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## HEGEMONIC BELIEFS AND TERRITORIAL RIGHTS

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**ABSTRACT.** *Irredentism conflicts are ravaging human lives across the globe. These conflicts arise not only from the aggressive abrogation of settled boundaries, but from real pressures to accommodate population growth, migration, changes in solidarity patterns, and increased political mobilization. Any intellectually interesting criterion for evaluating claims to territories must be formulated without ascribing decisive significance to the scriptures or beliefs of any particular people or group of peoples. Two problems arise, however, that complicate any effort to substitute a moral rule for the logically contradictory, empirically incorrect, and ethically bankrupt principle of “might makes right”. Unless there is a practical meaning to the criterion, neither movements, nor governments, nor the peoples they represent will be inclined to pay any attention to it. On the other hand, any specific operational, criterion, such as current habitation, land to population ratio, prior habitation, or productivity of use, will encourage “ethnic cleansing” or demands for impossibly constant adjustments in allocation of territory. This impossibility will drain the criterion of meaning or plunge the world into an endless and dangerous process of territorial re-demarkation. A partial solution to this problem is offered by conceiving of legitimate boundaries as hegemonically institutionalized beliefs—difficult to establish, tenacious once established, and linked via politics and economics to the real capacities of peoples, to their aspirations, and to prevailing international conceptions of right and wrong. Copyright © 1996 Elsevier Science Ltd.*

Around the world conflicts over territory, that is to say over what groups will inhabit and govern which pieces of the earth, are the bloodiest most intractable struggles afflicting humankind. Historically this is not unusual. Wars over pieces of territory, attempts to annihilate, expel, subjugate, or displace one population in favor of another, are a staple of the chronicles of ancient, medieval, and modern history.

The end of the Cold War, while liberating much of humanity from the threat of instant incineration, has apparently intensified this ancient source of human misery. A host of separatist, expansionist, and irredentist conflicts has been unleashed, the potential for which had been suppressed since World War II by superpower commitments to uphold existing state

boundaries. These were simmering, invisible, or low intensity conflicts which have burst into the open, widened, or deepened now that the superpowers are no longer providing the economic and military support necessary to preserve the shapes of established states or deter efforts to change them. The irrelevance or decreased importance of many areas of the world for the Great Powers thus help account for why so many disputes about the territorial and demographic composition of states have intensified. Though this may not be true of the Persian Gulf or the Korean Peninsula, neither the United States, Russia, or Western Europe seem any longer interested enough in Africa or the subcontinent to care if borders are changed or if populations are displaced or annihilated. Only time will tell what costs the Great Powers will pay to enforce international norms in the Balkans.

Moreover, the collapse of the Eastern bloc, and of communism and communist parties as organizing frameworks for politics from Prague to Vladivostok and from Latvia to Tajikistan, have created dozens of political vacuums. Sucked into these vacuums have been collections of new and old formulas for political legitimacy—each advanced by political entrepreneurs anxious to enshrine that identity which corresponds to their own comparative political advantage. Each of these identities—regionalist, ethnic, religious, tribal, class, or racial—imply differently shaped states and different complexions for the political arenas to be formed within them. Almost always, the territorial implications of these identities contradict those of several others. This is a recipe, it would seem, for a virtually Hobbesian struggle for ascendancy—a “war of all against all” to achieve a favorable distribution of the earth’s surface, a war in which every person will be forced to find within him or herself a cultural affiliation with a territorial focused movement that has the potential to be a “winner” in this fateful contest.

Amidst this maelstrom of claims and counterclaims, amidst the weakness of international law and international organizations, and witnessing the increasing fragility of boundaries, the world’s moral compass seems to be spinning out of control. I shall nonetheless argue that it is precisely in this struggle, to match political identities with the enlarged or reduced territories those identities can be used to demarcate as “natural” or “naturalizable” states, that one may find a moral and political basis for answering the question of what gives a people rights to land.

A partial list of these conflicts is itself enough to pose the problem dramatically. In what was the Soviet republic of Armenia, a fierce struggle continues between Azeris and Armenians over Ngorno-Karabakah. Croatians, Bosnian Muslims, and Serbs have fought, and are likely again to fight, over pieces of what was Yugoslavia, with the future of Kosovo, Macedonia, Albania, and Greece hanging in the balance. Turkey remains entrenched in northern Cyprus, part of an ongoing dispute between

Turkish Muslims and Greek Cypriots over the political disposition of the island. Meanwhile Turkey is violently suppressing a Kurdish nationalist movement in its eastern regions even as it aids Kurds in Iraq seeking some form of independence from the Saddam regime, a regime which is bent on retaking Iraqi Kurdistan and eliminating the Marsh Arabs in the south, or at least crushing any hopes they may have to escape Baghdad's rule. Meanwhile, in the great expanse of Russia, ultranationalist and Russian Orthodox appeals to Pan-Slavic sentiments have led to calls for Russian annexation of the Balkan states, the reabsorption of territories now included in central Asian republics, and even (this from Zhirnovsky) the return of Alaska to Russian rule, reducing the size of Poland, German acquisition of Austria and the Czech Republic, Serb and Croatian takeovers of Bosnia, Hungarian absorption of Transylvania at Romania's expense, and Bulgarian expansion to include large chunks of Romania and Greece. Even under Yeltsin, Russia has been deeply involved in bloody territorial disputes in Georgia, a fierce civil war in Tajikistan, and in the delicate issue of the Crimea in the Ukraine. Russia's brutal war to crush Chechen secessionists may yet spread throughout the northern Caucasus.

Elsewhere, civil war reigns in Afghanistan. Bloody fighting in Kashmir suggests how dangerously vulnerable India and Pakistan are to separatist movements. Invigorated Tibetan demands for autonomy or independence from China are a reminder of the potential for geopolitical fragmentation all through the vast periphery of China's "outer empire" as well as in its southern provinces. Protracted and horrific violence in Sri Lanka, Rwanda, and Sudan flows from ethnic, national, and religious disputes over who should live and govern what territories. Other such conflicts include Sahrawi opposition to Morocco's annexation of the western Sahara, attempts by Somaliland to gain independence in what was northern Somalia, a many-sided struggle over what was Liberia, still unsettled conditions in Lebanon, the problem of Northern Ireland, Basque separatism in Spain, and, of course, continuing Israeli-Palestinian disputes over East Jerusalem and other portions of the West Bank and Gaza Strip. And this, of course, is a very partial list.

Each protagonist in these struggles sacrifices, kills, and dies to uphold what they say and, to all appearances, believe are their "rights" to the lands they aspire to rule or inhabit. What are such rights? Before we decide what criteria to use to judge claims on behalf of peoples to rights to land, and even before we decide whether such rights even exist, we have to be clear about what a right to a land would be if we determined that a particular people did have one with respect to a particular piece of land.

A right is a claim on a benefit which is treated as justified, that is, which is recognized or habitually treated as placing on others a "duty" to refrain from taking, using, or enjoying the same benefit. The operational meaning of my neighbor's right to his life entails my identification of him as a living

person and my conscious or habituated sense of duty not to kill him, even if I might want to and even if I might be able to. Conversely, if I refrain from killing him only because I am afraid of the police, it is clear I do not believe he has a "right to life". So what would a people's right to land be? It would entail recognition by others (a) that the group in question is a "group," "a people," of the sort that can have collective rights and (b) that the claim of this particular people to a specified piece of land is such that other potential claimants have a duty to refrain from using their resources to implement their claims.

Of course the first comment offered whenever rights to land are considered in a classroom or in informal discussion is that there is no such thing as a "right" to land, but that "might makes right". This view, broadened to include all of political life, was captured by Thucydides in his chilling account of the Melian dialogue, when the Athenians confronted their weaker neighbors with the opinion that in this world "the strong take what they can and the weak grant what they must".

One can certainly develop a view of politics, whether as an analyst or as a practitioner, which does not imagine the existence of the kinds of obligations, privileged claims, and habituated practices I have identified as "rights." But to do so means paying some very high costs. One cost would be the very phrase, "might makes right," which becomes a contradiction in terms. If rights as such do not exist, neither might nor anything else can create them. If, on the other hand, the exercise of might i.e., conquest, creates a "right," i.e., a duty to refrain from changing that which "might" had established, then the claim that rights do not exist would not be correct, since, in fact, "might" had established a "right".

Another problem with the claim that all assertions or rights are phony is the fact that so many people in so many places and for such long stretches of history have acted as if they do believe in the existence of rights, especially their own, but also of others. Multitudes of men and women have given their lives out of a sense that they were defending their "rightful" presence in and rule over their land. Third parties to conflicts regularly shift the direction and weight of their involvement on the basis of beliefs about whose "rights" are being violated. These are facts about our political world that cannot be ignored. The familiar sense of outrage we feel about our territorial conflict of choice, when seeing a report of an "innocent" people's "rights" being violated, in Bosnia, Judea and Samaria, Palestine, Rwanda, or East Timor, and the tragically rare, but equally powerful, sense of fulfillment and justice we have when our side wins its "rights" in a dramatic reversal of fortunes, must both be ignored by those who would deny the political potency of beliefs in a people's rights to its land. An approach which denies that the concept of a "right" to a land can have meaning, or that "rights" have effects in this world, would have to accept the burden of explaining conflicts, accommodations,

alignments, and decisions to participate or abstain from participating on one or another side of a conflict, without ever mentioning “rights” (including the right to defend one’s homeland).

To be sure, one might argue that the masses are “duped” into making sacrifices for “rights” and “duties” that do not really exist, but that serve merely as slogans in schemes of manipulation fashioned by cynical elites. This argument, however, admits the importance of the idea of rights. Indeed it is based on an image of so many people so regularly motivated by their understanding of their rights, and those of others, that elites are required, everywhere and always, to talk and act as if they too believe in such rights. Few indeed would question the energy and regularity with which elites participate in the rhetoric of rights to land, often staking the legitimacy of their regimes and their entire political careers on appeals associated with irredentism, expansionism, secessionism, decolonization, or state contraction.

In light of the virtually universal use of appeals to “territorial rights,” a formula which could convincingly sort stronger from weaker claims of land rights could form the basis for effective control over mass opinion and over perceptions of legitimate authority and would thereby have important political implications. A serious approach to understanding even elite behavior then, requires identification of what is meant by a people’s right to land.

There are four criteria that any rule for allocating territorial rights to peoples must meet. First, since the rule is to be universal it must be stated abstractly enough so that the specific characteristics of particular groups—their particular languages, ideologies, holy scriptures, or historical experiences—are not established, by fiat, as enjoying privileges not associated with the languages, scriptures, ideologies, or historical experiences of other groups. The whole basis of a claim to a right is the appeal to others to accept a “duty” to honor the right. No group excluded from a set of privileged cultural attributes, those attributes used to justify claims, can be expected to accept the rights and duties such a rule would generate since, from the outset, its value system and the cultural basis of the group’s claims would have been rejected.

Second, the rule must be stated transhistorically. It is not satisfactory, for example, to argue that only “nations” have rights to land. Before the seventeenth century no group advanced its claims to land in terms of a universal theory of national self-determination. A rule based strictly on “national rights” would therefore produce the absurd conclusion that no people had made any valid claims to land before at least the seventeenth century. Moreover, unless the rule is stated transhistorically, there is nothing to prevent it from being declared outmoded tomorrow, or in several decades, when, for example, nationalism, as a popular form of collective solidarity, may have faded away, or is replaced by religion.

Third, the rule must be formulated in a way which promises that in the long run, at least, all groups would be better off with this rule than with any other. This criterion is a simple statement of the obvious point that unless we rely on a divine, revelatory moment, which would contradict rule one, barring particular attributes or experiences of some groups and not others to be the ground of decision, the only way to justify any rule is by arguing that it serves the interests of those affected by it better than any other.

Finally, the rule must be capable of being implemented. No rule would be satisfactory that required or assumed that it was not going to be implemented or enforced. This means that the rule must not, for example, require such a constant rearrangement of borders that political institutions as we know them and groups as we understand them could not continue to exist.

We are now in a position to consider how unsatisfactory are the criteria usually suggested for allocating territorial rights to peoples. Arguments that the Bible, the Koran, or some other people's holy writ establishes the "right" of peoples to particular pieces of land can elicit a sense of duty to abide by that right only in the minds of those peoples who accept the authoritativeness of that text. Since there is no universally accepted authoritative text there can be no universal rule based on what one or another group's particular beliefs are about the cosmic source of its rights.

Arguments about permanent "natural" boundaries linked to security or economic viability cannot survive changes in the technologies of war, trade, and production, and therefore contradict the requirement for transhistorical applicability. Moreover, if boundaries are to be changed with every change in technology and economic activity, the rule becomes impossible to enforce. An allocation rule based on "most efficient use," reflecting both the demographic weight of a people making a claim to a territory and its demonstrated industriousness in exploiting that resource, would require a process of constant redistribution of territory in accordance with changing population sizes and land use patterns. Enforcement of this rule would not only be enormously and cruelly disruptive, but would be confronted with the impossibility of measuring the value of one culture's "efficiency" against another, since some groups might value natural spaces and low population densities more greatly than others, who might value increased GNP, higher population densities, and more transformative patterns of exploitation of natural resources.

Indeed any rule for allocating rights to lands which emphasizes economic performance within particular territories based on GNP or total population supported by the territory would tend to encourage either endless fragmentation of states, with groups living in economically profitable areas seeking independence as the only way to insure their continued rights to their land, or rapid population growth, a form of

competition which would quickly overburden the planet, undermining the interests of all groups. The actual implementation of this economic rule would drain the notion of "boundaries" of all real meaning. "Rights" to territory would disappear into a larger right to exploit whatever economic opportunities exist with the expectation that success would bring a transformation of nominal boundaries and the materialization of greater opportunities.

The argument that only nations have rights to land runs aground on the oft-noted and insuperable difficulty of gaining universal agreement on what constitutes a nation, and therefore of when a group becomes or ceases to be a nation, thereby gaining or losing rights to a land. In addition, as I have suggested, this rule succumbs to its historically (and geographically) limited applicability (as would cognate rules based on religion, imperialism, or socialism). Some have suggested that the principle of self-determination itself, using liberal theory as its foundation, can justify and limit group demands for ruling over territories. But Rawlsian theories, though they depend on participation in a limited human community, are notoriously incapable of producing rules for specifying the morally correct locations for limiting a community's spatial or demographic extent (Tamir, 1993). Nor can arguments that only liberal groups have rights to land survive the challenge of non-liberal groups (for example fundamentalist Muslims, Christians, or Jews) whose value systems produce no basis for accepting a duty to respect "rights" to land based on liberal values they reject. If one opposes non-liberal bases for according rights out of convictions that are liberal, one cannot, without enforcing on others the same kind of absolutist claims to truth one has just opposed, reject duties to honor "rights" that those with non-liberal values seek to impose.<sup>1</sup>

Arguments that prior possession or habitation guarantees political rights over a territory in perpetuity appeal to a rule that cannot be implemented, since even if aboriginal habitation patterns could be identified, and linked convincingly to contemporary groups, reallocation of territory on this basis would require virtually all peoples to be displaced and population densities reduced in most areas of the world to the point that most inhabitants of the planet would literally have nowhere to live.

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<sup>1</sup>For a useful review of relevant literature on these points, along with a presentation of a liberal argument for territorial rights, see Philpott (1995). Despite the rhetoric of this article, which suggests the author is promoting a general theory of territorial rights, Philpott is admirably careful to say that his exercise is *only* a demonstration of what rights to land would be *if* one accepts liberal values. He explicitly does not advance what he calls the "perfectionist" argument (that liberal values are absolutely just and incumbent upon everyone) that would alone permit his theory to be advanced as a general theory of moral rights to land.

This is not only manifestly impossible, but would not meet the criterion of serving the interests of all groups affected by it better than any other rule.

What these examples illustrate is that no particular attributes, beliefs, or practices can produce a rule for allocating territorial rights to different peoples. They suggest that any such rule, based on an a priori specification of desirable attributes, beliefs, or practices, is inevitably biased, reflecting either the interests of those peoples in any conflict situation making the specification, or the principle by which those doing the judging can best justify their claims to the lands they themselves possess or want.

But all is not lost. Baldly stated, a people can be said to have a right to a particular land if, and to the extent that, its claim over the territory is unchallenged by counterclaims.

The language of hegemonic analysis is necessary here to achieve the required degree of precision. Hegemonic beliefs are beliefs which no one who holds them thinks to examine because they form part of the presumptive background of thought and action. They form our "common sense" impressions of life. When aspects of political life become so deeply institutionalized by processes, however brutal or gentle, abbreviated or protracted, that they cease to be considered as artifacts of political decision and struggle, but as given, and "natural," they become invisible as political circumstances. They thereby assume a degree of immunity from challenges to their validity or from pressures toward change. Thus, to the extent that a state's rule over a piece of territory is institutionalized hegemonically, that territory is no longer imagined by citizens of that state, in their everyday uncalculated apprehensions, thought processes, and language, to be distinct from or separable from the state. Questions about whether the territory ought or can be ruled in the future by their state would, accordingly, either not intrude upon the political agenda or be treated, if they did appear, as worthy of ridicule, scorn, or hilarity, not as subjects of serious political debate.

My assertion is that the best rule for allocating territory to peoples, and the only one that can meet all four criteria I have established, is to use hegemonic beliefs as a measure of rights, thereby establishing the potential to institutionalize territorial control via such beliefs as the yardstick for evaluating demands for the expansion or contraction of existing states or the creation of new ones. In other words, a state, and the people represented by it or which controls it, can be said to have a right to a piece of territory if and only if its claim to the territory is hegemonically established. Although rivals may arise with claims upon the territory, either within the state which possesses the territory or outside of it, those rivals will bear the heavy burden of overthrowing a hegemonic belief in the irrelevance and wrongheadedness of their claims before they can begin the arduous task of replacing the rights of others which did exist with rights of their own — a task which would entail institutionalizing, within

relevant political arenas, a new hegemonic belief about who should rule the now problematically situated territory.

Let us see how this rule would work to solve a difficult problem that is central to the prospects for success in the Middle East peace process. One of the strongest arguments made by Israelis who have rejected Palestinian claims to the West Bank, and who insist that "Judea and Samaria" as they call the territory, belongs only and entirely to the Jewish people, is the contention that Israel's right to rule Haifa, the western Galilee or the northern Negev (all located within the 1949 Armistice Lines, the "Green Line") can be no stronger than its right to rule Hebron, Nablus, or Shilo (locations in the West Bank i.e., in territory which Israel began ruling only in 1967). In all the polemics surrounding the issue in Israel, this is the annexationist argument least often addressed by anti-annexationists.

The specifics of the argument go something like this. To oppose Jewish rule over, and Jewish settlements in, the West Bank and Gaza, on the basis that Israel's presence in these areas is based on stealing lands from individual Arabs or taking pieces of the homeland of the Palestinian Arab people, or to advocate withdrawal from the West Bank on the basis of the need to end an unjust occupation entailing rule over Palestinian Arabs against their will, is to deny Israel's rights to rule the Arab-inhabited territories it captured in 1948. This is so, on this account, because the process of occupation, displacement, settlement, and expropriation that anti-annexationists have objected to in the West Bank has been in many ways identical to the process of occupation, displacement, settlement, and expropriation that occurred in the Galilee and the northern Negev in 1948 and during the first decade and a half of Israel's existence,

Ironically, new Israeli scholarship on the 1948 war and its aftermath, scholarship produced mostly by left-leaning dovish academics, tends to support this argument. Benny Morris' books, for example, show how ruthlessly force was used to expel Arabs from their villages and seize their lands, both during the fighting, and in the years after the Armistice Agreements were signed. Without entering into the details of the mass displacement of Arabs in the first seven months of 1948, we may still note how significant expulsions and land seizures were at the end of the war and thereafter *inside the Green Line*. Among the Arab villages eliminated in this manner were: Nabi Rubin, Tarbikha, Suruh, Al Mansura, Ikrit, Kafr Birim, and Jish in November 1948; Saffuriya in January 1949; Farradiya, Kafr I'nan, and Ghabisiya in February 1949; Jauna, Khisaa, and Qeitiya in June 1949. The 2,200 inhabitants of Mansurat al Kheit, Kirad al Baqqara, Kirad al Gannama, Nuqeib, As Samra, Tel Qasr, and Al Hamma, small villages near the Israel-Syrian border, were forced to leave between 1949 and 1956. In February 1949 the 2,400 Arabs of Faluja, Iraq al Manshiya, and other villages in the Negev were forced out. In 1950

2,000 Arabs from Majdal (Ashkelon) were forcibly evicted, as were 7,000 Arabs from villages near the border west of the West Bank town of Dura in March 1949; 2,000 Bedouin from the Beersheva area in November 1949; and 6,200 Bedouin of the Azazmeh tribe in the northern Negev in September 1950 (Morris, 1987, 1993).

Certainly the amount of Arab land expropriated for settlements in the West Bank and Gaza is not greater than the amount expropriated from Arab citizens of Israel, not to say anything about the vast amount of land seized from Palestinians who were forced out of the country altogether. It is against this background that Yosef Ben-Shlomo, a well-known annexationist who lives in the West Bank settlement of Kedumim, can credibly declare that he takes pride in the fact that unlike dozens of Mapam (left-wing, dovish) kibbutzim within the Green Line, not one Arab was dispossessed in order to establish his West Bank settlement. It is a telling point. The fact is that no argument based on historical connection, conquest, or due process of law, can explain why Israel should have a right to rule Rosh Hanikra, Ashdod, Acre, or Wadi Ara (inside the 1949 Armistice Lines), but not Beit-El, Hebron, Ramallah, Gush Etzion, or Shilo (across the 1949 Armistice Lines).

But I believe the formula I am advancing does offer a justification for Israeli rights to Palestinian inhabited lands conquered in 1958, lands from which Arabs were evicted and which were confiscated—a justification that does not apply to the West Bank, including those portions of the West Bank such as the Gush Etzion area or expanded East Jerusalem where Jews presently outnumber Arabs. Although Arabs do outnumber Jews in the Western Galilee, as well as in the central Galilee and in the “Little Triangle” (a strip of land running along the northern bulge of the West Bank), these areas acquired in 1948 have, through processes including brutal violence, legal manipulations, and the grant of Israel citizenship to Arabs, achieved a status of being considered naturally and immutably part of Israel. Certainly this has been the case in the public discourse and ordinary language of Israeli Jews, but it is also largely true of the public discourse and ordinary language of Israeli Arabs.

To what extent this pattern of beliefs has been obtained because of the ruthless exertions of power, because of human capacities for and tendencies toward hypocrisy, or because Arabs within the 1949 armistice lines were made Israeli citizens and those across those lines were not, are interesting empirical questions. Answering such questions would help instruct us about how hegemonic beliefs are established as such, and therefore about how rights to land are and are not acquired. But these questions do not touch on the plain fact that Israeli claims to land on the two different sides of the Green Line are perceived, by both Israelis and most Arabs, and virtually all of the rest of the world, in qualitatively different ways—so differently in fact that according to the theory I am

advancing, Israelis enjoy rights to the territory within the Green Line but not across it.

To be sure there still are Arab and other anti-Zionist groups around the world who challenge Israel's rights to any part of Palestine, but as a matter of practical politics, Israelis and Palestinians have become accustomed to take for granted that the lands encompassed by the Armistice Agreement of 1949 will remain Israeli. Even if many Palestinians should begin to raise irredentist demands for these territories, as long as the overwhelming majority of Israelis continue to treat such demands, not only as unacceptable but as ludicrous, then the hegemonic status of the belief in their incorporation into Israel would remain intact (albeit under attack).<sup>2</sup>

It may be odd that these different parts of the country, whose Arab inhabitants have in so many ways suffered injustices similar to or worse than those suffered by West Bank Arabs, should have come to be viewed so differently (as legitimate parts of Israel vs. as occupied territories). It may also be odd from an historical or Biblical point of view, that the area which has emerged as hegemonically believed to be the Jewish state should include historically hostile or culturally less significant areas such as the coastal plain, Eilat, and Rosh Ha-nikra, rather than the hill country of Judea and Samaria. But to make these points is simply to acknowledge that politics is not driven by, and cannot be made to be driven by, the *particular* way that land is acquired, by the historical memory of a particular people, by its holy writ, or even by demographic preponderance.

Of course for any particular case, and for any particular historical period, the creation and maintenance of hegemonic beliefs that particular pieces of territory "naturally" belong to a particular state or people, can be traced to different mixes of these and other economic, legal, geographical, cultural, and demographic factors. This means that for a people to build rights to land and maintain them requires construction of a belief that is consistent enough with the contemporary common sense expectations and norms of justice that challenges to the belief can be dismissed as frivolous, comical, silly, criminal or insane. The point is that no one specific attribute

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<sup>2</sup>It is true that within the last year certain specific areas within the Green Line—a sparsely populated desert strip in the northwestern Negev and some Arab localities in Wadi Ara, adjacent to the West Bank, have been mentioned by some dovish politicians as territories that perhaps could be traded to "Palestine" for Israeli control over Jewish settlement blocs in the West Bank and Gaza Strip. This phenomena is worth studying as an example of the conditions under which hegemonic beliefs can erode and breakdown. As per my argument here, and consistent with the position of annexationists, I would view such a development as weakening the validity of Israel's moral claim to other Arab inhabited territories within the Green Line, at least until a stable and satisfying Israeli-Palestinian peace could naturalize the new territorial dispensation as commonsensical and "immutable".

or factor, or even any particular mix of them, can be, a priori, specified as capable of producing this common sense effect. Nor is there any guarantee that rights to a land established hegemonically in one period will last forever. Changing beliefs about what groups constitute “real” political communities, changing beliefs about equality or inequality of peoples, or changing military and economic technologies can all contribute to a weakening of hegemonic beliefs and the opening of possibilities for alternative groups to raise the counter-hegemonic challenges on their own belief.

The saving grace of this formula is that struggles against prevailing common sense norms are very difficult. It is to be expected then that ambitious politicians will resort to such risky strategies only when the policies and circumstances of an existing territorial state are grossly discrepant with the assertion of its land rights. Only then would the hegemonic character of the belief become vulnerable to exposure as nothing but an expedient claim made to seem natural because it serves the interests of the oppressors.

This formula does not foreclose building rights to land on a history of brutality, thievery, or even genocide. But short of unravelling virtually all territorial claims, settled and unsettled (including claims by the United States to Indian-inhabited lands and Biblically based claims of Jews to lands previously inhabited by Canaanites), any working moral rule must accept this distasteful reality. On the other hand, I believe, based on what I consider the strongest theories for explaining which hegemonic projects succeed and which fail — those based on working material compromises as the bases for enduring mystifications — that according rights to land based on the hegemonic status of claims and the prospects for making claims hegemonic, would encourage, better than any other rule, use of what are commonly considered more humane techniques for establishing rights to land. For example, this rule would reward states whose treatment of minorities did not outrage prevailing norms of fairness and whose claims to expanses of territory did not overreach their own ability, not simply to conquer and rule the territory, but to make that rule seem “natural.” It would encourage irredentists and leaders of potentially secessionist groups to make their arguments in terms which could lead to agreement with their adversaries, i.e., not on the basis of parochial historical memories or visions of destiny, on zero-sum definitions of security, or on arbitrary and sudden creations of demographic majorities, but on the potential for a territorial expansion or contraction to be established as hegemonic, natural, commonsensical. Since no political state can be isolated completely from outside influences, no state could preserve a truly hegemonic, which is to say, unchallenged and apparently unchangeable belief, unless challenges to that belief emanating from outside its borders were minimized or eliminated. This would give each

state an interest in participating in a shared international political culture in the context of which its claims to its territory could be understood as appropriate and natural.

The logical result of this rule would be that *each people or state would seek to rule as much territory as it could rule hegemonically, but no more*. The judgments of politicians and peoples about exactly how much this should be could of course be no better than the theories we scholars can develop to explain what it takes to construct, maintain, defend, or destroy a hegemonic belief. My own work, comparing the fate of British, French, and Israeli efforts to hegemonically incorporate outlying districts, such as Wales, Scotland, Ireland, Provence, Brittany, Corsica, Algeria, the western Galilee, the Gaza Strip, and the West Bank, shows, I think, that such a theory is possible (Lustick, 1993). It also shows the danger of overreaching. I argue, for example, that Britain's impossible effort to replace the United Kingdom of Great Britain and Ireland with a "Greater Britain," including Anglo-Saxon colonies around the world, seriously undermined British rule of Ireland in the late nineteenth century. French attempts before and after WWII to redefine France as a European, African, and Asian empire, or as the *Union Française*, doomed what could have been a successful effort to integrate *Algérie française* into the metropole. One can expect, and to a certain extent already see, that Israel's failing efforts to establish hegemonic rule over "Judea, Samaria, and the Gaza District," and over expanded East Jerusalem, can weaken Israeli rights to Wadi Ara, West Jerusalem, and the western Galilee, by reopening the question of the location of the state's boundaries.<sup>3</sup>

In conclusion let me note that the rule I have suggested does meet the four criteria I set out at the beginning. It is not based on a parochially stipulated attribute or belief. It works equally well for any historical period. It would serve the interests of all groups, however they are presently situated, better than any other single rule since no group's claims would a priori be denied forever while the number of doomed efforts to expand territorial claims would be reduced as much as possible. And it is capable of implementation without impossibly disruptive consequences. In fact, if adopted, it would be self-implementing. Unlike *all* the other rules I have cited, it is a rule whose consequences are such that I, for one, am actually prepared to see it implemented universally.

Its disadvantage is that it establishes a very high standard for absolute rights to land. The United States could clearly be said to have a right to Kansas, for example, and even to California. France's right to Gascony and Savoy could be considered strong, stronger certainly than its right to Corsica. The rule would not, however, without analysis of whose claims have a greater potential for implementation on a hegemonic basis,

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<sup>3</sup>See footnote 2.

determine the relative validity of conflicting arguments about the Kashmir, Eastern Turkey, Northern Cyprus, and so on. Still, if these arguments were conducted in terms of who could, in the long run, make their rule of the territory in question seem natural to those likely enough to be impacted by the disposition of the territory to care about it, then the policies suggested by those arguments would be much more likely to be grounded in humane concern for the welfare of people than for the aggrandizing visions of particular leaders or collectives.

Used as a basis for moral guidance, the theory outlined here would recognize as right only what is not said insistently to be wrong. It would do this without fundamentally delegitimizing attempts to change the disposition of territories, or the political identities associated with an alternate disposition, but *would* grant a presumption to peoples able to have convincingly established the legitimacy of their claims to themselves and others. To be sure, where ideological hegemony is absent, this rule would clarify, but not eliminate, the dilemmas of political and moral choice created when peoples fail to match their aspirations to their political capabilities.

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