
Reactions & Debate

Symposium on Chaim Gans's *A Just Zionism. On the Morality of the Jewish State* (Oxford: Oxford University Press, 2008)

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Can there be a Just Zionism? Does Anyone Care?

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Like many secular Israelis, and most Israelis are more or less secular, Chaim Gans finds himself questioning today much of what had seemed clear about Zionism a generation ago. But unlike anyone else, Gans has endeavoured to sort out what he can still believe to be just in Zionist thinking in a sustained way. And on this basis, he also asks what policies Israel would be justified in following today. Whereas the 'new historians' and various social scientists have investigated anew Israel's history or social structure, Gans asks about Zionism's ideals themselves. Given the subject, the careful execution, and the uniqueness of the effort, his book deserves our serious attention.

Gans takes up these themes by employing criteria from contemporary philosophical discussions about justice. He had laid out his general approach in an earlier book on nationalism.¹ What can be justly claimed, he asked, for nationalism in general? He takes the same point of departure in the present book, namely the notion that very many, or perhaps even most people living today, "have an interest in adhering to their culture and in sustaining it for generations" (18). He argues that such a claim needs to be politically respected so long as it does not impinge on the rights of others, and helps achieve the greatest wellbeing for the largest number of individuals. But such claims for nationalism, he argues,

are also severely limited, and claims for legally entrenched hegemony and ethno-national statehood in particular cannot generally meet these criteria. But cultural expression and sub-statist self-determination can be realized in a just society.

Gans's endeavour to understand Zionism from the perspective of contemporary theories of distributive justice must be seen as part of a much broader trend in Israeli intellectual life. The claims and behaviours of the preceding generations of Zionists are being re-examined in every sphere of life and thought. This revisionism has reworked the current understanding of major ideologues and political actors, of literature, the military, Israel's political options and so on. Gans too finds that he cannot accept many current interpretations of the arguments of the generation of the founders. Still, the concerns that drove the founders continue to impinge directly on daily life. Perhaps Israelis will be lucky enough some day to think back on the issues of justice in regard to Zionism the way Americans think ethically about the Puritans or the American Revolution, or the way the French think ethically about the generation of the French Revolution. But Israelis do not yet have that luxury. Gans is at this painful intersection – he cannot accept the way the ethical arguments of the founders are interpreted by contemporary mainstream Zionism, nor can he dismiss these arguments outright.

Gans's presentation of a just Zionism is liberal in a familiar philosophical sense. The 'social contract' assumes from the outset that we need not live in a Hobbesian world where men treat each other like wolves, where the powerful act as they will and the weak act as they must. Rather, normative principles must regulate our rules of cooperation, principles that should command broad assent. Thus: "the ethnocultural nationalism of a given group could be morally acceptable" (19) under certain conditions. "First, its demands must reflect equal consideration of similar demands made by other nations" (19). Secondly, such a liberal philosophy rules out appeals to contested assumptions about God, religion, 'the people' or 'the State'; instead it places the well-being of individual people at the core of the analysis. For Gans, ethno-cultural nationalism must be grounded in the reasons individuals can legitimately give for valuing a particular cultural life.

Starting from this position, Gans takes up the specific case of Zionism. He is interested in applying his general conclusions in two ways: first to the broad aspirations of the movement for the creation of a Jewish 'national home' or state, and second to the present dilemmas facing Israel as it tries to perpetuate these broad aspirations.

The first goal is inevitably historical in that it deals with a movement that was active in Europe and the Middle East for more than half a century prior to 1948. Nevertheless, Gans tries hard to formulate an analysis that deals not with any given historical specific but with the broadest issues inherent in Zionism's activities, namely the self-determination of a people in the terms he formulated in his first book (perpetuation of a culture) and the specific feature of the Jewish case. What particularly defines the latter is the absence of a geographic centre and the group memory of long-vanished sovereignty in the holy land.

This part of Gans's analysis is probably going to attract the most criticism. A great many of his Israeli contemporaries will certainly not be ready to accept the very circumscribed justifications – perhaps better described as partial exonerations – for the 'return to Zion' that Gans allows. Others, in Israel and elsewhere, will think that even these partial

REACTION & DEBATE

exonerations are overstated and subject to much narrower restatements. Surely many Israelis are not prepared to take up the inherited Zionist assumptions in the way Gans does, because they share a more ambitious interpretation of the outlook of the founding generation. But this is no surprise; rather it is at the other pole that we find the reaction surprising. Many Israelis are highly critical of their cultural legacy, but reaction to Gans's endeavour may demonstrate that among this large group, there is either a willingness to tear out the old root-and-branch, or at least a suspicion of (or an exhaustion with) any of these old perspectives so that the result is the same – an unwillingness to engage in a rigorous re-examination. Gans may fall between those still unwilling and those no longer willing to think these things through.

In any case, his book's second goal, the analysis of Israel's just options today, will seem much more familiar to liberal proponents of the two-state solution, the Geneva accords and so on. But it would be too simplistic to dismiss the second part of the book as 'familiar prescriptions'; the point is Gans's justification for these prescriptions. He seeks to defend them as fully consistent with the basic premises in the first part of his book and in his earlier work. Moreover, closer examination reveals that it is only by contrast with the first part that the second seems 'familiar'; Gans goes far beyond merely accepting a two-state solution to explore many details. One need not agree with the analysis of each detail to appreciate how much help he provides in identifying and clarifying the important considerations.

In particular, he endorses Israel's need for security and some demographic measures (77), while rejecting current Israeli policies that deny non-Jews eligibility for citizenship, and the constitutionally entrenched hegemonic status of Jewish culture (138-139) which tends to fuel the conflict. He denies that a hegemonic status of the Jews and a *statist* interpretation of the right to self-determination could be justified by the Jewish right to self-determination and the Jews' security concerns. At the same time, he offers careful defences of several Arab/Palestinian objections both to current Israeli policies and even to his version of Zionism, based on lack of UN agreement on burden sharing in 1947, later Israeli occupation of territory (92), and legal treatment of Arab Israelis as secondary citizens (70, 127, 136). He argues that the Arabs have borne an unreasonable share of the burdens connected to Jews' return to Israel (92). And he argues that Israel carries special obligations with regard to the Palestinians: "Zionism has in fact gone beyond the limits justified even by the circumstances created in the aftermath of the Holocaust [...] Even if the war that the Jewish state fought for its independence was forced upon it, thereby becoming a just war, this did not justify expulsions, nor did it justify the confiscation of land and houses that had been left by those who fled in fear of the war" (93).

According to Gans, if these arguments are just, rational people on both sides, and on neither side, should find them so. But it is worth noting that there may be more than one set of solutions that rational people can accept as just. Some of these solutions will be more acceptable *politically* to the parties in the struggle, some less so. Finding just solutions that are also politically more acceptable is a major desideratum. Whether Gans was fully alert to this second goal when he was writing is neither clear nor critical. The point

is that Gans's arguments can be appreciated as being both rational and having a potential for acceptance.

Gans clearly sets out to speak to his own generation of Israelis. At the same time, he insists that the audience for his book includes Palestinians. On our reading, Gans aims to provide assurance toward them and other Arabs that the Israelis have good reasons 'internal' to Zionism to agree to the pre-1967 borders and to change citizenship laws and the treatment of Arab Israelis. These positions are thus not only 'mere' *modus vivendi* concessions, but positions Israelis now have just Zionist reason to accept. Gans's set of legal and policy proposals is thus more stable, closer to a game theoretical equilibrium than a mere stalemate would provide. This fact would in turn give both Jewish Israelis and Palestinians reason to agree to the pre-1967 borders as a normatively acceptable result. The stabilizing role of a public theory for the policies of a war-torn area depends crucially on the intellectual coherence and plausibility of the arguments.

Besides serving at this practical level, *A Just Zionism* contributes to political philosophy in several impressive ways. By addressing the Israeli-Palestinian conflict head on, the book exemplifies how the best contributions to political philosophy more generally arise from urgent political crises – be it those of absolute monarchy (Locke); of gender injustice (Wollstonecraft) or of domestic economic injustice (Rawls). Conversely, in line with such great predecessors, this study negates accusations that the abstract and rarefied theoretical contributions of academic philosophers fail to engage with the practical political concerns of the general public. In fact, the general public often concerns itself with profound, complex, philosophical issues.

Second, Gans's defence of a just Zionism as an acceptable ethno-cultural nationalism, and in turn his defence of ethno-cultural nationalism as justifiable in liberal terms, are important statements in a philosophical debate about whether liberalism can accommodate particularistic ties, history and belonging. And because he makes these arguments through an insistence that human rights standards – both legal and moral – must be applied equally to all sides of the conflict, the book's specific claims demand the attention of anyone concerned with the development of the human rights field.

Finally, one can find a forceful argument in this book for why an ethical approach to the conflict makes a claim for international concern, especially upon some Western states. He makes clear the moral complicity of those who ratified the 1947 UN Partition Resolution and other agreements of the era, and who turned a blind eye to the need for fair burden sharing. They left the Palestinians to pay the whole price for atrocities committed not by Arabs, but by Europeans, especially Nazis.

Can Gans's claims for a just Zionism and his prescriptions for the specifics of the two state solution in fact contribute to building and maintaining sufficient trust among the parties concerned? More specifically, are there reasons from within a certain normatively and politically acceptable version of Zionism to support this outcome, and do Palestinians have good normative and political reasons to accept this outcome?

First, what of the claim for a just Zionism? The Zionists argued that their Jewish ancestors once lived in Palestine and that the territory is bound up with the way they themselves

REACTION & DEBATE

and the rest of the world think of them in the context of their group identity and culture. The land of origin is formative of the culture itself.² Gans says in reply that if a world court or legislature were to reapportion the territory of the world in accordance with principles of distributive justice, maybe such claims might help determine where the Jewish people should be settled. Presumably, every nation would then have to help move current residents to nearby places, or to ensure that the arriving Jews would settle on good terms with the current residents. But alas, there is no such court or other justice-applying and enforcing institution that can help find solutions and distribute their costs. In its absence, realizing the right to national self-determination of groups in territories with which they have a historical association but which are inhabited by others must be considered unacceptable.³

Gans argues, however, that adding the conditions of persecution to the above considerations can change the moral evaluation of the Zionist project. Mostly after 1933, but starting earlier, Jews had some just claim to engage in otherwise unacceptable settlement of Palestine. It is, Gans says, like a wounded man who has to break into a locked pharmacy to obtain the only medicine that can save him.

The Jews had an historical connection to the place, but that historical connection alone together with the right to self-determination, Gans stresses, would not justify Jewish settlement. The only consideration that could justify or at least exonerate Jewish settlement in Palestine if added to these considerations is the intense level of European anti-Semitism in the years between 1880 and 1945, culminating in the Holocaust. His general thesis seems to be that the right to self-determination, the historical/identity connection between the Jews and Palestine, and the persecutions, are individually necessary components for the justification of Zionism's aspiration to establish a distinct political Jewish community in Palestine. But only jointly are they sufficient. Thus the ethical justification for Jewish settlement rests in the last analysis on a particular reading of history – on the understanding of Jewish persecution in this period.

Gans's argument is skewed by what he himself calls Zionist historical myths. Some seek to justify the behaviour of the Zionists before 1930 by reference to how bad things would get after that date. But this prescience hardly justifies the settlement, at great cost to Palestinians. Of particular importance here is another feature of the period that Gans never mentions: the emigration of Jews from Eastern Europe and their movement to Western Europe and the Americas, and especially to the United States. Between 1880 and 1920 about 50,000 Jews moved to Palestine. But for every Jew who went to Palestine at least 50 Jews moved to the west – about two million to the United States alone. And in these lands surely it is more true to say that the Enlightenment served the Jews more than it failed them. Only in the sense that the western countries imposed immigration restrictions during the decade or two prior to the rise of Hitler, can it be said that the failure of Enlightenment principles are perhaps related to the destruction of European Jewry. But these restrictions were by no means limited to Jews. In any case, during the period between 1880 and roughly 1920, a serious option existed for the Jews, namely to emigrate west. Zionist agitation to emigrate to Palestine cannot be justified by the extraordinary physical danger facing the Jews in those years. In fact, in demographic terms

Zionist agitation failed dismally to compete with westward immigration until the gates closed in the west.

So in the situation of the 1930s and 1940s, the calls for Jewish settlement can claim some limited justice, or mitigated injustice, of the type we accord to the wounded man who breaks into the pharmacy to get the drugs that will save him. But the analogy does not hold insofar as there was an open pharmacy down the block. Insofar as the option of Jewish emigration followed by millions was available, this demolishes the justification for Jews ‘breaking into’ Palestine.

In addition, of course, the analogy fails to indicate any justification for the way Palestinians have been treated – the way the wounded man treated the pharmacist, so to speak. Gans devotes barely 20 lines of the book to the ethnic cleansing that occurred during the 1948 war and the unwillingness of the Israeli government to allow the Palestinian refugees to return after the war. He does not ignore the importance of these events; quite the contrary. Gans tells us that there were surely extenuating circumstances that we should take into account in evaluating how the Jewish army behaved in cleansing, and later how the Jewish state behaved in refusing to allow the return of the ‘cleansed’ refugees. But just as surely, a wrong was committed against the Palestinians for which the state of Israel must “accept at least partial responsibility” (92).

In sum, while Gans finds ethno-cultural nationalism acceptable under his version of this nationalism, he justifies – or rather mitigates – the specific case of the Zionist efforts to have the Jews enter a new land only by appeal to the historical persecutions of the 1880-1945 period. And we find this feature of the argument very troubling for the period before 1920. Nevertheless, the Zionist arguments were in fact created during the decades *before* 1920; so even if we accept the need for breaking into the pharmacy during the 30s and 40s, our acceptance need not serve to justify the arguments either in the abstract (outside of any particular time frame) or during the period prior to the 1920s.

But there is another side to Gans’s arguments. While the book is explicit about how physical persecution operates, we suspect that there is really much more buried in these arguments that Gans considers important but does not really elaborate. Here the issue is not physical well-being, but the concern with assimilation and the resultant disappearance of a people and its culture. The Enlightenment may not ‘have failed the Jews’ but perhaps it failed Jewish culture precisely by *not* failing to accord Jewish citizens equality. For example, suppose an observer in 1910 believed that Jewish emigration from Eastern Europe to the United States would contribute to the eventual assimilation of the Jews and the disappearance of Jewish culture from the world (which is in fact what many Zionists did believe). Can a liberal defence of ethno-cultural nationalism defend the need for nationalists to think only about alternatives to such emigration – even if those alternatives are limited to breaking into the Palestinian pharmacy? Can the ‘break-in’ be defended not merely to prevent physical annihilation but also cultural assimilation? Gans nowhere says so, but where are the limits of concern about the cultural future?

Gans’s arguments can in fact lead directly to concerns about assimilation. Recall his basic formulation that that some people “want to live within the context of their culture

REACTION & DEBATE

and want to preserve that culture across generations.” The latter part of this statement deals directly with the preservation of the culture over time. And recall that he must defend the interest in the *future* life of the culture in terms of the rights of present-day individuals – not the well-being of the ‘volk’ for example. In one place he elaborates this defence:

Most people living today need to know that their culture will probably continue to exist and thrive. Hopelessness about the continued existence of their culture might easily undermine their faith in the meaningfulness of their own endeavours. The right to national self-rule purports to serve interests that people have in adhering to their culture and in preserving it for generations (60-61).

Gans’s concern with the future of a culture is not a trivial afterthought. Probably he has in mind various kinds of future threats. The most obvious is from coercive force: threats to a cultural minority that could come from a discriminatory regime, or to the dominant culture that could come from conquest. But does he also mean to include threats to cultural continuity from the assimilation of a minority group into a majority culture?

In any case, the specific formulation he offers about cultural futures seems too broad. It would seem to justify the equivalent of the constitutional entrenchment of features of a present-day culture, thereby possibly coercing those yet unborn. It may also impose more serious restrictions on future demographic shifts than a theory of distributive justice could accept, an issue directly relevant to the Israeli-Palestinian conflict today. Still, a more restricted formulation about future cultural outcomes might be possible. Changes in values, norms, institutions and language challenge our ability to maintain coherence and continuity in our lives. New options for life choices are created, but other options disappear. Thus, individuals *do* have an interest in ensuring that cultural and institutional changes should not be too abrupt and unexpected, and an interest in having some say about those changes.⁴ But how far do such interests extend?

In sum, we are struck by how little justification Gans carves out for the return to Zion, given the problems with the persecution argument and given the US option. This leaves Gans with only the exoneration of the pharmacy analogy. If we are right to circumscribe that exoneration still farther by restricting its temporal reach and by excluding the threat of assimilation to cultural life as irrelevant to the pharmacy analogy, then there remains even less in the way of an exoneration for the settlement project when we follow Gans’s arguments.

Consequently, we come away wondering whether this book leads to the following conclusion: Despite justifications for ethno-cultural nationalism in terms of a contemporary sense of distributive justice, we actually cannot get far in justifying the fundamental Zionist ideal in those terms – the ideal of settling Palestine as a national home for the Jewish people. If so, Gans’s approach seems to lead us to conclude that our attention must focus less on what minimal justifications we can provide today for a project conceived in another era, and more on how to move on. Even if these are our conclusions about the historical legacy, Gans also provides us with a crucial argument that allows us to move on and judge the arguments in the second part of the book – about the specifics of an ethically acceptable two-state solution – on its own. This argument is that the

current generation of Israelis and Palestinians, like all peoples, did not create the world they inherited. For the most part they cannot go back and rerun history a different way; they can only try for the fairest solutions in terms of distributive justice to those alive and in the land today. And this may have to be the strongest argument for moving forward towards any even partially just solution.

Engaging with the Injustice/Justice of Zionism: New Challenges to Palestinian Nationalism

Bashir Bashir

The question of Palestine/Israel has received a remarkable amount of attention from different disciplines. Vast amounts of literature have emerged in the fields of history, Middle East studies, international law, conflict resolution, and international relations, discussing and exploring different dimensions of what has become known as the Israeli-Palestinian (or Arab) conflict. However, the question of Palestine/Israel has received less attention from the field of nationalism studies and strikingly little attention from political theory. More specifically, the core issues and controversies of the Palestine/Israel question and the multi-layered and complicated challenges they generate are rarely discussed and examined from a normative perspective, e.g. from the perspective of a theory of justice. Indeed, while this essay calls for a greater involvement of political theory in the question of Israel/Palestine, its aims are rather more modest. It aspires to critically assess a unique attempt to engage normatively with some fundamental issues that reside at the core of the question. More specifically, this essay embarks on a critical and brief conversation with the book *A Just Zionism* by Chaim Gans. After contextualizing Gans's book in the context of a growing literature that seeks to rethink Israeli politics along less exclusionary and more accommodating lines, the essay demonstrates some of the limits of Gans's work and concludes with the opportunities and challenges *A Just Zionism* poses to Palestinian nationalism and its engagement with Jewish rights and identities in historic Palestine.

I. Rethinking Israeli Politics

Gans's *A Just Zionism* offers a philosophical analysis and defence of the justice of contemporary Zionism as materialized by the state of Israel. While the author is aware of the wide range of objections to Zionism, he nevertheless focuses on and examines the objections that are raised to what he calls Zionism's defining principles. Furthermore, the author acknowledges the existence of various versions of Zionism, but argues that a just version of Zionism – Zionism as a liberal ethno-cultural nationalism – is possible. Gans's book belongs to a growing body of literature in Israel, which has proliferated in the last

two decades, that seeks to propose more inclusive and defensible forms of democratic politics in Israel. Several Israeli scholars – mainly political and social theorists – have opposed the assimilative and oppressive forces of the ‘melting pot model’ concerning the ethno-cultural diversity within Jewish Israeli society and the exclusionary forces of Israeli Jewish majoritarian politics concerning the Arab Palestinian minority in Israel. Under these models, and despite their different variations during different periods, the Palestinian national minority has been subject to systemic exclusion and some Jewish groups – mainly Mizrahi Jews – have faced oppressive assimilation. Therefore, these Israeli scholars have proposed the revision or abandonment of this exclusionary and oppressive form of politics and a shift towards a more accommodating approach to diversity in Israel.

Much inspired and influenced by debates in contemporary political and social theory, some Israeli scholars have relied on and developed notions such as ‘ethnic democracy’ (Samoooha 2002), ‘liberal nationalism’ (Tamir 1993), and ‘multiculturalism’ (Yonah and Shenhav 2005; Jamal 2007) to examine the exclusion of the Palestinian minority in Israel and the accommodation of internal Israeli Jewish tensions and diversities. While Samoooha’s the model of ‘ethnic democracy’ and Tamir’s model of ‘liberal nationalism’ are often invoked to justify and/or explain Jewish hegemony in theoretical and normative terms, the advocates of the multicultural model demand some serious transformations in the structure and underlying principle of democratic politics in Israel. While one could locate *A Just Zionism* in the context of this growing Israeli literature, which capitalizes on as well as contributes to debates on democracy, minority rights and nationalism in contemporary political and social theory, Gans’s contribution is unique for various reasons. Most of the attempts that sought to offer a revised and more democratic Israel (including the multicultural model) seem to have been lagging behind important normative developments in contemporary political theory. More precisely, discussion and debate on a more accommodating and defensible democratic politics in Israel is often conducted in isolation from two very important normative concepts and developments, namely justice (distributive as well as restorative) and nationalism. Furthermore, most of these debates either deny or downplay the considerable impact the occupation and its colonial policies and practices against the Palestinians have on their theorization. It is the issue of the justice/injustice of Zionism and the practical and moral challenges its realization in Palestine have created that have not received adequate attention and are under-theorized in endeavours to rethink Israeli politics. Each in its own way, Tamir and Samoooha’s models seek to explain, normalize, and justify the forced and conflicting marriage between the Jewish character of the state and basic democratic values and principles while underestimating the relevance of the justice of Jewish nationalism in Palestine and Israel’s colonial policies and oppression against the Palestinians to this marriage.⁵

Indeed, in the early 1990s we witnessed an increased interest in some Israeli academic quarters in identity politics and the demands of ethno-cultural recognition. There can be little doubt that few critical scholars (Yonah and Shenhav 2005; Jamal 2007) who have been influenced by the work of scholars such as Nancy Fraser (1995; 2000) and Iris Marion Young (1990) have insisted on the indispensable and crucial combination between the

demands of recognition and claims of distributive justice in order to achieve a more accommodating and effective democratic politics in Israel. Nevertheless, these multiculturalist scholars often limited their discussions to Israel's pre-1967 borders without seriously engaging with the Palestinian Nakba of 1948 and the justice/injustice of realizing Zionism in historic Palestine. Thus, they have frequently overlooked or underestimated, among other things, the significance of restorative justice and its links to Palestinians in Israel, Palestinian refugees and to Palestinians in the West Bank, East Jerusalem, and Gaza.

Therefore, while one could also view Gans's project as trying to normatively justify and legitimize a left-wing Zionism, what is unique about his project is that it takes the historic period around 1948 as an important point of analysis and attempts to take seriously the questions of distributive and remedial justice as well as nationalism. Furthermore, he examines these two in the context of outstanding challenges posed by core issues such as the Jewish and Palestinian right to self-determination, the right of Palestinian refugees to return, and Jewish hegemony and the rights of Palestinians in Israel as a homeland minority. In short, unlike the overwhelming majority of those who have sought to offer a revised and more inclusive form of democratic politics in Israel or propose a defensible version of Israel as a Jewish and democratic state, Gans's project is more ambitious, daring, normative-oriented, and sophisticated – thus more challenging – in its attempt to present a justified version of Jewish nationalism in historic Palestine.

II. Two Types of Critique

One can identify two types of critique concerning Gans's book and its thesis, namely external and internal critique. While internal critique takes Gans's theory on its own terms and focuses mainly on the consistency, coherence, and plausibility of its arguments and analysis, external critique questions these terms and critically investigates the frame of analysis, its presuppositions and postulations and the narrative and history of the conflict upon which it rests (he admits that his analysis and theorization largely accepts the Zionist narrative as its basis [7-8]). Indeed, these two types of critique are often interlinked and inseparable, and the distinction proposed here is mostly for analytical and clarity purposes. While one might argue that Gans's meticulous intellectual exercise of demonstrating the possible compatibility of ethno-cultural nationalism with liberalism is trapped in the case of Zionism in contradictions and generates conflicting commitments, in what follows, I focus nevertheless on two main points (one internal and one external) to critically engage with Gans's just Zionism thesis.

As indicated above, one of the unique contributions of Gans's book is its engagement with core issues of the Palestinian-Israeli conflict, by going back to the year 1948 and addressing one of the main and most disturbing consequences of materializing Jewish sovereignty in historic Palestine, namely the issue of Palestinian refugees. Gans presents a fairly sophisticated analysis of the issue and concludes with opposing a mass Palestinian return and accepting the return of only a limited number of Palestinians (91-93). In discussing the

Palestinian right of return, Gans claims that the views that support a mass Palestinian return are held either by those who oppose Zionism on the grounds of Arab chauvinism, ultra-nationalism, or reject Zionism on the basis of cosmopolitan or neutralist interpretations of liberalism and humanism. He rejects the first position because it is morally repugnant and the second because it has no practical importance since it fails to pay attention to the core presuppositions that underlie the Israeli-Palestinian discourse on this matter. He then claims that all other views – whether they are anti-Zionist views or views that support one of the several versions of Zionism – could oppose a Palestinian mass return.

Gans focuses his discussion on the positions of liberal nationalists who deny the justice of Zionism (namely, liberal nationalists who deny the justice of the unique tenet of Zionism according to which Jewish self-determination must be realized in Palestine, where there were hardly any Jews at the time of the inception of Zionism) and demonstrates how a consistent liberal position would lead to rejecting a mass return of Palestinians and accepting the return of a limited number of refugees. Gans then concludes that if liberal nationalists who reject Zionism object to a mass Palestinian return, then *a fortiori*, those who confirm the justice of Zionism would oppose a mass return. While Gans does not subscribe to the liberal take on nationalism, he nevertheless shares their conclusions on rejecting a mass return and accepting the return of only a limited number of Palestinian refugees. In other words, Gans finds indirect support for his ethno-cultural nationalist position that rejects a Palestinian mass return and accepts the return of a limited number of Palestinian refugees, through demonstrating that even liberal nationalists, whether anti-Zionist or Zionist, would oppose a mass Palestinian return on liberal grounds and considerations. Gans explores this liberal nationalist position through distinguishing between three groups of potential returnees. First, the return of refugees to the places where they or their families originally lived and which currently are built-up areas occupied by others who live their lives there. Second, the return of refugees to places that have not been settled by Israel and are designed for future construction, but which are not the places from which the refugees originated. Third, the return of refugees to areas that are vacant now but are earmarked for future construction and which are also the places from which potential returnees originated (87).

Liberals, according to Gans, should not find difficulty rejecting the claim of the first group on the ground that individuals who are currently living in the places to which Palestinian refugees seek to return are not personally responsible for the fact that their lives have become rooted in these areas, nor are they responsible for the grievances wrought to Palestinians by the expulsion of 1948 (87). One might argue that this notion of responsibility is excessively narrow and thin. One might argue with reason that these individuals hold political responsibility by virtue of their political and constitutional membership in the Jewish Israeli group as well as being the beneficiaries of the consequences of the expulsion and dispossession of the Palestinians.⁶ Put differently, while it is quite plausible not to blame current generations for the injustices committed by their ancestors, it is not unreasonable to hold them politically (not personally)⁷ responsible, because they are beneficiaries of the resources and gains of the historical injustices committed by their ancestors.⁸

In the case of the second and third groups, where the potential Palestinian returnees come from areas that are not currently settled, Gans admits that the issue is more complex and the arguments are not as strong as in the first case. Yet among the most important reasons invoked to justify rejecting a mass Palestinian return in the case of the second and third groups are that these places to which the potential returnees demand to return have changed beyond recognition in terms of their physical appearance and social makeup and that the culture of these returnees would be expressed far better in the Palestinian territories (89). Therefore, it is more reasonable to suggest a return to territories where the Palestinian right to self-determination would be realized rather than to territories where the Jewish right to self-determination is realized and vacant areas serve as land reserves for future Jewish construction and development. Even if we were to accept this argument about preferring to live where one can better experience one's culture, it is unclear why that would not necessarily be the case in relation to Israel's pre-1967 borders. One might argue that Palestinian society and culture in Israel, though unique, do provide a reasonable and perhaps even for some potential returnees a better frame to experience and live their culture. Unlike the marginal political role Palestinians in Israel played (which is increasing and expanding lately) in the wider Palestinian politics and national movement, they have contributed disproportionately to Palestinian culture. Palestinian (citizens of Israel) poets, writers, intellectuals and artists such as Mahmoud Darwish, Samih Al-Qassem, Emil Habibi, Tawfiq Zayyad, and Elia Suliman have been constitutive figures in the Palestinian cultural landscape.

Furthermore, some significant numbers of the refugees in Lebanon and Syria who originate from the coastal areas (e.g. Jaffa, Haifa, Acre) as well as the Galilee still have families and relatives living inside Israel either in their original villages or neighbouring villages and towns. Indeed, the existence of family links strengthens the attachment of Palestinian refugees to the regions from which their families originated. The overwhelming majority of Palestinian refugees and their descendents still refer to themselves as coming from specific regions such as the Galilee or the coast, and often point out the names of their villages or towns. The formative links with these areas have been constitutive of the memory and identity of Palestinian refugees, old and young. Rashid Khalidi argues that as a sign of deep rootedness, Palestinian association with places of origin is still very strong. He goes on to argue that local associations among Palestinians are still meaningful "to the degree that people can often be easily identified as to their place of origin by their family name, and to some degree remain identified with these places, even if they have never lived there" (1997, 153). Indeed, this is particularly evident, he claims, among Palestinian refugees who until today identify with the villages and towns from which they originated even if they have lived in exile from them for two or three generations.⁹ The commemoration of Palestinian Nakba (catastrophe) on May 15th 2011 and the attempts of Palestinian refugees in Lebanon and Syria to cross the borders back to their original villages illustrate the extent to which links to original areas are so formative of these refugees identities and memories.

It seems that the attachment to specific regions and the significance of this attachment to people's memory and identity, the family links between significant numbers of refugees

REACTION & DEBATE

who have family links and members inside Israel, and the reasonably flourishing Palestinian culture in Israel (especially with the development and emergence of a Palestinian middle class in Israel over the last 30 years) lend some support to the return of some significant numbers of Palestinian refugees to Israel's pre-1967 borders. Indeed, one might find partial support for this claim in Gans's argument when he resorts to the formative territory conception of historical rights to determine the site of the right to national self-determination (36). According to the formative conception, not only pragmatic reasons serve as the basis for selecting the specific site for realizing the nation's self-determination, but also the formative role this given territory played in the nation's identity; disconnecting physically from the land, therefore, does not sever attachment and affiliation to it. Being away from the formative territory generates feelings of alienation and longing. A more nuanced version of this claim lends clear support to why great numbers of Palestinian refugees in Lebanon and Syria would prefer to return to their original regions (the coast and the Galilee) rather than to other territories in order to be part of a future Palestinian state.

As has been stated above, one might engage critically with Gans's theory by challenging the presupposed assumptions of its frame and the conclusions he draws from analyzing within this frame. Indeed, Gans states that he resorts to philosophical arguments and analysis to present a just variant of contemporary Zionism. He admits that the justice of contemporary Zionism depends on other facts that relate to the specificities of historical contexts, the adequate behaviours and actions of the conflicting parties, and the repercussions of these historical facts and moral issues on the responsibilities of Arabs and Jews in historic Palestine. He goes on to insist that it is beyond his capacity to address all of these issues. Furthermore, he suggests in this context that we are morally obliged "not to address these many complex and often controversial points at the moment in order to focus on those main issues that have thus far prevented the resolution of the Israeli-Arab conflict" (6, n.8). This is a perplexing observation. So who determines what these main issues are and what their ranking and hierarchy of significance might be? One might infer here that in the name of avoiding controversy, we separate, or selectively choose to examine, the justice of contemporary Zionism as realized in Israel from the repercussions and implications of this realization and the legacy of historical injustices and collective trauma it has wrought to Palestinians. Furthermore, it is unclear why one would accept the Zionist narrative and its premises as an uncontroversial starting point or a frame for developing a philosophical defence of the justice of Zionism. One might argue that it is precisely the excessive sensitivity and attention to Jewish rights, interests, memories, histories and specificities Gans is so keen to present and involve in his analysis and the underestimation and sometimes denial of Palestinian specificities, memories, histories and the still lived brutal experiences of discrimination, occupation and dispossession wrought to Palestinians by Zionism, its realization, and currently its hierarchical regime of citizenship and colonial policies and practices that contribute to perpetuating the conflict. Indeed, the conditions are not ones of symmetry between the Palestinians and Israeli Jews. Challenging the Zionist narrative, which Gans presupposes, by paying more attention to the historical specificities, memories and narratives of Palestinians is

likely to affect the frame of his analysis and undermine some of his arguments and claims about the justice of contemporary Zionism. For example, the Zionist narrative that Gans refers to as a frame for his analysis includes partial responsibility of Zionism for causing Palestinian suffering and dispossession. A frame of analysis that is based on a revised narrative that shows more sensitivity to Palestinian specificities, memory, history and their continuous lived experiences of discrimination, oppression, and dispossession entails that Zionism assumes more responsibility than Gans's theory is willing to acknowledge. Indeed, several leading Zionist figures before and during the British Mandate clearly stated that realizing the Zionist project and forming a Jewish majority in Palestine inevitably require de-Arabizing and Judaizing the country through a variety of measures, including acquiring lands, encouraging Jewish immigration, and creating conditions and taking actions that would lead to the expulsion, dispossession and transfer of Arabs.¹⁰ While these leaders were sometimes divided on whether to take these measures actively and swiftly or slowly and gradually (the former is represented by David Ben Gurion and the latter by Chaim Weizmann), some prominent European Jewish intellectuals, such as Hannah Arendt who explicitly flirted with Zionism and spoke from the perspective of Jewish nationalism, warned against the disastrous consequences the partition of Palestine and the realization of a Jewish state in historic Palestine would inevitably bring on the Palestinian Arabs.¹¹

Another example related to the critique of the frame of Gans's analysis and the conclusion he draws is his justification of Jewish hegemony and sovereignty and the two-state solution. Gans critically examines four arguments that are often invoked in Israeli public discourse to justify the principle of Jewish hegemony. The first argument equates the right to national self-determination with the right to a sovereign nation state. The second argument invokes the claim that there are states all over the world that view themselves as hegemonic nation states despite the fact that the population of the state consist of other homeland groups. The third argument resorts to the long history of persecution suffered by the Jews in the countries in which they lived. The fourth argument refers to the violent and bloody conflict between the Jews and Arabs in Palestine/Israel (55-56). Gans argues that none of the first three arguments, though each has limited force, justifies convincingly the implementation of the hegemonic interpretation of self-determination in Israel. He argues that the fourth argument, namely the bloody and violent Israeli-Palestinian conflict, provides the best justification for the hegemonic interpretation. However, the validity of this justification is circumstantial and not principled. Gans claims that the Arab-Israeli conflict gives rise to several facts and truisms that provide justification for Jewish hegemony. Yet the hegemony is restricted to particular areas and is also temporal in terms of time frame. These facts or truisms include the lack of trust between Arabs and Jews; the likelihood that Jews would cease to be a majority in the state; the dispute between two ethno-cultural groups; fears about the physical existence and survival of Jews as a distinct society enjoying self-determination.

These facts, according to Gans, provide powerful support for Jewish hegemony and sovereignty. Gans goes on to argue that since relations of trust and mutual respect take a long time to establish, certainly in light of the legacy of hostility and dispute, a first step

REACTION & DEBATE

to solve the conflict would entail the establishment of two states. The two-state solution would reduce the injustices resulting from accommodating Jewish interest in a hegemonic Jewish state. The implementation of the statist interpretation of the right to self-determination generates domestic and global injustices. An independent Palestinian state in which Palestinians enjoy self-determination alongside a Jewish state would solve the problem of inequality in the normative status of Arabs and Jews on the global level and would reduce the number of Palestinians living under conditions of domestic injustice. While one might consider Gans's conclusion concerning the justification of Jewish hegemony and sovereignty to be circumstantial rather than principled, his claim that a two-state solution would solve the inequality in the normative status of Arabs and Jews on the global level is perplexing. Undoubtedly, he admits that the two-state solution would not solve totally the problem of domestic injustices, because the Arab minority in a Jewish state would suffer from Jewish hegemony, though this hegemony ought to be subject to human rights constraints and limited to specific areas only, namely security and demography (78-80). Even if one accepts Gans's argument about the necessity of partition and the two-state solution as the preferred solution in light of our non-ideal world, which involves pragmatic considerations of local and international politics, it remains unclear which approach to justice (distributive or reparative or both combined) would grant the Jews 78% of historic Palestine and the Palestinian Arabs 22% of historic Palestine, and whether this disproportionate distribution of land and the historical and social specificities it ignores and underestimates pose challenges to the desired equality in the normative status of Arabs and Jews at the global level. Indeed, in defending his rejection of a mass Palestinian return to vacant areas, Gans often resorts to the claim that these areas are land reserved for Jewish construction and developments. The global numbers of Jews and Palestinian Arabs are roughly equal and it is unclear why the Israeli Jews need more land for development and construction than the Palestinian Arabs.

III. Palestinian Nationalism Challenged

Some of the normative principles that guide Gans's defence of a particular version of Zionism as well as some of the conclusions he reaches pose serious challenges to Palestinian nationalism and influential interpretations of Zionism. At the same time, they carry the potential of identifying new venues for Palestinians and Arabs to engage with the Jewish question as well as with Jewish presence and rights in historic Palestine. One of his main arguments, for example, is that the justification of the statist interpretation of the Jewish right to self-determination is circumstantial and not principled. In other words, concrete historical conditions of persecution, anti-Semitism and the Israeli-Arab conflict give support to the realization of the Jewish right to self-determination in the form of an independent nation-state. When these circumstances and conditions disappear, the statist interpretation of the Jewish right to self-determination drops. Indeed, this could serve as an opening for a serious conversation on Zionism and Palestinian and Arab responses to it.

It is quite striking that Arab intellectuals in general and the Palestinians in particular have rarely engaged with the ‘Jewish question’ and Jewish rights in the last forty years. This almost total absence of a serious and profound engagement is particularly evident in Palestinian and Arab political thought. Besides the often rehearsed views on the colonial and imperialist character of Zionism and the claim that the Jews do not qualify and constitute a national group – views that have been discussed and presented for decades –, there have been very few attempts to further explore and/or revisit these claims together with the considerable challenges that have emerged from the last 70 years of societal, cultural and political developments of the Jewish presence in historic Palestine. Engagement with the Jewish question and Jewish rights is not only a moral and normative requirement, but also a pressing political necessity and thus the outstanding opportunity provided by Gans’s *A Just Zionism* to engage in such a moral and political conversation. This conversation is particularly significant because, following the changing realities mostly as a result of the colonial and expanding settlement projects in the West Bank and East Jerusalem, the failure of the so-called Peace Process, and the growing resistance among Palestinians to what I call the ‘tyranny of statehood’,¹² there are various Palestinian initiatives and increasing pressure to rethink Palestinian nationalism.

One manifestation of this rethinking is the attempt to consider various alternative institutional forms (one state, federation, confederation, condominium, regional arrangement) the realization of Palestinian fundamental national and individual rights could take and the strategic shifts required for this purpose.¹³ It is in this context that a serious and profound engagement with Jewish rights in Palestine becomes a moral and political imperative. This is particularly true if possible ethical frames and envisioned political solutions that offer alternatives to partition (partition takes various forms such as two-state, segregation, walls, fences, bypass roads) are considered. One can identify three possible, yet not exhaustive, venues within Palestinian nationalism to engage with Jewish rights: the Islamist Palestinian nationalism take on Jewish rights; the liberal/cosmopolitan position; and the bi-national view. The responses of the Islamist variant of Palestinian nationalism (including the Hamas, Jihad and Tahrier movements, which considerably vary and differ on some issues) examine the issue in religious terms that are likely to be exclusionary or at best recognize the Jews as a religious group that is entitled to a set of religious rights under an Islamic regime. Unlike the liberal approach, which insists on the neutrality of the state, the Islamist take does not view the state as a neutral player, but as an important vehicle in achieving specific notions of the common good. The Islamist take either denies nationalism as the glue that brings the members of community – Ummah – together, or it recognizes and instrumentalizes it when it contributes to achieving the goals and aims of an Islamic politics. Indeed, recent developments in the Arab world, where following the yet unfinished and unclear wave of democratization several movements of Muslim Brotherhood have adopted a civil rights discourse, could exert pressure and pose a challenge to Palestinian Islamist nationalism concerning its views on Palestinian secular nationalism as well as Jewish identity and rights in historic Palestine.

REACTION & DEBATE

Within the liberal position one can identify at least two versions. One version uses the language of liberal values and principles as an escape from engaging with Jewish national identity and rights. The implicit working assumption here is that the Jews do not make a nation and are therefore not entitled to collective national rights. The second liberal version uses liberal values and individual rights as moral and normative principles that override other considerations such as national identity. A consistent liberal view along these lines dismisses Jewish nationalism as well as Palestinian nationalism. The challenge to this position is that it underplays and even denies the significance of national identities and sentiments for Israeli Jews as well as Palestinians. There can be no doubt that nationalism has caused disastrous wars and conflicts, yet it cannot be denied as a powerful and influential force in modern and contemporary history and politics. Indeed, a combination of liberalism and nationalism is possible within the frame of a single state. However, it remains difficult to envisage the values and norms upon which this common national identity might be formed. Furthermore, it seems quite demanding to determine the thinness or thickness of a potential overarching identity for diverse and divided societies. One could argue that the bi-national position seems to be a more plausible candidate to seriously engage with the rights of Jews than the liberal approaches. It is supposedly more plausible because it insists on taking nationalism seriously and therefore aspires to accommodate Jewish national rights along with the national rights of Palestinians. For this position to be consistent, therefore, principles of symmetry, reciprocity and equality must lend support to Jewish national rights, including the right to self-determination. One of the main challenges for this position is an implicit, presupposed, and abstract symmetry and equality in a context of a legacy of historical injustices wrought to Palestinians mainly by the Zionist movement and the state of Israel. Indeed, one might argue that a bi-national moral approach is more compelling if coupled with a process of historical reconciliation, which seeks to come to terms with the past injustices the conflict has generated. Gans's book *A Just Zionism* poses serious challenges to the Islamist and liberal positions and provides stimulating arguments that might facilitate initial points for discussion with the advocates of the bi-national approach. Indeed, bi-nationalism should not refer exclusively to the concrete political solutions (e.g. bi-national state solution, federal/confederal state solution) that emerge from abstract institutional engineering. Bi-nationalism is also a moral frame in which the 'bi' gives rise to values and principles such as equality, reciprocity and mutual legitimacy, which underlie potential political solutions regardless of their concrete institutional form and shape.

Indeed, some Palestinians have expressed serious doubts concerning the proposal to seriously engage with the Jewish question. Some go on to suggest that the Palestinians, as the oppressed party, are clearly not required to and thus should not propose solutions and offer them to the oppressor before explicitly embarking on a process of decolonization. They particularly reject efforts to develop and offer visions, proposals and initiatives that try to 'seduce' the oppressor and 'accommodate' the oppressor's rights, interests and claims. Furthermore, the proposed engagement with the Jewish question is viewed as utopian and escapist because, among other things, it underestimates and even denies the daily

and bitterly lived experiences of Palestinians under occupation. This view is wanting. The proposed engagement with the Jewish question is actually informed by the specificities and histories of Palestinians as well as Jews and it is unclear why such an engagement should necessarily come at the expense of achieving short/midterm aims, struggling against injustices, meeting Palestinians' needs, and fostering their resistance and resilience. It seems that it is a moral imperative and a Palestinian strategic national interest to develop a new and renewed political thought, which proposes creative, inclusive, and ethical ways out of the deadlock, even if Palestinians are under conditions of discrimination, occupation and colonialism. While this political thought places realizing Palestinian rights at its core, it appeals to universal principles and values of equality, freedom, fairness and justice, which require serious engagement with Jewish rights and identities. Indeed, it is precisely because of the demise and growing unfeasibility of the two-state solution, and the fact that unjust partition and separation between two deeply intertwined communities is likely to perpetuate the conflict, that the Palestinians ought to attempt to offer creative and inclusive moral and political visions. While insisting on dismantling the colonial-hegemonic relationship, these visions should demonstrate sensitivity to and understanding of the histories, experiences and specificities of the oppressing party and promise historical reconciliation. Edward Said argued that "If we are all to live – this is our imperative – we must capture the imagination not just of our people, but that of our oppressors. And, we have to abide by humane democratic values" (2001). Indeed, many Palestinians do not struggle to revenge and shift positions from being oppressed to become the oppressors of their oppressors. Rather their struggle seeks to propose an ethical frame as well as potential solutions that restore the humanity of both the Arabs and the Jews in historic Palestine.

IV. Conclusion

A greater engagement of political theorists with the question of Palestine/Israel and with the underlying fundamental issues of this question seems to be significant in order to further understand the normative and moral complications involved in the cores issues of the conflict and perhaps to think differently and 'out of the box' on Palestine/Israel. The Israeli-Palestinian conflict is often discussed using the language of interests, power relations and realism (the latter is often used/abused to silence and police imaginative thinking and determine the boundaries of the possible, even if what is referred to as 'realism' is actually ignoring the increasing intertwined realities and lives of Arabs and Jews in historic Palestine). This is evident in the hitherto failed attempt to settle the conflict, where the approaches of conflict resolution, conflict management and peace-making have largely dominated the treatment of the case. A serious and different engagement with the question of Palestine/Israel inevitably involves more than the language of power relations, interests and 'realism'. It requires the language of mutual legitimacy, justice, fairness, responsibility, reparation, reconciliation, and intertwined and inseparable lives and realities. It is in this context that political theory might make a considerable contribu-

REACTION & DEBATE

tion to settling the conflict through injecting normative and moral considerations to the discussions on Palestine/Israel.

Furthermore, Palestinian/Israeli contestations have revolved around issues such as self-determination, sovereignty, citizenship, bi-nationalism, federalism, historical rights, and reparative justices. Recent debates on contemporary political theory have focused on rethinking these concepts normatively as well as in light of temporal and spatial global changes that are affecting all nations and groups. Therefore, capitalizing on and engaging with these debates in the case of Palestine/Israel might prove outstandingly useful. In other words, while most debates on Palestine/Israel seem, for example, to be presupposing that the right to national self-determination should be cashed out exclusively in the form of an exclusive nation-state, political theory insists that cashing out the right to national self-determination in the institutional form of an exclusive nation-state is only one possibility – subject to normative and practical considerations – which include, among many other things, autonomy, federalism, consociationalism, and confederation. Moreover, unlike the dominant understanding of the right to self-determination, which is conceptualized as non-interference and cashed out through partition, some recent political theory debates have re-conceptualized the right to national self-determination along non-territorial and non-domination lines.¹⁴ Indeed, contemporary debates of political theory on self-determination, sovereignty, reconciliation, colonialism, and post-colonialism might contribute to identifying new paths of thinking, introducing new language that is based on principles of justice, fairness, and mutuality, and thus envisioning new futures for Palestine/Israel. Despite the serious limits and flaws of Gans's apologetic project for a left-wing Zionism, it might serve as an invitation to further involve political theory and its concern with fundamental issues such as justice, fairness, responsibility, and reconciliation in the case of Palestine/Israel.

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NOTES

1. *The Limits of Nationalism*, Cambridge: Cambridge University Press, 2003.
2. Gans makes a useful distinction here between the importance of a people (or its culture) in the history of a land and the importance of a land to the contemporary formulations of a culture. It is the latter, not the former, that has some limited claim on a theory of justice.
3. Gans distinguishes between the role of a particular nation or culture in the history of a land and the more important role of a land (of geographical referents) in the contemporary culture of individuals. While the latter is important, it does not in itself justify settling in a land inhabited by another people. Still, if a group is going to settle somewhere, these geographic referents will be one consideration relevant to where the settlement might occur. But the discussion of these considerations seem to us one of the few contexts in which Gans perhaps fails to meet the requirement of treating each group's cultural interests from the perspective of an objective just outsider. He seems to take the Jewish culture's geographic referents to the land of Palestine very seriously. But when rejecting – admittedly, in a different part of the book – an unlimited right of Palestinian refugee return he writes "[...] most of the places in close physical proximity to the refugees' original homes have changed beyond recognition in terms of both their physical appearance and their social makeup" (xxx n. 11).

REACTION & DEBATE

“And [...] the culture and the landscape of these places have changed completely. It is only in the geographical sense that they can be said to be the places where the refugees or their families originally lived. Second, these places are located within territories mainly intended for the self-determination of the Jewish group” (91).

But surely these arguments are far more true for Jewish geographical referents, and surely a Palestinian culture has in fact been created in which the memory of the old places looms large.

4. This more restricted formulation concerning expectations about cultural continuity is common to all, and helps explain why all minorities may claim various forms of protection of their culture. Still, such claims might be stronger for some cultural subgroups, such as indigenous peoples, than for others such as migrants to a state in which a different culture holds sway. Indeed, framed in this way, the claims for such rights among Palestinian Arab citizens of Israel look especially strong, as Gans would probably agree.

5. There are other scholars who have tried to defend and justify the compatibility between the Jewish and democratic components of Israel’s politics in normative and practical terms. These include: Gavison 1999; Yakobson and Rubinstein 2003.

6. For more on this distinction see Bashir (2008, 82).

7. Following Hannah Arendt, several scholars have distinguished between personal responsibility and political responsibility. The latter is distinct from the former in being both vicarious and involuntary. For more see Schaap (2001, 749-766).

8. Janna Thompson (2002) insists that the responsibility of members of a nation necessarily includes accepting responsibility over the actions of their ancestors.

9. For more on this phenomenon see Sayigh (1979).

10. See, for example, Masalha (1992).

11. For more on this see Raz-Krakotzkin (2011, 62)

12. According to the ‘tyranny of statehood’, the Palestinian national cause and struggle has been reduced by some hegemonic Palestinian political elites and influential international players and donors to the attainment of a Palestinian state which has become a goal in itself regardless of its ability to accommodate core Palestinian national aspirations and rights such as the right of refugees to return and Palestinian identity.

13. The document published by Palestine Strategy Study Group, its members including leading Palestinian politicians, activists and academics, is an example of such attempts. For more on this group and its document entitled ‘Regaining the Initiative: Palestinian Strategic Options to End Israeli Occupation’ see <http://www.palestinestrategygroup.ps/> [accessed August 12, 2011].

14. See, for example, the work of Iris Young (2005, 2006) through which she proposes that we re-conceptualize the concept of self-determination along the principle of non-domination using the case of Palestine/Israel.

*Zionism – A Just Revolution*Raphael Cohen-Almagor¹*Know from where you are coming in order to know where you are going.*

In *A Just Zionism*, Chaim Gans presents a philosophical analysis of the justice of contemporary Zionism as realized by the State of Israel. He argues forcefully that ethnocultural nationalism can be just, and boldly advocates a two-state solution, a Palestinian state living side by side with Israel in secured borders, along the 1967 Green Line. Gans also addresses the discrimination Israeli-Palestinians suffer at the hands of the Israeli establishment, calling for the introduction of egalitarian norms and legal standards. This appraisal analyses Gans's main arguments and pitfalls. While applauding the book's obvious strengths, it also criticizes some of its contentions and misgivings.

I. Introduction

In the past twenty years it has become fashionable to attack Israel. Together with the 'new historians', a new phenomenon has emerged: Post-Zionism, which is essentially anti-Zionism. The Zionist movement is depicted as colonialist, exploitative, ruthless, discriminatory, and unjust (Karsh 2000). Post-Zionism downgrades – if not completely dismisses – Israeli claims for the preservation of Jewish heritage and the establishment of a Jewish cultural home in the only part of the world where Jews feel cultural and ancestral connectedness. These claims are of no importance in the eyes of Post-Zionists, because in their view the success of the Zionist movement came at the expense of the Palestinian right to self-determination.

Zionism as a revolutionary movement set out to found a Jewish society, free of prejudice and persecution, where Jews could live as a unified, independent people in a land of their own. The land is Zion, or Israel, the land of the Bible, the only land that has captured the imagination of Jewish people for many generations. The Zionist idea was to inhabit the land of the Jewish ancestors and to create there a new Jew (Sabra), who is able to lead his or her life freely, practice his or her religion and culture with no bigotry and without apology; able to defend him/herself against anti-Semitic violence; cultivate his or her own land, and be productive and social. Zionism demanded a radical change in one's life: leaving one's home, one's country; travelling to a distant land; often changing one's profession; getting accustomed to a new, rough environment; for many adopting a new language, Hebrew, which at that point of time was confined only to religious studies, not practiced in one's daily life. Zionism attempted to establish Jewish communal life at the expense of personal bourgeois comfort and the good life of the individual. Collective goals were held superior to individual ambitions. Indeed, Zionism required a significant personal sacrifice in order to create something new for future generations of Jews. In short, Zionism as a revolutionary movement was about individual and social redemption

REACTION & DEBATE

and emancipation, the gathering of exiles, and the creation of a new person, of a new society, in the old land of the Bible. David Ben-Gurion wrote:

The meaning of the Jewish revolution is contained in one word – independence! Independence for the Jewish people in its homeland! Dependence is not merely political or economic; it is also moral, cultural, and intellectual, and it affects every limb and nerve of the body every conscious and subconscious act. Independence, too, means more than political and economic freedom. It involves also the spiritual, moral, and intellectual realms and, in essence, it is independence in the heart, in sentiment, and in will. From this inner sense of freedom outer forms of independence will develop in our way of life, social organization, relations with other people, and economic structure. Our independence will be shaped further by the conquest of labor and the land, by broadening the range of our language and its culture, by perfecting the methods of self-government and self-defense, by creating the framework and conditions for national independence and creativity, and finally – by attaining political independence. This is the essence of the Jewish revolution.²

In *A Just Zionism*, Chaim Gans presents a philosophical analysis of the justice of contemporary Zionism as realized by the State of Israel (5). Recognizing that the debate between Zionists and anti-Zionists is loaded with misconceptions, legends, twists and turns, Gans attempts to present the contested claims over Israel/Palestine in a fair and balanced manner. This contribution to the debate discusses and expands upon some of the themes raised by Gans: Jewish historical rights, the role of myths in Zionist historiography and the concept of Zionism as ethnocultural nationalism.

Following Gans's argument, I contend that Israel should amend its state symbols so as to accommodate its Arab citizens and to strive to assure that minorities will not suffer from discrimination and prejudice. The Jewish people, arguably more than any other people, should be cognizant of minorities' rights and the harms of bigotry. Indeed, a key measurement for the extent of democratization of any society is the status of minorities. The more egalitarian the society, the more democratic it is. Agreeing with Gans, it is further contended that the creation of a viable Palestinian state alongside the State of Israel is the key to solving the Israeli-Palestinian conflict and bringing peace and tranquillity to the troubled region. Two important documents are cited as starting points: President Bill Clinton's Parameters, and the Geneva Accord. Both detail the practicalities for resolving all bones of contention.

II. Historical Rights

Gans argues that historical rights constitute a significant moral justification for the establishment of a Jewish state in Israel. Israel/Palestine was the consensus in the Zionist movement because Jews wished to return to the land of their forefathers, the Land of the Bible, where particular sites were important to the Jewish people, some of whom regarded these sites as holy. The importance of historic connections to the land is

ignored by people who argue that Jews may preserve their identity by settling in western democracies. Jews might preserve themselves in the physical sense within other nations, but their cultural identity might dissipate. Israel is the only place where Jews would be able to preserve and promote their heritage and culture. The historical rights argument, argues Gans, in conjunction with the horrendous scope and nature of the Holocaust, provided justification for a Jewish state in Israel (25). Gans also argues that the Arab opposition to Zionism was justified and would have been even if the Zionist movement had not exceeded its initial aspirations (25). After all, the Jews broke into the Arabs' land in order to settle there, and Arabs had no assurance regarding the upper limit of their potential losses and any compensation for such losses (49). With this argument perhaps Gans foreshadows his next book, *A Just Palestinianism*.

Gans offers a pharmacy analogy to illustrate the justness of the Jewish return to Palestine for the establishment of a sovereign, self-sufficient Jewish home, asking the reader to contemplate a mortally wounded person who has no way of saving his or her life other than by breaking into a pharmacy to steal the required medicine. Gans argues that this act is justified and, by implication, the Jewish return to Zion was justified, except that in Zionism, Jews took up permanent residence inside the pharmacy (42). Many systems of justice grant the necessity of defence to people who find themselves in life-threatening situations and who are able to rescue themselves only by committing acts that would otherwise be considered criminal (48). Note that Jews did not 'invade' just any 'pharmacy'. Instead, Jews returned to the only 'pharmacy' that contained medication suitable for their malady.

I find this example problematic. I am not convinced that the Zionists committed a criminal act when entering Palestine. One fact that Gans does not mention is that Jews purchased land from absentee Turkish landlords.³ Baron Benjamin (Edmond James) de Rothschild (1845-1934) was a pivotal figure in the purchasing of land, making use of his substantial fortune. Jews purchased neglected and malaria-infested land along the coastal plain and in parts of the Galilee which they began to cultivate (Stein 2009, 3). In addition, The Jewish National Fund (JNF, *Keren Kayemeth LeYisrael*) was established following the Fifth Zionist Congress in Basel, Switzerland in 1901 to buy land in Palestine for reclamation and Jewish settlement. The JNF built a worldwide fundraising organization, soliciting donations, selling stamps, and collecting money from 'Blue Boxes' that were distributed in every school and also in private homes. The JNF purchased derelict land in the Yizrael Valley and other parts of Palestine and established settlements. By 1921, JNF-KKL purchases of land had quadrupled its land holdings, bringing them up to 25,000 acres. At the end of 1935, after 15 years of assiduous effort, JNF held 89,500 acres of land on which stood 108 communities mostly in the centre of the country and in the valley regions. According to the JNF, in May 1948, the Jewish population of the State of Israel numbered 650,000 settled in some 305 towns. Two hundred and thirty three of these towns stood on lawfully purchased JNF-KKL land.⁴

Gans accurately notes that as long as the conflict continues and the mistrust between Jews and Arabs is present, the Jews must rely on their strengths. Jews must con-

tinue to live in their own national home, which they are able to protect by their military force (79). After all, I should add, history does not provide much assurance that other countries will go out of their way to secure Jewish existence.

III. Myths

Expulsion is an important component of the Israel national narrative, presaging the Jews' return to Zion. Gans discusses the myth that the Romans expelled the Jews from the Land of Israel (7). Indeed, exile and expulsions are common themes in the historiography of Israel. They are of the utmost importance to the formation and sustenance of the Jewish national consciousness. Exile and expulsions undergird the history of wandering Jewish people who were forced to sustain themselves in four corners of the world while never forgetting their origins. Zionism reinforces the idea of Jews returning from exile to their promised land, yearning for Zion while in exile, and putting Jerusalem in the highest point of prayers: "May my tongue cling to the roof of my mouth if I do not remember you, if I do not consider Jerusalem my highest joy" (Psalm 137:6) and "If I forget you, O Jerusalem, let my right hand forget its skill" (Psalm 137:5). Jerusalem is never to be forgotten. The Jewish High Holidays end with the phrase 'Next Year in Jerusalem', meaning that we all should celebrate the next New Year in Jerusalem. 'Next year', whenever that year will come.

The first supposed exile was from the Northern Kingdom of Israel, as is described in 2 Kings 17. According to this account, the capital of Samaria fell to the Assyrians about 722 BCE. Part of the population was removed from the land and taken to Assyria, to be replaced by peoples from the east. The Israelites taken from their land were later referred to as the Ten Lost Tribes. However, according to the text at least some of the population was allowed to remain. Archaeological studies suggest some exchange of population between the two areas, but it appears that the bulk of the population remained where it was (Grabbe 2007, 149-150).

The next purported 'exile' came with the fall of Jerusalem to the Babylonians, first in 597 (when a few thousand were taken to Babylonia) and then in 587/586, when all the rest of the population except a few of the 'poorest of the land' were taken to Babylonia (2 Kings 24-25), according to the text. In fact, though the matter is currently debated, it seems likely that the majority of the population remained in the land, though there was a considerable reduction in population because of war and disease. Jerusalem itself remained uninhabited (Grabbe 2007, 211; Scott 1997; Grabbe 1998).

Historians such as Israel Yuval (2006, 16-33) think that the Roman expulsion of the Jews is another Judeo-Christian myth, arguing that there is no evidence that such an expulsion ever took place. In 66 CE, Judaea rebelled against Roman rule. In 67 CE, Vespasian brought an army and began to systematically take back land from the rebels, beginning with the north (Galilee). By 68 CE, most of the country was pacified and Jerusalem was surrounded. Because of a civil war in Rome, which overthrew Nero, Vespasian

did not press the siege but waited. Eventually, after several would-be emperors had come and gone, Vespasian himself was declared emperor and sailed for Rome. He left his son Titus in charge. Once the throne was secure, Titus pressed the siege and took Jerusalem in the summer of 70 CE. The inhabitants of Jerusalem, with Jews from other parts of the country who had sought refuge there, and Jews who had been in Jerusalem for the Passover festival when the siege was laid, were either killed or enslaved. Few escaped or were spared. Yet most of the country was not involved in this final siege. Granted, many Jews had been killed as the Romans pacified the country and some took refuge in Jerusalem, but many Jews had returned to their homes and were not directly affected by the fall of Jerusalem. Some Sicarii had taken refuge in Masada, which was not taken until about 73 CE. Yet the practice of Judaism was not forbidden, and most of the Jews were not expelled from either Judaea or Jerusalem (Grabbe 1992, 445-561).

The final fight against the Romans came in 132 CE when the Jews of Palestine rebelled against the emperor Hadrian. There is little record of this important event, a couple of short notices in Latin writings and some rabbinic legends. When the manuscripts in the Judean Desert were unearthed in the 1950s and 1960s, letters and other documents relating to Bar Kochba, the Jewish leader, provided some further information. The available information indicates that large numbers of both Romans and Jews died during the 3-year revolt, and that so many Jews were sold as slaves that the price dropped drastically. Jerusalem was turned into a new Roman city called Aelia Capitolina, and Jews were forbidden to enter it for a long time. Nevertheless, Judaism remained a tolerated religion, and the land outside Jerusalem was not forbidden to Jews. Indeed, the rabbinic academy was moved from Yavneh to Usha, and the Mishnah was produced in the land of Israel over the next 75 years or so (Grabbe 1992, 601-605; Grabbe 2000, 125-126).

Another account which Gans does not mention, one that we Jews read and reiterate every year when we read the Haggadah during Passover, is that our forefathers were enslaved in Egypt and built the mighty pyramids for Pharaoh. There is no proof for this, but the story serves a purpose in the national narrative: our journey from enslavement in Egypt to liberty in Canaan/Israel (Shaw 2003).⁵ The story became part of Israeli and Jewish historiography without factual evidence, illustrating how the history of ancient Israel is not about the simple relaying of facts, but also serves moral and theological purposes, explicating a context of past, present and future that connects people, and fosters a sense of purpose that is of immense importance for maintaining society and culture.

IV. Ethnocultural Nationalism

It is constantly asserted that Zionism is ethnoculturally nationalistic and that, by definition, ethnocultural nationalism is unjust. Gans, relying on his previous work *The Limits of Nationalism* (2003), convincingly refutes the argument and further asserts that this kind of nationalism need not necessarily be illiberal and regressive. In *The Limits of National-*

ism, Gans discussed the justifications and limits of cultural nationalism from a liberal perspective, presenting a normative typology of nationalist ideologies and distinguishing between cultural liberal nationalism and statist liberal nationalism. In *A Just Zionism*, Gans attempts to offer a balanced view of the conflict between Jews and Arabs over the land called Israel/Palestine. He does not ignore the crude reality which the Jews have imposed upon its Arab citizens, arguing that Israel has applied its melting-pot policy to Jews only, never allowing it to be applied to members of other ethno-religious and cultural groups residing within the state (15). Yet Gans does not acknowledge that Israel employs perfectionist rather than neutral or universal policies, aimed at keeping Israel a Jewish democracy.⁶

In my view, Israel's perfectionism is problematically manifested in its Law of Return, which grants every Jew the right to immigrate and settle in Israel.⁷ This Law, as described by David Ben-Gurion, is the law of perpetuity of Jewish history (Mendes-Flohr and Reinharz 2010). Unlike Western nationalism, which identifies nationality with citizenship in the state, nationalism in Israel is identified with the Jewish majority. The Citizenship Law allows Jews who immigrated to Israel to receive citizenship almost automatically. There are almost no other ways to attain citizenship. The problem with this law, I should clarify, does not lie so much in its granting automatic citizenship to Jews; rather, the problem is that non-Jews are not welcomed. Gans also finds this deeply problematic and notes that in effect Israel is opened to all Jews and closed to all non-Jews (125). Together with Gans, I urge state authorities to adopt more liberal, non-exclusionary migration policies.⁸

Gans and I are also troubled by the Israeli treatment of guest workers. Since the 1990s, hundreds of thousands of guest workers from all over the world have arrived in Israel. They have become an integral part of the Israeli economy. Some of them are raising families in Israel. Their children attend Israeli schools, speak Hebrew, and see Israel as their home, but they are not allowed to have permanent status, and the Israeli authorities can force them to leave the country. Gans appropriately sees this policy as unjust and irresponsible, asserting that Israel should allow these families complete integration, enjoying full civic rights (128).

Gans and I also think that Israel has a duty to take in refugees and persecuted people. Israel, the state of the Jewish people who suffered throughout the ages from prejudice and persecution, should be attentive to the cries of people who now find themselves in a similar predicament. Learning from history, Israel need not turn a blind eye to the plight of people. One of the very first decisions made by Prime Minister Menachem Begin after he came to power in 1977 was to admit Vietnamese refugees and to grant them Israeli citizenship, comparing their situation to the plight of Jewish refugees seeking a haven during the Holocaust. Between 1977 and 1979, Israel welcomed over three hundred Vietnamese refugees.⁹ Some 19,000 asylum seekers are presently in Israel. The largest groups are from Eritrea (9,000), Sudan (7,000) and Congo (300).¹⁰ They should be able to lead their lives as free people in society, contributing to its economic prosperity and vitality.

V. State Symbols and Languages

Israel reinforces Jewish hegemony through the design of state symbols. Only Jewish themes and people are represented in names of governmental institutions, in the design of the national flag, and in the words of the national anthem. This, Gans argues, cannot be justified (138). I agree wholeheartedly. I have previously observed that the Israeli national anthem explicitly ignores the multicultural and multinational character of the state, arguing that a state anthem should represent *all* people in a nation, not just the majority of the people. We should learn from the lessons of other democracies that were bold enough to change their respective anthems in order to represent all factions of their populations (most notably South Africa, the ‘rainbow’ nation, after 1994). Israel need not necessarily adopt a different anthem. It may simply change a few words: instead of ‘Zion’ to speak of ‘Israel’ or ‘our land’; instead of a ‘Jew’ to speak of a ‘person’ or ‘citizen’. Such accommodations would make Israel a more democratic society. Symbols are important in the life of a nation (Cohen-Almagor 2005, 265). Furthermore, the government needs to afford Arab citizens the opportunity to express their Arab culture and allocate the necessary resources for this purpose.

Arabic is one of the two official languages of the State of Israel. Therefore it should enjoy a dominant status and have the importance it deserves. Gans argues that the right to self-determination does not require that the language of those enjoying linguistic predominance in some geographical areas necessarily be the main language of the entire state (143); nor should it be the only language. I have argued that Hebrew *and* Arabic should be taught at every primary and high school in addition to English. Language is a key factor in creating bridges between people – Israeli Jews and Israeli Palestinians (also called Israeli-Arabs), and between Jews and Arabs in general. Sign-posts should be written in Hebrew and in Arabic.¹¹

VI. Arab Discrimination

Maintaining a Jewish majority and facilitating security do not justify systematic discrimination in all spheres of life. As Gans correctly and emphatically notes, equal budgetary allocation per capita should be granted for the education of Jews and for the education of Israeli-Arabs. Similarly, the provision of funds per capita for religious services for Jews and Arabs should be guided by egalitarian principles (139). I agree with Gans that discrimination against Arabs is present in Israel in many contexts, and it is reprehensible and unwarranted. Arabs should be equal to Jews *qua* being Israeli citizens. All Israeli citizens should be equal before the law, regardless of national affiliation, religious beliefs and political stands, formally as well as practically.

The present situation in Israel can be described by the distinction between *formal citizenship* and *full citizenship*. The notion of citizenship is commonly perceived as an institutional status – all who possess the status are equal with respect to the rights and duties

with which the status is endowed. Israeli-Jews enjoy full citizenship, meaning they are entitled to equal treatment under law. The situation is different with regard to the Israeli-Palestinians who comprise about 20 percent of the population. The Israeli-Palestinians do not in practice enjoy the same rights. They have to live with limitations on their freedoms, which the Jewish majority does not bear. For example, Israeli-Palestinians pay more income tax than Jews because they cannot enjoy discounts given to those who serve in the army. Arabs will have more difficulties than Jews in obtaining licences for extending their homes, or for building new ones. They face difficulties in buying or even renting a flat in a Jewish neighbourhood. The budgets of Arab municipalities stand in no comparison to those of Jewish municipalities. Consequently, the infrastructure of Arab villages and towns is substandard. There are not enough classrooms in Arab towns and villages. Arabs who graduate find it difficult to get a job in government offices. In addition, being a Palestinian-Arab in many cases 'guarantees' that a worker's salary will be lower than that of a Jew who is doing the same work (Cohen-Almagor 1991; Haider 2009; Yakobson and Rubinstein 2010; Nahshoni 2010; Lubell 2010; Cashman 2010,).

Israel's Declaration of Independence affirms that Israel will foster the development of the country for the benefit of all its inhabitants; that it will be based on the foundations of liberty, justice and peace; that it will ensure complete equality of social and political rights to all of its citizens irrespective of religion, race or sex, and that it will guarantee freedom of religion, conscience, language, education and culture.¹² However, there is a substantive gap between the rhetoric and the practice. The moral objectives of this Declaration should be made manifest so that there is true equality among all Israelis. People are morally equal to others.

VII. A Two-State Solution

Gans proposes the formation of two states that live side by side: A Jewish-Zionist state, Israel, and a Palestinian state in the West Bank and Gaza. Gans argues that a Palestinian state in which Arabs enjoy self-determination would solve the problem of inequality in the normative status of Jews and Palestinians in the global realm, and would reduce the number of Palestinians living under unjust conditions (79). Indeed, the existing occupation of the West Bank is evil. All people are born free, wish to lead our lives free, and enjoy the marvels of life with autonomy and self-determination.

I believe that if there is a will, there is a way. Both Israelis and Palestinians need to understand that peace is a precious commodity and therefore be prepared to pay a high price for its achievement. Both sides should reach a solution that is agreeable to both, not only to one of the sides. The peace deal should be attractive to Israelis and Palestinians equally. It cannot be one sided, enforced or coerced. Like Gans, I think that of all the possible solutions presently on the table, a two-state solution is the most viable (Bhaduri 2007). Gans did not provide a detailed plan as to how to resolve the contentious issues. I believe that good starting points are the Clinton parameters¹³ and the Geneva Accord.¹⁴ Both documents lay the foundations for resolving the conflict:

Borders – Israel will withdraw to the Green Line, evacuating settlements and resettling the settlers in other parts of the country. Major settlement blocs may be annexed to Israel upon reaching an agreement with the PA of territory exchange that will be equal in size. At the Taba talks, the Palestinians presented a map in which Israel would annex 3.1 percent of the West Bank and transfer to the PA other territory of the same size (Beilin 2004, 239). Yossi Beilin said that they were willing to concede Israeli annexation of three settlement blocs of at least 4 percent of the West Bank (Beilin 2004, 246).

Territorial contiguity – a major elevated highway will connect the West Bank with the Gaza Strip to allow safe and free passage. The road will be solely Palestinian. No Israeli checkpoints will be there.

Security – Palestinian sovereignty should be respected as much as possible. Check points will be dismantled. Only the most necessary will remain, subject to review and necessity. The Palestinian state will be non-militarized. This issue was agreed upon in 1995. Also agreed upon were joint Israeli-Palestinian patrols along the Jordan River, and the establishment of a permanent international observer force to ensure the implementation of the agreed security arrangements (Beilin 2004, 169).

Jerusalem – What is Palestinian will come under the territory of the new capital Al Kuds. What is Jewish will remain under Israeli sovereignty.

Haram al-Sharif – Palestine will be granted extraterritorial sovereignty over the site under Waqf administration. Jews will enjoy right of access.

Water – Israel and Palestine should seek a fair solution that would not infringe on any of the sides and will ensure that the Palestinian people will have the required water supply for sustenance and growth.

Terrorism and violence – Both sides will work together to curb terrorism and violence. There is zero sum game between terror and peace. Both sides will ensure that their citizens on both sides of the border reside in peace and tranquillity.

Incitement – Both sides will overhaul their education curricula, excluding incitement, racism, bigotry and hate against one another. The curricula should reflect the language of peace, tolerance and liberty (Cohen-Almagor 2006).

Prisoner exchange – As an act of good will, and part of the trust-building process, Israel will release a number of agreed upon prisoners. In return, Gilad Shalit and other Israeli prisoners (if any) will return home. With time, as trust will grow between the two sides, all security prisoners will return home.¹⁵

Right of return – the 1948 Palestinian refugees will be able to settle in Palestine. Israel will recognize the Nakba and compensate the refugees for the suffering inflicted on them. No refugees will be allowed to return to Israel. This dream should be abandoned as it might bring about the end of Zionism.¹⁶ At the same time, an agreed upon number of Palestinians who reside in different corners of the world will be welcomed to unite with their families in Israel.

Gans opposes a mass Palestinian return to Israel and supports the pre-1967 borders as the basis for negotiation (84-84). Here he represents the prevalent view of the Israeli left. Gans does not endorse the radical left position, which speaks of the 1948 borders, or of the one state solution that would eventually bring about the end of the Jewish state. He opposes the one state solution because it does not fit the Zionist cultural narrative of

REACTION & DEBATE

people returning to the only land in which they could preserve their Jewish identity. Gans deems the 1948 border solution impractical, making his Israeli bias noticeable. Palestinian readers will be disappointed if they expected him to at least debate the issue. I should clarify that I do not endorse the 1948 border, but I think Gans should have explained why returning to those borders is not a solution.

I asked Gans whether the book is an affirmation of his own political agenda. Gans answered that the writing of the book led him to change some of his views, for instance about whether the Palestinians were justified in resisting every component of Zionism, not just the gross evils which Zionism has committed. Writing the book also made the details of the big principles sharper and clearer to him. It augmented his support for priorities for Jews in immigration to Israel and at the same time his opposition to the Law of Return as it is now phrased. Writing the book elucidated the distinction between the justified discrimination embodied in the Law of Return and the unjustified discrimination embodied in the prohibition of Palestinian family unification. There was a constant ping-pong between his well-established views on the Israeli-Palestinian conflict and the dissonance sparked by probing of the many facets of contention, which led him to re-think and reshape his views.

VI. Conclusion

A Just Zionism is a compelling book. The reader cannot remain complacent in the face of Gans's arguments. The book will aggravate many people. People on the Israeli right will not like it. Many Palestinians will not welcome Gans's proposed solution, because it offers less than they desire. Many readers might find Gans's arguments much too general, regardless of their own points of view. I asked Gans about this and his answer was that he tried to provide an overview of the major historical components of the conflict rather than getting bogged down in contested details. Indeed, the book is not written as historical text. It is philosophical with a practical political agenda.

Zionism is an ongoing process. The concept has found many manifestations, in Israel and in the Diaspora. For many Jews, one need not reside in Israel to be identified as a Zionist. It suffices to identify with the goals of Zionism, the establishment of a Jewish state in Israel and support of its existence. Some donate money for this cause. Others speak, lecture, and advance the Zionist cause via the media.

Zionism has remained contested. Hamas does not recognize the Zionist venture. It wishes to eradicate Israel from the map and to establish Palestine at its expense. Leaders of a major Islamic nation, Iran, voice the same desires. Two of Israel's neighbours, Syria and Lebanon, are in a state of war with the Jewish state and contest its borders. For more than sixty years since its establishment, Israel has withstood many challenges and overcame sturdy opposition. To be successful, Zionism must find a way to integrate into the Middle East and to garner acceptance especially among the nations surrounding Israel.

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REACTION & DEBATE

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NOTES

1. All references in parentheses are to Gans's book *A Just Zionism* (2008). I thank Chaim Gans for comments on an earlier draft and the referees of *Ethical Perspectives* for their constructive criticism. I am also grateful to Lester Grabbe, Ann Bartow and Alan Roth for their kind assistance.
2. David Ben-Gurion, "The Imperatives of the Jewish Revolution", http://zionism-israel.com/hdoc/Ben-Gurion_Jewish_revolution.htm.
3. In his comments, Gans clarifies: "My discussion is in the realm of public law and political theory, concerning group-acts done for achieving political goal, not in private law and private morality, concerning individual transactions. Individual private transactions cannot serve as justification for a group's political goals. The same applies to the individual rights claims of the Palestinian refugees. They evade the political issue."
4. Jewish National Fund, *Our History*, at <http://www.jnf.org/about-jnf/history/>. See also Tuten (2005).
5. See also "Introduction to Pyramids." *National Geographic*, at <http://www.nationalgeographic.com/pyramids/pyramids.html>.
6. In his comments, Gans writes: "I don't think the concept of perfectionism is applicable here. Perfectionism is a version of liberalism, where the Jewish state is not neutral because it advances a particular conception of the good, namely, the good for the Jewish people, but this doesn't mean that it is perfectionist. In fact, it is not. In other words, not every non-neutral liberalism is perfectionist. If Israel is at all liberal, than it is nationalist liberalism, not perfectionist liberalism". For my part, I think Israel has exhibited a conflicted blend of Jewish-religious elements and liberal-democratic principles which make it a perfectionist form of liberal democracy. On the concept of perfectionism and how it is distinguished from neutrality, see Cohen-Almagor (1994); De Marneffe (1990); Kymlicka (1989); Raz (1988); Schwartz (1973); Sher (1997); Klosko (2003); Nussbaum (2011).
7. Law of Return 5710-1950, http://www.mfa.gov.il/MFA/MFAArchive/1950_1959/Law%20of%20Return%205710-1950.
8. Some exceptions were made, denying some Jews entry to Israel. A famous case at hand is the refusal to grant Meyer Lansky, associated with the American mafia, permanent citizenship. It was argued that Lansky was a person with a criminal past and was likely to endanger public welfare. His application for Israeli citizenship was denied. And after the assassination of Prime

REACTION & DEBATE

Minister Yitzhak Rabin on November 4th 1995, the then Minister of the Interior Ehud Barak issued orders preventing the entrance of nine American Jews who were affiliated to the Kahanist movements in the United States. This measure was taken out of fear that they might work to undermine law and order and might pose a threat to state security. See Cohen-Almagor (1997).

9. Naomi Scheinerman, "Vietnamese Boat People in Israel", *Jewish Virtual Library*, <http://www.jewishvirtuallibrary.org/jsource/Immigration/VietBoatPeople.html>.

10. The Hotline for Migrant Workers: A Decade of Activism for Migrants' Rights, http://www.hotline.org.il/english/pdf/Press_Release_Decade_Report_%20Eng.pdf

11. Key sign-posts should be written also in English (as now is the case) for tourists who make Israel a 'must see' in their travels. See Cohen-Almagor (2005, 265) and Cohen-Almagor (2008).

12. Israel's Declaration of Independence, <http://www.mfa.gov.il/MFA/Peace%20Process/Guide%20to%20the%20Peace%20Process/Declaration%20of%20Establishment%20of%20State%20of%20Israel>. For further discussion, see Basic Law: Human Dignity and Liberty; Shamgar (2005).

13. The Clinton Parameters, http://www.peacelobby.org/clinton_parameters.htm.

14. The Geneva Accord, <http://www.geneva-accord.org/mainmenu/english>.

15. Gilad Shalit has since been released in a prisoner exchange on October 18th 2011 (ed.)

16. Today, more than 4.2 million Palestinian refugees are dispersed across areas of the Middle East in which their forefathers originally took refuge, with others dispersed across the world. See The UN Refugee Agency, <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=4444afcb0&query=palestinian%20refugee%20number>

When Moral Philosophy Looks at the Jewish State: Reflections on Gans's A Just Zionism

Said Zeedani

I. Introduction

In his book *A Just Zionism: On the Morality of the Jewish State* (2008), Chaim Gans attempts to provide moral justification for Zionism as realized by the State of Israel. Needless to say, his main task is not to morally justify the policies and practices of the successive Israeli governments since 1948. It is rather to provide moral justification for the creation of Israel as well as for its characterization or definition as a Jewish and democratic State, that is, as an ethno-cultural, non-liberal state. The justification for establishing the State of Israel rests on the combined logical force of two arguments: the argument from historical rights and the argument from defence necessity. It is argued, first, that Jews have a (historical) right of return to the Land of the Bible, the land they abandoned, were expelled from, or were forced to leave, two thousand years ago. It is argued, second, that the horrors of the Holocaust made it imperative or necessary to create a state for the Jews

in which they can be free, express and sustain their cultural/national identity, and, above all, defend themselves. And given the enormous price Palestinians have to pay for the realization of the Zionist idea and project, it is argued that the justice of Zionism, or the establishment of a Jewish state in Palestine, requires the end of the prolonged occupation of Gaza and the West Bank (recognized as evil), the establishment of a Palestinian State alongside Israel, and reducing to the bare minimum the legal and non-legal discrimination against the Palestinians inside Israel.¹

II. Historical Rights

I do not wish to get into the thick of arguments and counter-arguments about whether Jews have a historical right of return to the Holy Land, the Land of the Bible or Mandatory Palestine (what is the correct label?). I do grant, however, that Jews have attachments to this land or to special parts of it (mainly Jerusalem). But the thing to remember in this regard is the following: nobody prevented Jews from returning or settling in the Land of Palestine, or for that matter, from returning to Jerusalem and settling there, throughout the centuries. It is true that they always dreamed about Jerusalem, which always figured in their prayers. But this has or had to do more with religious ritual and yearning for the sacred place than with national aspiration or national projects. Prior to the rise of Zionism, they never entertained the idea of returning to the place and creating a state or a homeland there. And when the Jews, together with the Arabs, were expelled from Spain toward the end of the 15th century, Palestine or Jerusalem was not their desired destination. Besides, Jews used to reside in large numbers in Egypt, Iraq, Syria and other countries neighbouring to Palestine, but they never flocked into Jerusalem that had been within easy reach. Even those Jews who continued to reside in Palestine (in Jerusalem, Hebron, Safed and Tiberius) never entertained the idea of a Jewish kingdom or state or anything of the sort. In the light of all of this, it is reasonable to conclude that it is not the supposed historical rights that provided the motivation for the waves of immigration to Palestine since the 1880s.² It is only when the political decision to create a Jewish homeland or state was taken that the issue of historical rights began to play an important mobilizing role.

The political decision to create a Jewish state or homeland for the Jews in Palestine was taken against the background of anti-Semitism in Central and Eastern Europe, associated with the rise of ethnic nationalism. It is this version of nationalism (as opposed to citizenship nationalism) and its adverse effects on ethnic minorities such as the Jews that is responsible for the rise of Zionism as well as for the orientation to create a similar state for the Jews, newly defined as a national group. With the rise of Nazism in Germany, and with the inexpressible horrors of the Holocaust, Zionism acquired the needed legitimacy and credibility. Add to this that the decision to create a Jewish State in Palestine was taken prior to the Holocaust and its horrors. The Holocaust accounts mainly for the urgency of, and the international support for, the Zionist idea and project.

REACTION & DEBATE

I am reminding us of the above piece of historical background in order to emphasize the following point: historical rights, or what I prefer to call religious/cultural attachments to the place, were at the service of nationalism, itself a 19th century phenomenon. In response to the creation of the nation states in Europe, and against the background of discrimination against them, the Jews in Europe started to think of themselves as a distinct nation, and as such they need, or are entitled to a state of their own. History, religion and culture (the mix of facts and myths) made Palestine the country where the project was to be implemented. I am saying all of this in order to minimize the role of historical rights in providing moral justification for the creation of a Jewish state in Palestine, in the image of the nation states in Central and Eastern Europe. If there is moral justification for such a project, it is to be sought mainly in the argument from defence necessity.

III. The Argument from Defence Necessity

Jews were only able to extricate themselves from vulnerability to anti-Semitism, which culminated in the horrors of the Holocaust during World War II, by establishing their own nation state in Palestine. In such a state, in which they are the dominant majority, they can freely practice their religion, revive and speak their own language, sustain their own culture, and cultivate their own land, without apology and without fear and trembling. In such a state they can, above all, defend themselves from external threats with their own army. Such a state is the only cure for this bleeding nation. This is, in essence, Gans's second argument for the moral justification of the creation of a Jewish State in Palestine. The Jews badly needed the medication, and Palestine is the pharmacy! (This is the moral import of Gans's famous pharmacy analogy). In moral terms, Jews were justified in establishing an ethno-cultural state in Palestine, even given the enormous costs to the indigenous Palestinians in terms of frustrating their self-determination, displacement and expulsion, dispossession, occupation of the West Bank and Gaza, pervasive discrimination against the Palestinian citizens of Israel, and all the related suffering. Conversely, Palestinian resistance to the Zionist project, according to Gans, is also morally justified.

I have two kinds of responses to this challenging moral position: (i) It is simply not true that the creation of a Jewish state in Palestine is the only cure to the maladies of the Jews. First, Jews in the Arab World were not part of the Zionist scheme. Second, so many Jews in Europe were more committed to Marxism/ socialism than to Zionism. Third, so many Jews opted for immigration to Canada and the U.S.A., and to other liberal democracies. Even today, almost half the Jews in the world reside outside Israel. Add to this, some Jews who immigrated to Palestine were in favour of creating a secular bi-national state, rather than a Jewish State. Hence, it is factually not true that the creation a Jewish state was for the majority of Jews the only remedy or medication. This is the preferred Zionist solution to the Jewish Question. (ii) Isn't it the case that Gans is trying to morally justify too much? Had the political decision of Zionists been to create a Jewish state on Mars, nobody would have objected on moral grounds. The question of cost(s), I believe,

should be taken more seriously. It is a crucial one. And the total cost for the Palestinians has been simply indescribable. Even if the defence necessity is granted, the question remains: is it morally permissible to do anything in self-defence? Are there no limits? I personally think there are. More about this in the example below.

IV. Sandal's Runaway Trolley

In his book *Justice: What's the Right Thing to Do?* (2009), Michael Sandel reflects, and invites the reader to reflect, on what justice requires, on what is the right thing to do, in the case of a runaway trolley, when the brakes do not work, and when the choice facing the driver is between killing five workers standing on the track or killing only one worker on the side track, off to the right. According to another version of the trolley story, you can save the five workers standing on the track only if you push a very heavy man, standing next to you on the bridge, onto the track, into the path of the oncoming trolley. The heavy man would die, but the five workers would be saved (Sandel 2009, 21-24). If you are a utilitarian, then you are committed to the principle that we should save as many lives as possible, and that killing the one in order to save the five is therefore morally justified. But if you are a Kantian, then you are committed to a different moral principle: that it is wrong to intentionally kill an innocent person, even for such a good cause as saving the five workers.

I take it that any champion or advocate of Kantian ethics would reject any attempt to issue a moral certificate to Zionism, given the atrocities committed against the innocent Palestinians in 1948 and after. How can Zionism be just, if realizing the goal of a Jewish state meant the displacement, expulsion and dispossession of more than 700000 Palestinians (more than the number of Jews in Palestine in 1948)?³ Gans grants, to his credit, that Palestinian resistance to the Zionist project is also morally justified. But the real question is whether Zionism is morally justified, as he contends. Zionism does not fare much better, I think, from the perspective of utilitarianism. Is it morally justified, on utilitarian ethical grounds, to realize the goals of Zionism, given the enormous amount harm to such a large number of innocent Palestinians? I doubt whether committed exponents of utilitarianism would lend any moral support to Zionism. I sincerely wonder whether any serious moral theory would provide moral justification to the Zionist project, if we get the facts right. And the facts about the harm and the injustice to the Palestinians much exceed the expulsion and dispossession of this large number of people. To conclude: neither the argument from historical rights nor the argument from defence necessity, nor a combination of both, succeeds in establishing the justice of Zionism. This, of course, is not to deny that Zionism or better, the Jews of Europe and elsewhere, have had a moral case. But it is a case more addressed to Europe in particular, and to the international community in general, than to the Palestinians, the victims of the realization of the Zionist project, and as such they retain their moral superiority. To say the least, judgments about the justice of Zionism should be suspended until the injustices faced by the Palestinians, its victims, are properly addressed. In its drive to save Jews and safeguard their human rights, Zionism is responsible for the

most egregious human rights violations. Justice cannot be one of the prime virtues of Zionism or its enthusiastic supporters, old or new.

V. Ethnic Nationalism versus Citizenship Nationalism

Let us focus in the meantime on the predicament of the Palestinian citizens (or semi-citizens) of the State of Israel, defined and defended as a Jewish and democratic state. These Palestinians account for almost 20% of the population of the State, more than 15% of them are internally displaced. These internally displaced people are defined by Israeli law as present absentees: present for all purposes except for the right to return to their demolished villages and to reclaim their confiscated lands. More generally, Palestinians in Israel have suffered, and are still suffering from discrimination that pervades all spheres of allocation of what Michael Walzer call “socially meaningful goods” (1983).⁴ They suffer from discrimination in the spheres of water and land allocation, education, health, budget allocation to local authorities, religion, honour, employment and office, opportunity and political power. They are not considered as legitimate partners in any Israeli coalition government, though they have and exercise the rights to vote, to run for office and to form political parties. They have been in the opposition since 1949! At times they are regarded as a security threat, at other times they are considered a demographic threat, at all times they are treated as the undesirable others, as thorns in the flesh of an otherwise Jewish Israel.

As a democracy, Israel is committed to treat all its citizens equally, or as Ronald Dworkin puts it, with equal consideration and respect. This is regardless of race, religion, language and colour. But as a Jewish state Israel is committed to something else. It is committed, among other things, to the following:

- (i) to give priority to Jews over non-Jews who are citizens of the State;
- (ii) to exclude non-Jews from taking part in major or momentous decisions which affect the nature, the future, or the order of priorities of the State;
- (iii) to maintain official and semi-official institutions (e.g. Israel National Fund and the Jewish Agency) that provide services to Israeli Jews exclusively;
- (iv) to the almost total exclusion of non-Jews from the military and security apparatus;
- (v) to a Law of Return that applies only to Jews. It is one of the defining features of the State. Together with the associated Law of Citizenship (1952), any Jew from anywhere who immigrates to Israel is guaranteed automatic citizenship, without any process of naturalization. Israel is open to all world Jews, while it is closed to all non-Jews (Palestinian refugees in the first place).
- (vi) to the maintenance of Jewish state symbols.

Add to the list the latent discrimination practiced by society and state officials. This non-legal discrimination can be more detrimental to the interests of the Palestinians in Israel.

The short of the matter is this: two sets of competing and conflicting commitments flow almost directly from the normative definition of Israel as a Jewish state. And the

practices and policies of the successive Israeli governments reflect this. It is no accident, therefore, that the Palestinians in Israel have been, and still are, condemned to the inferior status of second class citizens. That is to say, they are more than permanent residents (or metics, in the parlance of the ancient Athenians), but less than equal citizens, more than tenants, but less than the landlords. The basic democratic principle of single and uniform citizenship does not apply to Jews and non-Jews alike.

Israel is a democratic state that does not even pretend to be neutral between its citizens, not to mention neutrality as far as the competing reasonable conceptions of the good are concerned (John Rawls). From the perspective of the Palestinians in Israel (the victims of discrimination), the State is more an ethnic than liberal democracy; it is more of a national than a procedural republic. It is more of a purposive (perfectionist?) state than a neutral state. It is more of an ethnic democracy or ethnocracy than democracy (in the language of Yiftachel).⁵ The basic structures of the State, as well as its policies, practices and symbols, manifest all of this without ambiguity or equivocation. From the perspective of John Rawls theory of justice, these basic structures are simply unjust. Pervasive discrimination against the Palestinians in Israel is, and should be viewed as, the necessary by-product of this unholy marriage between Zionism (Jewish nationalism) and democracy in the State of Israel. Needless to say that the magnitude of the manifest and latent discrimination by the State and society against the Palestinian citizens in Israel is not consistent with the requirements of either justice or genuine democracy.

To his credit, Gans is not unaware of the evils of discrimination (which he deems unjust), and calls for their elimination. However, he not is willing to go all the way in this direction. He wants to retain the hegemony of Zionism in two important areas: security and the Law of Return. He wants to retain this without offering any compensatory measures (such as internal self-government arrangements). In other words, he is reluctant to give up the dominance or hegemony of the Jewish majority in these two areas. He is reluctant, that is to say, to replace ethnic nationalism with citizenship nationalism (Shlomo Sand). To put it bluntly, he is willing to improve the life conditions of the Palestinians in Israel without giving up the domination of the Jewish majority. The big question is whether this ethno-cultural nationalism can be more just, given the residual discrimination against an indigenous minority that accounts for no less than 20% of the citizenry. Improving life conditions or reducing the harms of discrimination is welcome, but it is much less than securing full equality in rights or results.

In short, as long as discriminatory structures and practices persist on this large scale, the morality of the Jewish state will remain flawed. Something is morally rotten in the ethnic nationalism of the State of Israel – the denial of equal membership in the political community for non-Jews and the abuses that result!

VI. Israel and Palestine

How can Zionism realized by the Jewish State be just while close to four million Palestinians have been living under ruthless Israeli occupation since 1967? How can it be just while

close to 1.5 million Palestinians have been suffering from pervasive discrimination since 1948? How can it be just while an equal number of Palestinians are still recognized as refugees, denied the right of return to their towns, villages and homes, and the right to reclaim their confiscated property? Finally, how can Zionism be just while the Palestinians are denied self-determination? Gans can and does argue that the justice of Zionism as realized by the Jewish State is conditional on (i) the creation of an independent Palestinian State beside Israel according to the Clinton parameters or the provisions of the Geneva Initiative or a similar agreed upon peace plan; and (ii) the adequate compensation for the lost property and related suffering. In other words, the two-state solution plus compensation for the refugees and the internally displaced. Palestinian refugees can then exercise the right of return, but only to the would-be Palestinian State (as no mass return to Israel is to be tolerated). In this way, with this 'truly' generous offer, Israel will gain on two scores: It will remain a Jewish state, and the justice of Zionism will be universally recognized and applauded.

VII. The Moral versus the Political

The political agenda of Gans should be clear enough by now. He is in favour of some version of the two-state solution to the Israel Palestine conflict. He is also in favour of a democratic and Jewish Israel. He is not against the return of the Palestinian refugees to the Palestinian State when it gets established by agreement. Additionally, he is in favour of an adequate compensation scheme for the property lost by the Palestinians in 1948 and after. Finally, he is committed to equality (both equal rights and equal resources) for the Palestinians in Israel to the extent that is compatible with the normative definition of Israel as a Jewish and democratic state. I have good reasons to believe that he is not even against declaring East or Arab Jerusalem as the capital of the would-be Palestinian State. This political agenda situates Gans, no doubt, in the centre/left of the political configuration in Israel. This is more or less the political agenda embraced by what came to be known as the Peace Camp in Jewish Israel, as well as by the international community at large. But in spite of his willingness to be accommodative to Palestinian rights and aspirations, his Israeli Jewish bias remains unmistakable.

Personally, I find Gans's political agenda especially attractive. But the nagging questions remain: can this political agenda be just? Can it be morally justified? Can Zionism as realized by Jewish Israel be morally justified if this political agenda is shared, adopted and implemented? If justice requires giving each person his or her due, does Gans's political agenda fulfill this requirement? I believe the answers should be in the negative, and for the following reasons: (i) In order to realize its major goal, Zionism committed atrocities and crimes against the Palestinians. These atrocities and crimes include the expulsion and dispossession of almost two thirds of the indigenous Palestinians. This is in addition to the demolition of more than 400 villages, the perpetration of a host of massacres (Deir Yasin is just one of them), and other grave human rights violations. Zionists literally occupied Palestinian homes in the cities, and cultivated lands and orchards privately own by Palestinian farmers who became refugees.

The suffering of Palestinians as a result is simply inexpressible. Add to all this the denial of self-determination to the Palestinians. In short, the Jewish State was born in an unpardonable sin. Creating a state in which the Jews can escape anti-Semitism and can defend themselves might be judged as a noble goal. But the methods used and the magnitude of the costs for the innocent Palestinians stand in the way of ascribing the term justice to the Zionist project and goal. In his attempt to morally justify the creation of the Jewish State, Gans tends to justify *too* much. (ii) It is one thing to say that the two-state solution for the century old Israel Palestine conflict is the most practicable. But it is another thing to say it is the just, or the more just solution. The fact that this kind of solution is endorsed by the international community of states does not make it moral or just. If justice requires giving each person his or her due, then Palestinians are entitled to much more than a Palestinian State based on the 1967 borders. To say that no mass return of Palestinians to their homes and their lands should be allowed is not to value justice as a prime virtue. I do not believe that maintaining and sustaining Israel as a Jewish State is defensible as an overriding moral consideration or rule. What Gans is offering and defending comes down to this: find a solution to the Palestine Question that does not significantly affect the Jewish character or the pre-1967 borders of Israel. The following ‘modest proposal’ might be more defensible on moral grounds: treat Palestinians and Israeli Jews as equal claimants to the whole country, equally entitled to live in peace, security and dignity, and then think about ways of dividing or sharing it on that basis. It is evidently clear that Gans’s Israeli bias blinds him to other, more just, solutions to the conflict. It is not clear to me, for instance, why the two-state solution is more just, or more justified on moral grounds, than the one bi-national democratic state. (iii) Imagine that a Palestinian State was established alongside and in peace with Jewish Israel. Imagine also that the Palestinian refugees got compensated and accommodated within the boundaries of the new State. Imagine, thirdly, that an agreement to end the conflict and all related claims was concluded and internationally sanctioned. Would that guarantee full equality to those indigenous Palestinians who are also citizens of the Jewish State of Israel? I doubt it. For full equality, not just formal equality, to be realized, the basic structures of the state need to be modified, and the definition of Israel as a Jewish State needs to be revised and revisited. The morality of the Jewish State cannot rest on the evils of discrimination against the minority of non-Jews (mainly Palestinians). (iv) The requirements of corrective justice should also be taken seriously. In a more than one century old conflict, many tears and much blood have been shed, unimaginable pain and suffering has been inflicted and endured, grievous sins have been committed, and tremendous harms have been incurred. Is it not the case that justice or morality requires addressing all of this?! Is it not the case that justice is also owed to the dead?

VIII. Conclusion

The achievements and successes of Zionism are striking. Zionism managed to create a Jewish State in Palestine. Within a relatively short period of time, Israel has emerged as a regional superpower, economically, politically and, of course, militarily. About half of the world Jewry opted to live and prosper in this new State. Israel is also a vibrant

REACTION & DEBATE

democracy, at least as far as Israeli Jews are concerned. In addition, the Jewish State has become a magnet for most Jews around the world. One can easily grant that Zionism is a real revolution. But given the magnitude of evil it inflicted, and continues to inflict, on the Palestinians, the morality of Zionism will remain flawed, to say the least.

Finally, it is my firm conviction that there is no just solution to the Israel Palestine conflict, if justice is defined as giving each person his or her due, and if Israel continues to insist on its Jewish character. Unless justice is held to be relative or amenable to degrees, the desired and desirable goal is simply not attainable. Instead, there are solutions that can satisfy the minimal basic demands and interests of the two competing and conflicting parties. The two-state solution as outlined and advocated by Gans is just one of them. Perhaps it is the most practicable under the circumstances, but its morality or justice is far from being evident.

NOTES

1. I am obliged to observe that I benefited a great deal from the contribution of Raphael Cohen-Almagor, especially his summary of Gans's arguments and the references to his earlier book, *The Limits of Nationalism* (Cambridge: Cambridge University Press, 2003).

2. I am ignoring here that the Jews who created Zionism and those who exercised the 'right of return' are not necessarily the descendants of those Jews who had lived in Palestine before or after the destruction of the Second Temple. For the proselytizing factor in Judaism, consult Shlomo Sand, *The Invention of the Jewish People* (London and New York: Verso, 2009). If Sand is right, then the Zionist argument from historical rights will become of marginal importance at best.

3. The story of the expulsion, or the ethnic cleansing, and dispossession of the Palestinians in 1947-1949 is well documented. See, for example, Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oxford: One World, 2006); Nur Masalha, *Expulsion of the Palestinians* (Washington: Institute for Palestine Studies, 1992); and, of course, Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947-1949* (Cambridge: Cambridge University Press, 1987).

4. Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic, 1983).

5. See Oren Yiftachel, *Ethnocracy: Land and Identity Politics in Israel/Palestine* (Philadelphia: Pennsylvania University Press, 2006).

Is Egalitarian Zionism Possible?

Chaim Gans

I. Justice, Stability, and *A Just Zionism*

My main goal in this response is to address the critical comments concerning *A Just Zionism* made by the participants in this discussion. However, I would first like to make clear why some of their comments about the book's contribution give me great satisfaction. The first

are statements by Bashir about the challenges the book poses to Palestinian nationalism. He complains that "... [besides] the often rehearsed views on the colonial and imperialist character of Zionism and the claim that the Jews do not qualify and constitute a national group – views that have been discussed and presented for decades –, there have been very few attempts to further explore and/or revisit these claims together with the considerable challenges that have emerged from the last 70 years of societal, cultural and political developments of the Jewish presence in historic Palestine." Bashir then adds that "... [the] engagement with the Jewish question and Jewish rights is not only a moral and normative requirement but also a pressing political necessity and thus the outstanding opportunity provided by Gans's *A Just Zionism* to engage in such a moral and political conversation" (627-628).

All this pleases me because it attests to a fundamental and desirable change in the discourse between Jews and Palestinians in Israel and Palestine. Moreover, it constitutes living proof for one of the observations made by Føllesdal and Perlmann, who link the Zionism of *A Just Zionism* with one of the important theses of John Rawls concerning the political role of justice, namely, its role as a source of stability (627).

Føllesdal and Perlmann rightly indicate that the general contours for the settlement of the Israeli-Palestinian conflict proposed in *A Just Zionism* are rather familiar. In general, this is the kind of solution of the dispute that we have been reading and hearing about in the news for the last 40 years: a two-state solution along the 1967 borders and equality among the Jews and the Arabs living in Israel. Yet it seems to me that Føllesdal and Perlmann are right in emphasizing that the book provides the Jews in Israel *principled reasons* for espousing this solution *that derive from the justice of Zionism itself*, unlike the reasons usually invoked for this solution in the current political discourse. These are mostly pragmatic reasons that are susceptible to change, depending on the particular political circumstances. There are two advantages to the intra-Zionist reasons proposed by the book for this general solution. Firstly, these intra-Zionist justifications facilitate a reasoned and informed transition to the more specific details of a desirable settlement, some of which are dealt with in the book. Secondly, as Føllesdal and Perlmann stress, these justifications allow this settlement to be "[...] [M]ore stable, closer to a game theoretical equilibrium, than a mere stalemate would provide" (628).

In a new book, *Three Zionisms and Post-Zionism: A Political Theory for the Jewish People*, which I have just finished writing, I attempt (among other things) to develop that last point more specifically. I do this by comparing the interpretation of Zionism proposed by *A Just Zionism* to the interpretations prevalent within mainstream Zionism, on the one hand, and to the post-Zionist critique of Zionism held by many Israeli intellectuals and academics on the other. In my new book, I show that the mainstream Jewish interpretations of Zionism imply a total denial of the possibility that Arab opposition to Zionism can be justified, while the conventional Arab justifications for opposing Zionism are based on a total denial of the possibility that Zionism can be justified. In contrast, I argue that my interpretation of Zionism in *A Just Zionism* makes it possible for Zionism to be considered just *despite* the fact that the Palestinian resistance to it is also justifiable, and not by denying the justifiability of the Palestinian resistance to it. It also enables the Palestinian opposition to Zionism to be justified *not by denying the justifiability of Zionism* but rather despite its justifiability. If this is correct, and if the interpretation of Zionism in *A Just Zionism* will become widely accepted, both

sides – the Jews and the Palestinians – will each be able to accept the justice of the other side’s position despite the clash between them. As Føllesdal and Perlmann stress following Rawls, a settlement based on mutual containment of the justice of the other party could be much more stable than a settlement based only on pragmatic considerations while totally denying the justice of the other party’s position (628).

The above thesis concerning the justifiability of both Zionism and the Palestinian resistance to it derives mainly from the *European responsibility for the Jewish-Palestinian conflict* due to the history of European persecution of the Jews. This persecution constitutes an essential component in the justification for the establishment of the State of Israel. According to *A Just Zionism*, the complete justification for establishing a Jewish political community in the Land of Israel/Palestine comprises three components: (i) the universal right to national self-determination, which applies to the case of the Jews just as it applies to all other nations; (ii) the role of historical ties between national groups and their homelands as a consideration for determining the geographic site where a nation’s right to self-determination should be realized; (iii) the persecution of the Jews in Europe. The first two components essentially belong to the theory of ideal global justice regulating the international distribution of national rights and the resources required for their realization: territory and political power. As I noted in *A Just Zionism*, since there are no legislative or judicial institutions for applying this ideal global justice in today’s world, as a rule, the realization of ideal global justice must be suspended. However, the persecution of the Jews in Europe provided the Jews with justification to nonetheless demand the realization of the requirements of ideal global justice in their particular case.

If my claim in *A Just Zionism* that the Jewish right to realize its self-determination in Palestine derives from ideal global justice among nations is correct, then the nations of the world are all responsible for the solution of the Jewish-Palestinian conflict. They are all subject to this ideal global justice and must therefore share its burdens. The fact that only the persecution of the Jews by the European nations ultimately justified lifting the suspension that must apply to ideal global justice, places a unique responsibility on these nations for the resolving the Jewish-Palestinian conflict. Føllesdal and Perlmann rightly stress this central component in my argument as well as the fact that the European nations have not paid sufficient attention to this responsibility of theirs. I hope that *A Just Zionism* and the current discussion will inspire European intellectuals to pay attention to this issue and will also motivate politicians to do so. I shall now address the critical remarks concerning *A Just Zionism* made by the participants of the present debate.

II. Justifying Zionism as a Whole: The Persecution of the Jews in Europe and the Need to Realize Jewish Nationhood in Palestine

The most crucial objection to my argument in *A Just Zionism* is the one rejecting the claim that the persecution of the Jews in Europe created a necessity that justified the realization of Jewish nationhood in Palestine. This criticism is directed at my account of the justifiability of Zionism as a whole and Zionism as a political idea, while, as we shall see

below, the other criticisms pertain to my account of particular moves of Zionism as a historical movement and the responsibility of the Jewish state for these moves. Føllesdal and Perlmann argue that if Jews did face any urgent necessity to immigrate to the Land of Israel in particular, then this was only the case from the 1920s, when the US and other western countries closed their borders to Jewish immigrants:

[...] during the period between 1880 and roughly 1920, a serious option existed for the Jews, namely to emigrate west. Zionist agitation to emigrate to Palestine cannot be justified by the extraordinary physical danger facing the Jews in those years. [...] So in the situation of the 1930s and 1940s, the calls for Jewish settlement can claim some limited justice, or mitigated injustice, of the type we accord to the wounded man who breaks into the pharmacy to get the drugs that will save him. But the analogy does not hold insofar as there was an open pharmacy down the block (629-630).

The statement quoted above makes several presuppositions. Firstly, Føllesdal and Perlmann presuppose that the protagonists of the necessity that supposedly justified the establishment of Jewish self-determination in Palestine are the individual Jews who lived in Europe in the years 1880-1945. Secondly, they presuppose that the danger faced by these Jews was to their physical existence. However, I did not make these assumptions. Had I made them, then Føllesdal and Perlmann's objections should have been even more radical. Firstly, it would be necessary to examine whether every individual Jew who immigrated to Palestine after 1920 did indeed face a necessity to do so. One must keep in mind that at least a portion of these Jews could, for example, have immigrated to Argentina, where the door was only closed to the Jews in 1930. And perhaps afterward, there were other places to which Jews could emigrate. Secondly, Føllesdal and Perlmann should have concluded that even if the very act of immigrating to Palestine after the 1920s was justified on the basis of the need of some Jews to save their lives, it did not justify their joining the Jewish community unjustly (according to Føllesdal and Perlmann) established by Zionism up to the 1920s. They should have integrated into the Arab majority just as the Jews who had immigrated to America became a part of the American majority. In Føllesdal and Perlmann's interpretation, the necessity argument does not provide the Jews any justification for establishing a distinct society for Jews in the Land of Israel and for demanding rights of self-rule for that Jewish society. Zionism is defined by the purpose of establishing a Jewish nation in the Land of Israel. Therefore, the immigration of Jews to the Land of Israel in order to integrate with the Arabs without establishing a separate Jewish society is not consistent with Zionism.

It seems to me that Føllesdal and Perlmann have misread several components of the necessity argument as presented in my book. Firstly, the main protagonists of the narrative invoked by the necessity argument are not only the individual Jews who lived in Europe between 1880 and 1945, which seems to be how Føllesdal and Perlman read the argument, but also Jews who would potentially have lived there from then on if Jewish national self-determination had not been established in Palestine. Secondly, Føllesdal and Perlmann seem to believe that only the years 1880-1945 are relevant to creating the urgent need for Jewish self-determination in Palestine. The years mentioned are indeed

central, but the historical period relevant to creating this necessity comprises Jewish history in Europe at least since the Crusades. Moreover, the experiences that created this necessity do not only comprise the persecution of the Jews in the years 1880-1945. They also comprise the fact that this persecution occurred after the seemingly promising periods of the Enlightenment and the emancipation of the Jews, and after the Jews' attempts to integrate into the European nations. Not one of these significant and seemingly promising historical developments succeeded in bringing an end to the very long European history of persecuting the Jews. Any persecution of the Jews occurring after 1880 thus acquires a particularly poignant significance in comparison to incidents of persecution preceding the emancipation. Thirdly, the necessity argument was invoked not only due to physical danger faced by the Jewish individuals living in Europe in 1880-1945, but essentially due to *the danger to their human dignity* as well as of the Jewish individuals expected to live in Europe and in every other location from then on in the foreseeable future.

In invoking the necessity argument as one of the three components for justifying Zionism in *A Just Zionism*, I intended to argue that the continuation of the persecution of the Jews in Europe even following the Enlightenment and their emancipation constituted a serious threat not only to their physical security, but also and particularly to their self-respect as Jewish individuals. The threat under consideration is one that at least in the years 1880-1945 could reasonably have been expected to continue as long as Jewish individuals were not given the choice to live within the framework of a community of their own, maintaining some ability to control their own fate.¹

The use I make of the necessity argument can be criticized in various ways. Firstly, it could be claimed that self-defence should only be invoked with regard to physical threats and never with regard to other threats, such as threats to one's dignity. Secondly, it could be objected that such arguments cannot justify damage to innocent bystanders – in this case the Arabs vis-à-vis the persecution of Jews in Europe – as opposed to holding the European attackers themselves liable. Thirdly, even if defending one's dignity could justify causing damage to innocent bystanders, we are still left with questions regarding the proportionality of the price that the Jews at the close of the nineteenth century and the first half of the twentieth century should have estimated they would exact from the Arabs so as to remove or minimize the threats perceived or anticipated to their self-respect in light of their persecutions in Europe.

The first criticism, namely that self-defence could only be used to protect physical existence and not the dignity of the person seems to me to be fallacious. Moreover, without the justifiability of sometimes defending our dignity and not merely our physical existence, it seems difficult to explain many moral intuitions pertaining to self-defence. Consider the example of the Jewish uprising in the Warsaw Ghetto in 1943. If the Jewish fighters' intention had only been to save their own lives, the uprising would not have been justified. The chances of saving the lives of most of the people living in the ghetto were close to nil, which could have been foreseen by the Jewish fighters. However, the very act of carrying out the uprising restored the dignity of the people living in the ghetto.²

The uprising in the Warsaw Ghetto was aimed against the Germans, who posed a significant threat to the lives and human dignity of the Jews in the Ghetto. Nonetheless, is it legitimate for a person whose human dignity is under attack to also try to defend it by means of exacting a price from innocent bystanders? This is in effect what Zionism did to the Arabs according to *A Just Zionism*. Here too I believe the answer to be positive. Our moral intuitions, as well as legal systems existing in many states, allow us to damage the property of our neighbours in order to save our own property. If rescuing property could justify damaging the property of bystanders, then there are certainly circumstances in which it is justified to so inflict damage on bystanders for the purpose of protecting one's human dignity.

The great difference between harming attackers and harming innocent bystanders for the purpose of self-defence is the extent of the injury permitted. Certainly, the harm that we are permitted to cause a burglar in protecting our property is much greater than the harm we are allowed to cause our innocent neighbours in defending ourselves against a burglar.³ This issue leads us to the issues concerning the proportionality of the price that the Jews could justifiably collect from the Arabs living in the Land of Israel for the purpose of establishing a communal framework in which they would be in control of their lives and their destiny. The answer to this question depends *inter alia* on the extent of the threats to their physical survival and dignity in the period between the end of the nineteenth century and the middle of the twentieth century, when the State of Israel was first established and began its development as a state. Obviously, the communal framework that Zionism sought to establish for the Jews in the Land of Israel at the time of the inception of Zionism at the expense of the Arabs could not have been very ambitious. At the end of the nineteenth century, they clearly had to be less ambitious than Zionism would justifiably aspire to be when the Nazis rose to power, not to mention during and after the Holocaust. Clearly, in the early stages of Zionism, some versions of the Zionist ideology were much more ambitious than justified by the situation at the time. Yet, there were, or at least could have been, other versions of Zionism, the realization of which would not have been totally disproportional in relation to the price that would have been exacted from the Arabs – for example, Ahad Ha'am's version of Zionism, and those of Brit Shalom and Ihud. Moreover, the Arabs began to react to the Zionist idea at the very moment when the Zionist political idea actually became a historical movement; their responses and the justifiability of these responses in light of the means used by the Zionist movement to realize its political ideals should have played a role in any estimates of the danger facing the lives of the Jews and their human dignity, which would have to be taken into consideration by Zionism as a political idea and as a historical movement in calculating the means justified for the protection of Jewish life and dignity.

The above discussion hints at several basic distinctions regarding the issue of the justice of Zionism: a distinction between the justice of Zionism as a political theory for the Jewish people and the justice of Zionism as a historical movement; a distinction between the justifiability of its political ideas and aspirations in different periods of time; a distinction between the justification of these ideas and aspirations and the justifiability of

the steps it actually took in different periods of time in order to implement these ideas or realize these aspirations; and a distinction between the justifiability of various historical versions of the Zionist idea (for example, those by Ahad Ha'am, Herzl, Borochof, and Kahana's version).

The distinction between the justifiability of the Zionist idea in different periods on the one hand, and the justifiability of the steps historical Zionism took during those periods is especially important for the project I undertook in *A Just Zionism*. It is analogous to the well-known distinction between the justification of a practice versus the justification of specific acts undertaken within the framework of this practice (for example, the distinction between the question of justifying the very institution of taxation and the justification of specific tax laws; between justifying the institution of promising and justifying a particular promise; between justifying a particular war and justifying particular steps undertaken while conducting it). My argument in *A Just Zionism* is intended to justify the Zionist political idea, namely the idea of forming and maintaining Jewish self-determination in the Land of Israel. It is not aimed, however, at justifying all the different thinkers' versions of this idea, nor is it meant to justify all the measures the historical Zionist movement took in order to realize this political idea. Quite to the contrary, the justifications that I adduced for the Zionist idea are intended to produce a measure for criticizing the specific historical versions of the Zionist idea and for criticizing many of the steps taken by the Zionist movement and later by Israel in order to realize the goals of Zionism as a political idea.

III. The Justifiability of Specific Zionist Policies: Methodological Objections

Føllesdal and Perlmann criticize me for having devoted only a few lines to the excessively high price that the Palestinians paid for Zionism.⁴ Yet, they seem to have overlooked the fact that Chapters 3 to 5 of the book address the institutional, demographic, and territorial dimensions of Jewish self-determination in Israel as can be justified in light of the justifiability of Zionism as a whole (which is discussed in the first two chapters of the book). By dealing with the institutional, demographic, and territorial dimensions of Zionism as they follow from its principal justifications, sizable parts of chapters 3–5 are devoted to a critique of the unjust steps taken by historical Zionism and the State of Israel. These chapters discuss Zionism's and Israel's unjustifiable *territorial* steps (mainly the fact that Israel has not recognized the 1967 borders as well as Israel's settlement policies); Israel's unjustified *demographic* steps – mainly, but not only – the expulsion of the refugees of 1948; and the unjustified *institutional* steps undertaken by Israel – mainly its interpretation of the Jewish right to self-determination as a right to hegemony over the Palestinians.

Bashir raises important questions regarding the specific details of these discussions. He questions certain methodological aspects of my argument as well as many points regarding my discussion of the refugees' problem. As to methodology, Bashir says:

“Gans [...] admits that the justice of contemporary Zionism depends on other facts that relate to the specificities of historical contexts, the adequate behaviours and actions of the conflicting parties, and the repercussions of these historical facts and moral issues on the responsibilities of Arabs and Jews in historic Palestine. He goes on to insist that it is beyond his capacity to address all of these issues. Furthermore, he suggests in this context that we are morally obliged “not to address these many complex and often controversial points at the moment in order to focus on those main issues that have thus far prevented the resolution of the Israeli-Arab conflict” (6, n.8). This is a perplexing observation. So who determines what these main issues are and what their ranking and hierarchy of significance might be? (637)

Yet, is it really necessary that there will be someone to determine what the main issues of the conflict Zionism created are? Is it not obvious that questioning the justifiability of the Zionist ideology as a whole is more fundamental than questioning the justifiability of particular steps that the Zionist movement undertook throughout its history? And is it not clear that questioning the justifiability of Zionist steps and policies that have produced long lasting effects, such as the expulsion of the refugees in 1948 or the post-1967 settlement policy, is more important than questioning the responsibility for more local atrocities such as the massacre perpetrated by the Arabs against the Jews of Hebron in 1929 or the massacre the Jews perpetrated against the Arabs at Dir Yasin in 1948?

Bashir makes another point based on my description of my working assumptions in *A Just Zionism*. According to him, “[... Gans] admits that his analysis and theorization largely accepts the Zionist narrative as its basis” (634). Accordingly, he later raises the following objections:

[it] is unclear why one would accept the Zionist narrative and its premises as an uncontroversial starting point or a frame for developing a philosophical defence of the justice of Zionism. One might argue that it is precisely the excessive sensitivity and attention to Jewish rights, interests, memories, histories and specificities Gans is so keen to present and involve in his analysis and the underestimation and sometimes denial of Palestinian specificities, memories, histories and the still lived brutal experiences of discrimination, occupation and dispossession wrought to Palestinians by Zionism, its realization, and currently its hierarchical regime of citizenship and colonial policies and practices that contribute to perpetuating the conflict (637).

Yet, Bashir seems to have misread my statement in the introduction to the book, according to which I am accepting the Zionist narrative for the purpose of the arguments made in the book. I explicitly stated that the narrative in question was not the Zionist narrative *as a whole*, but rather *the Zionist narrative of pre-Zionist Jewish history* (for example, the Zionist claim regarding the forced exile of the Jews from the Land of Israel in ancient times, or the claim regarding the continuous Jewish attempts since antiquity to return to the Land of Israel). I explicitly excluded the *Zionist narrative of Zionist history*, that is, the history of what Zionism itself and the State of Israel have done.⁵ I actually did this throughout the book. The discus-

sion in *A Just Zionism* of the issue of the Palestinian refugees accepts the Palestinian narrative, namely, the claim that they became refugees mainly because they were expelled by the Jewish defence forces. The book does not accept the narrative of the Zionist establishment, according to which the Palestinian refugees fled of their own accord and at the behest of their own leadership, and not because they were driven out by the IDF. I certainly do not deny throughout the book that “[...] brutal experiences of discrimination, occupation and dispossession wrought to Palestinians by Zionism, its realization, and currently its hierarchical regime of citizenship” (637). Surely the book contains a criticism of Israeli policy in the territories conquered in 1967 and of Israel’s hierarchical regime of citizenship.

IV. The Injustices of Zionism: the Issue of the Palestinian Refugees

Another major criticism that Bashir makes against *A Just Zionism* and which takes up a relatively large portion of his comment is his objection to my arguments regarding the problem of the 1948 Palestinian refugees and my opposition to their mass return into the State of Israel. He makes various objections to my position on this issue. One of the points he makes is also made by Føllesdal and Perlmann. Bashir correctly describes the distinctions I make between three groups of potential returnees. Yet, he seems to have misread my arguments against the return of refugees belonging to each of these groups. The three groups of potential returnees are (i) returnees to places in Israel that are their places of origin and are today inhabited by Jewish individuals who are not responsible for the expulsion of refugees or their forebears; (ii) returnees to sites in Israel that are the places from which they originate and which are not inhabited today; and (iii) returnees to areas in Israel that are not their places of origin but are near these places.

Bashir criticizes my opposition to the return of refugees belonging to the first group, namely, returnees to their places of origin that are inhabited today by Jews who are not responsible for the refugees expulsion. He claims that my argument is based on too narrow a concept of responsibility. According to Bashir, the present Jewish inhabitants of the refugees’ sites of origin are politically responsible for the expulsion of the refugees both because they are members of the Jewish political group and because they now enjoy advantages resulting from this historical expulsion. I do not deny these arguments in my book. On the contrary, I accept them. As I mentioned above, my whole discussion of the refugee issue assumes Israeli responsibility for their problem. Accordingly, my main concern in the book was the issue of what the best way is to fulfil this responsibility. In cases in which the return of refugees would mean the expulsion of present inhabitants, my main reason for opposing it is the injustice that this would inflict on the current residents for acts for which they are not *personally* responsible.

The two other groups of potential returnees are distinct from the first group in that they are supposed to return to places uninhabited by other individuals. One such group of potential returnees comprises those whose places of origin are currently uninhabited. The other group comprises those who wish to return to currently uninhabited places that are

near their places of origin. I invoked two arguments against realizing Jewish responsibility regarding these two groups of refugees through their return to Israel. Firstly, I argued, the refugees' places of origin are their places of origin merely in the geographical sense. They are not places of origin in the sense that the returnees are likely to experience familiarity with them and with their environment. Secondly, since the culture in the Palestinian state is Arab and the main official language is Arabic, refugees living in the Palestinian state will be able to live in a culturally familiar environment, far more so than they would if they lived within the Jewish state. Bashir disagrees with my first claim, namely that the refugees' places of origin are original only in the geographic sense and that the nature of these places has completely changed. For example, he notes that many of the refugees have relatives in or nearby these sites, which could produce a sense of familiarity with these places.⁶ And as for my argument that the refugees' Palestinian-Arab culture would more easily be realized and expressed in the Palestinian state, Bashir denies this and notes that Israeli Palestinian writers, poets and artists have contributed to Palestinian culture much more than non-Israeli Palestinians.⁷

I have no doubt that Bashir's above observations weaken my arguments on these points to a certain extent. However, it seems to me that they are not *sufficient* to override my conclusion against realizing Jewish responsibility for the refugee problem through their mass return to Israel. Perhaps my arguments regarding the changed environment and the reduced possibility for realizing the refugees' culture within the State of Israel are too sweeping. Yet, this does not mean that these arguments are not sound and that they are insufficient. Even if it is correct that the Palestinian Israelis contributed more to Palestinian culture than Palestinians outside Israel, this pertains to contributions to what is often termed *high culture* – that is, literature, art, theatre, and so on. This notion of culture is irrelevant for the purpose of the current discussion. This is not the relevant notion of culture for the purposes of my argument. The relevant notion here is the notion of 'societal culture' or 'encompassing culture' (for example, Serbian culture, German culture, Thai culture and so on), on other words the cultures within which people grow up and which comprise language, practices and traditions in all spheres of life.⁸ Such cultures are important because they forge people's identities, and affect many different aspects of their lives and the way they see the world.⁹ My argument is that life within the framework of the Palestinian state, a state whose culture and language will be predominantly Arab, will provide the refugees with life in a much more familiar environment, more accessible than life in a Jewish state would be. This argument remains correct even if it is also correct that the contribution of Israeli Palestinians to Palestinian high culture is more significant than the contribution of Palestinians outside Israel to this culture. As for Bashir's argument that the refugees' places of origin have not changed to the point of their having become original only in the geographic sense, it would still be correct to argue that this environment has changed to a very great extent. In addition, owing to the geographical proximity between the Palestinian state and the Jewish state, any refugees who do not return to the Jewish state would not be completely cut off from the places that their families stem from, since the peace agreement between the two states would grant them free access to these places.

Nevertheless, it is important to stress that the arguments reviewed above, and to which Bashir's criticism is addressed, are arguments that must be read as a reinforcement of the main reason for objecting to a mass return of Palestinian refugees into Israel. This reason stems from the internal logic inherent in the solution to the Israeli-Palestinian conflict by means of establishing two states on the basis of the 1967 borders. The arguments for this solution are discussed in detail in the book, and mainly stem from the history of the Israeli-Palestinian conflict. The main principle of this solution is that *each one of the two groups be dominant* in one of these two states. Without the respective dominance of each group in its state, the two-state solution cannot claim any advantage over a single, bi-national state. Mass return of the refugees to the Jewish state would not allow the Jews cultural and political dominance in that state.

According to the arguments in my book, Palestinian dominance would be guaranteed in the Palestinian state through *exclusive Palestinian presence*. Due to various reasons specified in the book, the post-1967 settlers must be located within the boundaries of the Jewish state. However, in the Jewish state, Jewish dominance is *not* to be guaranteed by *exclusive Jewish demographic presence* since the Israeli Palestinians cannot be forced to move to the state that is principally Palestinian. They have been living within the State of Israel for over sixty years. In this long period, they have developed a sense of identity and a way of life that includes 'Israeliness' as a major component. Forcing them to move from their actual homes to the Palestinian state, or even including their places of residence in the Palestinian state against their will, would mean uprooting them from their Israeliness. In contrast, the refugees expelled in 1948 have not developed an Israeli identity. Therefore, not returning to Israel today would not uproot them from an identity and way of life to which they are currently accustomed. Preventing their return to their places of origin within the boundaries of Israel would not cause additional injustice to the gross injustice committed against them over sixty years ago. In their case, what is now of utmost urgency is to stop the ongoing suffering that their refugee life has involved for so many years and to compensate them for their suffering to date. There are alternative ways for doing this, beside their mass return to the Jewish state.

V. Purported Failings of Partiality in *A Just Zionism*

Bashir notes – and Føllesdal and Perlmann agree with him on this point – that by my taking a stance that opposes the mass return of refugees, not only am I diminishing the value of their ties with their places of origin, but I do so in a way which is inconsistent with the importance I attribute to the ties of the Jews with their historical homeland. In my book, I argue that the historical rights argument for the Jewish return to Palestine must be interpreted not in terms of their primacy (relative to the Palestinians) in the history of this territory, but in terms of the primacy of this territory in Jewish history and identity. I argue there that this fact – together with the universal principle according to which nations' right to self-determination should be realized in territories with which they have

historical and identity ties – is the basis for the Zionist choice of Palestine as the place for realizing the right of the Jews to national self-determination. Bashir believes that since the refugees have identity ties with territories inside Israel, this argument must therefore also support their return to their former homes in Israel. Føllesdal and Perlmann are even blunter on this issue. They feel that my discussion of the role of historical ties between the Jews and Palestine is “[...] one of the few contexts in which Gans perhaps fails to meet the requirement of treating each group’s cultural interests from the perspective of an objective just outsider” (644). Føllesdal and Perlmann are convinced that the argument about places having changed to the point of non-recognition and having become merely geographically identical with what were the original places of the relevant communities, an argument which I use so as to weaken the demand for Palestinian return, applies more forcefully to the changes that the Land of Israel has undergone since the Jews left it in antiquity. Bashir reinforces this point by describing at length the role that the memory of their places of origin plays among the Palestinian refugees. Yet, I believe that Føllesdal, Perlmann and Bashir have overlooked a pivotal point in my argument concerning the role of the formative ties between territories and collective identities of human individuals for the purpose of the collective rights of those individuals: this fundamental link is a basis for determining the specific *site* for the realization of the *collective* right of communities to national self-determination. Yet, this formative tie is not a basis for individuals’ rights to possess territories with which they have ties pertaining to their collective identity; neither can it be a basis for setting the territorial scope of the collective right to national self-determination. In *A Just Zionism*, one of the main points in my arguments against Jewish settlers wishing to live in places like Hebron and Bet El, which are important in Jewish biblical history because of their links to the Jewish Patriarchs, and one of the main points in my arguments against the Israeli refusal to cede Jewish sovereignty over all of Jerusalem, is that despite the centrality of these places to Jewish identity as a nation, these fundamental connections cannot be a *sufficient* basis for the group’s collective ownership over the territory. Neither can these connections be a sufficient basis to allow for the presence in those places of individuals for whom these places represent their identity. The formative historical tie which national Jewish identity has with the Land of Israel (and contrary to what Føllesdal and Perlmann assert – its landscape as reflected in the Bible and other literature from antiquity are the landscapes of large parts of it even now) is the basis for realizing the right of Jewish self-determination *in* the Land of Israel, not *over all* of the Land of Israel. And in the same manner, according to *A Just Zionism*, the fundamental connection that the Palestinians have with Palestine is a basis for realizing their right to national self-determination *in* Palestine, but not *over all* of Palestine. The same way that I am against the argument of the settlers who claim that because places such as Hebron, Bethlehem, and Bet El are much more central to biblical Jewish history than places such as Tel Aviv or Negba, the Jews ought not forgo life in these settlements, I am also opposed to the return of Palestinian refugees who originate in the Galilee, Jaffa or Lod to these places. According to *A Just Zionism*, the formative tie with territories serves to determine the geographic site for the realization of a

nation's right to self-determination. As mentioned above, it is not a reason for determining the territorial scope of this right. Nor is it a reason for choosing places of residence for individuals belonging to particular national groups. I therefore do not believe that I am being inconsistent and partial in the use I make of the formative ties between nations and their homelands for the purposes of the argument in *A Just Zionism*. On the contrary, in the case of both groups, the argument is that each of them needs to realize self-determination in Palestine/The Land of Israel, and the members of each one of them must relinquish optimal realization of their formative ties with it, namely living in this land and dominating all of it. The Jews must give up parts of Jerusalem, Hebron, and Bethlehem, while the Arabs must relinquish parts of Jerusalem, Jaffa, and the Galilee. I must note with satisfaction that the President of the Palestinian Authority, Mahmoud Abbas, who is himself a refugee from Safed in the Galilee, recently presented a position that reflects a similar interpretation of the role of formative ties between members of a nation and their homeland. "The Palestinian leadership," he said, "will never abandon the right of return [...] return to the soil of the homeland so as to put an end refugee life [...] I, upon my return to Ramallah or Nablus [which are not in Galilee], I have thereby set my foot on the soil of the homeland [despite my being a refugee from Safed in Galilee, and not from Nablus or Ramallah]." ¹⁰

Bashir identifies another problem of partiality in my thesis that "An independent Palestinian state where Palestinians enjoy self-determination, alongside a Jewish state, would solve the problem of inequality in the normative status of Arabs and Jews on the global level [...]" (639). He wonders "[...] which approach to justice (distributive or reparative or both combined) would grant the Jews 78% of historic Palestine and the Palestinian Arabs 22% of historic Palestine [...?]" (ibid). In speaking about a two-state solution as a solution to the inequality between Palestinians and Jews on the global level, I was referring to the inequality in their international standing. As long as Israel exists as a Jewish state without there being a Palestinian state alongside it, the Jews enjoy international standing while the Palestinians lack such status. The two-state solution would at least remedy this inequality, which Israel has created by defining itself as exclusively Jewish while preventing the establishment of a Palestinian state. This point is totally different from the issue raised by Bashir, that of realizing global justice in the distribution of the territories of the earth among the nations in general and the distribution of historical Palestine between Jews and Arabs in particular.

I discuss the possibility for distributive justice on the territorial issue in the book (95–96) so as to argue (following great luminaries such as Thomas Hobbes, John Rawls and many others) that even if it is possible to determine general principles for global distributive justice, there is no reason to have recourse to them in order to solve actual territorial disputes among nations today, as long as the world does not have institutions that would interpret, apply and enforce these principles. I argue there that that being the case there is a moral duty on the parties to territorial disputes to try to solve their conflicts in order to avoid the continuation of bloodshed. The territorial division between Jews and Arabs must be based on the 1967 borders in view of the international recognition of these borders. I do not claim that these borders are just because they follow from global

distributive justice pertaining to territorial rights.

Let me also say something, however, about the substance of Bashir's complaint, namely that the division of historical Palestine on the basis of the 1967 borders grants a disproportionately large part of this land to the Jews and a disproportionately small part to the Arabs. One must note that the Palestinian state, at least according to the proposals made in *A Just Zionism*, is *only* Palestinian. The Jewish state, on the other hand, is just *mainly*, but not exclusively, Jewish. This is so because twenty percent of the Israeli population are Palestinians to whom Israel must grant collective rights for sub-state self-determination within its framework. This fact could be a basis for conducting a sort of settling accounts with Bashir: since 78% of the historical Palestine that will constitute the Jewish state according to my proposal would comprise of 80% Jews and 20% Arabs, while the Palestinian state would comprise of 100% Palestinians, the gap is not actually 78% versus 22%, but 62% versus 38%. Moreover, the very Palestinian demographic exclusivity in the Palestinian state makes this state immune to ethno-demographic changes while the only 80% Jews in Israel do not enjoy such immunity. 20% Arabs in the Jewish state could increase through natural growth (and family unification) into much more than 20%, while the 0% rate of the Jews in the Palestinian state could increase through natural growth only to 0%. That being the case, perhaps even the proportion 62% versus 38% does not express the entire truth. And we could mention further factors that are relevant for the present discussion, such as the ethno-cultural kinship of the expected inhabitants of the Palestinian state with its neighbouring countries in a way that provides the state and its citizens a hinterland of culture and solidarity of which the state that is mainly Jewish cannot even dream of. Perhaps it is also worth adding these facts to the equation for measuring equality between these two states. If this is done, then the result is much less unequal than the unequal distribution expressed by the ratio 78:22 or even that of 62:38.

One of the objections voiced in Israel against the demand of the Palestinian Israelis for collective rights within Israel, in addition to the existence of a separate Palestinian state, is expressed by the following complaint: "They [the Palestinians] will receive 'a state and a half' while we [the Jews] will receive only 'half a state.'" This grievance is heard not only from extreme right-wing Israeli politicians such as Avigdor Lieberman, but also from politicians who do not fit this mould, such as Ehud Barak. I discuss this complaint in my book and reject it, *inter alia*, by mentioning the fact that the Jewish 'half state' covers four-fifths of historical Palestine, while the Palestinian state is only spread over one-fifth of historical Palestine (109). I am pleased that Bashir has given me the opportunity to respond with reverse symmetry to his complaint that according to the settlement supported in my book, the Palestinian state covers only one-fifth of historical Palestine while the Jewish one sprawls over four-fifths of it.

NOTES

1. In this sense, the observation made by Føllesdal and Perlmann that in America the Emancipation did not disappoint the Jews (see 630 above) is misleading. Firstly, and less importantly, it is

not fully accurate, at least with regard to those decades during the twentieth century in which quotas were imposed on the admission of Jews to American universities. Secondly, and much more importantly, arguments of necessity are ‘evidence-based’ and not ‘fact-based’ (to use the terminology of Derek Parfit, *On What Matters* [Oxford; Oxford University Press, 2011]). They are based on proofs accessible to the actor when he or she needs to decide what to do. They are not based on the facts, certainly not those that materialize after his or her action. Thus, the Jews could not have known at the outset of Zionism that emancipation would be fully realized in the United States. In the long run, in order to establish that emancipation has indeed occurred, a far longer historical period is required.

2. The position underlying my argument here, namely that a threat to human dignity, and not only a threat to life, may serve as a basis for taking recourse to various means of self-defence received scrupulous backing in Yitzhak Benbaji, “Culpable Bystanders, Innocent Threats and the Ethics of Self-Defense,” *Canadian Journal of Philosophy* 35 (2005): 585-622; Daniel Statman, “On the Success Condition for Legitimate Self-Defense,” *Ethics* 118/4 (July 2008): 659-686.

3. Decisions in such situations are usually based on the balance between the probability and expected degree of damage to our neighbours *versus* the probability and extent of damage to ourselves. For an analysis of various interpretations of the concept of necessity that underlies self-defence and of the considerations that must be taken into account in self-defence see Seth Lazar, “Necessity” (forthcoming).

4. Føllesdal and Perlmann (631).

5. In my forthcoming book on Zionism mentioned at the beginning of this response, I argue that one can and should defend the version of Zionism that I defended in *A Just Zionism* even without accepting the Zionist narrative of Jewish history.

6. Bashir (636).

7. Bashir (*ibid*).

8. The term “societal culture” is Kymlicka’s. See his *Multicultural Citizenship* (Oxford University Press, 1995). The notion of “encompassing cultures” is explained at length by Joseph Raz and Avishai Margalit, ‘National Self-Determination,’ in J. Raz, *Ethics in The Public Domain: Essays in the Morality of Law and Politics*, revised edition (Oxford: Clarendon Press, 1994), pp. 125-45.

9. *Ibid*, Raz and Margalit.

10. Cited from “Another Station in the Trek of Refugeism,” Salman Masalha, *Haaretz*, 25 August 2011.