembly Party, which has led the campaign to democratise Israel.<sup>187</sup>

The second-class status of Palestinians is also starkly revealed through their land rights, or rather lack thereof. That difference goes back to the imperatives involved in establishing Israel as an officially Jewish state, which required an overwhelming Jewish majority in order to maintain its character as an ethnostate. According to Mamdani:

During the 1948 war of independence, Jewish soldiers actively drove out non-Jewish Palestinians from their communities. Some 750,000 were exiled, and tens of

<sup>185</sup> Cook, "Visible Equality' as Confidence Trick," pp. 129-131.

<sup>186</sup> *Ibid.*, p. 134.

<sup>187</sup> Cook, "Visible Equality' as Confidence Trick," p. 135.

thousands of others were displaced internally. All lost their lands and homes, which were “redeemed” by their new Jewish owners. Meanwhile, those non-Jewish Palestinians who remained in Israel were concentrated into zones of military occupation for two decades. In the years since, their towns and homes have been declared illegal, so that they have no recourse when the state confiscates or destroys them.<sup>188</sup>

In Israel, society had to be made Jewish. At the time of the independence, Jews lacked a clear numerical advantage in the territory. In 1947 no less than 45 percent of the population in the area designated for the Jewish state was Palestinian, according to the United Nations Special Committee on Palestine. How could Jews institute and maintain their status as the national majority – that is, the nation patronized by the nation-state – if they constituted only half the population?<sup>189</sup>

Most Palestinian land, according to Cook, was confiscated during the war in the same process by which 80% of the Arab population was expelled. But the Israeli state found one way or another to seize the land even of the Arab population who remained, after the war was over.

Land rights were effectively differentiated for legal categories of Jew and non-Jew – a defining feature of Apartheid regimes – by statute. According to Uri Davis, the Knesset’s World Zionist Organization/Jewish Agency Status Law of 1952

committed the State of Israel by law to secure a monopolistic concession in the area of ‘settlement projects in Israel’ for an organization that is constitutionally restricted to ‘agricultural colonization based on Jewish labour’ for which it ‘be deemed to be a matter of principle that Jewish labour shall be employed’.<sup>190</sup>

In other words, in the critical areas of immigration, settlement and land development the Israeli sovereign, the Knesset, which is formally accountable to all its citizens, Jews and non-Jews alike, has formulated and passed legislation ceding state sovereignty (including taxation) and entered into Covenants vesting its responsibilities with organizations such as the WZO, the JA and the [Jewish National Fund], which are constitutionally committed to serving and promoting the interests of Jews and Jews only.<sup>191</sup>

Once again, just to clarify the nakedly ethnonationalist nature of Israeli land law, in its denial of equal rights to Palestinian Israelis,

the responsibility for strategic projects of land development and the settlement of the country were vested *in law* with organizations... that are committed, under the terms of their respective Constitutions, to advance immigration and settlement for

<sup>188</sup> Mamdani, *Neither Settler Nor Native*, p. 252.

<sup>189</sup> *Ibid.*, p. 277.

<sup>190</sup> Davis, *Apartheid Israel*, p. 44.

<sup>191</sup> *Ibid.*, p. 48.

## Center for a Stateless Society

Jews (and only Jews) inside the State of Israel as well as ‘any area within the jurisdiction of the Government of Israel’.<sup>192</sup>

That last provision, which includes areas under the Israeli state’s jurisdiction, exposes the falsity of hair-splitting claims that Israel cannot be considered an apartheid state based on the practices of its occupation regime on the West Bank, because the area is not within the borders of Israel.

The process of expropriating existing Palestinian land holdings continued even after 1948.

The substantial land holdings of the Palestinians who became Israeli citizens was taken on various pretexts. The most significant measure applied to the quarter of the Palestinian population in Israel who were classed as internal refugees, or ‘present absentees’, and thereby stripped of the rights to their homes and property. The Absentee Property Law of 1950 affected all the refugees, both those in exile and those with Israeli citizenship. Much of this land was to be found in more than 500 Palestinian villages that were destroyed in the aftermath of the war.<sup>193</sup>

This was facilitated by the stringent requirements for Arab residents to qualify as citizens.

To be counted as citizens, Arabs have to meet legal requirements set out in the Entry into Israel Law of 1952. According to the law, they must have been residents of Mandate Palestine and registered as such by March 1, 1952. They must also have been in Israel during the first years of statehood – that is, they must have been residents “in Israel, or in an area which became Israeli territory after the establishment of the state, from the day of the establishment of the state to the day of the coming into force of this law, or entered Israel lawfully during that period.”

Not surprisingly, many were not registered. These Arabs, though residents in the territory that became Israel, were later called “present absentees,” a category that sealed their fate: the state expropriated their property, particularly their land. Their status passed on to their children. These present absentees, or internal refugees, constituted about 20 percent of the Arab population in post-1948 Israel. They finally were granted citizenship in 1980.<sup>194</sup>

Besides the seizure of land under the pretext of “present absentee” and other refugee status, during the 1948-1966 period of martial law,

Israel devised a range of laws, in addition to the Absentee Property Law, to make the wholesale confiscation of Palestinian land possible. The most important were

<sup>192</sup> *Ibid.*, p. 49.

<sup>193</sup> Cook, “‘Visible Equality’ as Confidence Trick,” p. 136.

<sup>194</sup> Mamdani, *Neither Settler Nor Native*, p. 267.

## Center for a Stateless Society

declaring Palestinian areas ‘closed military zones’ and requisitioning Palestinian agricultural land on the grounds that it had been judged ‘fallow’. Palestinian citizens had little hope of resisting such confiscation because they were strictly confined to their communities, requiring permits from the military governor to move about.<sup>195</sup>

A government entity called the “Custodian” was authorized to sell expropriated lands. And the “present absentee” status – even for citizens – is the gift that keeps on giving. Even with citizenship status, present absentees are not entitled to inherit land.

There is no time limitation on the confiscation of absentee lands. Even today, decades after Israeli independence, Palestinian Arab citizens of Israel receive notices of confiscation. For instance, if a Palestinian landowner dies, and one of his or her heirs is a refugee, the law entitles the Custodian to claim that share. The failure to hand over absentee property to the Custodian is a criminal offence. By contrast, the Custodian is beyond accountability. As long as the Custodian disposes of property “in good faith,” the transfer is valid, even if it is proved that the property was not absentee property....<sup>196</sup>

The legal hurdles for demonstrating ownership were equally stringent. Any customary or communal titles to land by non-Jews, which were in any way illegible by the standards of modern capitalist property law, were treated as unowned by the Israeli state and expropriated.

Besides individually owned land, the Israeli state also appropriated communal trust land, known in Arabic as waqf. The waqf in Ottoman and Mandate Palestine were well endowed, including not only mosques, graveyards, and holy sites, but also residential, agricultural, and commercial properties held for charitable purposes. It is estimated that waqf institutions owned up to 20 percent of the cultivated area of Mandate Palestine. As much as 85 percent of waqf property was transferred to the Custodian.

...Of particular importance was the requirement that Palestinians claiming farmland prove ownership dating from Ottoman times. This exposed the vast majority of cultivators to dispossession since “only about 5 percent of the land in Palestine had been officially registered at the end of the Ottoman period.” Any unregistered land automatically was turned over to the Israeli state on the grounds that it had no owner – that even longtime Arab cultivators were in fact trespassing.

When Arabs did claim registration, they found the process of proving ownership so badly stacked against them that 85 percent of their cases were decided in favor of the Israel Land Administration, the government agency responsible for managing

<sup>195</sup> Cook, “‘Visible Equality’ as Confidence Trick,” pp. 138-139.

<sup>196</sup> Mamdani, *Neither Settler Nor Native*, p. 288.

land ownership.<sup>197</sup>

Once land has been expropriated, the institutional framework governing its subsequent distribution clearly displays the official second-class status of Palestinian citizens in a Jewish ethnostate. Palestinian citizens of Israel were denied equal civil rights even to purchase or lease expropriated lands; much of the land was transferred to the Jewish National Fund, whose bylaws required that all land in its possession be used only for “the benefit of the Jewish people.”<sup>198</sup> To quote Cook again,

93 per cent of land inside Israel has been nationalised, not for the benefit of Israeli citizens but for the Jewish people worldwide (again underscoring the significance of Israel’s distinction between citizenship and nationality). Traditionally, this land has not been sold, either to Jews or to Palestinians, but leased by the state. In this way, it has been held permanently in trust for the Jewish people. Or, as Ariel Sharon explained in 2002, Palestinian citizens – ‘Israeli Arabs’, as he called them – had ‘rights in the land’ whereas ‘all rights over the Land of Israel are Jewish rights’. According to this view, Palestinian citizens were merely tenants, temporary or otherwise, while the Jewish people were the landlords of Israel.<sup>199</sup>

Land law also serves to ring-bark the further growth of existing Palestinian communities.

A further justification for land confiscation was introduced as the military government was nearing its end, with the passage of the Planning and Building Law in 1965. This legislation detailed every location in the country where a community had been recognised by the newly established planning authorities. These planning bodies, staffed by Jews, refused to approve the establishment of any new Palestinian towns or villages, making natural expansion impossible, and tightly confined the permitted development area of Palestinian communities, justifying a harsh policy of enforcing house demolitions against Palestinian citizens. Today, tens of thousands of Palestinian owned homes and buildings are subject to demolition orders. Jewish communities, particularly the expansive rural cooperative communities of the *kibbutzim* and *moshavim*, were treated indulgently and often allowed to encroach on the land of their Palestinian neighbours.

In addition, the Planning and Building Law recognised only 124 Palestinian communities, thereby ‘unrecognising’ dozens more – mainly Bedouin villages in the Negev and the Galilee – that predated Israel’s creation. The inhabitants of these unrecognised villages have been effectively criminalised: public companies are

<sup>197</sup> *Ibid.*, p. 289.

<sup>198</sup> Khalidi, *The Hundred Years’ War on Palestine*, p. 83.

<sup>199</sup> Cook, “‘Visible Equality’ as Confidence Trick,” p. 137.

banned from supplying their homes with water, sewerage and electricity services; no schools or medical clinics are allowed, however large the village; and all homes inside the community are subject to automatic demolition orders. The goal is to make conditions unbearable for the residents so that they will move off their land and into overcrowded but recognised Palestinian communities. The state can then expropriate their land and property.<sup>200</sup>

And land law has facilitated the Judaization of areas like western Galilee, which remained heavily Palestinian even after Israeli independence.

Israel also uses land law to fragment Palestinian populations where they form majorities. The Judaization of the Galilee, for instance, involved forcibly appropriating land from Palestinian communities to build the new Jewish communities of Upper Nazareth and Karmiel. This effort, which began in the 1950s, was very much a military effort.<sup>201</sup>

As a strategy to fragment Palestinian communities into areas that can be encircled and prevented from growing, Judaization is reminiscent of the creation of reservations in the United States and Bantu homelands in apartheid South Africa. Though 72 percent of the population in the Galilee is Palestinian, 63 percent of the land is under the control of regional councils with an Ashkenazi majority, which constitutes a mere 6 percent of the area's population. Another 21 percent of the land is under the control of Mizrahi-majority councils; Mizrahim comprise 22 percent of the population. Palestinian-majority regional councils are left to administer just 16 percent of the land....

It is not just Arabs but also Bedouin who have been victims of Judaization. In the 1970s Bedouin constituted almost 90 percent of the population of the Naqab, or Negev, the arid south of Israel. Judaization in the Naqab aimed to concentrate Bedouin communities in seven residential areas so that remaining land could be transferred to Jewish settlers. The Bedouin were offered meager compensation – between 2 and 15 percent of what was offered to Jewish settlers evacuated from the Sinai. When almost half of the Bedouin refused, state authorities declared their fifty-eight villages “unrecognized.”<sup>202</sup>

Denying recognition has, in the past few decades, become a key technology of Judaization. In effect, the status places communities beyond the pale of legality. The 1965 Planning and Building Law created the scheme. The law concentrated planning authority in a government body, which used administrative powers to implement demolition and eviction orders and increased the severity of financial penalties on

<sup>200</sup> *Ibid.*, p. 139.

<sup>201</sup> Mamdani, *Neither Settler Nor Native*, p. 291.

<sup>202</sup> *Ibid.*, pp. 291-292.

homeowners whose activities were barred by derecognition. The government at the time recognized only 123 Palestinian villages, including the 108 that had survived the war, as well as those Bedouin areas the Israelis hoped to make concentration points for the population. These communities could continue to develop, but unrecognized localities would be omitted from all planning, making any expansion of them illegal. A 1981 amendment to the law added new levers of coercion, prohibiting the supply of electricity, water, and telephone lines to unlicensed buildings. Unrecognized villages were prohibited from building infrastructure, such as paved roads and sewage systems, and from constructing or repairing homes. Existing buildings were subject to demolition at any time. When villagers continued to build illegally, the government turned to the demolition power. By 1998 courts had approved 12,000 demolition orders in the Galilee alone.<sup>203</sup>

Legal techniques developed to facilitate the appropriation of Arab land in Israel proper were used in the Occupied Territories after the 1967 War. During 1968 – 1979, the key justification for seizing “almost 47,000 dunams” (almost 12,000 acres) for building settlements “was that the settlements performed defense and military functions.” This same justification was used following the Oslo Accords to “construct a network of bypass roads connecting the settlements with Israeli urban centers inside” the pre-1967 border. When the Supreme Court rejected this justification, the government declared the desired areas state land and thus subject to the earlier expropriation law. Between 1972 and 1992, Israel constructed 132 settlements housing 231,200 Israelis in the West Bank and East Jerusalem, and another 16 settlements housing 4,800 Israelis in Gaza.<sup>204</sup>

The cumulative effect of this legal regime, according to Uri Davis, is that “93 per cent of all the territory of pre-1967 Israel being designated in law through Acts of the Knesset for cultivation, development and settlement by, of and for Jews only” – a higher percentage than the 87% reserved for whites under South African Apartheid.<sup>205</sup>

In addition to land and citizenship issues, Mamdani writes, Palestinians face official discrimination in other social areas. “Arabs are excluded from participation in the army, which becomes a covert justification for discrimination, since many benefits in Israel are available only to those who have served.”<sup>206</sup>

There is also a separate educational system for Palestinians. While it is sometimes justified in terms of preserving Palestinian culture, it has – among other things – the same shortcomings as the “separate equal” schools in the Jim Crow South. Most notably, per pupil funding of

<sup>203</sup> *Ibid.*, pp. 292-293.

<sup>204</sup> *Ibid.*, p. 291.

<sup>205</sup> Davis, *Apartheid Israel*, p. 39.

<sup>206</sup> Mamdani, *Neither Settler Nor Native*, p. 297.

Palestinian citizens is a small fraction of that for Jewish Israelis.<sup>207</sup> The claim to foster Palestinian culture is also belied by the Israeli state's control over the Arab schools' curriculum; while the various Jewish sects are entitled to their own autonomous, self-governed educational system, "the curriculum in Arab schools is designed by the state Ministry of Education."<sup>208</sup> Likewise a large number of Arab writers and poets are banned, and the history curriculum is heavily Zionist. The decision in 2007 to allow a textbook to mention that Palestinians referred to their dispossession in 1948 as the Nakba sparked a huge controversy, and was reversed two years later.<sup>209</sup> Shin Bet, or the Israeli domestic security, also exercises a high degree of surveillance within the Palestinian schools and vets all teaching and administrative appointments.<sup>210</sup>

In regard to higher education, Palestinians in Israel have been refused the right to build a single university.

In 2004 *Ha'aretz* reported that university admission rules have been revised to give greater weight to "interviews," so that Israeli education authorities have more leeway to prevent heavy concentrations of Palestinian students in fields deemed sensitive from a security standpoint.<sup>211</sup>

So while Palestinian citizens of Israel possess legal equality with Israeli Jews in some regards, in others – very important ones – they are second-class citizens whose status is defined by nationality. Uri Davis writes:

In the State of Israel the right of a citizen classified in law as a 'non-Jew' (namely, an Arab) to partake in the political process is formally equal to the right of a citizen classified in law as a 'Jew'. Likewise the standing of a citizen classified in law as a 'non-Jew' before the courts of law is in principle equal to the standing of a citizen classified in law as a 'Jew'. ...

On the other hand the rights of a citizen classified in law as a 'non-Jew' to property, to the social and welfare services and to the material resources of the state are not equal to those of a citizen classified in law as a 'Jew', and... such citizens of the State of Israel as are defined in law as 'non-Jews' (namely, 'Arabs') are denied access to 93 per cent of the territory of pre-1967 Israel administered by the Israel Lands Administration (ILA).<sup>212</sup>

In short, as Ronnie Kasrils summarizes the similarities between Israel and South Africa as Apartheid states: "The laws and measures adopted by Israel, whether civil or military, closely

<sup>207</sup> Cook, "'Visible Equality' as Confidence Trick," pp. 141-142.

<sup>208</sup> Mamdani, *Neither Settler Nor Native*, p. 285.

<sup>209</sup> Cook, "'Visible Equality' as Confidence Trick," pp. 142-143.

<sup>210</sup> *Ibid.*, p. 143.

<sup>211</sup> Mamdani, *Neither Settler Nor Native*, pp. 285-286.

<sup>212</sup> Davis, *Apartheid Israel*, p. 88.

mirror those of South Africa before and especially during the apartheid period.”

Among these were the notorious nationality or race laws of both states which excluded non-Jews or non-whites, as the case might be, from the entitlement and privileges of full citizenship; the land and property laws that made it illegal for those same categories of people to own or lease land or own businesses, purchase or rent homes, except in specific areas; the issuing of identity cards based on strict racial classification and reinforced by obsessive Kafkaesque controls, which greatly limited the freedom of movement of Palestinians or black South Africans, including the right to live, work, study, play, relax, travel and be buried where they wished; and, scandalously, even laws affecting the rights of mixed-marriage couples, and so on.<sup>213</sup>

It is necessary to note that this legal framework relates to all Palestinians, whether they live within Israel as second-class, discriminated citizens with limited rights, or they are in the Occupied Territories, or they are refugees who fled abroad.<sup>214</sup>

## **Official Role of the Religious Establishment in the State**

Many aspects of state policy in Israel fall under the monopoly purview of an official, religiously defined Jewish establishment. Mamdani writes:

Another founding contradiction of Israel is that between secularity and theocracy....

The terms of a formal compromise were worked out between Ben-Gurion, representing the proto-state, and a delegation of Orthodox Jews. They met on the eve of the June 1947 UN convention that drew up the partition plan. The parties decided that a future state would be committed to enforcing the sabbath as the legal day of rest and that in every state kitchen intended for Jews, the food would be kosher. It was also agreed that religious schools would have full autonomy and that halacha would have jurisdiction over matters of personal status: there would be no civil marriage or divorce in Israel, and religious courts would have the sole authority to decide on these matters. Furthermore, the new state would incorporate Jewish symbols into its official iconography. At the same time, it was agreed that halacha would not provide the constitution of the Jewish state....

As the historian Tom Segev puts it, the agreement was made “in order to prevent the house of Israel from splitting asunder.” Yet the terms of the compromise became the focus of ongoing controversy, as Israel has struggled to make sense of its peculiar

<sup>213</sup> Ronnie Kasrils, “Birds of a Feather: Israel and Apartheid South Africa – Colonialism of a Special Type,” in Pappé, ed., *Israel and South Africa*, p. 24.

<sup>214</sup> *Ibid.*, p. 25.

position. Basic questions repeatedly emerge. Should the government have the authority to enact statutes that contradict laws contained in the Torah? Should government release secular Jews from obligations under Jewish law? After all, it releases observant Jews from state requirements. For instance, men enrolled in a yeshiva can be exempted from serving in the armed forces. Issues of family law have been a particular struggle, with the Israeli Supreme Court carving out loopholes to enable civil marriages, outside the rabbinic orders, and civil courts enforcing rabbinic courts' judgments with respect to divorces, even on pain of imprisoning recalcitrant husbands.

The bottom line is that Israel remains a quasi-religious state pledged to uphold an official Judaism.<sup>215</sup>

The official role of the Jewish religious establishment in the state extended to the question of “Who is a Jew?” itself. In 1960 Minister of Internal Affairs H.M. Shapiro decreed that “only a person who was born of a Jewish mother or converted to Judaism according to halacha could be registered as a Jew. Furthermore, no one could claim to be a Jew while professing a non-Jewish religion.”<sup>216</sup> A statute in the late 60s amended the standard to include anyone born to a Jewish mother or who converted, and is not a member of any other religion, removing the requirement for conversion according to halacha.<sup>217</sup>

## Zionist Erasure of Jewish Identities

And, as mentioned before, the Jewish national identity constructed by Zionism has required the erasure of many actual Jewish identities.

The construction of the Israeli identity occurred part and parcel with the suppression of diasporic Jewish ethnic identities all over Europe and the Middle East. The “New Jewish” identity constructed by modern Zionism was associated with the artificial revival of Hebrew, which had been almost entirely a liturgical language for 2300 years, as an official national language. And this, in turn, was associated with the suppression – both official and unofficial – of the actually existing Jewish ethnicities associated with the Yiddish, Ladino, and Arabic languages.

The centuries-old languages and cultures of actual Jewish ethnicities throughout Europe were treated as shameful relics of the past, to be submerged and amalgamated into a new artificially constructed Jewish identity centered on the Hebrew language.

Yiddish, the language spoken by the Ashkenazi Jews of Europe – derived from an archaic German dialect and written in the Hebrew alphabet – was stigmatized by Zionist leaders in

<sup>215</sup> Mamdani, *Neither Settler Nor Native*, pp. 271-272.

<sup>216</sup> *Ibid.*, p. 275.

<sup>217</sup> *Ibid.*, p. 276.

Palestine and by the early Israeli government.<sup>218</sup> According to Max Weinreich's *History of the Yiddish Language*, the "very making of Hebrew into a spoken language derives from the will to separate from the Diaspora." Diasporic Jewish identities, as viewed by Zionist settlers, were "a cultural morass to be purged" – this despite the Old Yishuv including large numbers of Ashkenazi immigrants going back hundreds of years, and the continued presence of spoken Yiddish (with considerable numbers of Arabic loan-words).<sup>219</sup> The "New Jew" was an idealized superhuman construct, almost completely divorced from centuries worth of culture and traditions of actual Jews: "Yiddish began to represent diaspora and feebleness, said linguist Ghil'ad Zuckermann. 'And Zionists wanted to be Dionysian: wild, strong, muscular and independent.'"<sup>220</sup>

Meanwhile, despite the Zionists' use of the Old Yishuv as a convenient prop to demonstrate the indigeneity of Jews to the land, and thereby justify colonization from Europe, the attitudes of Yiddish-speakers in the Old Yishuv mirrored the Zionist immigrants' antipathy:

The Jews of the Old Yishuv begin to see this as an affront to their religious beliefs. "They also saw these foreigners in fine clothes publishing in Hebrew, living in mixed kibbutzim; it was seen as destabilizing and they saw it as an end of their way of life," said graduate student Eyshe Beirich.

The Old Yishuv Palestinian Yiddish speakers added a word to distinguish themselves from the newcomers. *Er iz a baladi*, meant "he is one of us," with the word "baladi" meaning "native-born" in Arabic. The Hebrew word *khalutz*, or "pioneer," meant "one of them."<sup>221</sup>

This "contempt for the Diaspora" was "manifested... in the fierce campaign against Yiddish in Palestine, which led not only to the banning of Yiddish newspapers and theaters but even to physical attacks against Yiddish speakers."<sup>222</sup> From the 1920s on, anyone in Palestine with the temerity to publish in Yiddish risked having their printing press destroyed by organizations with names like the "Battalion of the Defenders of the Hebrew Language," "Organization for the Enforcement of Hebrew," and "Central Council for the Enforcement of Hebrew." The showing of the Yiddish-language film *Mayn Yidishe Mame* ("My Yiddish Mama"), in Tel Aviv in 1930,

<sup>218</sup> Antony Lerman, "Yiddish is No Joke," *The Guardian*, March 5, 2010 <<https://www.theguardian.com/commentisfree/belief/2010/mar/05/yiddish-jewish-culture-zionism>>.

<sup>219</sup> Zach Golden, "How Yiddish became a 'foreign language' in Israel despite being spoken there since the 1400s," *Forward*, September 11, 2023 <<https://forward.com/forverts-in-english/560390/how-yiddish-became-foreign-language-israel/>>.

<sup>220</sup> *Ibid.*

<sup>221</sup> *Ibid.*

<sup>222</sup> Abraham Brumberg, "Anniversaries in Conflict: On the Centenary of the Jewish Socialist Labor Bund," *Jewish Social Studies* 5:3 (Spring/Summer 1999) <<https://muse.jhu.edu/article/18207>>.

provoked a riot led by the above-mentioned Battalion.<sup>223</sup> In its early days Israel legally prohibited plays and periodicals in the Yiddish language.<sup>224</sup> A recent defender of the early suppression of Yiddish, in the *Jerusalem Post*, argued that Diasporic languages threatened to “undermine the Zionist project”; in other words, an admission that actually existing ethnic identities threatened an identity manufactured by a nationalist ideology.<sup>225</sup>

If this is true of Yiddish – the native language of the Ashkenazi Jews who dominated the Zionist settlement of Palestine – it’s even more so of the suppression of Jewish ethnic identities outside the dominant Ashkenazi minority. It’s particularly true of the mostly Arabic-speaking Mizrahim, who originated in Middle Eastern communities (including those living in Palestine itself before European settlement). Although the Mizrahim are trotted out as worthy victims when they are convenient for purposes of Israeli propaganda – the majority of them were expelled from Arab countries like Iraq after 1948, in what was an undeniable atrocity – they are treated the rest of the time as an embarrassment or a joke, and have been heavily discriminated against, by the descendants of Ashkenazi settlers. Although they comprise a little over half the current Israeli Jewish population, and the backbone of current Prime Minister Netanyahu’s own Likud Party, Netanyahu once joked about a “Mizrahi gene” as his excuse for tardiness.<sup>226</sup> And an Israeli realtor ran an ad appealing to “there goes the neighborhood” sentiments by depicting a light-skinned family having their Passover celebration disrupted by uncouth Mizrahi neighbors.<sup>227</sup>

Ironically, given Zionism’s views on the ancestral origins of world Jewry in the Middle East and their indigenous status in the Levant, the European founders of the state of Israel viewed Middle Eastern Jews as practically subhuman due to their “backwardness” and “Oriental” origins, and made a project of uplifting them with the more advanced Western culture. David Ben-Gurion described Middle Eastern Jews as “lacking even ‘the most elementary knowledge’ and ‘without a trace of Jewish or human education,’” and “repeatedly expressed contempt for the culture of the Oriental Jews”:

“We do not want Israelis to become Arabs. We are in duty bound to fight against the spirit of the Levant, which corrupts individuals and societies, and preserve the authentic Jewish values as they crystallized in the Diaspora.”... For Abba Eban...:

<sup>223</sup> Lawrence Bush, “September 27: Anti-Yiddish Riots,” *Jewish Currents*, September 27, 2012 <<https://jewishcurrents.org/september-27-anti-yiddish-riots>>.

<sup>224</sup> Golden, “How Yiddish became a ‘foreign language’ in Israel despite being spoken there since the 1400s.”

<sup>225</sup> Eli Kavon, “When Zionism feared Yiddish,” *The Jerusalem Post*, May 11, 2014 <<https://www.jpost.com/opinion/op-ed-contributors/when-zionism-feared-yiddish-351939>>.

<sup>226</sup> Alexander Fulbright, “Netanyahu apologizes for ‘Mizrahi gene’ remark,” *The Times of Israel*, March 17, 2017 <<https://www.timesofisrael.com/netanyahu-apologizes-for-mizrahi-gene-remark/>>.

<sup>227</sup> *Times of Israel* staff, “Israeli real estate firm slammed for racist online ad,” *The Times of Israel*, November 30, 2015 <<https://www.timesofisrael.com/israeli-real-estate-firm-slammed-for-racist-online-ad/>>.

## Center for a Stateless Society

“One of the great apprehensions which afflict us... is the danger lest the predominance of immigrants of Oriental origin force Israel to equalize its cultural level with that of the neighboring world.”... In an article entitled “The Glory of Israel,” published in the Government’s Annual, the Prime Minister lamented that “the divine presence has disappeared from the Oriental Jewish ethnic groups,” while he praised European Jews for having “led our people in both quantitative and qualitative terms.”<sup>228</sup>

As Mamdani sums it up, “If Israel is to be a state for Jews only, it must answer the question of who is a Jew. Its answer cannot avoid flattening the diversity of world Jewry into the Jewry sanctioned by the nation. This is the other side of Judaization: eliminating not only non-Jews but also unacceptable forms of Jewishness.” The result:

Mizrahim have been de-Arabized through the suppression of the Arabic language and associated culture in Israel.<sup>229</sup>

Mizrahim are the Jews who were de-Arabized. Judaizing Israeli society meant not only expelling Palestinian Arabs, Muslims, and Christians; turning over their property to Jews; and relegating the Palestinian Arab remnant to second-class status. Jews too – Mizrahim – had to be de-Arabized in order to realize the Zionist vision of a Jewish society protected, uplifted, and aggrandized by a Jewish state. The effort to Judaize Mizrahim – to expunge the Arab-Jew whose existence challenges Zionism by demonstrating the possibility of pluralism – took the form of an aggressive and explicitly racist civilizing mission carried out by the Ashkenazi elite.<sup>230</sup>

Zionist elites were determined to civilize Mizrahim through an official campaign of de-Arabization. As the Israeli diplomat and politician Abba Eban put it, “The object should be to infuse” Sephardim and Mizrahim “with an Occidental spirit rather than to allow them to drag us into an unnatural Orientalism.” This civilizing mission involved Hebrew-only education, depriving Mizrahim of “any connection to their mother tongue,” Noam Chomsky and Ilan Pappé write. More generally, Mizrahim were encouraged to “proactively” show “how unArab they were by daily expressing their self-hate... for everything that is Arab.” The authorities went to truly scandalous extremes, such as stealing newborns from Mizrahi parents and placing the infants in the hands of adoptive Ashkenazi parents.<sup>231</sup>

<sup>228</sup> Ella Shohat, “Sephardim in Israel: Zionism from the Standpoint of Its Jewish Victims,” *Social Text* No. 19/20 (Autumn 1988), pp. 4-5.

<sup>229</sup> Mamdani, *Neither Settler Nor Native*, pp. 252-253.

<sup>230</sup> *Ibid.*, pp. 298-299.

<sup>231</sup> *Ibid.*, p. 300.

## Part III: Proposed Solutions

### The Path Not Taken – Non-State Zionism

As Mahmood Mamdani points out, the idea of a Jewish national home in Palestine carries no inherent implication either of settlement on other people's forcibly expropriated land or of an ethnostate violently established against the wishes of the existing population of a territory. And there was, in fact, a large current of cultural and religious Zionism in the late 19th and early 20th centuries that envisioned the peaceful establishment of Jewish communities within the political framework of the Ottoman Empire or a multi-ethnic Palestine.

The Jewish immigrants to Israel [in the late 19th century] did not have a political project. The immigrant project was limited to finding space in the existing society, to live under the existing political umbrella, whatever it was. Conversely, the settler was defined by a political project, at the heart of which was to set up a settler state. It was this political project which sparked political violence, because it translated into removing Palestinians from that land. If you created a trade union, you couldn't have a Palestinian in it. If you created a cooperative society, you couldn't have a Palestinian in it. It was, from the very beginning, an exclusivist project which did not permit the possibility of thinking in terms of mutual and peaceful coexistence.

I believe that it's crucial to make a distinction between a Jewish homeland and the Jewish state. The idea that the land had to become exclusive Jewish property was a Zionist idea; nobody else articulated that. And it needed the outside support of imperial powers, which had their own interests, and it still needs that support....<sup>232</sup>

...While the immigrant joins an existing society, the settler is unable to differentiate society from state. From the standpoint of an immigrant – and, indeed, a native – Palestine could have been a refuge for Holocaust survivors in the absence of Zionism; there could have been a Jewish society, a Jewish population, there, without a Jewish state. As the Palestinian-Israeli legal theorist Raef Zreik puts it, “Despite the persuasiveness of necessity, however, Palestinian liberals could [argue]... there is a difference between saving the life of Jews and having a Jewish state.”<sup>233</sup>

Mamdani, to be sure, goes too far in minimizing the total absence of political strands of

<sup>232</sup> Francis Wade, “The Idea of the Nation-State is Synonymous With Genocide,” *The Nation*, January 9, 2024 <<https://www.thenation.com/article/culture/mahmood-mamdani-nation-state-interview/>>.

<sup>233</sup> Mamdani, *Neither Settler Nor Native*, p. 265.

Zionism, wrongly limits the term “Zionism” to the political strands, and also exaggerates the dichotomy between “political” and “non-political” insofar as there were political strands whose “political” aims were limited to autonomous local administrations within the context of a larger state.

Dmitry Shumsky criticizes the tendency of contemporary historians, whether Zionist or anti-Zionist, to filter their perception of early Zionism – even “political Zionism” – through the lens of the state project that triumphed in 1948.

When historiography fails to avoid anachronism, we see historians identifying earlier historical concepts and phenomena as forerunners, or even exact expressions, of later historical phenomena that took place in a different historical context and that were caused by different historical circumstances, which not only did not happen in the earlier period but which the contemporaries of the earlier period scarcely could have imagined were possible.<sup>234</sup>

In the particular case of the history of Zionism, this has become a sort of Israeli “Whig theory of history”; the argument that

from its very beginning the modern Jewish political nationalism considered territorial sovereignty to be the only means of collective existence that was available to post-emancipation Jews in the modern world... has become a cornerstone of the deterministic nation-statist paradigm that tells the story of Zionism’s political dimension as bound exclusively to a teleological drive toward the independent 1948-like nation-state.<sup>235</sup>

Mamdani distinguishes the cultural and religious, as opposed to political, Zionism of the first *aliyah* (Hebrew for “migration” or “pilgrimage”) from the political Zionism of the second and third *aliyot* (plural of *aliyah*).

Standard Israeli accounts of Jewish migration to Palestine blur the distinction between the immigrant and the settler by pretending that the Yishuv [Hebrew word for the Jewish community in Palestine] has always been Zionist. This narrative involves two conflations. First, it conflates the first *aliyah* with the Old Yishuv. Second, the narrative conflates the spiritual goals of the first *aliyah* with the political goals of the second and third. The Old Yishuv was native, the first *aliyah* were immigrants, and the second and third were settlers.

The likes of Jabotinsky, Ben-Gurion, and Dayan were blind to the difference

<sup>234</sup> Dmitry Shumsky, *Beyond the Nation-State: The Zionist Political Imagination from Pinsker to Ben-Gurion* (New Haven and London: Yale University Press, 2018), p. 11.

<sup>235</sup> *Ibid.*, p. 26.

between themselves and non-settler Jewish immigrants.<sup>236</sup>

Jews who made pilgrimage to Palestine were not settlers. They were immigrants. They chose to become members of a preexisting local political community, not to establish their own. This is the key to distinguishing Zionism from earlier Jewish presence in Palestine. Immigrants are unarmed; settlers come armed with both weapons and a nationalist agenda. Immigrants come in search of a homeland, not a state; for settlers, there can be no homeland without a state. For the immigrant, the homeland can be shared; for the settler, the state must be a nation-state, a preserve of the nation in which all others are at most tolerated guests.<sup>237</sup>

Organized Jewish immigration to Palestine, according to Mamdani, began in 1882. Its aim, for which he cited Israeli sociologist and New Historian Baruch Kimmerling as an authority, was

to establish “religious moral communities in the ‘Land of Israel’ and to ‘worship the Lord’ while working the land.” They described their relocation to Palestine as *aliyah* (pl. *aliyot*), a term referring to pilgrimage to the Temple of the Israelites. These “very devout, modern Orthodox Jews,” many from Russia and Romania, were “relatively wealthy, family-oriented, apolitical.” Most made sure that they came with three professionals: “a rabbi, a ritual circumciser, and an agronomist.” Even before building houses and establishing farms, “they erected a synagogue and a ritual bath (*mikvah*) for the community.”

The immigrants of the first *aliyah* blended into a multireligious society comprising Muslims, Christians, and the Jews of what is known as the Old Yishuv. These communities built their lives first under Ottoman authority and then British. The best estimate of the population of Palestine on the eve of British colonization, just before the First World War is about 720,000. Between 60,000 and 85,000 of these were Jewish. Reflecting their spiritual commitment to the region, the great majority lived in the four “holy cities” of Jerusalem, Hebron, Safed, and Tiberias, with 25,000 to 30,000 in Jerusalem alone.

For Jews motivated by religious feeling, Palestine was a home, but it did not have to be *their* home. They were prepared to share it with others and leave political leadership to the empires of the day. Living under the rule of the Ottomans and the British was an acceptable option, as long as they had the freedom to practice their faith. Their successors, the second *aliyah*, saw matters differently. For them, *aliyah* referred not to pilgrimage but to “the realm of citizenship and national identity.” The members of the second *aliyah* were “driven by a commitment more political than religious.” They tended to be younger and less family oriented. They were driven “secular-nationalist-socialist” ideals, which contrasted with “the religious Judaism of

<sup>236</sup> Mamdani, *Neither Settler Nor Native*, p. 264.

<sup>237</sup> *Ibid.*, p. 253.

their parents' generation.”

The second aliyah began after the turn of the century and reached its peak between 1919 and 1923. These dates are not incidental: they mark the first years of British rule in Palestine. Before the First World War, Jewish nationalists had made overtures to the Ottoman sultan but were rebuffed. During and after the war, they found an ally in British imperialism.<sup>238</sup>

Although Shumsky, like Mamdani, stresses the significance of the non-state strand of early Zionism, he differs considerably from Mamdani in where he locates the dividing line. On the one hand, he goes further than Mamdani in accepting that much of nineteenth century Zionism was “political.” But “political” itself is an ambivalent term, as he uses it, and includes within its scope projects of the first aliyah that Mamdani would describe instead as “cultural” or “religious.”

Even in the case of explicitly political Zionism, Shumsky argues – and even when the term “Jewish state” is used – Jewish aspirations for national self-determination in the late 19th and early 20th centuries should be viewed in the context of other such national movements within the Austro-Hungarian and Russian empires in the same period. He cites the work Czechoslovak historian Miroslav Hroch, which suggests that there was no necessary connection between the idea of national self-determination and a sovereign nation-state at that time.

Some of his later works traced the development of national-political claims as these were articulated and advanced throughout the second half of the nineteenth century and the beginning of the twentieth, addressing ethnic national movements that operated in the Romanov, Habsburg, and Ottoman empires. In these works Hroch discovered that the desire to achieve full political independence was rather absent from these movements throughout the period in question. Instead of identifying these movements as states-in-the-making, as was conventional in this field, Hroch distinguished three levels of political goals: the nurturing of the particular national language and culture of ethno-national groups; the participation of these movements' representatives in the governmental institutions of both the local districts and the empire as a whole; and the establishment of territorial autonomy in regions defined as their historic homelands. The political meaning of fully achieving these three goals – in the event that they were indeed achieved – is that the existing imperial frameworks would be reorganized into a multinational structure rather than being dismantled into separate, mono-national units. Institutionally speaking, the basis of this multinational structure would be a complex integration of the various collective identities of different cultural, ethnic, and territorial groups.<sup>239</sup>

(Indeed any project for a “Jewish state” in Palestine before the dissolution of the Ottoman

<sup>238</sup> *Ibid.*, pp. 257-258.

<sup>239</sup> Shumsky, *Beyond the Nation-State*, p. 7.

Empire amounted, of necessity, to an autonomous substate within a larger multi-ethnic state.)

In the context of the Ukraine and Eastern Europe – and, via Aesopian language, of the Russian Empire as well – Zionist Leon Pinsker, conventionally assigned to the category of early “political” Zionists, advocated for a separation of the imperial state from nationalities, and stressed the danger of the state identifying itself with a particular form of ethno-nationalism.

In June 1861 Osnova bluntly attacked what it defined as the isolationist way of life of “the Jewish tribe” in the Ukraine, which had nothing in common with the Ukrainian nation apart from the fact that the Jews had resided in the country for generations. The Ukrainian monthly went on to assert firmly that “there is nothing more harmful to a nation than the existence of other small peoples within it, which stand idly by and are indifferent toward its fate.”

In focusing its attack on the isolationism of the Jewish “tribe” from the Ukrainian “nation,” Osnova was thus expressing in this forceful sentence a more general perception of nationality that contrasted strongly with Pinsker’s views concerning “people” and “land” and that therefore angered him no less than the attacks on his “tribe.”... In this situation, as he confronted the mouthpiece of Ukrainian nationalism rather than facing off directly with Russian nationalism, Pinsker naturally discerned an appropriate opportunity to present his perception of the future of the empire and its nationalities in a systematic manner...<sup>240</sup>

In response, Pinsker argued that it was harmful when any particular nationality in a state or region ““identifies itself with the whole (with the general, nationally mixed population of any state/region),” because it would imply the part taking control of the whole and subordinating it to itself. He drew an analogy with Hungary:

What would happen to the poor Slovaks, Serbs, and Croats, not to mention the Germans, were the Hungarians to adopt your theory, as they observed the Slovaks, or for example the Serbs, and all the more so the Germans to be fairly indifferent to the singular fate of the Hungarian nation, to retain their own special characteristics, and not to conceive of joining the Magyars unless they were aware of the general good, of the interests of the homeland in general including their own, what if in light of all this the Hungarians were to take advantage of their numerical superiority to declare that the existence of the Slovaks or the Germans amongst them was immensely harmful to them, and were they then to begin to exterminate them or expel them? ... [D]o you, like the medieval inquisition, fail to understand that diversity is life, and that only death is featureless?<sup>241</sup>

<sup>240</sup> *Ibid.*, p. 37.

<sup>241</sup> *Ibid.*, p. 38.

## Center for a Stateless Society

Pinsker, aware of mid-19th century precursors of Zionism, “approved of the efforts to establish a Jewish agricultural settlement in Palestine that would be essentially different in nature from that of the old Yishuv that lived off charitable donations from the diaspora...” At the same time, he opposed projects for “reestablishing the political independence of the Jews in Palestine.”<sup>242</sup>

Following the “Storms in the South” – the massive wave of pogroms in southern Russia in 1881 – Pinsker’s support for emigration to Palestine only increased. He argued in his book *Autoemancipation!* that political and social emancipation of Jews in the European countries would only be possible if they also had the self-respect that came with a territorial homeland.<sup>243</sup>

Even then, however, he viewed this national-territorial homeland – whether in Palestine or elsewhere – “in a profoundly statist format, either as an Ottoman *pashalik* (a district administered by a pasha) or as a *territorium* in America.” Pinsker

envisioned the future of the Jewish nation’s territorial self-determination in the form of an autonomous region that is incorporated into a larger state institution. In this regard, he was clearly articulating the political trends that characterized the national programs and politics of the ethno-national movements of non-dominant nationalities that emerged in the imperial space of Eastern and Central Europe during the second half of the nineteenth century... From the Caucasus Mountains on the eastern edge of the tri-imperial multinational space to the Slovenians and Czechs on its western edge, spokespeople of non-dominant nationalities were considering a rather flexible format of territorial self-rule, which Simon Dubnow would call “independence within empire.” This was not just a tactic driven by a putative fear of the imperial ruler. On the contrary, many of Pinsker’s and Dubnow’s contemporaries believed, in the Russian, Ottoman, and Habsburg empires – for many diverse reasons related to the specific case of each national movement – that the continued existence of the empires would offer the best political alternative for their peoples, on the condition that they became more equitable multinational frameworks.<sup>244</sup>

“According to Pinsker, it was impossible to imagine any kind of state other than a multinational one in the Romanov and Habsburg spaces of the period, and this state would function as an inclusive, overarching, and coordinating framework.”<sup>245</sup>

Although Theodor Herzl is framed today as the father of the movement for a Jewish state, Shumsky argues that – as with Pinsker – the association of the term “state” as he used it was by no means obviously with the sovereign nation-state. Most movements of other national minorities in the Habsburg Empire “clearly considered the term ‘state’ to have a statist

<sup>242</sup> *Ibid.*, p. 39-40.

<sup>243</sup> *Ibid.*, pp. 42-43.

<sup>244</sup> *Ibid.*, pp. 47-48.

<sup>245</sup> *Ibid.*, pp. 48-49.

meaning, referring to an autonomous territorial district that is part of an existing imperial framework.<sup>246</sup> For example, the Czech nationalist movement

fought for a “Czech state” in the Habsburg political arena.... What this practically meant was simply a bid to achieve national territorial autonomy within the existing imperial framework, like “the Hungarian state” within the Austro-Hungarian dual monarchy. This was also the case with the Croatian and Slovenian national movements, the Austrian-Galician faction of the Polish national movement, the Ukrainian national movement in Galicia and Sub-Carpathian Russia, and the Romanian national movement in Hungarian Transylvania. Aurel Popovici, one of the latter movement’s prominent leaders, wrote an influential book in 1906 called *Vereinigte Staaten von Groß-Österreich* (United States of Great Austria). In this book, Popovici proposes to reorganize the Habsburg monarchy into a multinational federative state that would be more equal than the existing German-Hungarian model.<sup>247</sup>

And Herzl’s own 1902 utopian novel, *Altneuland*, “emphasizes the subsovereign character of the sociopolitical entity he seeks to establish in Palestine....”<sup>248</sup> “Herzl clearly states that *Altneuland* is a district of the Ottoman Empire....”<sup>249</sup>

Meanwhile the tradition of spiritual and cultural Zionism – not necessarily non-political, but not associated with the idea of an exclusively Jewish nation-state – continued into the 20th century.

Ahad Ha’am – a poet associated with religious and cultural Zionism, conventionally classed as “non-political”<sup>250</sup> – nevertheless in 1920 wrote this explicitly political comment on the Balfour Declaration:

A people’s historic right to a land populated by others has no other meaning than this: the right to return and settle in the land of their fathers, to work and develop its resources undisturbed. ... However, this historic right does not cancel out the right of the rest of the land’s residents, who press their claims by virtue of the concrete right that comes from working and residing in the land for generations. This land is presently their national home as well, and they also have a right to develop their national resources to the best of their abilities. This situation makes Palestine a joint home of different nations, each of which is trying to build its own national home. In such a situation, it is no longer possible for the “national home” of one of them to be complete and encompass every aspect of this term. If you do not go about building

<sup>246</sup> *Ibid.*, p. 16.

<sup>247</sup> *Ibid.*, pp. 79-80.

<sup>248</sup> *Ibid.*, p. 15.

<sup>249</sup> *Ibid.*, p. 80.

<sup>250</sup> Contrary to the “non-political” narrative, Ha’am himself acknowledged his intellectual debt to Pinsker. *Ibid.*, pp. 92-93.

## Center for a Stateless Society

your home in a field empty of people, but rather in a place where there are other homes and residents, then of course you can only be the sole ruler inside your own gates. There, inside, you can organize your belongings as you see fit. But beyond your gates, all residents of the area must work together, and the overall leadership must be agreed upon for the benefit of all.<sup>251</sup>

Ahad Ha'am wrote, further, that "the 'national homes' of the land's different nations can ask no more than national freedom in their internal affairs, while the leadership of matters pertaining to everyone in the land must be determined by all the 'heads of household' together..."<sup>252</sup> He reimagined

the Jewish majority in Palestine as a national group that governs only its own internal life. Like in the Swiss model, Palestine would thus be Jewish only insofar as it would be a Jewish autonomous district alongside other peoples that would be concentrated in their own national districts. Both the Jewish people and the other peoples would exercise self-rule in all domains that are essential to shaping their collective cultural identities without their preferences being "mixed up." Nevertheless, they would still all be in one overarching political framework, just like Switzerland.<sup>253</sup>

Further, in the period before WWI, for Ahad Ha'am – as for Pinsker and Buber – "it was quite obvious that the Ottoman Empire would continue to rule Palestine as one of its *pashaliks* in the event that territorial autoemancipation were to happen there."<sup>254</sup>

Martin Buber, likewise, saw the projected Eretz Israel to be established in Palestine as a self-governing community within a bi-national Palestine, and not a Jewish ethnostate. In a 1921 address to the Zionist Congress at Karlsbad, which he retrospectively characterized in 1948 as speaking "in behalf of an understanding between Jews and Arabs,"<sup>255</sup> he referred to the modern European model of ethnonationalism as "a kind, a degenerate kind, of nationalism, which of late has begun to spread even in Judaism."<sup>256</sup>

It is a well-known fact that, *sociologically* speaking, modern nationalism goes back to the French Revolution. The effects of the French Revolution were such that the old state system which had weighed so heavily on the peoples of Europe were shaken and the subject nations were able to emerge from under the yoke. But as they emerged and became aware of themselves, these nations became conscious of their

<sup>251</sup> *Ibid.*, pp. 90-91.

<sup>252</sup> *Ibid.*, p. 95.

<sup>253</sup> *Ibid.*, p. 108.

<sup>254</sup> *Ibid.*, p. 119.

<sup>255</sup> Martin Buber, "Preface." In Martin Buber, *Israel and the World: Essays in a Time of Crisis* (New York: Schocken Books, 1948), p. 5.

<sup>256</sup> Martin Buber, "Nationalism." Address delivered during the Twelfth Zionist Congress at Karlsbad, September 5, 1921. In Buber, *Israel and the World*, p. 214.

## Center for a Stateless Society

own political insufficiencies, of their lack of independence, territorial unity, and outward solidarity. They strove to correct these insufficiencies, but their efforts did not lead them to the creation of new forms. They did not try to establish themselves as *peoples*, that is as a new organic order growing out of the natural forms of the life of the people. All they wanted was to become just such states, just such powerful, mechanized, and centralized state apparatuses as those which had existed in the past.<sup>257</sup>

He went on to distinguish between good or “healthy,” and “false,” nationalism. The latter, he said, “will establish itself as *the* permanent principle; in other words, it will exceed its function, pass beyond its proper bounds, and... displace the spontaneous life of the nation. ... When this false nationalism... prevails not only in *one* people, but in an entire epoch of world history, it means that the life of mankind... is very sick indeed.”<sup>258</sup>

In the same address he lamented the rise, from the mid-19th century on, of a conventional nationalism that separated the idea of national identity from Israel’s religious calling, and elevated it to an end in itself. The Diaspora “yearned for the land of Israel, not as a nation like others, but as Judaism..., and with motives and intentions which cannot be wholly derived from the category ‘nation.’” Jewish nationalism has come to be “largely concerned with being ‘like unto all the nations’ . . .”

It too is guilty of offending against the words of that table of laws that has been set up above all nations: that all sovereignty becomes false and vain when in the struggle for power it fails to remain subject to the Sovereign of the world, who is the Sovereign of my rival, and my enemy’s Sovereign, as well as mine.<sup>259</sup>

In a 1929 address to the Sixteenth Zionist Congress, Buber stated that the Zionism he endorsed was “the Zionism of Moses Hess, Ahad Ha’am, the Zionism of Herzl’s *Old-New Land* and of A.D. Gordon.” He stated, further, that it was not a “new Zionism” but “the Zionism of all our spiritual leaders.” He restated it as a call not to “participate in the necessary politics of power”; raising a hypothetical challenge “that this is something we will realize one day, but first we must create the securities of our life,” he implied to the contrary that the Zionist project in Palestine was not to rely on the politics of power to establish its security.<sup>260</sup> And then, in regard to “the Arab question,” he exhorted his listeners:

Remember... how the nations looked down upon us and continue to look down

<sup>257</sup> *Ibid.*, p. 215.

<sup>258</sup> *Ibid.*, pp. 219-220.

<sup>259</sup> *Ibid.*, pp. 222-225.

<sup>260</sup> Buber, “Nationalism and Zionism,” Address to the Sixteenth Zionist Congress in Zurich, 1929. In Asher D. Biemann, ed., *The Martin Buber Reader: Essential Writings* (New York: Palgrave-McMillan, 2002), p. 278.

## Center for a Stateless Society

upon us at all places, as strangers, as an inferior group. Let us beware of regarding and treating as inferior what is foreign to us and not sufficiently known! Let us be careful not to commit ourselves what has been committed against us! ... I am not deceiving myself into believing that at present a harmony of interests exists between the Arabs and us, or that such harmony could easily be established. And yet, despite all our differences of interest (which result from illusion rather than politics) a political consensus is possible, for there is love for the land there and here, for there is a will for the future of this land there and here. And as we share this common love and common will, it is possible to work together for this land. ...<sup>261</sup>

In an article of the same year, “The National Home and National Policy in Palestine,” he wrote:

As regards internal policy, it is a matter of establishing a combination between national independence and possible coexistence – what is called a binational state... If we were to assure the Arab people that we are demanding popular representation together with them, our right to exist would of necessity be safeguarded. This means that a parliament can only be established with the consent of both peoples on the basis of a Magna Carta – of a primary constitution guaranteed by the competent authorities of the world, securing our basic rights, as well as those of the Arabs, that is, above all, the right to immigrate [to Palestine].<sup>262</sup>

He added: “it is only on the basis of agreement with them [the Arabs] that we can expand and assure our enterprise – building up the land...”<sup>263</sup>

In a 1932 address to a convention of Jewish youth representatives in Antwerp in 1932, Buber stressed that the divine mission of a revived Jewish religious and cultural life in Palestine could not be established through power politics or injustice toward the Arabs.

We shall accomplish nothing at all if we divide our world and our life into two domains: one in which God’s command is paramount, the other governed exclusively by the laws of economics, politics, and the “simple self-assertion” of the group....

...What is wrong for the individual cannot be right for the community; for if it were, then God, the God of Sinai, would no longer be the God of peoples, but only of individuals.... And if we consult our deep inner knowledge about God’s command to mankind, we shall not hesitate an instant to say it is peace. There are many among us who think this command is intended for some more propitious future; for the present, we must participate in this universal war, in order to escape destruction. But

<sup>261</sup> *Ibid.*, pp. 278-279.

<sup>262</sup> Buber, ““The National Home and National Policy in Palestine,” in Biemann, ed., *The Martin Buber Reader*, pp. 284-285.

<sup>263</sup> *Ibid.*, p. 285.

## Center for a Stateless Society

it is only if we do participate in this war that we shall be destroyed; for as far as we are concerned, there is only one possible possible kind of destruction: God letting us slip out of his hand.

I frequently hear some among us saying: “We too want the spirit of Judaism to be fulfilled; we too want the Torah to issue forth from Zion, and we know that to realize this purpose the Torah must not be mere words, but actual life; we want God’s word on Zion to become a reality. But this cannot happen until the world again has a Zion, and so first of all we want to build up Zion, and to build it – with every possible means.” It may however be characteristic of Zion that it *cannot* be built with “every possible means,” but only with *bemishpat* (Isa. 1:27), only “with justice.”... Suppose a man decided to steal and rob for six years, and, in the seventh, to build a temple with the fortune thus amassed; ...would he really be rearing temple walls? Would he not rather be setting up a den of robbers..., on whose name he dares to engrave the name of God? ...

...I sometimes hear it said that a generation must sacrifice itself, “take the sin upon itself,” so that coming generations may be free to live righteously. But it is self-delusion and folly to think that one can live a dissolute life and raise one’s children to be good and happy....

...The prophecy of peace addressed to Israel is not valid only for the days of the coming of the Messiah. It holds for the day when the people will again be summoned to take part in shaping the destiny of its earliest home; it holds for today.<sup>264</sup>

In his famous open letter to Gandhi, Buber stated that only within “a free Jewish community in this country,” and not simply as “individuals within the sphere of their private existence,” could Jews realize “their mission from above to set up a just way of life through the generations of our people...” That just way of life must include

communal ownership of the land, regularly recurrent levelling of social distinctions, guarantee of the independence of each individual, mutual aid, a general Sabbath embracing serf and beast as beings with an equal claim to rest, a sabbatical year in which the soil is allowed to rest and everybody is admitted to the free enjoyment of its fruits.... We need our own soil in order to fulfill it...: no attempt can be made on foreign soil and under foreign statute.<sup>265</sup>

He affirmed his adherence to a Zionism which desires a “genuine peace between Jew and Arab,” by which he means that “both peoples together should develop the land without the one

<sup>264</sup> Buber, “And If Not Now, When?” Addressed delivered to a convention of Jewish youth in Antwerp, 1932. In Buber, *Israel and the World*, pp. 235-239.

<sup>265</sup> Buber, “The Land and Its Possessors.” From an open letter to Gandhi, 1939. In Buber, *Israel and the World*, p. 229.

imposing its will on the other.”<sup>266</sup>

In response to Gandhi’s claim that “Palestine belongs to the Arabs,” Buber questioned the claim that a territory can be owned by any nation in the sense of having the right to forbid peaceful immigration.<sup>267</sup>

...[T]ogether with them we want to cultivate the land... The more fertile this soil becomes, the more space there will be for us and for them. We have no desire to dispossess them: we want to live with them. We do not want to dominate them, we want to serve with them....<sup>268</sup>

Another prominent voice of binational Zionism was Judah Magnes – a leading figure of Reform Judaism, and first chancellor and then president of Hebrew University in Jerusalem.

In 1913, Magnes stated a Zionist vision of Jewish settlement in Palestine and elsewhere, not to build an independent nation-state, but within the political framework of the Ottoman empire; he saw it as “opportunity of helping the Ottoman Empire in its coming struggle for rehabilitation and orderly development.” He also referred favorably to European Jewish organizations’ attempts to negotiate autonomous status for the Sephardic majority in Saloniki.<sup>269</sup>

His goal for the Jews in Palestine – as everywhere else – was, as he stated in a 1915 letter, simply equality.

The Congress program of the Zionist Organization is: equal rights for the Jews throughout the world and a secure homeland for the Jewish People in Palestine. In my opinion, persistence in this formula at the present time, without constant and official interpretation by the Zionist Organization, is fraught with grave consequences to the Jews of Palestine, the Zionist Organization and the Jewish People.

Have you made clear to yourselves, to the Zionists, to the Jewish People, to the American nation, to the Ottoman Government, what you mean by a “secure homeland”? As far as I am aware, you have not. It seems to have been overlooked that Palestine is a part of the Ottoman State, and that the Ottoman State is at war. Can the Ottoman government, then, be blamed for viewing us with suspicion if, in formulating a political program for the Jewish People, we make an exception of Palestine and say that while we want equal rights for the Jews of the world, we want more than equal rights in Palestine? I want equal rights for the Jews, no more and no less, in all lands, including Palestine. I want the Jews of Russia to be on a level with the other peoples of that Empire, and I expect the same equality for the Jewish

<sup>266</sup> *Ibid.*, p. 231.

<sup>267</sup> *Ibid.*, p. 232.

<sup>268</sup> *Ibid.*, p. 233.

<sup>269</sup> Judah Magnes, letter to Oscar S. Strauss, January 2, 1913. In Arthur A. Goren, ed., *Dissenter in Zion: From the Writings of Judah L. Magnes* (Cambridge and London: Harvard University Press, 1982), pp. 135-136.

## Center for a Stateless Society

People in Palestine – no more and no less. Equal rights for the Jewish People in Palestine must mean that the Jews have the same rights as other peoples of the Ottoman Empire. Just as the Turkish, the Arabic, the Armenian and other groups of the Ottoman Empire have full political rights and full freedom to develop their specific culture, that is, their religion, their language, their school system, so too should the Jewish group in Palestine have the same political rights and the same cultural freedom. In this the Jewish People in Palestine would be on the same level as the Moslem, the Christian, as the Turkish, the Arabic, the Armenian, and other groups of that empire. All that we have a right to ask is that the Jews be permitted to migrate to, and settle in and develop their Jewish economic and cultural life in Palestine freely, just as other peoples of the Empire have the same right....

Then, what about Zionism, you may ask. Zionism must mean now, as it has in the past for most of us, the building up of a Jewish cultural center in Palestine through the inner cultural strength of the free Jewish People in Palestine, an Ottoman province.<sup>270</sup>

Accordingly, he greeted the Balfour Declaration with considerable skepticism. “The ‘workers of Zion;’”

he declared in a public address in 1919, would, he hoped, oppose the Jewish people’s becoming “the tail to any imperialist kite” and would “convince the Arab peoples, themselves struggling for freedom and liberty and independence, that we Jews want nothing for ourselves that we are not willing to give to every one.” Thus in the midst of jubilation, in the years between the Balfour Declaration and the San Remo Conference, Magnes warned against reliance upon the English and pleaded the importance of the Arab question.<sup>271</sup>

In a May 1920 letter addressed simply “Dear Friend,” he reiterated his aversion to the Jewish project in Zion being accomplished by the force of the imperial powers, not only subordinating the Jewish people to the political designs of the British Empire but putting the Jewish people in the position of occupying a land which had been acquired by force of arms, and consequently could only be maintained by force of *Jewish* arms. The sole legitimate means of building Zion in Palestine, for Magnes, was through a cultural and religious effort by the Jewish people themselves, in cooperation with the existing population there.

The fact is that Palestine has five or six times as many Arab inhabitants as Jews. You speak of the “historic rights” of the Jews to offset the claim of the present-day Arab majority. I am aware of the way in which historic rights and stragetic [sic]

<sup>270</sup> Magnes, letter to Louis D. Brandeis, September 2, 1915. In Goren, ed., *Dissenter in Zion*, pp. 149-150.

<sup>271</sup> “Introduction,” Goren, ed., *Dissenter in Zion*, p. 28.

## Center for a Stateless Society

rights and economic rights have made short shrift of the principle of self-determination whenever this suited the needs of the conquerors. Yet I, too, believe in the “historic right” of the Jewish people to the Land of Israel, meaning thereby the right to make their historic land their own not by major force but, if they can, by labor, by work of brain and hand, by collaboration with and education of the present majority.<sup>272</sup>

In a 1928 Journal entry, Magnes denied that Palestine could “belong” to any one ethnicity or religion, in any sense that hindered freedom of peaceful migration to Palestine – with the caveat that the land’s ability to absorb immigrants be kept in mind. He envisioned it as a multinational polity, with the League of Nations serving a function analogous to that previously served by the Ottoman Empire.

1. Begin with the thesis that Palestine is *sui generis*. No spot in history has so many memories for so many peoples and faiths.... Home of at least three major faiths, and subsidiary faiths (Bahais). Never lived unto itself. Was always a bridge.... While this true of many, most nations, lands, especially so of Palestine. The Holy Land, the Holy City, the Holy Places. The monasteries, convents, the consuls, the interest of the nations. The sects of Christendom – the tourists.

2. Thus Palestine does not “belong” to anyone in particular in the spiritual sense. *Ki li kol ha’arets* [for the land belongs unto Me]. Palestine belongs in a very real sense to all the nations that have come under the influence of Judaism. Christianity and Islam. It is historically, spiritually (geographically) of too great importance to say that it “belongs” to its inhabitants for the time being. These inhabitants are privileged, trustees (and must so act).

3. One of the inferences from this exceptional status is, therefore, the “internationalism of Palestine.” The League of Nations is therefore the proper form of final sovereignty and control. The interest of the League in Palestine must be increased. The Mandatory must be brought to feel more and more his international position as trustee for an international land. The land should serve as little as possible the political or economic imperialism of the Mandatory power.... An international obligation never to maintain imperial armies but only police forces.... A Free State similar to a Free City, with harbor open to all comers....

4. One of the first inferences from this international status is “Open Door” – that gates to land are open to all peoples. He who wants to come as a tourist or settler may, whatever his nationality or religion. A free immigration policy – but always, of course, with due regard to the land’s economic power of absorption. There shall

<sup>272</sup> Magnes, letter to unnamed friend, May 1920. In Goren, ed., *Dissenter in Zion*, pp. 183-189.

## Center for a Stateless Society

never be immigration restrictions due to race or religion or political or social views.<sup>273</sup>

In a 1929 letter to Chaim Weizmann, Magnes distinguished between Zionism as a cultural or religious and as a violent state-building project, making clear his preference for the former.

I think that the time has come when the Jewish policy as to Palestine must be very clear, and that now only one of two policies is possible. Either the logical policy outlined by Jabotinsky in a letter in the Times which came today, basing our Jewish life in Palestine on militarism and imperialism; or a pacific policy that treats as entirely secondary such things as a “Jewish State” or a Jewish majority, or even “The Jewish National Home,” and as primary the development of a Jewish spiritual, educational, moral and religious center in Palestine....

The imperialist, military and political policy is based upon mass immigration of Jews and the creation (forcible if necessary) of a Jewish majority, no matter how much this oppresses the Arabs meanwhile, or deprives them of their rights. In this kind of policy the end always justifies the means. The policy, on the other hand, of developing a Jewish spiritual Center does not depend upon mass immigration, a Jewish majority, a Jewish State, or upon depriving the Arabs (or the Jews) of their political rights for a generation or a day; but on the contrary, is desirous of having Palestine become a country of two nations and three religions, all of them having equal rights and none of them having special privileges; a country where nationalism is but the basis of internationalism, where the population is pacifistic and disarmed – in short, the Holy Land....

The question is, do we want to conquer Palestine now as Joshua did in his day – with fire and sword? Or do we want to take cognizance of Jewish religious development since Joshua – our Prophets, Psalmists and Rabbis, and repeat the words: “Not by might, and not by violence, but by my spirit, saith the Lord.” The question is, can any country be entered, colonized, and built up pacifistically, and can we Jews do that in the Holy Land? If we can not..., I for my part have lost half my interest in the enterprise.<sup>274</sup>

In a letter to Felix Warburg he cited his comments above, elaborating: “Palestine does not belong to the Jews and it does not belong to the Arabs, nor to Judaism or Christianity or Islam.”

It belongs to all of them together; it is the Holy Land. If the Arabs want an Arab national state in Palestine, it is as much or as little to be defended as if the Jews want a Jewish national state there. We must once and for all give up the idea of a “Jewish

<sup>273</sup> Magnes, “Journal: The Arab Question,” July 4, 1928. In Arthur A. Goren, ed., *Dissenter in Zion*, pp. 271-272.

<sup>274</sup> Magnes, letter to Chaim Weizmann, September 7, 1929. In Goren, ed., *Dissenter in Zion*, pp. 276-277.

Palestine” in the sense that a Jewish Palestine is to exclude and do away with an Arab Palestine. This is the historic fact, and Palestine is nothing if it is not history. If a Jewish national home in Palestine is compatible with an Arab national home there, well and good, but if it is not, the name makes very little difference. The fact is that nothing there is possible unless Jews and Arabs work together in peace for the benefit of their common Holy Land.<sup>275</sup>

On November 24, the *New York Times* printed a statement by Magnes in support of a binational state in Palestine. The terms of the mandate stipulating the equal rights of all elements of the population, both majority and minority,

was sufficient to Magnes’s mind to enable the Jews “to make a home in Palestine of the kind that Ahad Ha’am pictured, a spiritual and intellectual center for Judaism and the Jewish people, rooted in agriculture, industry, and all kinds of labor.” Under such conditions, and at a time when the Jews formed less than a fifth of the population, Magnes favored establishing a legislative assembly; this was a key demand of the Arabs but was opposed by the Zionists.

Magnes further explicated his program in a booklet, *Like All the Nations?*, which appeared in December 1929. Guarantee the Jews immigration, settlement on the land, Hebrew life and culture, he wrote, “and I should be willing to yield the Jewish ‘State’ and the Jewish ‘majority’; and on the other hand I would agree to a legislative assembly together with a democratic regime so carefully planned and worked out that the above three fundamentals could not be infringed.” Indeed he would be willing “to pay almost any price for these three, since this price would secure tranquillity and mutual understanding.”<sup>276</sup>

In a letter of the following year to Chaim Weizmann, he stated that “without an Arab-Jewish understanding... a Jewish National Home is not possible. He enumerated the key points of such an understanding as an appendix to the letter:

*I. Economic and Social*

1. The general economic and social development of Palestine through the cooperation of Jewish, Arab and British capital, and in all other ways.

a. Jewish colonization and land purchase on basis of retention by present cultivators of land necessary for their sustenance.

b. Help to fellahin by Arabs, British and Jews to enable the transition to intensive agriculture through irrigation, methods of cultivation, sanitation, cheap credits – the tempo of Jewish immigration to correspond to the success achieved

<sup>275</sup> Magnes, letter to Felix Warburg, September 13, 1929. In Goren, ed., *Dissenter in Zion*, p. 279.

<sup>276</sup> “Introduction,” Goren, ed., *Dissenter in Zion*, p. 35.

during this transitional process.

c. All questions under “a” and “b” to be regulated by a neutral, impartial commission.

d. Cooperation in industry and in the exploitation of natural resources and public utilities.

e. Education and health.

2. The economic and social development of other Arab lands through Arab, Jewish and British capital, and also through Jewish settlement.

## *II. Political*

3. A democratic Legislative Assembly based upon a constitution which recognizes the Mandatory position of Great Britain and the Jewish National Home and which provides safeguards for minorities generally.

4. The furtherance of political, economic and social cooperation between different Arab lands, always providing that the special position of Palestine be safeguarded.<sup>277</sup>

From the 1936 Arab general strike and revolt onward, Magnes became increasingly urgent regarding the need for direct talks with the Arabs rather than relying simply on the British Mandatory authority.<sup>278</sup> In a January 1937 letter to Reginald Coupland, he enclosed a Memorandum supplementary to *Like All the Nations?*, in which he argued for a ten-year truce with the Arabs on the basis of

- (a) Fixing a satisfactory maximum of Jewish immigration over that period;
- (b) Adequate safeguards for the fellah and the tenant farmer in land sales;
- (c) Equitable distribution of labor and other employment among both communities;
- (d) Greater participation by both Jews and Arabs in Government, in the Executive Council and with a Legislative Council under well-defined conditions.<sup>279</sup>

He added that it should be “the primary duty... of Great Britain unselfishly to maintain Palestine as the Holy Land of three religions and to help create here a bi-national, a biracial state.”<sup>280</sup>

Accordingly, Magnes fought consistently to the end of his life against any proposal for partitioning Palestine into Jewish and Arab states. The Peel Commission’s 1937 partition plan he denounced as evidence of a “miserable failure,” for which “[w]e should all of us hang our heads

<sup>277</sup> Magnes, letter to Chaim Weizmann, June 3, 1930. In Goren, ed., *Dissenter in Zion*, pp. 288-289.

<sup>278</sup> Arthur A. Goren introductory remarks to Section 5, “The Pursuit of Compromise: Arabs and Jews 1935-1939,” in Goren, ed., *Dissenter in Zion*, pp. 309-310.

<sup>279</sup> Magnes, letter to Reginald Coupland, January 7, 1937. In Goren, ed., *Dissenter in Zion*, p. 316.

<sup>280</sup> *Ibid.*, p. 318.

in shame that we have not been worthy of the historical task placed upon us.”<sup>281</sup> He further dismissed the plan on the grounds that the majority of the rural population, even within the borders of the small Jewish state proposed at the time, was Arab, and that the result would be either a large irredenta of unwilling Arab inhabitants or their forcible expulsion.

But what will happen tomorrow when you are given the sovereignty over this conquered land as a gift? You have not paid for it in money. You have not sent your young men and women into it to till it with their tears and with their love – you have not had the opportunity. You are getting something that does not belong to us.

Under the Mandate, as it existed up to the present time, we have had twenty years in which to try to procure what belongs to us, paying for it, working for it, loving it, yearning for it. But to take sovereignty that is given to us in this way, as it looks in my view of it, is not worthy of our Jewish history and of the ideals that have brought us to this Holy Land.<sup>282</sup>

For the same reason, Magnes opposed the Biltmore Declaration of 1942, along with other Zionist factions who still supported a binational state.

“The slogan Jewish state or commonwealth,” he wrote, “is equivalent, in effect, to a declaration of war by the Jews on the Arabs.”... There were others in Palestine opposed to the Biltmore Declaration. Within the labor movement Hashomer Ha’tza’ir (the Young Guard party), together with a smaller socialist faction, remained committed to a binational state. A considerable number of recent German immigrants considered the call for a state extremist. Those who had belonged to B’rit Shalom, including the university group and such veteran settlers as Chaim Margalit Kalvarisky, Moshe Smilansky, and Rav Binyamin (Benjamin Feldman-Radler), saw the Biltmore Declaration as undermining their continuing efforts to reach an understanding with moderate Arab leaders.<sup>283</sup>

In March 1948, Magnes aligned himself with a U.S. State Department faction that sought to postpone the Partition of Palestine and instead place it under UN Mandate.<sup>284</sup> After the events of May made statehood irrevocable, he turned in desperation to a confederal solution as the next best hope for peace. “From June until his death at the end of October he was busy developing the idea of a confederation of Arab and Jewish states with Jerusalem as its capital.”<sup>285</sup>

Given the nuance he demonstrates above in the meanings of the words “state” and “political” in the thought of Pinsker and Herzl, Shumsky argues for a much more blurred boundary

<sup>281</sup> Magnes, letter to the Editor of *The New York Times*, July 18, 1937. In Goren, ed., *Dissenter in Zion*, pp. 324-325.

<sup>282</sup> Magnes, Address to the Council of the Jewish Agency, August 18, 1937. In Goren, ed., *Dissenter in Zion*, pp. 332-333.

<sup>283</sup> “Introduction,” Arthur A. Goren, ed., *Dissenter in Zion*, p. 46.

<sup>284</sup> *Ibid.*, pp. 53-54.

<sup>285</sup> *Ibid.*, p. 55.

between the first and second, and the second and third, aliyot than Mamdani does. He takes Mamdani a step further, arguing that until the late 1930s, conceptions of the “state” were nuanced even on the part of such arch-nationalists as Ben-Gurion and – God help us – Jabotinsky.

Vladimir Jabotinsky eventually became the founder of Revisionist Zionism, which abandoned the dominant socialist goals of the movement and took as its primary goal the establishment of an exclusively Jewish ethnostate in Palestine. But in the period before the World War and the Balfour Declaration, Jabotinsky envisioned the “Jewish state” in a clearly sub-state sense, as an autonomous self-governing entity – either under the Ottomans or the Young Turks – in a loosely organized multinational empire. After Balfour and the Mandate, he shifted to viewing the Jewish state as a genuinely sovereign entity – but he still saw the Jewish state itself as akin to a multinational empire, with the Jewish and Arab national communities in it being largely distinct from the state and the state itself serving mostly administrative functions.

Like Pinsker’s approach, Jabotinsky’s idea centers on the principle of separating the “nation” (ethnic, territorial, or dispersed) and the “state” (which cannot be but multinational). According to Jabotinsky, every nation aspires to “social self-determination,” meaning an optimal demographic concentration in one region that is understood to be its historical homeland. Politically speaking, however, those same nations are also interested in becoming a part of a larger multinational federative state that would serve as an organizing political framework that includes all citizens. Each citizen’s national districts/communities would have the critical role of mediating their inclusion as subjects of the governmental sovereignty of the multinational federative state. Jabotinsky initially developed this idea for what he hoped would be the future character of tsarist Russia. Later, following the Young Turk Revolution in 1908, he projected this vision onto the Ottoman Empire. The heart of his vision was to establish territorial self-government in Palestine that would be part of a “nationalities state” (*Nationalitätenstaat*), which he believed the Young Turks would have to establish sooner or later. At the same time, Jabotinsky considered Austria-Hungary, the third empire of the tri-imperial space, as a definite nationalities state in-the-making and therefore as an inexhaustible source of multinational political models. He also saw Austria-Hungary as a constant point of reference for imagining multinational political frameworks that a “Jewish state” (read: district) would belong to in the near future.

As the multinational empires collapsed, Jabotinsky’s view of the Jewish political future underwent an important shift. For the rest of his life, he would speak of a Jewish state in a distinctly sovereign sense, even as he considered the idea of turning Palestine into the Seventh Dominion of the British Empire. Nevertheless, he continued to constantly and stubbornly envision the internal civil and national character of the future Jewish state according to the same nationalities state model that he

believed was supposed to have come into being in tsarist Russia and Ottoman Turkey and was, he believed, on the verge of being realized in the Habsburg Empire. He began to place an even stronger emphasis than before on the need to keep “the state” out of the internal affairs of its nations (the Jewish and the Arab first and foremost, but in principle every human group that would declare itself to be “a nation”) and on the need to reduce the state’s responsibilities to a mere coordinating body between ethno-national communities.... [T]he more that Jabotinsky raised the banner of what he referred to before World War I as the nation’s “social self-determination” (the slogan “as many Jews as possible in as much land as possible,” a concise expression of his aspiration to establish a state with a large Jewish majority on both banks of the Jordan River), the more firmly he emphasized the multinational character of the “Jewish State,” which would come into being by virtue of the noninvolvement of the political apparatus with the issue of society’s national character.<sup>286</sup>

After the collapse of the Ottoman Empire and establishment of the mandate, Jabotinsky envisioned a securely Jewish-majority Jewish state controlling all of Palestine. He nevertheless continued to view the relations between the Jewish majority and Arab minority as akin to those he’d envisioned for the Russian majority and other ethnic minorities in a multinational Russian Empire.<sup>287</sup>

In 1926, he wrote that “the future Palestine must be founded, legally speaking, as a ‘bination-al state.’” Palestine, like any country “that has an ethnic minority, of even the smallest kind, would need, after all, according to our deeply held views, to adapt its legal regime to that fact and become a bi-tri-national or quatra-national state....”<sup>288</sup>

It appears that the internal tension in Jabotinsky’s thought between “nation” and “land” on one hand and “state” on the other became deeper and deeper over time. The more he anticipated full Jewish territorialization, and the more he promoted the “evacuation” of Eastern and Central European Jews to Palestine, the more marginal he considered the term “state” to be in shaping the lives of citizens (which, as mentioned above, he saw as citizens of organic nations). Jabotinsky provided a clear and succinct formulation of his view, in all its paradoxical character, two years before his death, in an article published in the Palestine-based Revisionist newspaper *HaYarden* on October 21, 1938, titled “The Social Question”: “The term ‘state’ must be organizational and not territorial. That is the democratic approach to the essence of the state.”...

Jabotinsky offers the clearest and most precise articulation of his Jewish nationalities state in his last book, *The Jewish War Front*, published in 1940. This text... briefly

<sup>286</sup> Shumsky, *Beyond the Nation-State*, pp. 19-20.

<sup>287</sup> *Ibid.*, p. 153.

<sup>288</sup> *Ibid.*, p. 125.

## Center for a Stateless Society

outlines the constitution of the future Jewish state in Palestine. As in his previous writings, here too the Jewish character of the state is to be determined by the fact that most of its citizens would be Jewish, nothing more and nothing less. However, just like in Jabotinsky's earlier works, the civil-national character of that state is above all intended to reflect the right of (at least) two national groups to self-determination, the Jewish nation and the Arab nation, which would mediate between each of the state's citizens and the overarching state sovereignty: "The Jewish and the Arab ethno-communities shall be recognized as autonomous public bodies of equal status before the law... Each ethno-community shall elect its National Diet with the right to issue ordinances and levy taxes within the limits of its autonomy, and to appoint a national executive responsible before the Diet."<sup>289</sup>

Like the others, David Ben-Gurion before World War I envisioned the Jewish state in Palestine as a component part of a multinational Ottoman Empire. And after the Ottoman collapse he continued to see a Jewish-majority state in Palestine along multinational lines, as a sort of Ottoman state in miniature.

According to Ben-Gurion, this state should be independent and have a Jewish majority, but it should also be founded as a multinational democracy rather than a centralized mono-national state after the image of the nation-state. He believed that the Arab minority that would be formed in the future would have collective national rights rather than only individual civil rights....<sup>290</sup>

In his 1931 program "Assumptions for Determining a Governmental Regime in Palestine," he wrote:

Palestine would become a federal state whose subsections will be: (1) the municipal government of the village and the city, which is completely independent; (2) cantons that comprise autonomous states within the federal Palestinian government. Every continuous habitation of no less than twenty-five thousand people is able to become a free canton. Every canton is able to write its constitution for itself. No canton can pass a law that restricts or violates the rights and equality of another canton's residents. Every citizen has equal rights in all the cantons; (3) the national autonomy would have complete authority in the areas of education, culture, and language, according to the constitution that would be passed by the founding assembly.<sup>291</sup>

He continued to adhere to this model, "which clearly required establishing a state possessing

<sup>289</sup> *Ibid.*, pp. 157-158.

<sup>290</sup> *Ibid.*, p. 21.

<sup>291</sup> *Ibid.*, pp. 199-200.

the structure of a consociational democracy in Palestine, until the second half of the 1930s and even after the Arab Rebellion of 1936.”

[T]he beginnings of his departure from this national-political approach appear to have come after the publication of the Peel Commission’s conclusions, which called for partitioning Palestine into two states and conducting population exchanges of Jews and Arabs in both states. This was the first time in the history of Zionist thought that Zionism would imagine fulfilling the right of the Jews in Palestine to national self-determination without having an Arab presence alongside them. However, the most sweeping and fundamental change in Ben-Gurion’s political thought did not occur after the Peel Commission either. Rather, it occurred only after he began receiving news about the Holocaust of European Jewry. From this point on, Ben-Gurion would no longer speak of a Jewish state that allows for the collective national existence of the Arabs, but rather only of a Jewish state that recognizes the national collective rights of the Jews only....<sup>292</sup>

Clearly, Ben-Gurion and Jabotinsky, at least, crossed the line in the early Mandate period to seeking a Jewish-majority ethnostate in Palestine. Even with a high degree of autonomy and self-government, and equal civil rights, for the Arab residents, they would nevertheless be second-class citizens in the sense that they would exist in a larger Jewish-majority polity, no matter how decentralized; and also in the sense that the Jewish state, as a Jewish state, would be open to unlimited immigration of Jews but not of Arabs from neighboring countries. Their vision is to be clearly distinguished from that of Ahad Ha’am, Buber, and others, of the Jewish “national home” in Palestine as merely an autonomous self-governing community within a binational state.

Nevertheless, even as the latter show a legitimate model for a Jewish national home without an ethno-state, the former at least show that the form taken by the Israeli state in 1948 was not set in stone from the beginning.

## **One State, Two State, and No State Solutions**

### **One State Solutions**

From the 1960s on, the mainstream of the Palestinian resistance – centered on Fatah, which dominated the PLO – came to recognize the legitimate rights of Jews born in Palestine since the Zionist in-migration to continued residency and equal citizenship in a single, democratic, secular state. Until the early 1960s, according to Khalidi, most Palestinian radical groups

<sup>292</sup> *Ibid.*, pp. 22-23.

## Center for a Stateless Society

felt no sense that there were now two peoples in Palestine, each with national rights; to them Israelis were no more than settlers, foreign immigrants to their country. This position exactly mirrored that of most Israelis, for whom there was only one people with national rights in Eretz Yisrael, the Land of Israel, and that was the Jewish people, while the Arabs were no more than transient interlopers. In the Palestinian reading of the day, Israel was a colonial-seller project that the West had helped create and supported (which was largely true), and the Israeli Jews were part of a religious group only, not a people or a nation (which the successful creation of a powerful nation-state with a strong national identity had already shown to be false). At this point, the Palestinians had not come to terms with the reality of a new national entity in Palestine, in part because this had happened at their expense and at a ruinous cost to them.

The culmination of this thinking about the objectives of the Palestinian struggle was articulated in the National Charter (*al-mithaq al-watani*), adopted by the PLO in 1964. The charter stated that Palestine was an Arab country where national rights belonged only to those residing there before 1917 and their descendants. This group included Jews then resident in Palestine, but not those who had immigrated after the Balfour Declaration, who would therefore be obliged to leave. From this perspective, liberation involved the reversal of everything that had taken place in Palestine since the Balfour Declaration, the British Mandate, the partition of the country, and the Nakba. It meant turning back the clock and refashioning Palestine into an Arab country once more. Although the ideas the charter embodied were reflective of much, perhaps most, Palestinian sentiment at the time, it was adopted by a body created by the Arab League, not one that was elected by or represented the Palestinians.<sup>293</sup>

This position changed after 1964 as a result of internal Palestinian politics, with the Israeli occupation of the West Bank and Gaza in 1967, and the takeover of the PLO by Fatah in 1968.

...[T]he national movement formulated a new objective, advocating the idea of Palestine as a single democratic state for all its citizens, both Jews and Arabs (some iterations referred to a secular democratic state). This was meant to supersede the aims laid down in the National Charter, recognizing that Israeli Jews had acquired the right to live in Palestine and could not be made to leave. The change was also meant to refashion the PLO's image and appeal to Israelis, who were treated by the 1964 National Charter as if they did not exist. The statement that Jews and Arabs living in Palestine were entitled to be equal citizens of the country represented a major evolution of the movement's thinking. However, the single democratic state proposal did not recognize the Israelis as a people with national rights, nor did it

<sup>293</sup> Khalidi, *The Hundred Years' War on Palestine*, pp. 120-121.

accept the legitimacy of the state of Israel or of Zionism.

Over time, this new objective came to be broadly accepted among Palestinians and was embodied in successive authoritative pronouncements of PLO policy via resolutions of the PNC. In the end, it superseded the charter and rendered it obsolete, yet these fundamental changes were resolutely ignored by the PLO's opponents, who continued to harp on the charter's original provisions for decades to come.<sup>294</sup>

## Two State Solutions

This vision of a single, multi-ethnic Palestine, in turn, became increasingly obsolescent. There was a growing recognition over time that the single state solution was, at best, a goal for the distant future. As Khalidi points out, the creation of a single, secular, democratic state of Arabs and Jews would require overcoming the virtually unsurmountable obstacle of "the dissolution of Israel with a new state of Palestine taking its place."

This would mean overturning what since 1947 had become an international consensus around the existence of Israel as a Jewish state, as specified by the wording of GA 181. Only a revolutionary shift in the balance of forces both within Israel and globally could accomplish such an end, something that the Palestinians could hardly achieve or even contemplate on their own. And they could not count on their brothers in the Arab regimes. Radical Arab states such as Syria, Iraq, and Libya continued to talk a big game where the Palestine cause was concerned, but their rhetoric was empty.

In fact, rhetoric aside, their practical position amounted to a de facto recognition of Israel's pre-1967 borders.<sup>295</sup>

Changes in regional circumstances led many PLO leaders to consider a further modification of their objectives. A number of factors exerted an influence: the PLO's inability to sustain an effective guerrilla campaign against Israel after the loss of its bases in Jordan; the Arab states' growing acceptance of the conflict with Israel not as existential but as a state-to-state confrontation over frontiers; and Arab and international pressure on the PLO to conform to more limited objectives....

Starting in the early 1970s, members of the PLO responded to these pressures, in particular to the urging of the Soviet Union, by floating the idea of a Palestinian state alongside Israel, in effect a two-state solution.<sup>296</sup>

<sup>294</sup> *Ibid.*, p. 121.

<sup>295</sup> *Ibid.*, p. 122.

<sup>296</sup> *Ibid.*, pp. 122-123.

## Center for a Stateless Society

In practice this goal proved to be difficult enough on its own. The closest that the Israeli government and Palestinian representatives have ever come to agreement on a two-state solution – the Oslo accords – was at best extremely modest, and was in the end sabotaged by Israeli nationalist sentiments. Oslo, as Mamdani points out, was an Israeli concession motivated by the Intifada and the perceived need for a moderate halfway solution – something like the homelands in South Africa – that would render Palestinian-majority areas more easily governable.

The First Intifada taught Rabin and those around him that they could not manage the Occupied Territories without a pliant intermediary. At Oslo that turned out to be Arafat.<sup>297</sup>

And its practical implementation, as Khalidi shows, quickly demonstrated the parallels with the South African homeland system.

What they had signed on to was a highly restricted form of self-rule in a fragment of the Occupied Territories, and without control of land, water, borders, or much else. In these and subsequent accords based on them, in force until the present day with minor modifications, Israel retained all such prerogatives, indeed amounting to virtually complete control over land and people, together with most of the attributes of sovereignty.... In effect, they ended up accepting a barely modified version of the Begin autonomy plan, to which both the Shamir and Rabin governments held firm.<sup>298</sup>

Arafat turned out to be the best possible bargaining partner, from the Israeli point of view. Quoting Mamdani again:

First, he tacitly accepted settlements in the West Bank. Second, he explicitly accepted Israel's stranglehold over the economy and sovereignty of the occupied territories, even going as far as to agree that this stranglehold would persist in a future Palestinian state. Arafat essentially agreed to leave in place a plethora of post-1967 Israeli controls over the West Bank and Gaza, restricting everything from fishing to digging wells. Israel was also allowed to maintain its authority over mineral resources in the Dead Sea, even though it would be in the territory of a future Palestinian state. Furthermore, Israel was allowed to maintain security at Israeli settlements, which sat atop all the crucial aquifers of the West Bank. That meant there would be no substantial expansion of either Palestinian agriculture or water-dependent industry. Through "security cooperation" – guaranteeing security not only for the state of Israel but also for the settlements on the West Bank – Israel

<sup>297</sup> Mamdani, *Neither Settler Nor Native*, p. 307.

<sup>298</sup> Khalidi, *The Hundred Years' War on Palestine*, p. 194.

remained in command of all borders between the Occupied Territories (the future state) and the outside world. This not only ensured that Israel would control the borders of a nominally independent state for security purposes, but also meant that Israel would supervise the flow of goods into and out of the territories. On top of it all, Israel was granted the right to establish a customs union that would collect duties on all imports to the Occupied Territories and future state from outside Israel, duties that were supposed to be passed on to the Palestinian client.

This client, per the Oslo agreement, would be an entity known as the Palestinian National Authority. In effect the PNA (also referred to as the Palestinian Authority or PA) was to be the local administrator in the Occupied Territories and “independent” Palestine, on behalf of the Israeli government. The similarity to native administration in the South African Bantustans is striking. Arafat was elected the PNA’s first president in 1996.<sup>299</sup>

The second Oslo Accord in 1995, Khalidi writes – the “Interim Agreement on the West Bank and Gaza Strip,” or Oslo II – further clarified how thin actual Palestinian autonomy was to be. It

carved both regions into an infamous patchwork of areas – A, B, and C – with over 60 percent of the territory, Area C, under complete, direct, and unfettered Israeli control. The Palestinian Authority was granted administrative and security control in the 18% that constituted Area A, and administrative control in the 22 percent of Area B while Israel remained in charge of security there. Together, Areas A and B comprised 40 percent of the territory but housed some 87 percent of the Palestinian population. Area C included all but one of the Jewish settlements. Israel also kept full power over entering and leaving all parts of Palestine and held exclusive control of the population register (meaning that it decided who had residency rights and who could live where). Settlement construction was able to continue apace, Jerusalem was further severed from the West Bank, and Palestinians from the Occupied Territories were increasingly barred from entering Israel. Eventually, scores of military checkpoints and hundreds of miles of walls and electrified fences carved the West Bank into a series of isolated islands and scarred the landscape.<sup>300</sup>

Further, according to Mamdani, “the PLO gave away the right of return of the 1948 refugees.” And Arafat made no attempt to represent Palestinian citizens of Israel, including “the internally displaced people (‘present absentees’) among them.” He accepted the role of administering solely the internal Palestinian population of the Occupied Territories, without regard to larger Palestinian interests.

<sup>299</sup> Mamdani, *Neither Settler Nor Native*, p. 308.

<sup>300</sup> Khalidi, *The Hundred Years’ War on Palestine*, pp. 196-197.

His acceptance of these terms distinguished him and the PLO from the ANC, which rebuffed attempts to draw it into administering a Bantustan-type government in South Africa. At Oslo, Arafat and his associates forfeited their moral and political claim to leadership of Palestinians. While the PLO congratulated itself on coauthoring a breakthrough in pursuit of a two-state solution, the organization became, at best, a sectional representative of those living in the Occupied Territories. And even this position it immediately abrogated by accepting Israel's offer of client status.<sup>301</sup>

After an "interim period" extended far beyond the specified term, Ehud Barak – at the head of a Labor government returned to power – further modified the terms of Oslo in a 2000 meeting at Camp David. His secret proposal, never published and reconstructed only from leaks, "included permanent Israeli control of the Jordan River Valley and of Palestine's airspace..., Israel's continued control over West Bank water resources, as well as its annexation of areas that would have divided the West Bank into several isolated blocs."<sup>302</sup> This proposal was never formally adopted, and became a dead letter after the Second Intifada.<sup>303</sup>

### *Disillusionment with the Two-State Solution, the Revival of the Binational State, and Confederal or Two-State Solutions*

With the declining credibility of a two-state solution, there are once again increasing calls for a comprehensive solution that includes the whole of Palestine. Bashir Bashir calls them "integrative solutions" – i.e. "political visions and institutional arrangements that view Israel/Palestine, the territory between the Mediterranean Sea and Jordan River, as a single historical and political site."

Due to practical considerations of existing intertwined realities and normative and moral considerations of democratic rights and values, integrative solutions are based on integration and inclusion rather than on territorial partition and segregation....

He identifies "three of the central strands of integrative solutions: liberal, binational, and shared sovereignty...."

The liberal strand emphasizes individual rights and promotes an inclusive and egalitarian state, which represents all of its citizens regardless of their national, religious, or ethnic affiliations. The binational strand recognizes the reality of the existing national and ethnoreligious diversity and calls for democratic designs based on power-sharing, federative arrangements, or some combination thereof within

<sup>301</sup> Mamdani, *Neither Settler Nor Native*, p. 309.

<sup>302</sup> Khalidi, *The Hundred Years' War on Palestine*, pp.204-205.

<sup>303</sup> Mamdani, *Neither Settler Nor Native*, p. 310.

## Center for a Stateless Society

which the various groups enjoy communitarian and national rights. Those advocating for shared sovereignty insist that the answer to the two groups' conflicting claims to self-determination, especially given their intertwinement and strong, exclusive national identities, is an arrangement that is premised on shared power and overlapping territorial jurisdictions.<sup>304</sup>

Bashir's "liberal strand" is basically the original idea of a single secular, multi-ethnic state – a goal to be achieved not by dissolving Israel, but by "de-Zionizing" the Israeli state, making it a state of all its citizens with equal rights for all, and expanding it to cover all of Palestine.

Concerning de-Zionization, Dahlia Scheindlin and Dov Waxman likewise write of an Israel which is redefined as a state of all its citizens:

After years of being dismissed as hopeless dreamers or dangerous radicals, and confined to the margins of political debate about the Israeli – Palestinian conflict, advocates of a democratic one-state solution (mostly Palestinian intellectuals and Israeli or Western leftists) now see an opportunity to advance their cause by insisting that the human and civil rights of Palestinians can only be realized when they become equal citizens with Israelis. This means having full voting rights, as well as all other forms of equality, in all the land Israel now controls.<sup>305</sup>

Mamdani, too, calls for a single state of Jews and Arabs, to be achieved through de-Zionization – a process which would "sever the state from the nation" and instead realize Israel "as a state for all its citizens."<sup>306</sup>

The alternative is a radical dissociation between nation and state, culture and politics. In this alternative world, the state is not the property of any nation; the nation is not sovereign. Nations are not sovereign; the state is no more binational or multinational than it is committed to a single national majority. The state is home to no nation. Home is society, where multiple nations with multiple histories can coexist.<sup>307</sup>

In Israel, the de-Zionized state would protect and uphold the rights of all its citizens, replacing national institutions ensuring Jewish privilege with state structures that treat citizens equally. Critically, all refugees would have the right to return. Here, too, a measure of social justice is essential: reparations for those whose land

<sup>304</sup> Bashir Bashir, "The Strengths and Weaknesses of Integrative Solutions for the Israeli-Palestinian Conflict," *Middle East Journal* 70:4 (Autumn 2016), pp. 561-562.

<sup>305</sup> Dahlia Scheindlin and Dov Waxman, "Confederalism: A Third Way for Israel-Palestine," *The Washington Quarterly* 39:1 (2016), p. 85.

<sup>306</sup> Mamdani, *Neither Settler Nor Native*, p. 255.

<sup>307</sup> *Ibid.*, p. 318.

has been expropriated since the formation of the state.<sup>308</sup>

Bashir’s “binational strand” is a single state, but with national as well as individual rights; although citizens of all ethnicities are equal under the law, nationalities also have corporate rights of some sort – functioning as “substates,” to use Shumsky’s term. Liberal Zionist Peter Beinart endorsed the distinction between a Jewish *state* and a Jewish *homeland* in a binational state:

The essence of Zionism is not a Jewish state in the land of Israel; it is a Jewish *home* in the land of Israel, a thriving Jewish society that both offers Jews refuge and enriches the entire Jewish world. It’s time to explore other ways to achieve that goal – from confederation to a democratic binational state – that don’t require subjugating another people. It’s time to envision a Jewish home that is a Palestinian home, too.<sup>309</sup>

As a binational state, a democratic Israel-Palestine would need to protect not merely individual rights but national rights as well. Here, Belgium and Northern Ireland are better models. Binational Belgium delegates enormous power to its three regions – one composed mostly of Dutch-speaking Flemish, one composed mostly of French-speaking Walloons, and one linguistically mixed – as well as to “community governments,” which represent Dutch and French speakers no matter where they live. If 75% of either Flemish or Walloon representatives in parliament oppose important legislation, they can block it. In Northern Ireland, the two heads of government are chosen, respectively, by the largest Catholic and Protestant parties. Key parliamentary decisions require substantial support from representatives of both communities. These cooperative – or “consociational” – forms of government are not always pretty. Between 2010 and 2011, it took Belgium a record-breaking 589 days to form a government. Still, the academic evidence is clear: Divided societies that share power work far better than those that don’t.<sup>310</sup>

Lama Abu-Odeh, a Palestinian-American law professor, proposed in a 2001 article a binational federal state in which ethnic substates or administrative entities played a significant mediating role:

One possible form would be a federal state in which cultural differences could be expressed and pursued, administrative autonomy of the various communities would be granted in certain policy fields, and resources would be redistributed for the purposes of promoting equality among all citizens and addressing the claims of the

<sup>308</sup> *Ibid.*, p. 353.

<sup>309</sup> Peter Beinart “Yavne: A Jewish Case for Equality in Israel-Palestine,” *Jewish Currents*, July 7, 2020 <<https://jewishcurrents.org/yavne-a-jewish-case-for-equality-in-israel-palestine>>.

<sup>310</sup> *Ibid.*

Palestinians who have been unjustly exiled and dispossessed.<sup>311</sup>

Tony Judt, similarly, proposed “a federal state of two autonomous communities – on the Swiss or Belgian model...”<sup>312</sup>

Of course, the conceptual boundary between these models and the conventional two-state solution is permeable. As Peter Beinart points out, scholars have explored the numerous possibilities in this intermediate ground between simplistic one-state and two-state solutions.

Scholars have imagined various ways to adapt these models [i.e. consociational models like Northern Ireland and Belgium, mentioned above] to Israel-Palestine while tackling thorny questions of national rights, immigration, and military powers. Some involve federalism, a central government that – as in Belgium or Canada – hands power down to local bodies, through which Jews and Palestinians manage their own affairs. Others involve confederalism, a Jewish state and a Palestinian state that each hand power up to a supranational authority that might look something like the European Union. A Land for All, a group that promotes confederalism, has proposed that Palestinian refugees could return to Israel yet be citizens of Palestine, while Jewish settlers could stay in Palestine and remain citizens of Israel.<sup>313</sup>

Of special interest are the various “soft” two state or confederal models – more or less equivalent to Bashir’s “shared sovereignty” model – which start from coexisting Jewish and Palestinian states but aim at increasing degrees of unification between them. The “soft” two-state solution, as a category, includes all propositions which fall under the technical heading of a two-state solution (i.e., two sovereign states, one Israeli and one Palestinian, between them sharing the whole of Palestine between themselves), but with additional qualifications. The latter include a customs union or free trade zones, comparatively permeable mutual borders with liberal migration laws, full civil equality for all in both states, liberal rights of return for both Jews and Arabs in each of them, provisions for large populations of citizens of one state residing in the other but voting in their own state’s elections, and demilitarization – all of which, along with other confidence-building measures, are intended to create an atmosphere conducive to confederation and perhaps, eventually, unification into a single multi-ethnic state.

For example, given the apparent failure of the two-state solution and their skepticism concerning the political viability of a one-state solution, Scheindlin and Waxman raise the possibility of achieving the benefits of the one-state solution within the framework of what is technically a two-state solution, via confederalism (“based on the notion of two separate sovereign states that have agreed to some kind of permanent cooperative political framework”).

<sup>311</sup> Bashir, “The Strengths and Weaknesses of Integrative Solutions for the Israeli-Palestinian Conflict,” p. 568.

<sup>312</sup> *Ibid.*, p. 568.

<sup>313</sup> Beinart, “Yavne: A Jewish Case for Equality in Israel-Palestine.”

## Center for a Stateless Society

In terms of the character of the entities, the projects envision two states, both governed as independent democracies, rather than the Palestinian entity governed by Israeli military rule as it is today. There would still be a strong element of separation – a clear geographic division along the 1967 border – but there would be an open border, which ensures greater mobility and access for all people to all areas (perhaps the most pervasive impact of the conflict upon Palestinians today is the restriction on their movement with its accompanying impact on their livelihood).

The open border concept distinguishes this approach most clearly from the classic two-state solution. Since the two-state model proposes closed borders, Israel would annex parts of the West Bank containing Jewish settlements, including areas of land that are not contiguous with Israel. This has led Palestinians to fear that they would be left with a ‘Swiss cheese’ territory or even isolated bubbles of Palestine, comprised of disconnected areas and no freedom of movement. That specter has contributed to their growing disillusionment with the two-state approach.

At the same time, a traditional closed border two-state solution would give Palestinians sovereignty and full control over areas such as Hebron. The idea that Jewish holy sites like the Tomb of the Patriarchs come under full Palestinian control, and may become inaccessible to religious Israeli Jews, arouses strong opposition among them. Denying Jews access to their holy sites would surely lead to deep religious grievances and, most likely, motivate violent action by a radical minority. A confederal approach with open access and freedom of movement would enable Palestinians and Israelis to freely visit their holy sites.

It would also allow them to actually live in each other’s states. While each state would decide its own citizenship policies, including laws of return, citizens of one state could be permitted to live as residents in the other (much like the European Union). ...

Distinguishing between residency and citizenship also opens up a new way of addressing the issue of Palestinian refugees, which has bedeviled previous efforts at resolving the conflict. In the traditional two-state solution, the vast majority of Palestinian refugees would not be allowed to return to the areas they (or their ancestors) were expelled from in 1948 or 1967.... Israeli Jews adamantly oppose accepting the right of return of Palestinian refugees to Israel proper because they view it as the end of the Jewish majority state; Palestinians just as resolutely insist upon it – indeed it has become the symbolic centerpiece of their national struggle.

The lack of flexibility on both sides has been one of the main reasons why peace negotiations have failed so far. In the confederal approach, however, Palestinian refugees who wish to return could live in Israel as residents, but not citizens. Any returning Palestinian refugees would not be a demographic threat to Israel’s Jewish majority citizenry. This mitigates the problem of a Palestinian right of return in a way that the traditional two-state approach never has.

## Center for a Stateless Society

Delinking citizenship and residency could also help with another thorny issue – the future of Jewish settlers, who currently number more than half a million in the West Bank and East Jerusalem.... In all the years of two-state negotiations, settlement evacuation has carried the threat of resistance, violence, or even civil war, not to mention the potential for mutiny within the Israeli army, whose ranks are increasingly made up of religious nationalists and settlers....

In a confederal model, by contrast, there is no need to evacuate all the settlements that Israel does not annex. Instead, settlers can still live in these settlements as Israeli citizens, but under Palestinian law (they must, of course, be law-abiding residents of the Palestinian state). Thus, the Palestinians do not have to give up large chunks of territory since they would have sovereignty over the settlements, possibly including large settlement blocs.<sup>314</sup>

The original soft two-state solution was probably the partition called for in UN Resolution 181. The plan called not only for partition, but for an “economic union” between the Jewish and Arab states. Elections in both states were to be by universal suffrage – i.e. all residents, Jewish and Arabs. Arabs were restricted from establishing residency in the area reserved to the Jewish state, and vice versa, pending termination of the mandate; nevertheless citizens of each state were to enjoy “freedom of transit and visit” in the other state. And each state was to guarantee “to all persons equal and nondiscriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly and association,” regardless of ethnicity. In short, the two states were to be a “Jewish” and an “Arab” state only in terms of their respective majorities, but to allow full equal civil and political rights internally and freedom of movement between the states, and to participate in an economic union.<sup>315</sup>

One such recent model is that proposed by A Land for All,<sup>316</sup> a Palestinian-Israeli movement founded in 2012 under the original name Two States, One Homeland.<sup>317</sup> A booklet hosted on their website opens with an appeal to the inseparability of the Arab and Jewish populations of the Land:

There is a deep emotional need for partnership in this land. When Palestinians say Palestine, they refer to the entire area between the Jordan River and the Mediterranean; just as when Israelis say Eretz Yisrael, they refer to the same space. The

<sup>314</sup> Scheindlin and Waxman, “Confederalism,” pp. 86-88.

<sup>315</sup> United Nations Resolution 181 (II), Future Government of Palestine, November 29, 1947 <<https://documents.un.org/doc/resolution/gen/nr0/038/88/pdf/nr003888.pdf?token=sOeYMA1BtcsnlnqwKO&fe=true>>.

<sup>316</sup> <<https://www.alandforall.org/english/?d=ltr>>.

<sup>317</sup> Moritz Haegi, “A land for all? A glimpse into a shared future,” *The Times of Israel*, June 22, 2021 <<https://blogs.timesofisrael.com/a-land-for-all-a-glimpse-into-a-shared-future/>>.

## Center for a Stateless Society

homeland is one and the same, even if it is called by different names. No international borders could change these connections, this identity. No international borders could sever Palestinians' ties to Jaffa, Haifa, or Lod any more than they could sever Jewish ties to Hebron, Nablus or Bethlehem. We live in a small geographic space. If a river in the West Bank gets contaminated, the groundwater in the coastal plain is affected. If air quality is poor on the coastal plain, it will be felt in the West Bank. In the small space shared by these two peoples, everyone's interests would be best served by a high level of cooperation.

More than a hundred years of conflict have taught us that no nation can be the sole lord of this land.<sup>318</sup>

Its co-founder, Israeli journalist Meron Rapoport (his partner was Awni Al-Mahshni, a Palestinian activist in the Fatah movement), described it this way:

A Land For All starts with the recognition that two peoples live in the space between the Jordan River and the Mediterranean Sea, and both of them see the whole territory as their homeland. The Jews and Palestinians who live in this land are entitled to equal civil and national rights, and therefore we propose two independent states – Israel and Palestine – in the 1967 borders [presumably he means with those borders as the dividing line between them], sharing freedom of movement and residence, in order to enable everyone to realize their connection to the entire land....

Within this framework, joint institutions would be established for the two states, and Jerusalem would be an open city, the capital of both states. With a special and equal regime in it.<sup>319</sup>

Two other A Land for All activists, May Pundak and Rana Salman, describe their agenda as a response to the practical roadblocks facing previous attempts at negotiating a two-state solution.

“Whether we accept it or not, we’re living together,” Ms. Salman said. “We work together. We have mixed cities. We’re always stuck with one-state, two-state. There should be a third solution.”...

Under the terms of the two-state solution, Israelis and Palestinians would live in sovereign states, divided along the 1967 borders of Israel, before it occupied the West Bank and Gaza. Previous attempts to strike a deal have fallen apart over disputes about allocating land to the Palestinians, a problem that has deepened as Jewish

<sup>318</sup> *From Conflict to Reconciliation: A new vision for Palestinian-Israeli peace*. Draft for discussion (A Land for All, 2021), p. 2 <<https://www.alandforall.org/wp-content/uploads/2021/02/booklet-english.pdf>>.

<sup>319</sup> Ofra Rudner, “Separating Jews and Palestinians Cannot Work’: Planning a Binational Confederation,” *Haaretz*, October 3, 2023 <<https://www.haaretz.com/israel-news/2023-10-03/ty-article-magazine/premium/separating-jews-and-palestinians-cannot-work-five-books-on-a-binational-confederation/0000018a-efe6-d3af-a3ce-efe604760000>>.

## Center for a Stateless Society

settlements have proliferated across the West Bank, as well as other issues.

What has changed since the Oslo Accords, both women said, is the viability of a deal based on the principle of separating Israelis and Palestinians. With nearly two million Palestinians living as citizens in Israel and more than 500,000 settlers carving up the West Bank, they said the two peoples were irrevocably intertwined, each clinging to a vision of a homeland on land claimed by both.

The answer, Ms. Pundak said, was neither a single state nor a simple division into two. Instead, it would be two states, confederated in a shared homeland....

To make such a confederation work, both sides would have to accept conditions, like the free movement of Israelis and Palestinians, the settlement of refugee claims and the authority of common institutions to handle issues like human rights, natural resources and economic cooperation. Palestinians living in Israel would vote in Palestinian elections; Israelis living in a future Palestine would vote in Israel.

Jerusalem would be a shared capital, she said, its holy sites managed by an international authority that included religious representatives.<sup>320</sup>

As Morris Haegi describes it in *The Times of Israel*: “Contrary to the conventional two-state model, however, *A Land for All* insists that this separation be only political – not geographic nor demographic.”<sup>321</sup>

By prioritizing partnership over divorce, *A Land for All’s* confederation proposal seeks to overcome the main obstacles that have paralyzed the peace process in the past: The Right of Return for Palestinian refugees, Israeli settlements in the West Bank, Jerusalem, Security, Palestinian Citizens of Israel (PCIs) and Gaza....

The *Two States, One Homeland* model seeks to resolve this “irresolvable” reality by rejecting demographic and geographic segregation between Israelis and Palestinians, meaning that Jewish settlers could remain as residents in a Palestinian state, in accordance with the Open Border vision. They would keep their Israeli citizenship and exercise their political rights in Israel. This approach would stymie the incentive for accelerated settlement construction because the expansion of one settlement or another would not factor into the location of the permanent borders between Israel and Palestine. Likewise, the sovereign Palestinian state could grant citizenship to Palestinian refugees in the diaspora, thereby making them citizens of the confederation and awarding them the right to live, work and travel in all of Israel and Palestine. Further arrangements would be put in place for the restoration of lost or expropriated refugee property, or compensation for it, without creating new injus-

<sup>320</sup> Mark Landler, “Five Miles and a World Apart, Younger Activists Dream of a New Peace Process,” *The New York Times*, November 16, 2023 <<https://www.nytimes.com/2023/11/16/world/middleeast/israel-palestinians-new-peace-plans.html>>.

<sup>321</sup> Haegi, “A land for all?”

## Center for a Stateless Society

tices. Confederation would not only help solve the issues of settlements and the right of return but also acknowledge Palestinian ties to Jaffa, Haifa or Lod, as well as Jewish ties to Hebron, Nablus or Bethlehem.<sup>322</sup>

The project “views the implementation of the Open Land vision as a gradual process so to avoid inundation and aggravated antagonization.” Further, it is “not a quick fix but rather a long-term goal to aspire to,” and requires a series of progressive confidence-building measures; i.e. it “must be accompanied by sustained and scalable conflict transformation that changes the hegemonic narratives to the point where genuine partnership – and thus two states in one shared homeland – becomes a viable option.”<sup>323</sup>

As a first step, Israel and a Palestinian state would agree on a significant number of Palestinian refugees eligible for residency in the State of Israel and vice-versa a number of Israeli settlers-turned-residents in Palestine. The goal at the end of this process would be that any Palestinian and any Israeli could work, live and travel in all of the land. As such, the passports issued by Israel and Palestine would work in a national (political rights) as well as a transnational or confederal (mobility, work, residence) way, similar to those of the European Union.<sup>324</sup>

Further, according to Ariel Ron, the provisions of the plan “will allow refugee Palestinians to return, if not precisely to their old lands then near to them...”

In addition, there will be just restitution for those Palestinians who cannot realistically reclaim their homes and for those Jews who were expelled from Muslim countries and forced to leave their property behind.<sup>325</sup>

On May 28th, 2021, the movement received the 2020/2021 Luxembourg Peace Prize for Outstanding Peace Support.<sup>326</sup>

Haegi reported considerable minority support for a two-state confederation among both Israeli Jews and Palestinians.

In a 2018 poll, jointly conducted by Tel Aviv University and the Palestinian Center for Policy and Survey Research (PSR), roughly one-third of Israeli-Jews (30%) and Palestinians (31%) expressed support for a confederation of two states in which: 1) citizens of each country could live as permanent residents in the other; 2) Israel and

<sup>322</sup> *Ibid.*

<sup>323</sup> *Ibid.*

<sup>324</sup> *Ibid.*

<sup>325</sup> Ariel Ron, “A Land for All,” *The American Prospect*, November 17, 2023 <<https://prospect.org/world/2023-11-17-israel-palestine-land-for-all/>>.

<sup>326</sup> Haegi, “A land for all?”

Palestine cooperate on security and the economy; and 3) Jerusalem remains the undivided capital of both states.<sup>327</sup>

A similar project, Two States in One Space, was founded in November 2014 and announced in East Jerusalem before a mixed audience of Israelis, Palestinians, and other nationalities.<sup>328</sup> According to the project's manifesto, as of 2014 the two-state solution was "all but a thing of the past" – not only because of "facts on the ground" like the continued expansion of Israeli settlements, but the more fundamental fact that "the land between the Jordan River and the Mediterranean Sea is one geographical unit, that both peoples, Palestinians and Israelis, see as their homeland, on which Jews and Arabs are intertwined."<sup>329</sup> A two-state solution based on closed borders is unworkable because of over a million Palestinian Arabs living in Israel as citizens, and hundreds of thousands of Jewish settlers on the West Bank; most of the Jewish holy sites in historic Palestine are within the boundaries of the West Bank, while the vast majority of Palestinian refugees are from the cities of what is now Israel.<sup>330</sup> Their proposal is still a two-state solution so far as it goes – but unlike previous iterations, a two-state solution without separation.<sup>331</sup> Besides open borders and free movement of populations, their two states will be united in a confederation and economic union on the pattern of the European Union.<sup>332</sup>

## The No-State Solution

If the most promising of the one-state and confederal approaches are aimed at separating the territorial state from nationality, the no-state approach takes it one step further: separating the basic functions of administration themselves, territorial and other, from the state.

An anarchist or "no-state" approach to settling the conflict, just as much as binationalism and confederalism, would be a return to earlier models. Indeed many of the people associated with cultural or religious versions of Zionism were also anarchists or quasi-anarchists. According to Jason Adams:

Before the creation of the Israeli state, in the first quarter of the 20th century, an anarchist movement had already begun amongst both Palestinians and Jews which resisted the creation of the Jewish state and worked instead for a stateless, directly

<sup>327</sup> *Ibid.*

<sup>328</sup> Scheindlin and Waxman, "Confederalism."

<sup>329</sup> Haim Yakobi, Noa Levy, Huda Abu Arqub, Alma Katz, Ofer Shinar, Muhammed Iriqat, Tamar Luster, Yael Berda, Reman Bakarar, Benedeta Berti, *Two States in One Space: A New Proposed Framework for Resolving the Israeli-Palestinian Conflict* (Jerusalem: Israel Palestine Creative Regional Initiatives, December 2014), p. 10 <[https://issuu.com/ipcri/docs/two\\_states\\_in\\_one\\_space](https://issuu.com/ipcri/docs/two_states_in_one_space)>.

<sup>330</sup> *Ibid.*, p. 12.

<sup>331</sup> *Ibid.*, p. 13.

<sup>332</sup> *Ibid.*, p. 14.

democratic, pluralistic society of both Jews and Arabs. Anarchist sections of the “communitarian” movement, inspired by the collaboration of notable Jewish anarchists such as Gustav Landauer and Rudolf Rocker, formed the basis for the early Kibbutzim movement in Palestine, and according to Noam Chomsky, was the original meaning of the term “Zionist.” The original communitarian Zionists opposed the creation of the state because it would “necessitate carving up the territory and marginalizing, on the basis of religion, a significant portion of its poor and oppressed population, rather than uniting them on the basis of socialist principles.” Of the anarchist-communitarians at the time, Joseph Trumpeldor was one of the most important, drawing members of the first kvutzot over to the anarchist-communist thought of Petr Kropotkin. By 1923, Kropotkin’s *Mutual Aid* had become one of the first books ever to be translated into Hebrew and distributed throughout Palestine; this early anarchist groundwork by activists like Trumpeldor became a major influence in the thought of Yitzhak Tabenkin, a leader in the seminal Kibbutz Hameuhad movement. The anarchist-communitarian newspaper, *Problemen* was the only international anarchist periodical to be published in both Yiddish and Hebrew, and was one of very few voices calling for the peaceful coexistence of Jews and Arabs in the communitarian manner that existed before the creation of the Israeli state. This movement began to die out after 1925, with the creation of the movement for an Israeli state and the solidification of the party.<sup>333</sup>

In some ways the idea of the state itself taints discussions of various hyphenated-state solutions, even if unconsciously, with ethnonationalist assumptions. The modern nation-state has been equated to a large degree with the ethnostate for over two hundred years. And the norm of the state as the State of the X People, as Shuli Branson argues, accordingly colors even the most progressive visions for the future of Palestine. The same implicit assumptions that “make it easy to accept Israel as legitimate, necessary, inevitable” – i.e., “equating a race, a people, with a State” – “also make the State form the inevitable aspiration for Palestinians, whether in a shared secular ‘democratic’ state of ‘equal rights’ with Jews, or in another ethnostate next door to Israel.” Those same “unconscious logics” also “go unreflected, even amongst anti-authoritarian leftists and anarchists.” Attempts at a resolution of the Israeli-Palestinian conflict run up against the obstacle presented by “ingrained ideas of identity filtered through nationality, ethnicity, race.” When those ideas are attached to the state, they imply “a homeland that would need to be exclusive” in a way that mirrors modern capitalist ideas of property. And they are harmful when adopted by anti-colonial and anti-settler movements, just as when adopted by imperialist and settler states.

<sup>333</sup> Jason Adams, “Non-Western Anarchisms: Rethinking the Global Context,” *Tahrir-ICN*, January 20, 2014 <<https://tahriricn.wordpress.com/2014/01/20/non-western-anarchisms-rethinking-the-global-context/>>.

## Center for a Stateless Society

Each people has a land....

...The nation as an understanding of the organization of sovereignty has relied on the figuration of a people, unified through citizenship, a permutation of belonging to the land that actually flips that relationship of living within the land to a property relationship of ownership....

...Importantly, this idea of national culture was also a dominant form in decolonial movements in the postwar period, an articulation of liberation through the grammar of the hegemonic form of (national) self-determination. Arguably one of the reasons decolonization has failed is that it expressed itself through racialized national identities, which has led to genocidal wars of ruling classes against other groups of people, who are envisioned as a threat to their survival....

If we want to boil down the problem of the nation state, like capitalism it comes down to an imposed scarcity. Where capitalism titrates abundant resources such that only a few at the top get everything they need, and everyone else must vie and compete for scraps, national identity imagines that every group of people must form a nation that would be tied to land, and yet there is only so much land to go around. Therefore, the land as a resource is a locus of conflict.<sup>334</sup>

Echoing many others, Mohammed Bamyeh sees the ideal as being to “emancipate ourselves from this commitment to a national identity that, due to oppression and resistance to it, has become our primary defining feature.”

There is a reason for that, of course, because we have a situation of conflict and where rights are denied or granted on the basis of nationality. So that actually redoubles people’s commitment to their nationhood, as well as to the principle that rights should be granted on the basis of nationality – exclusively.

An ideal solution would be to make it possible for people to distance themselves from this commitment to nationalism.

Likewise, he echoes many other previously examined thinkers in the choice of past organizational models which promoted inter-ethnic harmony and minimized ethnonationalism:

And when you look at the larger region of the Middle East, ultimately, the one time that region actually functioned well historically, was when we had open or minimal borders, when you had the free movement of populations, and where you had Jewish communities as part of the natural fabric of the region, not in Palestine, but in Iraq, in Egypt, in Yemen, in North Africa, and so on. You had Jewish communities living for centuries in various Arab territories and doing relatively well.

<sup>334</sup> Shuli Branson, “No State Solution: On Social War, Israel, and the Alibi of the State,” Patreon, November 22, 2023 <<https://www.patreon.com/posts/no-state-93346904>>.

## Center for a Stateless Society

This historical reality came to an end gradually with the colonial direct or indirect creations, which are all states in the region. All these states have in the long run proved themselves to be failures in the sense that the only way they can live in the region is by generating conflicts with each other and vying for hegemony for no reason other than that this is the logic of the state as its rulers understand it. This is a logic of states that know that they lack legitimacy, so they generate legitimacy by constructing an enemy, which in turn allows each state to mobilize population under the banner of a common identity against an external enemy.

Emancipation is getting ourselves away from that straitjacket of modern rule and modern violence implanted in the region through colonial processes. The removal of the colonial inheritance in Palestine is especially urgent, but all around Palestine as well.<sup>335</sup>

As the discussion shifted to models for a future stateless Palestine, the interviewer, Jason Guille, raised the example of Rojava: “a multi-ethnic, multi-party federation of decentralized, self-governing districts that asserts its autonomy on the local level in a manner that spreads organically.” Bamyeh put it in the broader context of a whole cycle of horizontalist movements. Rojava, he said,

does not come out of nowhere. It comes out of social traditions plus some organizational capacity. Indeed, throughout the larger region, we see elements Rojava everywhere. If you look at the Arab Spring movements from 2011 and 2019, you see everywhere what I have called an anarchist method of rebellion that seems to be ingrained in familiar social traditions. These were not centrally organized movements; they do not generate a political party to show them the way; they seemed uninterested in leadership; they relied on horizontal coordination, mutual help, and spontaneity as an art of movement. Now those movements were criticized because of these properties, because commentators who wanted to see results or outcome wanted to say, well, the Arab Spring movements have all failed because of their lack of organization, because of their anarchism, etc. But one thing that is actually interesting to me, sociologically, is that the ordinary people who did those revolts, were not interested in organizations or leadership or what have you, and they seem to be expressing something deeper, namely an interest in not being governed....

On the one hand, there are social actions that ordinary people do in their village

<sup>335</sup> “The No State Solution: A Dialogue with Palestinian sociologist Mohammed Bamyeh & Israeli political scientist Uri Gordon.” Transcription of a live and [recorded](#) interview by Jason Guille, which took place on January 22, 2024 in unceded Lekwungen territory in so-called occupied “Victoria, BC, Canada” <<https://anarchistnetwork.info/wp-content/uploads/2024/05/ANVI-NoStateSolution.pdf>>. Reformatted from zine pagination and hosted at The Anarchist Library <<https://theanarchistlibrary.org/library/mohammed-bamyeh-uri-gordon-the-no-state-solution>>.

that are voluntary, solidaristic and enjoyable. On the other hand, these same people may also think that it would be nice if the country as a whole had enlightened despotism. Two apparently contradictory impulses In the same mind, the same person. And when you compare the Arab Spring to previous revolutionary movements, you see that the previous ones had a different character that had little to do with organic anarchism. So there is a learning process that is happening across the region that has an intuitive character to it in the sense that it is not organized, it is not actually identified as such by the people who do it. But they seem to have a historical memory of, and consequently a judgment on, how previous attempts at liberation have been conducted.

For example, we had charismatic leaderships in previous revolutions, but we do not have them in the more recent ones. Why? Because we have tried that already, and charisma has not helped us. So now another trick at emancipation is generated out of the same mind. So what is happening on Rojava, I think is not happening in a vacuum, and it is not happening only in one territory. Rojava seems to me to be an expression of a broader sentiment that you see in the whole region, all driven by a desire for a post-despotic, post-tyrannical kind of system that includes somehow not being governed. And again, this is not self-conscious anarchism, but it is an organic anarchism that had been mixed with other ways of thinking in the same mind until now.<sup>336</sup>

## Getting There From Here

In the end, Shuli Branson seemingly takes a pessimistic chance, doubting the possibility of a “real political solution to the problem of Israel in Palestine” – which is different, note, from denying the existence of a *state* solution. That appears to rule out the possibility of non-reformist reforms to promote devolution of state functions to social bodies, or of a gradualist approach in which a no-state solution is a goal to be approximated over time rather than an all-or-nothing end state. And this implies still further grounds for pessimism: “Whenever societies declare themselves outside of the State, they are then in some way at war with all states (think Rojava, think Chiapas).”<sup>337</sup>

We should not, in my view, be so quick to rule out gradualist transitions. There is a long Saint-Simonian tradition, from Proudhon’s “dissolution of the state in the social body” to Marx and Engels “withering away of the state,” which envisions the transition from “legislation over human beings to the administration of things.”

The transition from a state society to a stateless one is not a matter of passing from being all one thing to being all another. Like virtually all systemic transitions of the past, it admits of an

<sup>336</sup> *Ibid.*

<sup>337</sup> Branson, “No State Solution.”

## Center for a Stateless Society

overall system and the various elements within it gradually losing one character and taking on another. In this case, it means the institutions of the state gradually becoming less statelike, and/or gradually shrinking in power and progressively retreating from various areas of social life as they are supplanted by self-organized institutions of a different character.

We can envision a process of “destatifying” the state during a transition period, by gradually replacing as many functions of territorially-based governance bodies (especially at the municipal level) as possible with a polyarchy of self-managed stakeholder cooperatives and commons management bodies, with overlapping and interlocking memberships. The ultimate goal is to eliminate any entity with authority, derived from a unified source, to exercise police power over a defined geographic area; the intermediate goal is to shift as much of the power exercised by such entities to polyarchic bodies, and to make them as un-statelike as possible in their exercise of the rest.

One useful model for the latter process, making state bodies less statelike, is the Partner State, or Enabling State. In essence, it represents an evolution in which whatever federative body may exist over a given territory, as a residuum of the state, loses its statelike character as a body which makes policy or legislation, and develops into a standing support platform operating in a geographical area, which provides support and facilitation, primarily administrative rather than political, for the cooperative and commons-based bodies operating within that territory.

As John Restakis describes it, “the Partner State is above all an enabling state. Its primary purpose is to maximize the capacity of civil society to create social value and to act as the primary agent in the formation of public policy.”

It is citizens, acting through civil institutions that they control, that ultimately decide and direct the implementation of public policy. The enabling role of the state is not confined to the promotion of social value. It also entails the promotion of open access to the economy. It provides space for the operation of many models of entrepreneurship, including collective and commons-based forms of enterprise such as cooperatives and peer-to-peer networks, and the promotion of participatory politics.

The Partner State enlarges the scope of personal autonomy and liberty and guarantees personal economic security while reinforcing the social bonds that build healthy communities and a vibrant civil society. Central to this process is the democratization of the state itself. Ultimately, the Partner State acts primarily as an administrative support for the coordination of policies decided upon by institutions of civil society on the basis of cooperative, direct democracy.<sup>338</sup>

Pushing things still further in the same direction, Christian Iaione, of LabGov, describes the Partner State as a “State-Platform,” a “new form of State, a State which is plural because

<sup>338</sup> John Restakis, *Cooperative Commonwealth & the Partner State* (The Next System Project, 2017), p. 11.

distributed,”

because it can be found in the different worlds of society, economy and knowledge and not anymore confined to the offices and hallways our institutions. Thus, a program of large-scale experimentation is needed to regenerate institutions, a program able to strengthen administrations’ institutional capacity to manage change without suffocating it nor attempting to direct it. The State should accompany, enable, monitor and value such change by becoming a platform. A State-Platform will be ready to make his time, competences, human, technical and logistic resources available in order to organize processes and territorial laboratories where things begin to happen regardless of the administration, but in a more controlled and legitimate way. It will grant everyone the possibility to experiment, allowing everyone to be informed on what projects others citizens are undertaking and perhaps to join them. Making sure that basic norms on security and inclusion are respected, it should provide a free license to experiment and imagine.<sup>339</sup>

In some ways Wikipedia, which serves as a platform for facilitating and coordinating self-selected and self-directed effort on a stigmergic basis, is an apt analogy. So the Partner State, arguably, is not so much a “government” as a system of *governance*.

The desired end-state resulting from this process – even if it is a goal only ever approached but never arrived at – is one in which no body exercises sovereign police power over the whole of a contiguous territory laid out on a map. Instead, necessary functions are carried out by a variety of partially overlapping ad hoc bodies on a function-by-function basis, each of them serving some group of people whose agreement is necessary for performing some concrete task (e.g. administering a neighborhood micro-grid, waste composting system, community land trust, natural resource commons, cohousing project, or public utility functioning as a stakeholder cooperative), or as standing platforms that carry out some larger-scale function on behalf of some voluntary, horizontal federation of local communities (e.g. administering a highway, light rail line, or fiber optic network on behalf of the communities connected by the infrastructure).

Further, the no-state solution is at the end of a series of intermediate steps with the status quo at the other end, none of them presenting a sharp break with either its predecessor or successor, and all of them shading into one another and admitting of gradualist transitions. Virtually any expansion of the autonomy and territorial extent of the Palestinian Authority would be at least a marginal improvement on the status quo. A two-state solution – even a hard one – would be an improvement on that. A confederal, binational, or soft two-state solution would be an improvement on the hard two-state solution. And a no-state solution would be better than any of them.

<sup>339</sup> Christian Iaione, "The Platform-State. Government as an enabler of Civic Imagination and Collaboration," in *The City as a Commons Papers: The founding literature and inspirational speeches* (CO-Cities, LabGov et al, 2019), pp. 32, 34.

## Center for a Stateless Society

None of these solutions seems politically feasible or plausible right now – not even the bare minimum of increased Palestinian autonomy, in the current atmosphere of the Gaza War.<sup>340</sup> But there is more room for hope than one might think. We should approach the situation with a few broad rules:

- 1) Grab on anywhere that presents itself as a hold – even negotiating expanded autonomy within the West Bank – and then keep pushing in the desired direction.
- 2) Pursue a multi-track strategy, using all available means when appropriate, and coupling political negotiation with activism and other forms of pressure.
- 3) Don't expect a sudden tipping point that opens up greatly expanded opportunities for a grand solution; but don't be surprised if one presents itself. And be prepared to seize on it when it does.

The process should follow a two-track strategy: simultaneously pressuring and engaging with the state to create spaces for horizontal, self-organized alternatives, while also engaging directly in the construction of such alternatives. The approach to engaging with the state should always be one of securing “non-reformist reforms”: taking whatever opportunities are open, but continuing without pause to press further in the desired direction. This means pushing administrative autonomy toward a two-state solution, pushing the two-state solution toward a confederal solution, and pushing a confederal solution toward a no-state solution. As Mohammed Bamyeh and Uri Gordon argue, the various one-state, two-state, confederal, and no-state solutions are not mutually exclusive, but flow into one another; adopting one as a point of departure does not rule out further progress in a more desired direction.

Mohammed Bamyeh: ...Now, I think, and I've said that before, that the two-state solution, impractical as it may be, would be preferable to the status quo; to the occupation. It is not ideal, of course, and may not even be practical at this point, but it is better than the occupation.

Better yet is the one-state solution, which actually adjusts to the reality that we already have. But also that too seems to be impractical at this point.

Then we have the No State Solution, which in my view is better than the previous two solutions. So in a way, we have orders of preferences. It's not as though I want a No State Solution and I am not going to accept any other solution until I get that. I don't think that's actually a practical way of going about solving problems, especially when we have a genocide confronting us. There are orders of preferences....

Uri Gordon: ...One sort of halfway house, again, not more or less practical than any of these other diplomatic solutions is the idea of a confederation, some kind of two-state confederation where citizens of each state can live in the territory of the other state and vote for parliament in their citizenship state and vote for municipal in the other state and that will enable absorption

<sup>340</sup> I'm finishing up this study in July 2024.

of refugees in Israel and for settlers to remain.

You can talk about a three state confederation with Jordan, you can talk about turning Jerusalem into an international area and moving the UN headquarters to Jerusalem. I mean, all of these are, you know, are plausible diplomatic solutions, but right now there is not the political will to implement them and no pressure on Israel from the superpowers to concede to a situation which would mean redressing the imbalance and inequality and asymmetry on the ground.

And so I agree with Mohammed that the No State Solution is no less plausible than the other two, just because all of them seem so far away at the moment. But to me, the No State Solution is a horizon, the only horizon that includes the decolonization of social relations on the ground. Because even one state, would still be a capitalist state and we would still be imagining it along some kind of line, and some kind of by national class society. I mean, it's kind of impossible to imagine anything very positive right now. Naturally this takes me back to the immediate need to just stop what's going on and enable things to at least reach a level of tolerability for the Gazans at this point.<sup>341</sup>

In contrast to Branson's purely non-political approach to achieving such non-state organization, Gordon – putting it back in the framework focused on getting there from here – adds,

right now we just have to halt the war crimes. We have to create a situation where some kind of frameworks, some kind of envelope that we found in order to... start somehow re-building towards some kind of humane situation on the ground. The rest, you know, that's our utopian horizon.<sup>342</sup>

In response to a question about the specifics of a “no-state solution,” Gordon reiterates his idea of it as a horizon to be aimed for while engaging from where we are now – and a “no-state” model, specifically, requires engaging in a world of nation-states in which the desired society must develop surrounded by such nation-states.

...[T]his is a question of what we place as our utopian horizon. What is a No State Solution? I mean, how is there a ‘no state’ that has borders with other states around it, right? I mean, the No State Solution is something that encompasses the Middle East. It's something that encompasses the world. It's as, you know, as liberated and equal and has no borders, is a classless society, you know it's not as if there's a kind of blueprint. It's more that we are still able to somehow connect within this in this extremely dark time and how that might reflect on our concrete methods

<sup>341</sup> “The No State Solution: A Dialogue with Palestinian sociologist Mohammed Bamyeh & Israeli political scientist Uri Gordon.”

<sup>342</sup> *Ibid.*

## Center for a Stateless Society

of organizing and doing politics together in the present day.<sup>343</sup>

Bamyeh added, in complementary fashion, that the ideal world imagined in historic anarchist thought,

consisting of a world federation of self-governing communes or small entities. And that goes all the way back to one of the original ideas of democracy as possible only on a small scale, as opposed to the large states that we have right now. So the idea is there, of course, the reality is that we have a world map that is governed by states, and the state form of political life is the only form that has become familiar to us. Therefore, we imagine emancipation in the form of one state replacing another.

But the No State reality, if we ever have it, is something that transcends the limits of the possible today. It is something that can be established only by persuasion....

So we are talking about a pragmatic process of adjustment to reality. That is not something that you can propose in a theoretical form before it begins to take shape out of the multiple failures of our current reality, the spread of social agreements on the no state as the solution to the problem of the state, and the incapacity of the current, imposed order to do anything other than generate constant wars and unspeakable suffering.<sup>344</sup>

In the late 1980s, when it was almost universally assumed that the Apartheid regime in South Africa would be entrenched for the indefinite future and would never willingly give up power, the leadership had in fact secretly concluded that Apartheid was unsustainable and were quietly negotiating its end. As Steven Friedman writes:

In the 1980s, the intense violent conflict between the apartheid government and the black-led resistance, accompanied by apocalyptic government statements urging a ‘total strategy’ to counter the ‘total onslaught’ of the anti-apartheid forces, seemed only to confirm the prognosis, rendering any claims to the contrary utopian.

We now know that this society seemingly locked in endless conflict was on the verge of a negotiated transition to a common political order.<sup>345</sup>

The so-called “laager mentality” of the National Party, and their lurid fantasies of genocide if the white Afrikaner minority ever lost power to the Black majority, were every bit as paranoid as those of the Likudniks. And yet when the Mells Park House talks made world news, it turned out to be a tipping point following on years of quiet reassessment behind the scenes.

<sup>343</sup> *Ibid.*

<sup>344</sup> *Ibid.*

<sup>345</sup> Steven Friedman, “The Inevitable Impossible: South African Experience and a Single State” in Ilan Pappé, ed., *Israel and South Africa: The Many Faces of Apartheid* (London: Zed Books, 2015), p. 277.

The Afrikaner nationalist elite did not reconsider its reliance on an ethnic state in a flash of revelation. It did so, very reluctantly, after a lengthy process in which repeated attempts were made to shore up racial rule in the face of pressures on the apartheid system.

These can be divided into three related categories: first, 'objective constraints' – structural flaws within the system that, even in the absence of overt opposition, began to render it less workable. Thus, from the late 1960s, the economy began to run out of skilled white labour. Black workers were needed for the skilled posts from which they had been barred, giving them a bargaining power that they used to challenge racial domination. The second category was contradictory goals – its leaders pursued aims that contradicted each other and threatened the system's workability. A key example was the system of ethnic 'homelands' or 'Bantustans' for black people. Apartheid was buttressed by an ideology and strategy which assumed that black demands for political rights could be deflected by creating black 'self-governing' or 'independent' ethnic territories. The key goal was to entrench white power in the remaining 87 per cent of the country. The goals proved contradictory. The Bantustans could not become self-governing in practice because they then might become centres of independent black power, threatening white control. They also needed land and resources if they were to enjoy even notional viability. But the white electorate's needs took priority and so they received far less than they were said to need. While segregated 'homelands' could never have satisfied black aspirations, the contradictions ensured that they could not even attain the minimum standard of viability that the system's architects set for themselves.

Inevitably, the system also faced 'subjective' constraints, prompted by human agency. The most important was black resistance. This dates from the beginnings of white domination but the crucial period began with the Durban strikes of 1973 and, three years later, the revolt against Afrikaans education in the Soweto township, which began months of urban rebellion. Both were watersheds because they prompted reforms as well as repression, suggesting that the balance of power between minority rulers and the voteless majority had changed, albeit imperceptibly. The system was also subjected to sustained and growing international pressure, which limited the options of its rulers and created levers for the resistance. The international campaign against apartheid is well known and details need not be repeated here. It sharply influenced the strategies of apartheid's rulers.<sup>346</sup>

The Israeli leadership has encountered plenty of fodder for a comparable reassessment in recent years. Israel entered into the Oslo Accords in the first place because the shock of the First Intifada made it clear that their situation was unsustainable in the long term. Besides the

<sup>346</sup> *Ibid.* pp. 279-280.

Intifada itself, the threatening demographic crisis made it obvious that radical action of some sort – whether cutting Palestinian majority areas in the West Bank and Gaza loose, or annexing them and expelling their populations – would someday be necessary. Although the Israelis ultimately emasculated Oslo and then abandoned the process, the lessons have continued. Perhaps of most long-term significance is the growing generational disaffection from Israel among the part of Millennial and Generation Z Jews in the West, and the growth of the BDS movement. The October 7th attack made it clear that Netanyahu’s quarantine strategy of handing Gaza over to Hamas, withdrawing Israeli forces and blockading it was not working, and that the danger of Palestinian anger spilling over into violence would never be neutralized. And whatever dreams of a full-scale “Second Nakba” or expulsion of Gazan Palestinians into Egypt may have been on the Israeli leadership’s minds at the outset of the invasion, the unexpectedly swift and massive reaction from world public opinion – and in particular the protest movement in the United States and internal divisions within the Jewish community – have forced Netanyahu to take that off the table.

And as Friedman points out, things like the Second Intifada, the intractability of Jewish settler entrenchment on the West Bank, and the economic non-viability of Oslo’s fragmented Palestinian autonomous areas have shown the unviability of a conventional two-state solution – much like that of South African halfway reforms like the homeland system. If anything, they make it more likely that any tipping point, if and when it comes, will open up the possibility for acceptance of a broader solution like the confederal approach that leaves the Israeli state intact, retains Jewish settlers as citizens within the Arab state, and allows Israeli Jews to visit holy places in the West Bank.

As Bamyeh notes, “the world has typically been changed by people who are unrealistic.”

So when we talk about the ‘No State’ Solution, we are also talking about the perspective that does not just reject existing reality, but also rejects realism as a perspective. If you look at the Palestinian resistance movement and its history, its greatest episodes corresponded precisely to conditions that were “not suitable” for it. The general strike in 1936, the mobilization in the camps in the late 60s, under completely desperate conditions after a defeat. The first Intifada emerged out of conditions where the entire world had forgotten about Palestine, and so on.<sup>347</sup>

The only way to create interest by the United States and other great powers in addressing the conflict in Palestine is

a resistance movement that actually changes the equation. And that is the only thing that has always worked – not in the sense of solving the problem, but in the sense of putting the problem back on the map. So every time there was an interest in

<sup>347</sup> “The No State Solution: A Dialogue with Palestinian sociologist Mohammed Bamyeh & Israeli political scientist Uri Gordon.”

## Center for a Stateless Society

resolving this conflict at the level of states, that happened *only* because Palestinians did something dramatic that upset the status quo. Only then do states pay attention and say “oh, there’s a problem there, we have to do something about it, or at least pretend to do so.” The same thing today is happening. No one before October 7th was talking about the Two State solution. Everyone was talking about the so-called “Abrahamic Accords,” which meant peace between Arab governments and Israel and forgetting about the Palestinians. That was where we were heading until Hamas, whatever you think of Hamas and whatever it did, at least put Palestine back on the map.

And then all of a sudden Biden is talking about the two-state solution, in a completely insincere way, I believe, because ultimately he is not doing anything to actually make it happen....

So the only dynamic you have right now, is basically the only dynamic that has historically worked out, which is that the people who are oppressed take matters into their own hand, and continue to struggle or resist in ways that catch international attention, and put themselves back on the map. This is not the first time this has happened in Palestinian history. It is a repeated pattern where oppressed people become agents in a process of struggle, as opposed to being objects of colonial rule.<sup>348</sup>

Uri Gordon adds that “the fact that the collapse of apartheid or the collapse of the Soviet Union were things that happened without any kind of major expectation for it to happen, that still gives me hope. But it’s a very, very thin sliver.” Bamyeh, in turn, replies

I agree with Uri mostly. I just say for change of public opinion to happen, you need two things, or one of two things.

First of all, a process of persuasion. We can talk about what this means in terms of how people talk about security and all that. More importantly, and more effectively is to reveal that the situation that we have is very costly, that the occupation is not free of cost. That is something that I think should happen on an ongoing basis. The fact that the Palestinian cause was on its way to be completely forgotten before October 7th, had to do with the perception in Israel and outside of Israel among other governments, that the occupation does not matter because it is not costing any government anything. What happened on October 7 added a cost to the occupation. But basically, any other way of increasing the cost of occupation, including boycotts, for example, can have a similar effect.<sup>349</sup>

Inspiration, as a form of persuasion, is equally important with pressure. As Peter Beinart writes:

<sup>348</sup> *Ibid.*

<sup>349</sup> *Ibid.*

## Center for a Stateless Society

Defenders of Jewish-Palestinian separation argue that one equal state is even less realistic than two because it is even more anathema to the population that wields the most power: Israeli Jews. But that misses the point. Today, two states and one equal state are both unrealistic. The right question is not which vision is more fanciful at this moment, but which can generate a movement powerful enough to bring fundamental change.

The two-state solution – which has come to mean a fragmented Palestine under de facto Israeli control – cannot do that. It no longer provides hope...

Averting a future in which oppression degenerates into ethnic cleansing requires a vision that can inspire not just Palestinians, but the world. Equality offers it. Many of the political movements from the last century that spoke in the language of national independence – from Algeria’s National Liberation Front to the Vietcong – have faded as models. But the demand for equality – as manifested in the civil rights movement, the anti-apartheid movement, and the Black Lives Matter movement – retains enormous moral power. Israel’s own leaders recognize this. In 2003, future Israeli Prime Minister Ehud Olmert warned that when Palestinians replaced the “struggle against ‘occupation’” with the “struggle for one-man-one-vote,” it would prove “a much more popular struggle – and ultimately a much more powerful one.”

A struggle for equality could elevate Palestinian leaders who possess the moral authority that Abbas and Hamas lack. The pursuit of separation trains observers to look for Palestinian leadership in Ramallah or Gaza City. But as Palestinian American businessman and writer Sam Bahour has noted, the Palestinian politicians who speak most effectively about equality reside within the Green Line: They are the legislators who comprise Israel’s Palestinian-dominated Joint List.<sup>350</sup>

<sup>350</sup> Peter Beinart “Yavne.”

# Conclusion

Any just solution to the Israel-Palestine conflict will require abandoning the ethnostate – the idea that every state must be the state of “a people” – in principle. In its place must come a recognition that Palestine is the land of the people who live in it, and of the exiles who have been dispossessed from it. It is the land of the Palestinian Arabs – Muslims, Christians, and Mizrahi Jews – who were native to it before the Balfour Doctrine, and of the displaced Palestinians living in refugee camps in surrounding countries. It is equally the home of the millions of Jews who have been born in it through no fault of their own over the past several generations – many of them descended from Holocaust survivors or Mizrahim expelled from neighboring countries, who came to Palestine in desperation. Israeli Jews must be demoted, and Palestinians promoted, to co-equal citizenship status, Palestinians must be either restored to the land from which they were evicted or compensated for it, and a Palestinian right of return must be recognized. And as Rashid Khalidi argues, Palestinians, like Israelis,

need weaning from a pernicious delusion rooted in the colonial nature of their encounter with Zionism and in its denial of Palestinian peoplehood that Jewish Israelis are not a “real” people and that they do not have national rights. While it is true that Zionism has transmuted the Jewish religion and the historic peoplehood of the Jews into something quite different a modern nationalism, this does not erase the fact that Israeli Jews today consider themselves a people with a sense of national belonging in Palestine, what they think of as the Land of Israel, no matter how this transmutation came about. Palestinians, too, today consider themselves a people with national links to what is indeed their ancestral homeland, for reasons that are as arbitrary and as conjunctural as those that led to Zionism, as arbitrary as any of the reasons that led to the emergence of scores of modern national movements. Such a conclusion about the constructed nature of all national entities, enraging to apostles of nationalism, is self-evident to those who have studied its genesis in myriad different circumstances.

The irony is that, like all peoples, Palestinians assume that their nationalism is pure and historically rooted while denying the same of Israeli Jews. There is of course a difference between the two: most Palestinians are descended from people who have lived in what they naturally see as their country for a very long time, for many centuries if not many millennia. Most Israeli Jews came from Europe and the Arab countries relatively recently as part of a colonial process sanctioned and brokered by the great powers. The former are indigenous, the latter settlers or descendants of settlers, although many have been there for generations now, and have a deeply felt

and ancient religious connection to the country, albeit one quite different from the ancient rootedness in the country of the indigenous Palestinians. Because this is a colonial conflict, this difference matters enormously. However, no one today would deny that fully developed national entities exist in settler states like the United States, Canada, New Zealand, and Australia, despite their origins in colonial wars of extermination. Moreover, to those intoxicated by nationalism, such distinctions between settlers and indigenous peoples do not matter. As the anthropologist Ernest Gellner put it, “Nations as a natural, God-given way of classifying men, as an inherent ... political destiny, are a myth; nationalism, which sometimes takes pre-existing cultures and turns them into nations, sometimes invents them, and often obliterates pre-existing cultures: that is a reality.”

While the fundamentally colonial nature of the Palestinian-Israeli encounter must be acknowledged, there are now two peoples in Palestine, irrespective of how they came into being, and the conflict between them cannot be resolved as long as the national existence of each is denied by the other. Their mutual acceptance can only be based on complete equality of rights, including national rights, notwithstanding the crucial historical differences between the two.<sup>351</sup>

Mamdani observes, likewise: “The thing about a homeland is that you don’t have to have just one. You can have several.”

You don’t have to cast one aside for another. People invest great emotion in the idea of a homeland, but that is quite different from convincing ourselves that the homeland has to be exclusive, and thus a nation-state from which others must be excluded. We do not want to be homeless, but we also do not want a world in which we’re going to be caged. In the period before modernity, the norm was to live in the midst of diversity. To create separate ethnic homelands was a modern project, including in the colonial world. I think we have to retrieve from the premodern past that bit of wisdom – how to live in diversity, to coexist – before building on it.<sup>352</sup>

<sup>351</sup> Khalidi, *The Hundred Years’ War on Palestine*, pp. 237-238.

<sup>352</sup> Wade, “The Idea of the Nation-State is Synonymous With Genocide.”