**The Israeli-Palestinian Conflict: The Source of the Problem is the Source of the Solution**

**Benjamin Brown**

American government officials are currently working to finalize their ‘deal of the century’ for the Middle East which, they hope, will bring peace between Israel and the Palestinians. In the United States, Israeli Prime Minister Benjamin Netanyahu’s demand that the Palestinians recognize the State of Israel as the nation-state of the Jewish people is seen as a nuisance at best and a ruse at worst. The left in Israel has likewise sharply criticized Netanyahu for this demand. Some of its spokespeople regularly wonder what the justification is for demanding recognition of Israel as one type of state or another. It is enough, they claim, that the Palestinians recognize Israel’s right to exist; the precise definition of its identity should be left up to us, its citizens. Netanyahu’s critics – in Israel and abroad – are convinced that he is raising this demand in order to evade serious negotiations. I do not pretend to know what motivates Netanyahu in his heart of hearts. However, I wish to argue that the demand itself is justified ethically in no uncertain terms. Moreover, on a deeper level, this demand represents the key to understanding the source of the Israeli-Palestinian conflict, and – as a result – its resolution.

Palestinians routinely describe the Zionist enterprise which gave rise to the State of Israel as a colonialist project. The Palestinian narrative is wont to recount that, until the appearance of the Zionists, Palestine was inhabited only by Arabs, who themselves had a clear national consciousness. On their account, a group of foreigners arrived from Europe, the cradle of colonialism, and, in a highly organized campaign, sought to displace the local inhabitants from their land and settle foreign European immigrants in their place. This enterprise, they argue, had the fortune of being supported by the greatest colonial power of the day – Great Britain – under whose auspices the Zionist plan came to fruition. The Jews – so they claim – were never a people, but rather adherents of a religion: Only in order to conquer the land from the local Arabs did they develop a (false) national consciousness. In this way, Palestinians have claimed for over a century that Jews do not have the right to self-determination.

Yet their story is one without any basis. The Jews did not arrive in Palestine as colonialist settlers. Where do we find that a group of people that is not a state and that has no state or army was transformed into a colonial power? Where do we find colonialist settlers that claimed – even on a rhetorical level – that they were returning to the land of their forefathers and the eternal object of their prayers? And most critically, where do we find colonial settlers that were actually joining a hard nucleus of their brothers already living in this ‘conquered’ land for thousands of years?

Jews have lived in the Land of Israel for thousands of years. With the exception of certain extremely short periods of time, there has been no break in the continuity of Jewish settlement there since biblical times. Before the arrival of the Zionists, Jews had been living in Palestine without disturbance and without challenge for several hundred years. In 1880 – about seventeen years before the First Zionist Congress decided upon its vision to build a national home for the Jewish people – the entire population of the land was 357,000. Of these, 8% – or 25,000 – of the people were Jewish. True, this is a small number, but it is several times larger than the estimated number of inhabitants that were then living in countries like Andorra, Lichtenstein, Monaco or San Marino – states whose right to political independence no one challenges. The Jews lived as a distinct minority alongside other groups, the majority of which identified themselves in those days as religious – and not national – groups. At that time, no one spoke about Palestinians as a unified national group. Rather, the clear distinction that was generally made was that between Muslims, Christians and other religious groups. It was actually only with respect to Jews that a national identity was even mentioned. Nonetheless, the national consciousness of both groups was then completely dormant, with neither demanding self-determination. At its first congress in 1897, the Zionist movement raised such a demand and began nurturing a living national consciousness. The Arabs later followed suit and nurtured a national consciousness of their own. The bloody conflict began from here.

The Zionist enterprise did indeed bring many Jewish immigrants to Palestine from around the world. However many Arab immigrants also arrived, especially during the course of the 19th century. In view of the fact that both populations should be seen as indigenous, it is difficult to deny the legitimacy of these immigrations: There is no reason to doubt the right of every local population to accept waves of immigrants from its brothers that come to join it. And the fact that Jewish immigration was larger and perhaps a little more organized has no bearing on this right. However in the eyes of Palestinians, only the Arab immigration was legitimate, whereas the Jewish immigration was an ‘invasion.’

In the Sykes-Picot Agreement of 1916, the British and the French divided the Ottoman Empire which they were planning to dismember into respective spheres of influence. A year and a half after this – in the second half of 1917 – the British conquered Palestine from the Turks. Several weeks before General Allenby entered Jerusalem, British Foreign Minister Lord Balfour publicized his famous declaration according to which, “His Majesty's government view with favor the establishment in Palestine of a national home for the Jewish people.” According to the British promise, the borders of the land also included the eastern bank of the Jordan River. Arabs protested and claimed that the land was promised to them and that the French recognized their rights. But the League of Nations decided in favor of the Jews, and the rest of the story is well known.

From here arises the moral problem: Both nations agree that their right to the land stems from their historical association with it, and that the British and the French acted as foreign colonial powers. Paradoxically (and somewhat bizarrely), however, both Israelis and Palestinians also seek to base their claims upon the promises of those very powers! Let us then try to imagine how things would hypothetically look without relying upon those claims: The Jews lived in the land for thousands of years and claim the right to self-determination, which they deserve; the Arabs have also lived in the land for hundreds of years and eventually also claim the right to self-determination, which they, too, deserve. Each group would be able to recognize the other’s right to self-determination, and thus they might divide the land according to the places in which each group dwells. Had the right of self-determination been properly established earlier and the two nations received their independent states, no one would have contested their right to absorb new immigrants – each one according to its desire and its ability. But the land was not divided between the two nations and, instead, the conflict only continued to escalate.

Which side is responsible for the fact that this scenario never materialized? It is always easy to blame the British who governed Palestine with the authority granted by the mandate that they received from the League of Nations. However, the British, along with other nations, eventually understood that there was a need to divide the land. A series or proposals were forwarded for partitioning the land. The Jews agreed to this principle, but the Arabs refused. It is important to emphasize that they did not reject specific division plans, but rather the entire concept of division per se. This, because they did not recognize the right of the Jewish people to self-determination.

The climax came in 1947 when the United Nations passed Resolution 181 which determined that two states would be established in Palestine, one Jewish and one Arab. The Jews accepted the decision, whereas the Arabs rejected it. This move is seen as their greatest mistake, though in fact the error began a decade earlier. The Peel Commission had already recommended division of the land into two states in 1937. Even then, the Jews accepted it in principle – though they expressed reservations about the narrow borders that were suggested for them – while the Arabs rejected it. In other words, the Jews already recognized the Palestinians’ right to self-determination in 1937, whereas the Palestinians did not recognize the same for the Jews. Parenthetically, I would point out that the period between 1937 and 1947 saw not only the chronological passing of a decade, but also the deaths of six million Jews who could have escaped to a Jewish state had one been established. Many blame the nations of the world for refusing to take in Jewish immigrants, and some even point an accusatory finger at Jews themselves (or their leaders) for not encouraging their brethren to leave Europe when there was still time. However, I do not recall ever hearing an argument for Palestinians’ responsibility in refusing the recommendations of the Peel Commission and thus lengthening the British mandate by these extra eleven years. Instead their unrelenting efforts were focused on stopping any efforts for Jewish immigration at that time.

It is true that after the State of Israel was created, many of its leaders retreated from the recognition of Palestinians’ right to self-determination. Nonetheless, they eventually returned to it – in the Oslo Agreements (1993, 1995), as well as in Prime Minister Netanyahu’s ‘Bar Ilan Speech’ (2009). In contrast to this, the Palestinians have – to this day – never recognized the Jews’ right to self-determination. To be sure, they have recognized Israel’s right to exist within the context of the Oslo Accords and other declarations. Still, they claim that Israel should be a Palestinian state or, at best, a state lacking a national identity (‘a state of all of its citizens’) – an unusual creature, unknown in all the annals of national conflicts. Whatever this is, it is not a recognition of the Jewish people’s right to self-determination. And on top of all this, the Palestinians present themselves as victims of racism and xenophobia.

At this present moment, it would appropriate for each side to recognize the right of the other to self-determination, based on its historical rights – and not on the agreement of the colonial powers. The latter can, of course, be considered an important factor with respect to the *recognition* of these rights, but in no way is it a factor in the *genesis* of these rights. The origins of these rights are based solely in the indigenous residence of Jews and Arabs in the Land of Israel for hundreds of years, whereas recognition by the great powers serves only as an external seal of approval. Since Israel has already done this, it is without a doubt now the turn of the Palestinians. Israel may choose to concede this demand based on pragmatic grounds – whose wisdom I am not discussing here – but such a concession will nevertheless be ethically compromised. And here can one find another interesting deviation from the norm: I am not aware of a single (!) other example in the annals of national conflicts in which an existing state recognized the right to self-determination of a group under its rule, without such a group recognizing that existing state’s right to self-determination (not its right to rule over any particular piece of land, but its actual right to exist).

Jews claim that they are the original inhabitants of this land, which was promised to them in the Bible and which they inhabited from at least the 11th century BCE until the aftermath of the Bar Kochba Rebellion in the 2nd century CE; and that the Arabs are those who invaded in the 7th century. Arabs claim that the Bible is a religious document and therefore does not proffer legal rights. They point to the fact that they and their ancestors held this land for hundreds of years, up until the ‘Zionist invasion.’ As a matter of fact, even if we were to forfeit the ‘Biblical claim,’ one can still ask the Arabs a theoretical question: “Does the ‘statute of limitations’ apply to national attachments, or not?” In other words, is the right of ownership over a piece of land determined by the question of who was there first, or does it push aside the past and ask who actually controls the land here and now? The problem of the Palestinians is that today – over 120 years after the beginning of the Zionist movement – the answers to both questions lead to the conclusion that it is the Jews that have the right to the land. Their ethical-logical answer is to decide that the ‘statute of limitations’ applies only partially: It applied until 120 years ago; from then on, it no longer applies. This is an obviously arbitrary distinction with no ethical or judicial justification. But the truth of the matter is that the Jews do not even need the claim of ‘we were here first.’ As I mentioned earlier, they continued to live in the Land of Israel as an indigenous population during the centuries before the Zionist enterprise – even if their numbers were small. ‘Size does not matter,’ especially since both Jews and Arabs were minorities within the vast expanses of the Ottoman Empire.

If and when the two sides recognize each other’s claims on the basis of historical rights and not colonial agreements, it will be possible to discuss the appropriate way to partition the land. Once it is agreed that all who dwell in the land between the river and the sea – whether Jews or Arabs – are its legal and legitimate inhabitants, the right of Jews to live in all parts of the Land of Israel will automatically also be recognized. None of them is an invader and none is a colonialist, as Palestinian propaganda would have it. All the borders that have been established, which in one way or another reflect the colonial borders or have emerged from the wars that came out of the conflict that developed within them – including the borders of 1947 and 1967 – should be disregarded. They are not what should determine the formula for division. Instead, a new formula is required in its place: Every person – Jew and Arab alike – shall remain on his or her land. The location of the borders should be determined according to the location of people, not the other way around. It would be possible to arrange for a plebiscite in every single town, in which the inhabitants will be asked to which government they want to belong, with the provision that they grant full recognition of that government’s sovereignty. Arab citizens of Israel – a large number of which are expected to want to remain under the flag of the Jewish state – will be forced to stop playing the twisted games that they have been playing for several decades: On one hand, they maintain that the establishment of the state was a catastrophe, while on the other hand, they are horrified by the possibility of finding themselves under any other sovereignty. Even without moving a single person from their land, certain mutually agreed adjustments in the borders can be made for the sake of maximal territorial contiguity. Nevertheless these will come as exceptions to the basic formula and not in place of it. On the ideological and religious plane, Palestinians and Jews would be free to hold on to their claims to all of the land, and even to continue debating who in fact lived here first. Yet on a legal and practical level, each must also recognize the rights of the other. This recognition must not only come in words, but also in deeds. The leaders of both sides must convince their respective populations that they have the power to control those that will persist in their refusal to accept this arrangement and continue to take the path of violence. It is worth noting that here too the main issue is on the Palestinian side. So long as these conditions are not met, the ‘deal of the century’ will not reach the source of the conflict and – as a result – will not be ethical. Moreover, if it does not look to the source of the conflict, it is highly doubtful that it will succeed.

The writer is a professor of Jewish thought at the Hebrew University of Jerusalem.