



Making Sense of the Nakba: Ari Shavit, Baruch Marzel, and Zionist Claims to Territory

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Zionist claims to rightful rule of most or all of Palestine/the Land of Israel ultimately depend on naturalizing those claims into common sense, for Jews, of course, but also for the international community. Following the 1967 war, Israelis in favor of withdrawing from occupied territories have relied on distinguishing between the justice of the 1949 Armistice Lines, and the process that led to the State of Israel within those lines, versus the injustice of the occupation of territories conquered in 1967 and of their settlement and gradual absorption. But as the truth of the expulsions and forced dispossession of Palestinians in 1948 becomes accepted by wider swaths of both Israeli-Jewish and international public opinion, the traditional narrative distinguishing the justice of 1948 and the injustice of 1967 breaks down. Ari Shavit's book, *My Promised Land*, can be understood as a response by Israeli two-staters to accusations of hypocrisy by the extreme right.

Prologue

ON 27 FEBRUARY 2014, I attended a book launch at Tel Aviv University where authors Daniel Bar-Tal and Izhak Schnell introduced the Hebrew edition of their book, *The Impacts of Lasting Occupation: Lessons from Israeli Society*. Originally published in English two years earlier, the book discusses the effects on Israeli society of the prolonged occupation of the territories conquered in 1967.

As I entered the packed lecture room, I noticed a man sitting in the front row. He wore a white knitted *kippah* (skullcap), of the sort associated with ideologically motivated settlers in the West Bank, and sported a full but somewhat scraggly beard and visible tzitzit, the tasseled fringes of an undergarment worn by ritually observant Jewish men. The rest of the audience was comprised mainly of Jewish, secular, well-educated, well-informed, liberal/dovish, and considerably older-than-the-average-Israeli members of the politically aware public.

When the man with the large white *kippah* saw me look at him with interest, he stood up, walked over to me and handed me a leaflet. The leaflet's bold Hebrew headline read, "Shaykh Munis University"—a reference, in poorly transliterated Hebrew, to the Arab village of Shaykh Muwanis that was destroyed in 1948 and on the ruins of which the University of Tel Aviv was established.

My first reaction was to imagine he was a representative of *Zochrot*, a radical organization dedicated to demanding Israeli accountability in the Nakba and advocating for Palestinian refugees' right of return. "No," he responded, "I'm kind of my own special NGO." Once the event got under way he started shouting: "Enough hypocrisy! You are all living off the occupation! End the occupation!" As he was being escorted from the room by security officers, I learned who he was—Baruch Marzel, a far-right-wing activist and Hebron settler associated with the Kach movement of Rabbi Meir Kahane, which is banned in Israel for its explicit racism.¹

What follows is the translation from the Hebrew of the top side of the leaflet as Marzel handed it to me.²

Shaykh Munis University

Student/Professor:

Know something about the place where you study.

- In the place where stands the University of Tel Aviv, and on its expropriated lands, lived the Arab inhabitants of the village of Shaykh Munis!
- The inhabitants of Shaykh Munis were forcibly expelled from their homes in the Nakba of 1948.³
- The inhabitants of Shaykh Munis and their descendants have never given up their right to return to their homes, lands, and property.
- The university campus, along with apartment blocs in Ramat Aviv,⁴ were built on the destruction of the homes of Arab refugees.
- No compensation affects the rights to the land by the Islamic waqf.⁵ (And stop despising Arabs!)
- As President Abu Mazen has said,⁶ the State of Israel began the occupation 63 years ago. Shaykh Munis is a symbol of the Nakba.
- Leftists in this university calm their consciences by distinguishing between theft of lands in 1948 and theft of lands in 1967, but in this way show their hypocrisy. In any case, the Arab refugees categorically refuse this distinction.
- Member of Knesset Jamal Zkhalka⁷ was right when he told Dan Margalit⁸ in a television interview on the university campus that: "Here is Shaykh Munis."

Dear Student/Professor. Enough with hypocrisy. Enough with two-faces.
Do not participate in the crimes of occupation, join the boycott and
our just struggle.

Do not step foot on occupied land.
Join the demonstration to show solidarity with Shaykh Munis.
Demonstrate until the fascist occupying settlers are expelled.
The oppressed will return to their conquered land—the campus of
Shaykh Munis University

End Hypocrisy

Solidarity with Shaykh Munis

Signed by Kahane disciple Michael Ben-Ari and distributed by Marzel, the leaflet serves as a vivid introduction to the potent question of establishing political rights to a territory, and how this can be accomplished legitimately, or at least effectively. Using both the leaflet and *My Promised Land*, the

bestselling book by noted Israeli journalist Ari Shavit, this article uses the case of Israel/Palestine to examine the applicability of a rule advanced for claiming territorial rights.

1948 versus 1967

There is no disputing the facts presented in the Ben-Ari/Marzel leaflet: Tel Aviv University was indeed built on the ruins of Shaykh Muwanis; the university's elegant faculty club surrounds the partially reconstructed house of its former, Palestinian owner;⁹ the village was not destroyed in the heat of battle, from the sheer exigencies of war, but was conquered, and its inhabitants expelled in direct betrayal of a nonbelligerence agreement between Zionist forces and village elders.

More significantly for the discussion at hand, the leaflet raises the following interesting question: Why should Israel's 1967 occupation of the West Bank, which was followed by extensive land expropriation, forcible implantation of Jewish settlements, the deportation of thousands of Arab inhabitants, and the territory's steady absorption into the Jewish state, be deemed *less* legitimate than the forcible occupation, destruction, and expulsions that occurred nineteen years earlier, on the ruins of which Israeli agricultural settlements, towns, cities, and universities were established?

Although tedious, it would not be difficult to show that the coercion used to uproot three-quarters of a million Palestinian Arabs from their homes and lands in 1948 far exceeded that deployed against the Arab population of the West Bank in and after 1967. In any case, few if any Israelis would take issue with this statement, regardless of their position on the future of the West Bank. The distributors of the leaflet dispute the distinction made between Israel proper (territory inside the 1949 Armistice Lines, also known as the Green Line) and the occupied West Bank (outside the Green Line). They charge as hypocrites those who make this distinction. By so doing, they challenge liberal Zionist commitments to a "two-state solution," as such commitments require recognition by Israel and Palestine that each state has a right to exist within borders that reflect remedies for what happened in 1967 but not for the events of 1948. To the extent that no moral difference is seen between them, the task of legitimizing the permanence of the consequences of one and not the other is that much more difficult.

The significant shift in Jewish circles toward serious consideration of what really happened in 1948, and its implications for Israel and its legitimacy as a state, can be discerned in the reception accorded to Ari Shavit's *My Promised Land*. Not only did the book become an immediate best seller among American Jews, it is actually being read. Shavit has lectured across the United States to packed halls. In November 2013, the Council on Foreign Relations hosted an elaborate luncheon and discussion of the book with its author. The moderator was David Remnick, editor of the *New Yorker* magazine, which six months before the book's appearance had published its central, and most potent, chapter—a no-holds-barred account of the brutality with which hundreds of Palestinian Arabs were killed and tens of thousands forcibly dispossessed and expelled from the large prosperous town of Lydda in 1948.

Drawing directly from interviews with Israeli officers who participated in and directed the operation, the power of Shavit's account is not simply in the details of the fate of Lydda and its inhabitants. Scholars have known and written about that for years. But Shavit does more. He places the event in a context which not only destroys already frayed but cherished beliefs that Palestinian Arabs fled "of their own accord" or as a result of orders from Arab countries, but also

demonstrates the crucial role played by deliberate and systematic campaigns to betray Arab villagers who engaged in nonbelligerence agreements and to cleanse the country of as many of its Arab inhabitants as possible.

In describing the origins and training of the officers who conducted the Lydda operation in July 1948, Shavit details events some months earlier. The following passage illustrates how Leon Uris/*Exodus* images of heroic, morally upright Jewish soldiers fighting a desperate post-Holocaust struggle for survival quickly yield to key elements of the Palestinian Nakba narrative, including the barbarism of both the slaughter and the expulsion of Palestinian Arabs.

In mid-January, eight of the boys carry out their first roadside ambush: they open fire with a machine gun on an Arab taxi, killing all of its innocent passengers. In mid-February some of them participate in their first commando-style raid: they blow up sixteen stone houses in a remote Galilee village, killing sixty. The mindset changes. Values and norms begin to devolve. There are still gramophone concerts in the evenings, but the talk now is of revenge. Literary discussions and ideological debates still take place, but just before a military operation there is now a war dance. Like painted Indian warriors, like lustful Arab assassins, the Hebrew boys go round and round with daggers held high, knives between their teeth. And on the eve of May Day, they descend the mountain of Kna'an to conquer a village for the first time. They drive away the eight hundred inhabitants, loot the village, and blow it up. They erase the village from the face of the earth.¹⁰

Aside from its implications for enlivening debates among Israel supporters, comparison of the means Israel used to seize land in 1948 and its aftermath with those it used in 1967 and its aftermath also raises the theoretical problem of the relationship between “might” and “right.” In both cases, in 1948 and in 1967, might was used. How then, consistent with the rules of logic and appeals to universal morality, can we think that the results of the former are just—that is, capable of establishing rights to land that was acquired via coercion, usurpations, erasures, and oppression—while the results of the latter are not just, and cannot establish rights despite the deployment of identical policies? Posed in this way, the question is not about Israelis and Palestinians, per se, but about the much more difficult and general question: “What gives peoples, or states, rights to the territories they rule or seek to rule?”

I turn now from the Israeli-Palestinian case itself to the general question of how rights to territory can be established, recognized, and/or lost. That analysis will lead to a list of criteria for judging rules for allocating rights to territory and an argument that there does exist at least one rule that meets those criteria. This article concludes by returning to the different arguments that the Ben-Ari/Marzel leaflet and the Shavit book advance in light of that rule.

The General Question: What Gives a People Rights to a Land?

Evaluating Israeli and Palestinian claims is now particularly interesting because most Israelis have come to recognize that Arab suffering and injustice were key elements in the establishment of Jewish control over territory in Palestine. In most arguments on this matter, both sides accept historical truths that render irrelevant many older and more comforting narratives. But *how* the arguments are resolved is important. Unless a formula can be found to

legitimize national control of lands that were acquired unrightfully, then all we may hope for is a series of broken cease-fires in an endless tournament of brutality. Around the world conflicts over territory, that is to say over what groups will inhabit and govern which pieces of the earth, are among the bloodiest and most intractable struggles afflicting humankind.¹¹ Principles advanced to justify territorial claims combine economic, demographic, legal, ethnic, nationalist, and religious principles. Seldom does a movement or state struggle for territory that it does not claim a “right” to rule on the basis of some formula or combination of formulas. 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, has created dozens of political vacuums.¹² Sucked into these vacuums have been collections of new and old formulas for political legitimacy—each advanced by political entrepreneurs anxious to enshrine the identity that 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 would be forced to find within him or herself a cultural affiliation with a territorially focused movement that had the potential to be a “winner” in this fateful contest.

Despite this cacophony of claims and counterclaims and amid the incapacities of international law and international organizations, it is nevertheless the case that more states that could effectively challenge the territorial integrity of their neighbors do not—not because they fear war, but because doing so would first require taking risks associated with placing territorial issues on public agendas. Indeed my argument about how to evaluate claims to territory is anchored precisely in the emergence and protection of boundaries that can exclude such claims from the agenda of politics. I shall argue that it is the struggle to match political identities and justifications with appropriately enlarged or reduced territories that, over long periods of time, can yield progress toward demarcations experienced as “natural” enough to answer the question of what gives a people rights to a land.

What are rights to land? 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 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.” Accordingly, a people’s or a state’s right to rule designated territories would entail recognition by others, first, that the group in question is a “group,” a “people,” of the sort that can have collective rights; and second, that the claim of this particular people to the territories in question is such that other potential claimants have a duty to refrain from using their resources to advance their own claims.

To begin, we may easily dispense with the common objection that experience shows that only “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. The phrase is meant to communicate the nonexistence of rights as they have here been defined. If rights as such, that is duties not to use available capabilities to achieve valued ends, cannot exist, neither “might,” nor anything else, can create them. If, on the other hand, the exercise of might, that is conquest, creates a “right,” that is, a duty to refrain from changing that which “might” has established, then the claim that rights do not exist would not be correct, since, in fact, “might” had established such a “right.”

Another problem with the claim that all assertions of rights are spurious is the fact that so many people in so many places and for such long stretches of history have acted precisely as if they *do* believe in the existence of rights, especially their own, but also those 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—whether in Kosova/Kosovo; Judea and Samaria/West Bank, Palestine; Crimea; or Tibet—and equally powerful sense of vindication 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.

A Formula for Territorial Rights Allocation

There are four criteria that any rule for allocating territorial rights to peoples must meet. First, since it must be universal, the rule needs to be stated abstractly enough so that the specific

characteristics of particular groups (their languages, ideologies, sacred scriptures, or historical experiences) are not established, by fiat, as enjoying special and parochial privileges. The whole basis of a claim to a right is the appeal to others to accept a “duty” to honor that claim. No group that is *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 it would thereby automatically preclude the possibility of making its own culturally based counterclaims.

Second, the rule must be stated transhistorically. It is not satisfactory, for example, to argue that only “nations” have rights to land. Until 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 or state 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 that 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), and barring particular attributes or experiences of some groups and not others as the grounds of decision, the only way to justify any rule is by arguing that it serves the interests of those it affects 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.

Using these criteria, we can now consider how unsatisfactory the most commonly suggested rules for allocating territorial rights to states and peoples are, whether explicitly or implicitly. Arguments that the Bible, the Qur’an, 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 claim only in the minds of those peoples who accept the authoritativeness of the invoked text. Since there is no universally accepted authoritative text, there can be no universal rule based on any group’s particular beliefs about the cosmic source of its rights.

Arguments about permanent “natural” boundaries linked to security or economic viability can only pass the “transhistorical” test if they are understood as fluidly changing to reflect continual transformation in the technologies of war, trade, and production. But if boundaries are to be reconsidered with every shift in technology and economic activity, the rule becomes impossible to enforce. Indeed, 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 territory, would require a process of constant redistribution of land in accordance with changing population sizes and land use patterns. Enforcement of this rule would be enormously disruptive and probably unachievable given the impossibility of measuring the value of one culture’s “efficiency” standard against another’s: some groups might value natural spaces and low population densities more greatly while others might prefer increased gross national product, higher population densities, and natural resources exploitation that is more

transformative. Indeed, any rule for allocating rights to lands that emphasizes economic performance would tend to encourage the endless fragmentation of states, with groups living in economically profitable areas drawn to seek independence as the only way to insure continued rights to “their” land. If that were the case, every group and state would find itself motivated to increase rates of population growth, a form of competition which would quickly overburden the planet, undermining the interests of all groups.

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, by extension, when a group becomes or ceases to be a nation, thereby gaining or losing rights to a land. This rule also succumbs to its historically (and geographically) limited applicability (as would analogous 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 the most prominent such theory, John Rawls’s use of the “veil of ignorance” to assess the justice of competing claims, depends on participation in a limited human community, and yet is notoriously incapable of producing rules for specifying the morally correct boundaries for such a community.¹³ Arguments that liberal and only liberal groups have rights to land cannot survive the challenge of nonliberal groups (for example fundamentalist Christians, Muslims, and 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 nonliberal 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 nonliberal values seek to impose.¹⁴

Arguments that prior possession or habitation guarantees political rights over a territory in perpetuity appeal to a rule that cannot be implemented. 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 the majority of the planet’s inhabitants would literally have nowhere to live.¹⁵ This is not only manifestly impossible, but it would also not meet the criterion of a rule serving the interests of all groups affected by it better than any other.

What these examples illustrate is that there are no *particular* attributes, beliefs, or practices that can produce a rule for allocating territorial rights to different peoples. They suggest that any rule based on an a priori specification of desirable attributes, beliefs, or practices is inevitably biased. It cannot be universal, because it must necessarily reflect either the interests of those peoples making the specification or the principles by which those doing the judging can best justify their claims to the lands they themselves possess or want.

Hegemonic Analysis to the Rescue

All is not lost, however. To make my argument baldly, if imprecisely, 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 not challenged by counterclaims. To clarify this argument, it is necessary to adopt the language of hegemonic analysis.

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.¹⁶ 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 could in the future be ruled by their state would, accordingly, either not intrude upon their political consciousness or be treated, if they did appear, as worthy of ridicule, scorn, or hilarity, not as subjects of serious political debate.

My claim is that the best rule for allocating territory to peoples, and the only one that can meet the four criteria described above as necessary for recognizing collective rights to land, is one that uses hegemonic beliefs as a measure of rights. The potential to institutionalize territorial control via such beliefs thus becomes 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 who control it, can be said to have a right to rule a piece of territory only to the extent that its claim on that territory is hegemonically established. Such rights, once established, are not necessarily permanent. Rivals may arise with claims to that territory either from within the state itself or from outside. However, the onus will be on those rivals to overthrow prevailing and powerful dispositions to view their claims as irrelevant and wrongheaded, if not silly, before they can begin the arduous task of replacing the existing rights of others with rights of their own. Such a campaign would entail institutionalizing, within relevant political arenas (and these might well include arenas quite far, geographically, from the territory under dispute), a new hegemonic belief about who should rule the now problematically classified territory. The extent to which a belief can be sustained as hegemonic within a particular political arena if it is not also treated as such within other relevant political arenas is an empirical question. But regardless of how far afield one might have to go to secure or disrupt hegemonic claims, the rule, once adopted, would have the great benefit of being self-enforcing. For to reduce prospects of counterclaims and thereby establish or protest the hegemonic status of one’s own claims, it would be necessary to avoid or relinquish making claims that would be difficult to integrate as “natural” or commonsensical by others, including potential rivals.

As a practical matter, politicians advance claims to territory in the form of stories about what has happened to particular peoples, who they have been, and what they have done.¹⁷ When it comes to claiming rights to land, this means telling stories that can become hegemonic, stories that feature fulfillment of whatever criteria are accepted by listeners for validating rights. If the people on behalf of whom the claim is made do not believe the story they will certainly not be able to treat the claims it supports for rights to rule a territory it as commonsensically true. If they are incapable of acting as if those beliefs are natural presumptions of their collective life, then it will be difficult if not impossible to establish such beliefs and presumptions in the minds of others. And if others, *especially* other potential claimants, do not accept those beliefs as presumptions of

their collective life, then, under the theory of rights to land advanced here, the group making the claim will not have established their rights to the territory effectively.

There are few types of arguments, or stories, for asserting a people's right to a land that one group of Zionists or another has not, at one time or another, advanced to support Jewish rights to Palestine/the Land of Israel. Among the most familiar: Genesis and other books of the Bible documented God's promise to the Jews that the land was theirs; the original inhabitants of an independent political unit in the land were Jews, who were unjustly conquered and expelled, and have now returned to redeem their position as its rightful inhabitants and rulers; Jews worked to develop what was otherwise a barren land, making it fruitful and thereby earning the right to rule it; in light of a history of ferocious persecution, the Jews' need to rule the land, or a large part of it, is greater than the need of the Palestinians, or the Arabs in general, and so takes precedence; international law, as expressed in the Balfour Declaration and the League of Nations Mandate, established Jewish legal rights to rule the country—a legal position stronger than any rival claimant can advance; the requirements of self-defense by Jews under attack from Arabs who refused to make peace with them justify the expansion of Jewish rule from the territory allotted for a Jewish state by the United Nations Partition Resolution of 1947, to what became the State of Israel in 1948–49, and from those borders, to the inclusion of East Jerusalem, the West Bank, and the Golan Heights, occupied in 1967; there is no justification for allowing the return of Palestinian Arab refugees and their descendants, whether displaced in 1948 or 1967, because they chose to leave rather than stay, were rightfully punished for supporting war against the Jews, and/or were replaced by Jewish refugees constrained to leave Arab countries.

Many of these arguments, and the narratives within which they are embedded, are based on specious or at least extremely dubious empirical claims, claims now rarely heard—at least in scholarly circles. This is in large measure due to the fact that for very large proportions of the relevant populations more and more is known—or, to be more precise, no longer forgotten—about the details of the country's history and the conflict over it. In the last few decades we have witnessed, including and sometimes *especially*, among Israeli researchers, an explosion of scholarship describing the developed culture and society of Arab Palestine in the Ottoman and British periods; the major role that Arab labor and investment played in the country's development even after the arrival of Zionists; and the expansionist aggressiveness of Jewish forces in 1947–48 who broke local treaties of peace, engaged in tactics of terror, intimidation and massacre, and systematically exploited opportunities to seize more territory as well as cleanse occupied regions of as many non-Jews as possible.

It is in this greatly enriched information environment that continuing to assert Jewish rights to rule heavily Arab (or formerly heavily Arab) areas of Israel within the Green Line, but not the West Bank, has become increasingly problematic. A crucial outcome of the scholarly deconstruction of the official Israeli/Zionist narrative about what occurred in 1948 and of a variety of story threads pertaining to Jewish rights to rule the Land of Israel/Palestine, is that many Israeli Jews as well as many supporters of Israel outside the country speak publicly and maintain private beliefs that contradict that narrative. One result is that even as claims to rightful rule of the West Bank are far from achieving hegemonic status, the previously hegemonic status of Jewish/Israeli claims to rightful rule of areas *within* the Green Line is now seriously threatened. From the point of view

advanced here, this means that Israeli Jews seeking to advance Jewish rights to territory in or over the country—on either side of the Green Line—must first focus within their community, to rebuild or fashion anew both claims to land rights and a story to support them that at least in principle could be candidates for hegemonic status. We can see in the Marzel leaflet, and the Shavit volume, two distinctive strategies for doing so.

Coping with New Knowledge and the Search for Hegemonic Potential

Zionist doves (interchangeably referred to here as liberal Zionists) face an excruciating conundrum. They now know the means by which most of the territory within Israel proper came to be ruled by Jews. The old story, although largely false, had succeeded among Jews in Israel and most of the international community in establishing hegemonic beliefs in the rightness of Israel's rule over territory acquired in 1948. By 1967, even most Arab citizens in Israel had acquiesced, in their public behavior, to the institutionalization of this construction of moral and political reality. Now most Arabs in Israel, much of the world, and even many Israeli Jews, are at least questioning the legitimacy of rule by a "Jewish state" of the portions of the country inside the Green Line. Seeking with increasing desperation to uphold those rights, liberal Zionists vehemently deny the right of annexationists to enforce Jewish political and sovereignty claims in the West Bank. But when they decry the land expropriation, settlement, and "voluntary transfer" policies employed by West Bank settlers and their allies, they end up attacking the very measures that they now know were used to enforce Jewish rule over territory inside the Green Line.

In essence, dovish Zionists fight against land expropriation and settlement in the West Bank, and against policies designed to encourage Arabs to leave, because they seek to preserve an image of Israel within the Green Line as a Jewish state "rightfully established." They emphasize and even exaggerate the crimes of 1967 and its aftermath to prevent memories of the crimes of 1948 and its aftermath from occupying center stage on national, regional, and international agendas. To protect the legitimacy of Israel on one side of the 1949 Armistice Line, they must delegitimize Israeli policies on the other side. What outrages and even terrifies Israeli doves is that the settlers and their supporters are willing to contaminate the State of Israel in the eyes of the world by equating its establishment with their own activities in the West Bank, preferring, it would appear, a "greater" Israel, to a smaller Israel reliant on the continuation of selective memory—even if that state is condemned to international pariah status.

The cruelty of this predicament is mercilessly exploited by the leaflet Marzel distributed at the book launch event. On its reverse side, the leaflet sets aside the "joke" to make the point explicitly: There is no consistent basis for upholding Jewish rule within the Green Line based on rights to do so while condemning assertions of comparable rights in the West Bank. In this way, West Bank annexationists reject condemnation of their position by Israeli opponents on the basis that those opponents know, but do not make moral inferences from, the fact that the policies deemed to make Israeli rule of the West Bank wrongful are precisely the same policies that were used to establish and are now used to enforce Israeli/Jewish rule of lands inside the Green Line, that is, within Israel proper.

Here is the (translated) text of the reverse side of the leaflet.

Now, Seriously. Who here are the fascists?

We did not come to fight, nor to be irritating, only to explain

No. We are not occupiers, not in Shaykh Munis, and certainly not in Shaykh Jarrah.¹⁸ Shaykh Jarrah, remember, was essentially a Jewish neighborhood surrounding the grave of Shimon the Righteous. The Jews that lived there were expelled from their homes in the War of Liberation (remember the Hadassah hospital massacre?!). The High Court has now decided to do justice and to return the property to its owners.

Regarding Tel Aviv University and the neighborhoods next to it, that is another story. That is the story of Zionism, which raises the flag of Israel's return to its historical homeland, without apologies. True, the buildings of the campus and the offices of the Dean and the Rector sit on the ruins of an Arab village. Yes, that is true also of the office of Professor Gadi Algazi,¹⁹ a building constructed on what is called "privately owned Palestinian lands." But again, that is the essence of Zionism, the people of Israel returning to its land!

That was the fate also of Majdal (that is Ashkelon) and Yavneh. Indeed more than eighty kibbutzim were established on the ruins of Arab villages. But as we have explained, there is one and only one basis for the legitimacy of this. We, the Jewish people, are the masters of this land, from the beginning and for eternity!!! Without squirming and without apologizing.

So who here are the fascists? Baruch Marzel, whose house is on Jewish land in the center of Tal Rumayda in Hebron?²⁰ Or Yariv Oppenheimer, whose office is in an Arab house in the Baka neighborhood of Jerusalem?²¹ If there are those deserving of being called "fascists" or "occupiers," they are to be found in Tel Aviv University.

Those who roll their eyes, and argue that Judea and Samaria are occupied territory, should listen to Abu Mazen who speaks about sixty-three years of occupation. And they should remember that the Palestine Liberation Organization was established in 1964, years before the "occupation of Judea and Samaria."

Our enemies do not distinguish and will not distinguish between Ramat Aviv and Kefar Shmaryahu²² that were built on Sidni Ali and Kefar Halem, and Kiryat Arba and Ariel. From the point of view of Member of Knesset Zahalka, when Dan Margalit sat with him in the university television studio (just a little way from here), he was sitting in Shaykh Munis.

Enough with hypocrisy and confusion. This land is one, including all its parts. Judea and Samaria are the heart of the country. Look at the map; learn a little of our history. There never was another entity here since we were expelled, and certainly there was nothing here called Palestine. Nonetheless, "the Kingdom of Judah," was here and still is (and we are building it). That is a fact, that is not a "narrative!"

We have returned to our home, and we do not intend to move from here to any other place, not from Tel Aviv University and not from Jaffa and not from Shavei Shomron (in Nahalat Mishneh) and not from Karme Tzur that is in Nahalat Yehuda.²³

The next time that some self-righteous dove preaches to you about "occupation" and "settlers," ask him about Shaykh Munis, and you'll see a lesson in acrobatic balancing and professional level hypocrisy.

Thus the settlers seek to remind the world in general, and Israelis in particular, of the crimes of 1948. Calculating that Israeli Jews will never abandon their conviction of the rightness of claims to the land within the Green Line, or to the settlements established there, West Bank settlers seek to force their dovish opponents into supporting policies in the West Bank they cannot deny were implemented in Israel “proper.” What settlers insist Israelis remember is precisely what Israeli doves dread will no longer remain forgotten. In effect, annexationists are telling anti-annexationists that there is no such thing as “liberal” Zionism, and that if you want to be a Zionist, you must risk being called a fascist by liberals.

It should be noted that the leaflet is much more committed to the proclamation of Jewish claims to the land than to making those claims in ways that could ever be translated into “rights,” that is, into a sense by others, including Palestinians and other Arabs, that a Jewish state’s rule over all of historic Palestine should be undisturbed. The leaflet’s argument is not that “enemies” will become “friends,” or even “non-enemies,” or respectful “neighbors,” only that they will be equally and ferociously opposed to Israel whether or not it withdraws to the 1949 Armistice Lines.

By using the analysis of what could work as a rule for evaluating claims of rights to land, we can appreciate both the appropriateness of the argument advanced in this leaflet and the retreat it represents from right-wing efforts in the past to promote the annexationist agenda. Yitzhak Shamir was an ultranationalist member of Menachem Begin’s right-wing Herut Party and then of Likud. He served as prime minister from 1983 until 1992 except for two years of a national unity government in which Labor Party leader Shimon Peres occupied that office. In 1982, in the midst of the accelerating effort of the second Likud government to insure permanent Israeli rule of the West Bank and Gaza, Shamir was foreign minister. Meeting privately with a group of party activists in December of that year, he was asked how properly to respond to arguments about the merits of the case for keeping the territories. His advice: refuse to provide any arguments. To do so, Shamir suggested, would imply that some sort of conditionality was attached to the enlarged shape of the state and thereby postpone the elimination of such arguments from public debate. “We, members of the national movement,” he said, “must drive into every youth and Jew, this deep, simple, and elementary realization that Eretz Yisrael is ours. Why? Because, without any justifications or explanations, it is [*kacha zeh*].”²⁴

Refusing to argue reflects a strategy for achieving rights to the land by changing discursive patterns regarding the propriety of Jews ruling the West Bank so that common sense, that is, hegemony, replaces discussion of the merits of claims. As a rhetorical position, the advice reflects confidence, first, that the immediate audience has internalized the arguments and the narrative that weaves them together, and, second, that the main objective of political action is not to persuade the unpersuaded but to widen the circle of those for whom the belief is hegemonic. Implicit within this position is that there are many more who accept the arguments but do not yet contribute to their hegemonic status by acting as if they take their truth for granted.

Comparing the argument in the leaflet to Shamir’s position three decades ago, we see important similarities, but also a certain kind of retreat. In neither text do we see appeals to the value systems of others as a basis for supporting claims to Jewish rule of the West Bank. Both emphasize the importance of vigorous and categorical assertion of the claim over systematic justification. But there is a key difference. Shamir’s advice is based on an image of a hegemonic project making

progress toward total hegemony, progress that may be slowed by failure of its supporters to use language consistent with its eventual success. He sees no need to risk loss of support by advancing arguments that could alienate those whom he wants to see accept the naturalness of Israeli rule over territory occupied in 1967. The author of the leaflet, however, is more focused on expanding the community of those who assert Jewish claims to rule the whole Land of Israel; not in promoting modes of speech that would help to hegemonize those claims by removing them from the agenda of discussion. Moreover, the audience of the leaflet is much more limited than the audience imagined for the tactics Shamir was encouraging all young Jews to adopt. Specifically, the leaflet's audience is really only those Zionists who are more committed to Jewish sovereignty rights in the Land of Israel than to liberal principles.

Public knowledge that much of what Zionism and Israel did in the pre-state era, in 1948, and during the early years of statehood, is not consistent with liberal nationalist arguments in favor of the Jewish state's right to rule territory within the Green Line has had a quite different meaning for liberal Zionists doves than for annexationist Zionist hawks. The author and distributors of the leaflet welcomed the revelations of the "crimes" committed in 1948 as an opportunity to legitimize similar actions taken in the West Bank. In contrast, liberal Zionist doves encountered these revelations as a fundamental threat—one requiring abandonment of old justificatory slogans, stories, and arguments, and a search for some new way to sustain a defensible claim to rightful Jewish rule.

That search has not been easy. Instructively, the dovish Zionist speakers at the book launch event interrupted by Marzel never did respond to his questions. Indeed, it is relatively rare to find direct attention given to this problem by theorists of dovish-liberal Zionism. One notable exception is Chaim Gans's 2008 book *A Just Zionism: On the Morality of the Jewish State*. A liberal Zionist philosophy professor at Tel Aviv University, Gans offers a two-pronged solution. The Jewish state has the right to rule the lands it acquired via ethnic cleansing in 1948 because:

1. Much of that activity was in response to Arab violence and was not intended for the purpose of territorial expansion, per se, while settlement in the West Bank is motivated by desire for territorial expansion;²⁵
2. However the Green Line was produced, it is the only line that attracts international recognition and is accordingly the only basis for achieving the morally necessary division of the Land of Israel/Palestine between the Jewish and Palestinian nations.²⁶

One reason why Ari Shavit's book is so interesting is that he does not resort to Gans's first argument.²⁷ Instead he provides detailed reconstruction of the ideological, cultural, and practical preparations that made it possible to implement those policies of ethnic cleansing when the opportunity arose. In other words, Shavit does not deny that the elimination of Arab life in Palestine was the effective and conscious, but not publicly expressed, intention of the mainstream Labor Zionist leadership. His honesty deprives him of the justification that Gans offers for Zionist rights to rule the territory, namely that they were motivated to do the evil they did only because they believed it was necessary for self-preservation.

In any case, the argument that the character of the motives in the minds of those who seize land would produce the rights to do so would have to be rejected under at least two of the criteria examined earlier. First, the argument is particularistic, not universalistic. No victim of a land

seizure could sensibly be asked to acknowledge his/her duty to recognize its consequences as right because of the motives that animated the dispossessors.²⁸ Second, such an argument could not be implemented without destroying all existing rights to land, since its acceptance as a general rule would encourage every people to use what power it had to seize any lands it wanted based on the self-proclaimed purity of its motives.

Although Shavit rejects Gans's first strategy for responding to the arguments contained in the Ben-Ari/Marzel leaflet, he endorses the second. Evil was done to create the state and establish Jewish rule over its territory. Though the crimes are now visible and known, the Zionist movement showed skill and political maturity by perpetrating them in such a way as to permit Israel to emerge as a legitimized and recognized member of the international community with enough land to prosper as an immigrant-absorbing state including an Arab minority small enough to be effectively controlled and deprived of most of its land. The problem for Shavit is that the occupation begun in 1967 unleashed processes—whether inside Israel, among the Palestinians, in the region or across the globe—that have culminated in imminent threats to its survival: internally in the form of “the disintegrating code of humane Zionism . . . allowing dark forces to menace the nation. [S]emi-fascist ideas . . . are now being endorsed by some leading politicians in the ruling parties”;²⁹ and externally in the form, most dramatically, of the Iranian nuclear program. Despite Israel's own extraordinarily advanced atomic arsenal, which Shavit not only acknowledges but celebrates, the Iranian nuclear threat is an “existential challenge,” which “casts a heavy shadow over the future of Israel.”³⁰

With no hope for a negotiated peace, and having identified unilateral actions as necessary to defend threats to Israel's survival, Shavit guides his intended audience—those worried about Israel's future, ready to accept the truth about the past, but confused about how to defend it—toward a sense of desperation so strong that they will be ready to live without a general moral formula upholding the rightness of Zionist claims. When survival itself is threatened, and Shavit makes it clear that he endorses the classical Herzlian Zionist view that Jewish life on the planet cannot continue without a Jewish State,³¹ no action deemed necessary or even relevant to self-preservation can be questioned and no price, in moral coin, is too high to pay.

But Shavit's argument is more complex than that Israeli Jews can take anything they want in the Land of Israel because it is a matter of survival. By demanding that Israel abandon the West Bank and its settlements to avoid international pariah status, Shavit is holding out the hope of someday, at least, offering Israelis and the world a formula for validating Jewish rights in the State of Israel that could achieve hegemonic status.³² For this, he must make an argument that is much more difficult than the leaflet's argument. To draw a bright line between 1948 and 1967, Shavit must classify everything morally outrageous that Israel did in 1948 as absolutely necessary for Israel, in any way, to even exist. On the other hand, all evil done to expand and make permanent Israeli control over areas occupied in 1967 must be seen as unnecessary for, or even contrary to, the country's prospects for survival.

On the face of it this is a peculiar claim. Why was expelling the Arabs of Lydda, and of each and every one of the four hundred other Arab communities that were destroyed in 1948, absolutely necessary for Israel's establishment and survival? Why was it *not* necessary to expel the more than one hundred thousand Arabs who remained, but *was* necessary to subsequently confiscate 70% of

their land? Why was it necessary to take 35% of the territory allotted by the UN to the Arab state in Palestine, and not more? These are not questions Shavit can ask if he is to promote the 1949 Armistice Lines as established legitimately out of fear for Jewish survival. He must make the choice categorical.³³ “Lydda,” as he puts it, using the town and its fate as a metonym for the fate of Arab Palestine and its inhabitants, “is our black box. In it lies the dark secret of Zionism. From the very beginning there was a substantial contradiction between Zionism and Lydda. If Zionism was to be, Lydda could not be. If Lydda was to be, Zionism could not be.”³⁴

He goes on to state: “In the name of the Kishinev Pogrom, Zionism instigated a human catastrophe in the Lydda Valley.”³⁵ Thus does Shavit collapse anti-Semitic persecution and war with Arabs into one category of existential threat—indeed, the chapter that immediately follows “Lydda” is Shavit’s graphic treatment of the Holocaust and the inspiring stories of child survivors who lived full and productive lives thanks to Zionism. In this way, he provides the moral and emotional basis for his virulent critique of “bleeding heart” Israelis who want to condemn what was done in 1948, but enjoy its fruits.

. . . the conquest of Lydda and the expulsion of Lydda were no accident. They were an inevitable phase of the Zionist revolution that laid the foundation for the Zionist state. Lydda is an integral and essential part of our story . . . I see that the choice is stark: either reject Zionism because of Lydda, or accept Zionism along with Lydda . . . If need be, I’ll stand by the damned . . . They did the dirty, filthy work that enables my people, myself, my daughter, and my sons to live.³⁶

It appears that this formulation is something Shavit has developed during the last decade. His interview with Benny Morris, in 2004, reflects his shock and even outrage at somewhat comparable sentiments Morris expressed at that time.³⁷ Morris had objected to Israel’s occupation policy in the West Bank and Gaza and even spent a brief stint in jail for refusing to do reserve military service in those areas. But after the second Palestinian intifada he shifted his political position, declaring that Israel had erred in 1948 by not more thoroughly cleansing the country of Arabs. Praising Israel’s separation barrier built to keep Palestinians within well-patrolled ghettos, Morris told Shavit: “Something like a cage has to be built for them. I know that sounds terrible. It is really cruel. But there is no choice. There is a wild animal there that has to be locked up in one way or another . . . Even the great American democracy could not have been created without the annihilation of the Indians.”³⁸

Morris’s language is much more brutal than Shavit’s sometimes agonized defiance. But in his book, ten years later, Shavit echoes Morris’s invocation of the hoary Israeli slogan of “*ain breira*”—there is no alternative. Shavit depicts both Israel’s treatment of the Palestinians in 1948 and the need for unilateral withdrawal from the West Bank as bad options that had to be taken, and must now be taken, because there is no other choice available consistent with Jewish survival. Indeed he goes to great lengths to stress just how overwhelming are current threats to Israel’s survival.

Abandonment versus Recovery

The argument advanced in the Ben-Ari/Marzel leaflet is very different from Shavit’s. It fundamentally abandons the effort to assert a justification for Jewish rule that could become

hegemonic among non-Jews. It reflects an ideology rooted in images of an antinomian struggle between God and his people Israel, on one side, and gentiles on the other, in which Jewish rights will be recognized only after an apocalyptic battle and God's explicit establishment of the Jews as his chosen people. From this perspective, concern for what the world may think of what Jews do makes no sense.

On the other hand, Shavit recognizes as a dangerous threat the virtual collapse of the arguments and master Zionist narrative that had made substantial progress toward hegemonizing the status of Israel's 1949 borders. He advances the necessity argument as a recovery project. This means identifying Israel's present struggle as being equally existential and dramatic as was the 1948 struggle and therefore requiring similarly drastic action. Except now, the extraordinary action required is not the expulsion of Palestinian Arabs and the seizure of their lands, but evacuation of the West Bank and complete separation of Palestinians there from the State of Israel. This desperate measure, desperate as any taken in 1948, combined with a future unspecified opportunity for Palestinians to build their own state, is how Shavit aims to recover the Green Line as a candidate for hegemonic claims to Israel's right to rule at least parts of the Land of Israel. According to Shavit, only by offering a theoretical basis for reestablishing Israel's legitimacy hegemonically can Israel break out of the international isolation Netanyahu's policies have brought about, and accomplish what he describes as necessary missions—first and foremost, preventing a “nuclear Auschwitz,” if need be, by taking unilateral military action against Iran.³⁹

Offering a panegyric to Zionist leadership in the heyday of Mapai's domination (in the 1950s and 1960s) and a catastrophic depiction of the threats posed to Israel's survival today, Shavit argues powerfully on two fronts to advance his recovery project. He contrasts the silly bombast of Israel's current political leadership to Ben-Gurion's genius; and the self-flagellation of the country's “cultural elites” to the self-confident and profound historical understanding of those who undertook the tasks of founding and consolidating the State. The fundamental cause of the rot, however, is the prolonged occupation of the West Bank. For Shavit, recovering the viable hegemonic project advanced by Israel's brilliant founders means ending the occupation with the decisiveness, maturity, and ruthlessness that produced the State (and the Nakba) and then enforcing a categorical distinction between the moral meaning of dispossession imposed by Zionism in 1948 and that imposed after 1967.

Just as inflicting the Nakba on the Palestinians was justified, and can be made to seem justifiable, by the desperate necessity of “them or us,” so Shavit must portray the threats arrayed against Israel at present as equally capable of justifying the drastic step of ending West Bank settlements and withdrawing from the area even without a peace agreement. It is here that Shavit brings out his heavy rhetorical artillery. Israel, he says, is a project whose success means “walking a tightrope over the abyss,”⁴⁰ with the occupation a burden too heavy for the tightrope walker to bear without losing his balance. “[I]f Israel does not retreat from the West Bank, it will be politically and morally doomed . . . ,”⁴¹ even if the risks of doing so are also great. Israel is “a fortress on the cliff”;⁴² “demography is turning against the Jews”;⁴³ “less than a quarter of Jerusalem's youth are Jewish Zionists”;⁴⁴ “[a] giant circle of a billion and a half Muslims surrounds the Jewish state and threatens its future”;⁴⁵ “[a] wide circle of 370 million Arabs surrounds the Zionist state and threatens its very existence”;⁴⁶ and “[a]n inner circle of ten million Palestinians threatens Israel's

very existence.”⁴⁷ “Like the Crusaders . . . we live on a cliff facing east.”⁴⁸ “The howling winds of change . . . are turning into a hurricane that is sweeping the Middle East . . . the future of the fortress on the cliff is not clear.”⁴⁹ “Israel is a lonely rock in a stormy ocean”;⁵⁰ “a state in chaos and a state of chaos.”⁵¹

Conclusion

Each of the two approaches to the problem of comparing claims to land arising from 1948 and 1967 can be seen as evidence for the empirical power of hegemony as the only self-enforcing and self-limiting formula for establishing and evaluating rights to land. To the extent states and peoples know they can only establish rights to land via the hegemony of their claims inside and outside their borders, then, in the long run, leaders of states will be incentivized to seek rule of as much territory as can be made to seem natural for them to rule, but not more. As international norms move toward popular sovereignty, this will mean that demographic, cultural, and equality principles will encourage both expansion and contraction depending on the changing extent to which states can rule local populations in ways that make their inclusion appear accepted, natural, and therefore right. The self-enforcing aspect of the rule means that when “mistakes” are made, the state will likely face long roiling struggles and, eventually, changes in boundaries or demography that move toward more hegemonically promising outcomes.

Recognizing that their particularistic claims have no potential for success as a hegemonic project, Ben-Ari and Marzel direct their attention only to Jews and expect a struggle with the entire world over the assertion of Jewish rights—a struggle that will end only when history itself ends. Unable to elicit non-Jewish obligations by making claims that could become hegemonic, the solution of this approach is to abandon the effort. On the other hand, Shavit recognizes that only a claim that has potential for success as a hegemonic project could provide Israel with international respect for its existence as a territorial nation-state. Accordingly, he demands that the terrifying existential struggle confronting Jews in the late 1940s be re-experienced as contemporary reality so as to rehabilitate Israel’s image (domestically and internationally) and thereby recover the prospects for hegemony that “little Israel” enjoyed, at least temporarily, for the claims it made to the territory within the 1949 Armistice Lines.

The Ben-Ari/Marzel leaflet encourages memory of the crimes of 1948 to force Jews into an all-or-nothing struggle with the world. Shavit offers an approach he thinks capable of recognizing the crimes of 1948 while subsuming them within a narrative sufficiently dramatic to undergird a credible hegemonic project—trading emphasis on the immorality of the occupation of the West Bank for moral amnesia about what it took to make the state in its smaller borders.

About the Author

Ian S. Lustick is the Bess W. Heyman Professor in the political science department of the University of Pennsylvania. He is the author of *Trapped in the War on Terror* (Philadelphia: University of Pennsylvania Press, 2006); and *Unsettled States, Disputed Lands: Britain and Ireland, France and Algeria, Israel and the West Bank-Gaza* (Ithaca, NY: Cornell University Press, 1993).

ENDNOTES

- 1 Rabbi Meir Kahane was the founder of the ultranationalist Jewish Defense League in the United States. Kahane immigrated to Israel in 1971 and set up the Kach Party, which secured representation in the Knesset on a platform of expelling Arabs and transforming Israel into a society strictly ruled by Jewish Law. Israel banned the party for racist incitement in 1988.
- 2 The leaflet, undated, was signed "In Love for Israel, Dr. Michael Ben Ari, Jewish State Movement, medyehudit@gmail.com." Ben-Ari is a former member of Knesset, a declared disciple of Meir Kahane. Ben-Ari is known, among other things, for publicly burning Palestinian flags and tearing up a copy of the Christian Bible. I note that although the views of Ben-Ari and Marzel are extreme on many subjects, the formulations used in this leaflet are identical to those offered by mainstream leaders, spokesmen, and polemicists of the settler/annexationist right.
- 3 Meaning catastrophe or disaster—the term used by Arabs to refer to the expulsion and dispossession of 750,000 Palestinian Arabs in 1948 in the war associated with the birth of the State of Israel.
- 4 The upscale suburb in north Tel Aviv where the university is located.
- 5 The term for a Muslim charitable endowment.
- 6 Mahmud Abbas, head of the Palestinian National Authority.
- 7 Member of the Israeli parliament and head of the Palestinian nationalist and somewhat radical Balad Party.
- 8 Noted Israeli journalist and television personality.
- 9 See Esther Zandberg, "Opposition to the Demolition of the Beidas House, One of the Last Remains of Sheikh Muwanis in Tel Aviv," *Haaretz*, 31 July 2003, <http://zochrot.org/en/content/opposition-demolition-beidas-house-one-last-remains-sheikh-muwanis-tel-aviv>.
- 10 Ari Shavit, *My Promised Land: The Triumph and Tragedy of Israel* (New York: Spiegel & Grau, 2013), p. 115.
- 11 This portion of the paper is adapted from an earlier publication. See Ian S. Lustick, "Hegemonic Beliefs and Territorial Rights," *International Journal of Intercultural Relations* 20, no. 3/4 (1996), pp. 479–92.
- 12 Russia's moves to annex the Crimea and its apparent designs on eastern Ukraine (also known as New Russia) and perhaps other territories inhabited by the Russian "near abroad" are recent examples of chronic conflicts over territory involving both coercion and contradictory claims of superior rights.
- 13 Yael Tamir, *Liberal Nationalism* (Princeton: Princeton University Press, 1993), p. 10.
- 14 For a useful review of relevant literature on these points, along with a presentation of a liberal argument for territorial rights, see Daniel Philpott, "In Defense of Self-Determination," *Ethics* 105, no. 2 (January 1995), pp. 352–85. Despite the rhetoric of the 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.
- 15 To clarify, if Native Americans were the only people allowed to live in North America, hundreds of millions of humans would have nowhere to live. Apply a similar rule to each continent and all but a tiny percentage of humans would have to leave the planet.
- 16 For a detailed discussion of this essentially Gramscian concept and theory of hegemony, see Ian S. Lustick, *Unsettled States, Disputed Lands: Britain and Ireland, France and Algeria, Israel and the West Bank-Gaza* (Ithaca: Cornell University Press, 1993), pp. 53–54.

- 17 Rogers M. Smith, *Stories of Peoplehood: The Politics and Morals of Political Membership* (Cambridge: Cambridge University Press, 2003).
- 18 Shaykh Jarrah is a neighborhood in Arab East Jerusalem, occupied by Israel since 1967. Inhabited in part by Palestinians evacuated from the Old City when the area in front of the Western Wall was demolished shortly after the June War, the neighborhood has been the site of a long-running struggle against Jewish settlers who have asserted claims to homes in which these refugees live.
- 19 Algazi is a well-known left-wing critic of annexationist policies in the West Bank and a professor at Tel Aviv University.
- 20 Tal Rumayda is a Jewish settler enclave within the Arab city of Hebron that includes Kahanist and other extremist elements.
- 21 Yariv Oppenheimer is the general director of the dovish Zionist organization, Peace Now.
- 22 Kefar Shmaryahu is an exclusive suburb north of Tel Aviv. Both are known for the left-liberal-dovish leanings of their inhabitants.
- 23 West Bank settlements built on expropriated Arab land.
- 24 Lustick, *Unsettled States, Disputed Lands*, p. 358.
- 25 Chaim Gans, *A Just Zionism: On the Morality of the Jewish State* (Oxford: Oxford University Press, 2008), p. 99: “[O]ne could point out that the expulsion of Palestinians from certain areas in Palestine cannot be said to have been a planned policy designed for the future but, rather, an exceptional, local event . . .” See also Chaim Gans, “The Zionism We Really Want: A Third Way to Look at the Morality of the Jewish Nationalist Project,” *Haaretz*, 3 September 2013, <http://www.haaretz.com/weekend/magazine/.premium-1.545098>.
- 26 Gans, *A Just Zionism*, pp. 94 and 97.
- 27 Shavit, *My Promised Land*, p. xii. Shavit rejects the label “dove” because he does not believe in negotiations with the Palestinians. He advocates decisive but unilateral Israeli actions to divest itself of the occupation and completely isolate Palestinians from Israel. On the other hand, he portrays himself as having developed the political views of a “peacenik,” and vigorously advocates nearly complete Israeli withdrawal from the West Bank along with evacuation of Jewish settlements there.
- 28 Gans, “The Zionism We Really Want,” 3 September 2013. In this formulation, Gans shifted from motivation to perceived necessity as justification, but since necessity is in the eye of the one who feels the need, and since there is no mechanism in place to judge objective necessities and remediate takings that extend beyond them, this criterion cannot escape the fundamental flaw of any particularist argument in favor of recognizing rights to land. This is a more general response to Gans’s familiar example of the right of a dying person to burglarize a pharmacy to gain access to life-preserving drugs he cannot afford. A more particular response would involve asking how to judge the results of the act if it included the destruction of the pharmacy and the expulsion of its owners.
- 29 Shavit, *My Promised Land*, p. 404.
- 30 Shavit, *My Promised Land*, p. 380.
- 31 Shavit, *My Promised Land*, pp. 5–6.
- 32 Shavit, *My Promised Land*, p. 256.
- 33 Gans, *A Just Zionism*, pp. 91–93. It is worth noting that in a sense, Gans does seek to respond to these questions by suggesting some ways, via compensation or symbolic return of small numbers of refugees, to recognize that more evil was done in 1948 than actually was necessary for Jewish self-determination and survival.
- 34 Shavit, *My Promised Land*, p. 108.
- 35 Shavit, *My Promised Land*, p. 132.
- 36 Shavit, *My Promised Land*, pp. 131 and 331–33.

- 37 Morris's seminal work, *The Birth of the Palestinian Arab Refugee Problem* (New York: Cambridge University Press, 1987), and his subsequent volume, *Israel's Border Wars: 1949-1956* (Oxford: Oxford University Press, 1993), had revealed how much support previously secret documents in Israel's state archives provided for the Palestinian account of the Nakba. Morris fully documented the processes and specific means by which hundreds of thousands of Arabs were expelled, dispossessed of their lands and property, and prevented from returning to their homes by Jewish and then official Israeli forces determined to expand the amount of territory under Jewish rule while reducing the size of the remaining Arab population.
- 38 Ari Shavit, "Survival of the Fittest? An Interview with Benny Morris," *CounterPunch*, 16-18 January 2004, <http://www.counterpunch.org/2004/01/16/an-interview-with-benny-morris/>.
- 39 Shavit, *My Promised Land*, pp. 373 and 380-81.
- 40 Shavit, *My Promised Land*, p. 394.
- 41 Shavit, *My Promised Land*, p. 401.
- 42 Shavit, *My Promised Land*, p. 408.
- 43 Shavit, *My Promised Land*, p. 398.
- 44 Shavit, *My Promised Land*, p. 398.
- 45 Shavit, *My Promised Land*, p. 400.
- 46 Shavit, *My Promised Land*, p. 400.
- 47 Shavit, *My Promised Land*, p. 401.
- 48 Shavit, *My Promised Land*, p. 407.
- 49 Shavit, *My Promised Land*, p. 408.
- 50 Shavit, *My Promised Land*, p. 409.
- 51 Shavit, *My Promised Land*, p. 329.