



# Sedek

סדק / שדק

A Journal on the Ongoing Nakba



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Sedek, Special Translated Issue

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On the cover: Detail from, Hulagu on Tank, Mohamad Fadel, oil on canvas, 2004

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# Editorial

## Sedek Editorial Team

Talking the Nakba in Hebrew, acknowledging and verbalizing it in the language that rejected it, rewriting Palestinian village and town names into the Hebrew map - from the very start of Zochrot's action, it was Hebrew through which we sought to act politically, on it and with it, towards its Jewish Israeli speakers.

Via Sedek: A Journal on the Ongoing Nakba, we sought to pursue that activity by publishing studies and essays, prose and poetry, plastic art images and testimonies, to expand Hebrew knowledge base on the Palestinian Nakba, contribute to acknowledging its reality and ongoing repercussions, and establishing its relevance to Israel's political present.

All along, we at Zochrot understood Israel's continued refusal to allow Palestinian refugees to return to their homes as a key aspect of the Nakba, and have publicly acknowledged the Right of Return. It was only at a more advanced stage, however, that we sought to disentangle ourselves from the dispute over the Right of Return, and instead to start developing visions, strategies, tactics, and possibilities in preparation for actual future return.

Following that shift, Sedek has become a platform on which we seek to develop such return options. It was then that we found Sedek's language, so befitting the effort to raise Jewish-Israeli awareness of the ongoing Nakba, miserably inadequate in promoting practical steps to prepare for the actual return. The Hebrew we have been using hitherto actually served to exclude our indispensable partners - the Palestinians, refugees and non-refugees alike - and severely limited any possibility of conceptualizing their Right of Return, to the point of ridicule.

This edition of Sedek is hence an attempt deal with this unforeseen difficulty, by translating our texts into English and Arabic and publishing accessible, trilingual web-based versions of all our material - previously available exclusively in Hebrew - on promoting the return of Palestinian refugees. An attempt in which we seek not merely to share our preliminary efforts with our non-Hebrew readers - mainly Palestinians but also others, but also to ask any reader of these words to take part in this act by writing to us, expressing agreement and disagreement, suggestions for new directions, refusals, elaborations, shedding light on areas left dark by our preliminary, sketchy attempts.

Our Arabic translations are the product of collaboration with the Palestinian Badil Center, our partners in this effort from the start. The Arabic texts are also available on the Badil website, and have been published in the center's journal, Haq Al-Awda (Right of Return). Printable versions of these essays may also be found in Zochrot's website, [www.zochrot.org](http://www.zochrot.org)  
Please write to us.





# Thinking practically about the return of the Palestinian refugees

written by Norma Musih and Eitan Bronstein

Comments by: Manar Zu`abi, Tomer Gardi, Karma Nablusi, Michael Kagan, Ingrid Jaradat, Hillel Cohen, Yoni Eshpar, Sami Shalom Chetrit, Nada Matta, Charles S. Kamen, Bassim Kana`ana, Kosai Ganaiem, Liat Briks-Etgar and Salman Abu Sita.

This text is a multi-layered endeavor. Its first layer is written by Norma Musih and Eitan Bronstein. Based on a Zochrot working group, the essay is an effort to outline a preliminary vision and practical steps for the return of Palestinian refugees. The second layer is the result of a complex interaction of ideas. Instead of following the normal editing procedures of having others read and comment on the draft and then working together to change the text accordingly, we asked various people from different disciplines to read and comment on the first draft, and then we published the article with their comments. This way, we hoped to show the extent to which this line of political thought is underdeveloped and to turn the intellectual effort into an open project, not only of the two writers but also of those who comment on it. [Tomer Gardi]

## Introduction

For many<sup>1</sup> Israelis<sup>2</sup>, the “right of return” has always been a taboo subject. It has stood for the demographic threat – “it’s us or them,” a genuine fear<sup>3</sup> of Palestinians in particular and Arabs in general – “they’ll throw us into the sea,” and more.

Every person expelled in 1948, including his or her descendants, has a right to return; it is a right that is personal as well as collective<sup>4</sup>. This means that each refugee and his or her descendants have a right to choose among alternatives: a return to their former home (or nearby, if it no longer

1- “For us,” “we,” “all of us” – this text is full of the first person plural in its various forms, maybe too full for a text whose goal is to undermine the unity of the collective. The text is often unclear about who those “we” are – like here, for example. For whom was the return always one of the greatest taboos? For Eitan and Norma? Or a broader collective? And whom does it include? And who isn’t included? Who’s located beyond the boundaries of your “we”? [Tomer Gardi]

2- You write “as Israelis.” This self-identification, chosen by the article’s authors, reminded me of a conversation I had with a woman I met in Vienna, where she lived. The woman identified herself as a Jew opposed to Israel’s attempt, as a state, to be the sole representative of

exists), compensation, or resettlement in the original locality or elsewhere. Implementation of the right of return does not necessarily mean, as people mistakenly suppose, that the refugees will actually come back<sup>5</sup>. Very often people ask, “How long will the descendants of Palestinian refugees be themselves considered refugees? How many more generations of refugees will be born?” We believe that the answer is – until the refugees and their descendants are given the opportunity to choose whether to return or not; in other words, until their right of return is implemented. Their freedom to choose where and with whom to live – and to gain the full rights of citizenship – is their road to liberation away from the difficult condition of being a “refugee.”

The right of return is based on international law and supported by UN Resolution 194, which is reaffirmed every year by the UN General Assembly. Therefore, and because we don’t doubt that the right exists, we prefer to focus on the return<sup>6</sup>. This right, like all other rights, is implemented through negotiations: we all have a right to freedom, but the freedom of each of us is limited by the freedom of others or by various interests. It is therefore very important to think about what the actual return of the refugees would entail. We also understand, in part from our own personal experience, that thinking about the return in concrete terms – in which the refugees have faces and names, and we know the names of their towns and villages, their locations and their histories – reduces the fear of their return, by making the process visible, and at the same time allows us to address the actual questions we’ll have to answer when it comes time to implement the return.

Most discussion of the “right of return” has, up till now, considered the phrase as a totality, indivisible. We, on the other hand, want to break it open, and propose not to talk about the right, but about the return. We choose to talk about the return and not about the “right”<sup>7</sup> because discussion of the “right” usually turns into a competition over justice. Supporters of the “right of return” base their argument on justice for the refugees and the injustice of Zionism, while the opponents of the “right of return” claim that justice lies with Zionism, not with the refugees. This is more or less where the (lack of) discussion is stuck today – my justice versus yours. We prefer a different approach, one that can be seen as either a prologue or an epilogue to a discussion of the right, one that involves thinking about what exactly is involved in this idea of return that in fact receives so little attention. We believe that if we succeed in understanding what we are talking about, we might be able to avoid the noisy arguments about justice, or, at least, define more clearly the points of disagreement. If, for example, we understand that it is no longer an issue of “us or them,” perhaps we could consider the possibility that Palestinian refugees might return without this being so threatening to the country’s Jews.

A few months ago Zochrot set up a working group to study the practical aspects of the return, intending to prepare a document, or a number of documents, outlining in general terms what the return would involve. It included people of different ages and backgrounds: activists, journalists, university faculty and educators. We devoted the first year to educating ourselves: we met with experts who taught us about international law, land issues, water and property, and described cases in which refugees returned elsewhere in the world<sup>8</sup>. The Zochrot group operated parallel to B’dil, a Palestinian organization centered in Bethlehem that is active in support of the rights of Palestinian refugees. The two groups sometimes met together.

In the initial stage of the Zochrot group’s work, the learning stage, participation was relatively lively. When the second stage began, when we had to start thinking for ourselves and writing, enthusiasm began to fade. It is possible, of course, to explain this in all kinds of ways related to group dynamics or to various personal interests, but it is also possible to see it as a symptom of our difficulty in imagining a different reality – a reality in which return was possible. Or perhaps the gap between the reality we were trying to imagine and the one that we saw around us was so great that it seemed ridiculous to try bridging it. We also might have lacked a vocabulary with which to think about so different a reality. In a sense, this document represents a continuation of the group’s work, a first attempt to meet the challenge of drafting a paper that appears sometimes as points we agree on with respect to the return of the Palestinian refugees, sometimes as criteria and sometimes as questions to which we have no answers. We are grateful to all those who participated in that group as well as to all the members of Zochrot who helped us dare begin thinking aloud.

all the world’s Jews. Doesn’t identifying yourself as «Israelis» involve and/or strengthen the Israeli essence that is based on erasing the entire history and culture of another people? (I won’t deal with similar attempts to erase different cultures existing within Israeli society itself). Why not «We, as native-born Jews»? This solution is a practical one, and makes possible a state whose outlook is broader, with borders other than those that exist today – both geographically and intrinsically. [Manar Zu’abi]

3– The humanisation of Blacks was the most difficult of tasks among the ranks of the white population in South Africa. And it is by no means finished, for fear of the native is a sentiment that runs deep in settler societies. And the strategic importance of addressing that fear was paramount to the anti-apartheid movement. Like those Israeli Jews who today fear Arab enfranchisement, many white South Africans had cataclysmic visions of black empowerment. As with Israelis, Armageddon scenarios were anchored by dehumanisation and ignorance of the other. The end to apartheid was made possible only when white South Africans were encouraged to imagine what a non-racial democracy would really look like and feel like. Such an endeavour is of central importance for our struggle for freedom and democracy, especially when it comes to the Palestinian refugees’ rights of return to their homes and to compensation. It is in this narrative that we can understand the critical importance of Zochrot’s project for understanding,

imagining, and humanising the meaning of return.

In discussing the issues that need to be addressed before return, this paper begins with the Israeli fear of violence. Yet still absent from their discussion is the need to expose the absurdity of the notion that the Palestinian refugees pose an existential threat to a powerful state such as the Israel. This ties in directly with the question of learning, and of education. Indeed, it is not enough for Israelis to learn about the nakbah and Palestinian history. Learning about Palestinian refugees in the present is equally important, and a step that must join the learning about the past. For the challenge is to humanise the Palestinian refugees of today, and break the violent stereotypes and racist barriers that currently shield Israeli Jews from establishing any empathy with them.

As for the suggestion made concerning surveys as a means to guide action. I cannot overemphasise the caution with which these exercises using surveys must be considered. In my own research and writing I have discussed and explained how participatory methodologies offer a far more dignified, democratic, and fruitful approach. Surveys close the discussion exactly where it needs to be opened, atomise it where it needs to be collectivised, disempowers where it needs to strengthen, and marginalises the very things that people hold dear. It is essential to involve as many people as possible in the processes that are central to their fate – for reasons of justice as well as freedom and representation. Mobilisation is an important element for genuine democratic and progressive change.

To make writing this document easier, we have divided the text into chronological stages: before the return; the return itself; after the return. We have tried with respect to each stage to describe the situation as we imagine it and the necessary conditions for its materialization. It is important to note that a topic that we assign to a particular stage does not necessarily begin or end at that stage; nevertheless it is required for that stage to be implemented. While we wrote, there were times in which we tried to begin with the present and imagine the next steps, and other times in which we imagined what the situation would be like after the return and used that as a basis for imagining “in reverse.” This text can be read, therefore, as it appears here, from beginning to end – but also backward, from the end to the beginning<sup>9</sup>.

## Stage I – Before the return

### Ending the violence

A question that often arises in discussions of the return, particularly among Jews, relates to violence<sup>10</sup>: how will we deal with violence against Jews when the Palestinians return. This question deserves serious attention. It is based on a number of assumptions worth making explicit:

1. There is no violence now.
2. If the Palestinians return, they will do to us what we are doing to them<sup>11</sup>.
3. Using violence is the only way to protect ourselves.

Hannah Arendt writes that violence requires instruments – and as soon as instruments exist, they are used. The level of violence today is very high, and it is directed primarily at Palestinians. Violence has become the official language here; a different language must develop if any significant change is to occur. Obviously, any discussion whose aim is to encourage reconciliation between the two nations cannot ignore the severe violence caused by the Israeli-Palestinian conflict<sup>12</sup>. A first step, therefore, has to be a cease-fire<sup>13</sup>, cessation of attacks, an end to arrests, etc. Israel, the more powerful side and the occupier, must stop its violence against Palestinians and remove the roadblocks in the West Bank and between the West Bank and Gaza. For their part, the Palestinians must end all attacks on Israelis<sup>14</sup> – on soldiers, settlers and other citizens.

### Learning

One of the first things required is to begin learning: learning about the Palestinian Nakba, about the destroyed villages, the towns that were emptied by mass expulsions, the Palestinian culture which existed before the Nakba, and, of course, the Palestinian culture which developed afterwards. Not much is needed to learn these things, no revolutionary changes<sup>15</sup> nor major investment of resources<sup>16</sup>. It is enough to read books, take a tour or listen to stories; but it is mainly necessary to deal with what you learn and what it means. It is no accident that most Israeli Jews who grew up here know very little about Palestinian culture and about the Nakba. Learning about them is challenging; it cracks open the foundations

on which we were raised and contains a surprising dimension: Who knows what we will discover if we<sup>17</sup> start digging?

The asymmetrical reality in which we live imposes on us an asymmetry of knowledge: Who has to learn, and who does not have to learn, and about what. Palestinians living under Israeli rule, for example, know much more about Zionism and about the hegemonic Israeli culture than Jews in Israel know about Palestinian history and culture<sup>18</sup>. However, in order to create a different kind of society, it is also important for Palestinians to learn about non-hegemonic aspects<sup>19</sup> of Jewish history and religion as well as about the Israeli cultures that have developed here in recent years. Learning about the Holocaust in a Jewish context (and not in a Zionist context, as often happens here), about the expulsion of Jews from Arab countries, the suffering endured by Ethiopian Jews on their way to Israel – in this way, Jews will be able to create for themselves a different history of their own, and Palestinians will understand the social and historical context in which Jews live.

It is necessary for each side to learn about the other's history and culture in order to establish relations based on mutual respect, and this learning can already begin. It will not end when the return starts, but will deepen and become more pointed. Such learning will allow us to identify the connections between cultures and the contexts within which both exist, and perhaps to begin reformulating them.

### Mapping<sup>20</sup>

One argument frequently raised against the possibility of return, even if the Palestinian demand to do so is justified, is that there simply is no room. This is a small, densely settled country, and there is no room for any more people. It is simply a fact – look at the map, look at the plans. But maps, as we already know, not only describe reality, they also create it. And if we want to create a different reality, we need different mapping with different categories, one that describes new dimensions and answers different questions. We will need a mapping system that examines, for example, where villages that were erased could be re-established – in other words, which destroyed villages could be rebuilt at the same site (Lifta? Bir'im?) and which could be re-established (Mas'ha? Saffurya?). Which villages could be re-established in the vicinity of their original lands or on some of them (Beit Jubrin? Zakkariya?), and where would this be impossible (Sumeil? Al-Sheikh Muwanis?). It would also be necessary to locate buildings that in 1948 belonged to Palestinians and are held today by Jews (or by other Palestinians), such as in Jaffa or in Ein Karem; how many buildings that housed Palestinian institutions still exist, and how many of them still house public institutions (assuming it is easier to transfer the use of a public institution from one community to another than it is to move families around).

and it can be best arrived at through broad and open civic engagement. It is only through true inclusion and involvement that difficult decisions regarding matters such as the sequence of return can fairly be arrived at. It is equally problematic to pre-determine the question of "who returns first." Surely, it should be up to the refugees themselves to deliberate and answer that question, this kind of fragmentation, ranking, and separation of classes of people from each other enhances conflict rather than addresses it fairly. Similarly, the issue of the "form of the state" raised at the end of the paper should also not be pre-configured, as the possibilities are not yet established and thought through in collective mechanisms of the general will. The key principles should be set out, in order to encourage all to join in such an inclusive process, but the precise form of the state needs to be considered by current inhabitants and returning refugees together, as a collective endeavour. Rather than advancing a vision of a particular political system, the emphasis at this stage could be on suggesting and highlighting the many alternatives to the exclusionary and oppressive order that reigns at the current time. Indeed, the beauty of return, of liberation, can only be appreciated with the opening of new horizons and possibilities for us to look forward to. [Karma Nabulsi]

4- Historically, the PLO did seek collective return, but now the return is understood as an individual choice (which is how international law frames it). [Michael Kagan]

5- I think you might want to phrase this as "that all the refugees will actually choose to come back." [Michael Kagan]

6- I agree with the argument that exclusive focus on the RIGHT of return is not so helpful. I agree mainly because I feel that it does not help people to close the gap between the right, which is almost like a dream, and the reality, which is so different. I think the focus on practical thinking about return is needed, because it is a way to become empowered, i.e. to see that return is really possible, to build confidence, and when people are confident, they are more creative.

I don't agree that the main problem with a focus on rights is that we end up having a debate where "justice stands against justice," because Zionism has nothing to do with justice, and after all, there is a rule of law that helps us to understand what is legal (and just) and what not. This although it is true that international law can be interpreted in different ways, but there is a limit. I agree though that these legal debates aren't really useful for most people, because they tend to become confusing and not motivating people for action.... [Ingrid Jaradat]

7- I do see the point of organizing the paper according to stages: before return, during and after. At the same time, at the beginning in particular, the text comes across as a bit naive, when you list "end of violence," as the first item of what has to happen before return. "End of violence," sounds a bit like the Quartet and Condi Rice ....

Mapping is important not only to understand the geographical situation, but also in order to understand the social conditions in each place, and thereby identify the individuals and groups who will negotiate over its future character. The mapping must also describe plans for land use in the future, as these are defined in official planning documents. Lands expropriated from the refugees have changed ownership over the years, and many city and regional plans refer to them. This does not mean, of course, that existing zoning or construction plans can not be changed, but plans to build new localities in the future must take them into consideration.

The results of Salman Abu-Sitte's research contradict the assumption that "there's no room." He shows that most of the built-up core of the villages that existed until the Nakba has remained vacant. On tours conducted by Zochrot, we saw again and again that most of the villages were still empty, unlike the agricultural and public lands, most of which had been allocated to Jewish localities and were in use. This refutes the argument that all the village lands are occupied by Jews.

Mapping will help us<sup>21</sup> understand in a more responsible manner the situation on the ground and, equally important, train us to view the country differently – not as divided up and fenced in, but as a single entity between the Jordan and the sea in which people live who have common interests<sup>22</sup> and who want to create a better, more appropriate life for themselves<sup>23</sup>.

### Surveys

The term "survey" may sound almost like a dirty word in the context of discussions about the return of Palestinian refugees since many surveys that were carried out served the interests of those who wanted to prove that refugees would not want to return if<sup>24</sup> and when they had the chance to do so, and might prefer compensation that would allow them to stay where they were. Many surveys were conducted by Palestinians and by Jews, focusing on either Palestinian or Jewish feelings and opinions] They frightened some people and encouraged others. When, for example, refugees were asked whether they wanted to return to Israel, the assumption was that Israel would remain a Jewish state, and many refugees answered "no." We, on the other hand, propose to survey both Israelis and Palestinians on the assumption that the return will be implemented and that members of both groups will live together in full civic equality. The question, then, is how such surveys can be done.

It would be important, for example, to ask how many Jewish homeowners would be willing to return their property<sup>25</sup> to their original owners, or how many Jews who live abroad would be likely to move here. We would have to ask how many Palestinians want to return, to which locality, in which social framework, to what kind of job. Would they consider changing their occupation? What property did they own before the Nakba? And many more. Then we would have to ask ourselves: How would someone who had no property return or be compensated? What about tenants



→ Rania Akel, Um al-Zinat, installation, 2009





who worked lands owned by others"? How can the creation of a society with huge economic inequalities be prevented"? Which destroyed Palestinian localities were home to large enough groups of refugees who might be able to resettle them? Would they want to establish a locality of their own, or build one together with refugees from other localities? Would entire communities of the displaced (such as a refugee camp in Lebanon in which refugees from many villages live, and which itself forms a community) wish to remain together?

### **A constitution** <sup>28</sup>

It will not be possible at first to agree on a constitution, which would have to be drafted together<sup>29</sup> with the Palestinian refugees who are not yet here. Doing so raises the same kinds of technical and ideological issues that characterize the discussion over a constitution for the state of Israel: one justification for delay is said to be the desire to wait until all the world's Jews have moved here. The lesson to be learned from that experience is to proceed as rapidly as possible to formulate a constitution, or at least a "minimal constitution" containing elements on which there is fundamental agreement and that can serve as a basis for the eventual creation of a more complete document. We believe that a minimal constitution would calm apprehensions (primarily among Jews) generated by the return of refugees. Here is a preliminary framework:

- The constitution will be based on the United Nations Universal Declaration of Human Rights
- All residents of the country will be equal citizens.
- Immigration law: Canceling the Law of Return as it is currently formulated will, of course, be one of the first steps taken, in addition to confirming the Palestinian refugees' right of return. After a set period has elapsed, the government will establish new immigration laws that will give preference to Jews and Palestinians, whose entry will be allowed according to specified criteria.
- Separating religion and state.
- Legal reforms to eliminate preferences benefiting Jews.
- Negotiations over the constitution will include instituting an agrarian reform in which lands allocated by the state to Jews (kibbutzim and moshavim) will be redistributed.
- Every citizen may live anywhere he chooses in the country.
- No person may be forcibly evicted from the house in which he lives<sup>30</sup>.

### **Planning and construction**

New construction plans must be prepared during this stage. Which new localities will be built? Which existing localities will be expanded in order to receive the returnees? New country-wide master plans will have to be prepared that take into account considerations based on results of the mapping and surveys. In other words, construction plans must reflect the discussions and negotiations between the returning refugees and the residents of the country.

What I think is really needed in stage- is to weaken the Zionist regime through isolation, and that can be accomplished through holding it to account for war crimes and its massive violations of fundamental rights of the Palestinian people, in the country and outside. Means to accomplish this are resistance and struggle of Palestinians and Jews against discriminatory and oppressive policies, the global BDS-Campaign, universal jurisdiction, a.o. That would be a way to end violence.

8- The two central questions are: why should the Jews give up their own nation-state (to which there's a relatively good answer - that at least explains the logic of your idea: because it was built on land where another people lived), and the second, which you didn't address, relates to the source of your assumption that the Palestinians will accept our right to live here, and the lion will lie down with the lamb, especially in light of the statements by Islamic elements, but not only them. In other words: it's clear that in order for this process to be implemented there must be a profound change in the consciousness of the Palestinians (anchored not only in our own human need to live, but also in international law, that is, the condition specified in UN Resolution 194 according to which the returning refugees will live in peace with their Jewish neighbors). Failure to address this point, which is no less an obstacle to the return than is the policy of Israeli governments, weakens the entire article. And more: even those of us who are willing to live in conditions of full equality

with the Palestinians, and also those whose national sentiments are relatively weak (and might therefore be able to agree to the refugees' return) - and I assume that you, the authors, also - can't waive this precondition. That you ignore it raises the suspicion you prefer to focus on the „Zionist“ failures, and not those of the Arabs. I myself believe that closing one's eyes to either of them is a mistake. Moreover: return of the refugees will lead to the loss of all the country's open areas. It's not a counter-argument, but a point that must be addressed. And also that Palestinian citizens of Israel will be hurt by this more than anyone else, which can't be ignored either. But these are less important comments. In any case - don't give up. [Hillel Cohen]

9- I view the idea of the return slightly differently than the approach in your article, regarding the connection between the return and the construction of a democratic, multi-cultural society between the Jordan and the sea. For you, the return of the refugees is a goal in and of itself whose realization will allow or, in fact, require the end of Zionism and the redefinition of the constitutional and institutional character of the state. In my opinion, changing the character of the state must precede the implementation of the return or, formulated differently, the return can occur only as a result of the establishment of a non-Zionist state, and not the opposite. Here are a number of reasons: a) To the best of my knowledge, the Palestinian return is the only historical example (other than the „return to Zion“) whose implementation will

## **Stage II - The Return**

Before the refugees actually return, the ground must be prepared<sup>31</sup>. We consider four elements of such preparation that could help pave the way: conducting "Birthright" tours; establishing absorption centers; preparing the receiving society; orienting the migrants.

- The format of "Birthright" tours that the Jewish Agency organizes for Jewish youth from abroad in order to introduce them to the country could be a model<sup>32</sup> for the return of Palestinian refugees. During the decades that have passed since the Nakba, the country has changed almost beyond recognition. The refugees, most of whom have not been here since they left, must be aware of what awaits them. The village they remember no longer exists, and the landscape often contains little hint that it ever existed. It is important for those wishing to return (or their representatives) to tour the area in order to see what things actually look like, who their new neighbors will be, and maybe even who now occupies the houses where their mothers and fathers lived in the past.

- The receiving society<sup>33</sup> must also prepare for the refugees' return. Successful absorption of a large number of immigrants requires great effort. Palestinians living in Israel will play a major role here. They will "naturally" be the ones to assist their brethren who return to Israeli territory, which is the area in which most of them, or their parents, lived before they became refugees. There may be those who prefer to live in the West Bank or Gaza, but that would probably require less preparation or advance planning<sup>34</sup>. Palestinian citizens of Israel are familiar with both Israeli and Palestinian society, and it will not be difficult for them to describe to other Palestinians what it is like to live with Jews. Jews will also have to be prepared to absorb the refugees. Many changes will occur - cultural, demographic, economic and others - and Israeli Jews will have to be ready for them<sup>35</sup>.

- The returning refugees will also need preparation. Civil society has a prominent role to play here. The preparation must begin with educational activities in the Palestinian diaspora and continue in absorption centers in Israel, perhaps in the same way that kibbutz members were trained before moving onto the land that had been allocated to them<sup>36</sup>.

The actual return of the refugees must occur in stages, gradually, taking into account the absorptive capacity of the country. To return, even when doing so may be a Palestinian refugee's lifelong desire, is still migration - and every migration involves being uprooted from somewhere. In the case of the Palestinians, all the refugees who choose to return have lived for most of their lives in some other place, in some form of exile. Most of their lives have been lived in places that had not been their destinations, but which they still feel is where they belong: they are used to them and familiar with them, and over the years they have become something like a home. Their actual return becomes a (willing) uprooting from the places



where they live. Its successful implementation requires the preparation of the refugees themselves, the receiving communities and the absorption system. Therefore, the return can not simply be a spontaneous process<sup>37</sup> that depends only on the decisions of the returning refugee.

The process of return also depends on systemic factors, which will undoubtedly limit the number of returnees according to the capacity to absorb them. Criteria are therefore required in order to decide who goes first. Here are some possible criteria:

**Age:** Refugees who were themselves forced to leave and wish to return will have preference over others. There is no need to justify preferring an elderly person who wishes to return over members of the second or third Nakba generation. These elderly people will return, of course, with those family members who wish to accompany them. (The issue of how broadly “family” will be defined for this purpose is not one we have to consider here.)

**Refugees in Lebanon<sup>38</sup>:** Refugees who live in Lebanon will be next on the list because the social and physical conditions of their existence are in general worse than those of refugees in other countries. The condition of those living in refugee camps is the worst of all, but even people who moved out of the camps lack civil rights and are prevented from working in dozens of occupations. They are under great pressure from the Lebanese government and the Lebanese population<sup>39</sup>.

**Preserving community<sup>40</sup>:** Migration is more successful when the migrants – the returning refugees – are able to maintain in their country of destination the community structures that existed prior to their migration. Two types of communities are relevant: those that existed in their localities of origin, from which the refugees were originally uprooted, and those in which they live now, for example a camp with refugees from many localities. The members of both types may wish to preserve their communal life and return together with the others. Israel adopted a similar approach to the resettlement of residents who had been evicted from localities in Gush Katif prior to Israel’s withdrawal from the area, when the government tried to move them together to their new locations. Refugees in the Ein al-Hilweh camp in Lebanon, for example, have lived together in the camp for much longer than they lived in the individual villages in Palestine from which they were uprooted. It is possible that they may also choose to live together after the return, perhaps preserving the collective memory of each original locality, as has actually occurred in many places since the Nakba. But there may also be people from the same village who wish to live together in their own separate locality, and this possibility must also be considered.

The gradual return of the refugees also applies to the total number<sup>41</sup> who will return each year. An annual quota should be established for two reasons: the first, and obvious reason, is connected to absorptive capacity.

overturn the demographic balance between groups involved in a violent conflict, and for that reason the current ruling group will not relinquish its position unless its members know ahead of time what constitutional and institutional protections will be available to them when they lose their majority. The status of the «minimal constitution» you mentioned is unclear, as is the question of who will participate in its formulation. b) It's only fair that when the Palestinians reach the point of deciding whether to return to Palestine, they know what kind of state they're returning to. c) As you noted, immediately after their return the population of refugees will be a population of immigrants, in large measure foreign to and alienated from the place and the society they are joining. It is difficult for me to evaluate how ready they will be to make constitutional compromises once their right to return has been implemented. I can more easily imagine how the chance of realizing the return would provide an incentive for compromise during the stage of discussion on the new constitution. It is, after all, impossible to foresee exactly how the transition from the existing order to the new one will be carried out, but I estimate that it will most likely be a gradual process including, for example, civil and constitutional reforms within Israel, then the residents of the occupied territories will be asked to choose in a referendum whether to become equal citizens of the state, and finally the unified state will formulate, together with other countries of the region and international

institutions, an organized program for the refugees return. [Yoni Eshpar]

10- Violence, as you understand it, and as Hannah Arendt (being a white woman) completely fails to understand, is the very presence of European Jews in Palestine. In other words, invasion as the essence of the necessarily aggressive European Zionist presence in Palestine. There has never been, nor will there ever be, any European Zionist presence in Palestine that is not based on force and violence. Ending force and violence means dismantling European colonialism. Therefore, with all due respect – the central project must be decolonization of Palestine, and its price may turn out to be the departure – voluntarily or out of fear – of most of the European settlers, as occurred elsewhere. [Sami Shalom Chetrit]

11- A little bit demagogic: You mean that if they'll return, they'll do what they promised to do to us in '48 – at least, but not only, according to the Zionist narrative. [Hillel Cohen]

12- «Help us», «train us». A monolithic view of the country – a single perspective – is impossible. [Tomer Gardi]

13- First, the general political context was missing. I think that the defeat of Zionism and the Arab dictatorship regimes is a pre-condition for the return. This also implies that there is a defeat of American imperialism in the Middle East. Now this is a dream. This means that not only can Palestinian return to live in Palestine if they want, but that they could

The second is based on Jewish fears that the Jewish inhabitants will be displaced by the returning refugees after so many years of conflict and occupation. Jews need to be given a guarantee that they will not be forcibly evicted from the homes in which they live; this guarantee also applies to internally displaced Palestinians who live in the homes of refugees. They will be offered an appropriate compensation for leaving, but under no circumstances will they be compelled to do so<sup>42</sup>.

A number of questions arise which must be considered: What happens in the case of a building originally owned by Palestinians, whose former owners demand its return, and it is occupied by Jews or others who refuse to leave? What if its occupants purchased it in good faith from the state or from its previous owners? And what if the original Palestinian owner is no longer living, and his descendants claim it?

The answers provided by international law seem to be inadequate. For example, according to international law, if the house has remained more or less in the condition it was prior to 1948, the Palestinian owner has a stronger claim that he would have if the building had undergone major renovations and improvement, in which case the present occupants have the stronger claim. In our opinion – as laymen, not as lawyers – the present occupants’ claim grows stronger with time<sup>43</sup>. When, after scores of years have passed, second, third or fourth generation heirs claim their property from the current occupants who purchased it in good faith, their claim is weaker<sup>44</sup> than that of someone whose property was taken only recently. On the other hand, during the return, and in hope of encouraging reconciliation, it is worth offering incentives so that both sides will be willing to make “painful concessions.” For example, Jews who relinquish their property to returning refugees would receive appropriate compensation and public recognition<sup>45</sup>, as would Palestinians who relinquish their claim in favor of the current occupants.

### Internal refugees first

Israeli citizens who are internal refugees can return before refugees from abroad<sup>46</sup> – since many of the challenges that the latter will face do not apply to the internal refugees. The short distances, physical proximity and familiarity with local conditions provide them with many advantages that will help them plan their return. For example, the displaced residents of Saffurya, most of whom live in Nazareth’s Sfafara neighborhood, could decide relatively easily whether any of them are interested in returning to their former locality, only a few kilometers away from where they now live. After deciding, they would be able to begin planning to rebuild, together with official and unofficial planning agencies, so that their needs are met. Their Jewish neighbors, residents of the moshav Zipori and others, must be part of this planning. Returning the internal refugees first will also make it easier for them to orient those who live abroad before their return and to assist in their absorption after they arrive. Their own experience will expose them to the challenges that the others will face, and they will be able to provide help and advice about useful strategies that they themselves developed to deal with their own readjustment. We



believe that Israeli Jews will be more willing<sup>47</sup> to accept the return and resettlement of their displaced neighbors, and eventually to accept the idea of the return in general.

### Burial and visiting

The refugees' return has two more elements that complement each other: burial and visiting. Palestinian refugees (as well as Jews living abroad) will always have the right to be buried here. Many refugees may not wish to return to Palestine, but they may want to be buried here after they die. This return does not require a very great investment, but its symbolic and practical importance is great. Similarly, refugees living abroad will forever<sup>48</sup> have an unlimited right to visit<sup>49</sup>.

### Where will they return to?

A crucial question, of course, is the place to which the refugees will return. There are various possibilities: to the localities from which they were expelled; to a site near those localities; to other localities; to new communal localities made of different refugee groups; or to localities formed jointly with Jewish groups.

Returning to the localities from which the refugees were expelled seems like the most "natural"<sup>50</sup> solution, and in some cases could actually occur. A number of conditions are required. First, there must be a large enough group willing to reestablish the locality. Second, the built-up core of the village that was destroyed must still be mostly uninhabited, and there must be surrounding land that can be attached to it. Third, various planning elements, such as ecological factors<sup>51</sup>, infrastructure, etc., must be considered.

If the locality no longer exists, or if others now live there, or if it has been turned into an industrial area, it could be reestablished nearby. Such a solution preserves the proximity to the original geographical area, on the one hand, but is adapted to the changed circumstances, on the other. An example would be the villages previously located on lands that today are covered by Tel Aviv neighborhoods. The residents of Sumeil can not return to their lands because, aside from a few buildings, nothing remains<sup>52</sup>, and their agricultural lands are today in the center of Tel Aviv. But they could receive apartments in the buildings that will soon be built there. They could live in them, rent them out, or sell them. It would also be possible to establish a locality near Tel Aviv for all the refugees from those villages who wish to return. Another possibility would be to establish a Palestinian locality adjacent to an existing Jewish locality. The moshav Kerem Ben Zimra, for example, is located on the former site of al-Ras al-Ahmar, and Kerem Maharal sits on I'jzim's land. Kerem Ben Zimra and Kerem Maharal could be expanded by the addition of neighborhoods occupied by returning Palestinian refugees<sup>53</sup>.

Groups of displaced persons from different localities may wish to resettle together. As stated above, if residents of a particular refugee camp, who

live anywhere they want in the democratic Arab world. Of course Jews can share this dream if they wish. Back to reality i would say the first step in the context of Israeli left politics is a joint Palestinian Israeli struggle against the occupation. dismantling the wall etc. [Nada Matta]

14- This is always a problem in the I-P conflict. in part because it opens the possibility that a small group of militants can destroy an entire peace process. It seems to be that both sides, to some extent have adopted the slogan that "violence is the only language they understand." I wonder if part of reconciliation needs to be a collective commitment to security for all (not only Jews are subject to violence, after all) and a decision to marginalize any party to justifies continuing attacks on the other side. [Michael Kagan]

15- In addition to my specific comments. I'd like to make a more general one. When I read your text I thought about the Enlightenment, and how, on the one hand, it is all based on the Enlightenment's world view, and ignores, on the other hand, the critique of the Enlightenment that has been developed through the years. As if Adorno and Horkheimer hadn't sat down more than sixty years ago in the United States, to which they'd fled from Nazi Germany, and identified the danger contained in the Enlightenment, and its connection to what made possible the concentration camp and the gulag, and the critique of the connection between the Enlightenment and modernity, which I know you've read, but which

you seem to have excluded from this text, and Zionism as a modernist project, the critique of which you seem to have understood only as a critique of that specific movement, and not as a general critique of the disasters that can be caused by those who believe in the autonomy of rational planning. I thought after reading your text that - instead of placing it at the end of this issue of Sedek - I would republish, ten years after it first appeared. Azmi Bishara's article. What, then, is enlightenment? I asked the Kibbutz HaMeuchad publishing house for permission to reprint it, but they conditioned their permission on Azmi Bishara's agreement, which I wasn't able to obtain. Therefore, I won't publish Bishara's essay in full, but will make do with quoting from it: "The critique of the twentieth century emphasized in particular the boundaries of the eighteenth century European Enlightenment and its limitations. This critique noted the repressive elements contained in the principle of enlightenment, or in its various aspects. Thus, for example, we are aware of the fact that the principle of the autonomy of the subject was based on a view of the person consistent with him being a European male, while repressing anyone who does not fall into that category. In this way the Enlightenment preserved the idea of the person that had developed in Europe since the 16th century, with the start of the colonial era, and which subordinated the concept of 'humanity' to that of Christian Europe. The connection between enlightenment and modern racism was also examined in

originally came from different localities, wish to preserve the community they established in exile rather than those from which they originally came, new localities would be established near those from which they were displaced. Such localities are usually made up of refugees from nearby villages, as in the Galilee.

Refugees may also return to other places. They may resettle anywhere in the country; nothing would prevent refugees from Haifa, for example, from wanting to live in Nazareth or in Tel Aviv<sup>54</sup>.

## Stage III - After the return

### What form will the state take<sup>55</sup>?

At this point we will try to sketch an outline for creating the state to be established after the refugees return, which we view as an opportunity to make a new beginning and create a new social order. We propose thinking about a form other than the familiar nation-state - one that will not have to define itself in defensive terms against an external enemy but will instead be defined by the communities of which it is composed. Our state is a "weak state"<sup>56</sup>, secular, with a strong constitution, limited in scope, based on the Universal Declaration of Human Rights. Its constitution will provide a strong, limited framework that allows "strong" communities to be established, each of which will have its own social and cultural autonomy (within the framework of the country's basic laws). Each community will be the equivalent of a state, in the sense that it will be able to create its own social and cultural structures. We envision not a "polis," a city-state, but a community-state. One important purpose of such a state would be to maintain a multi-cultural framework that would allow all its citizens to live a full life. The state, for example, would be responsible for the road system and would prevent the development of a predatory market as well as prevent one group gaining power over the others. The state's supreme authority, based in its limited constitution, will be primarily formal and regulatory in nature<sup>57</sup>.

Citizenship in each of the community-states will not be linked to its geographical location: a number of community-state entities could exist in the same region. There could be some in Tel Aviv, each of which would maintain its own educational system, language and customs. There could be, side by side, schools whose languages of instruction are Arabic, Hebrew, Amharic, Russian, or some other tongue, and the curriculum in each school would be determined by the community-state that runs it. The national government<sup>58</sup> would have the authority to reject curricula (if, for example, they encouraged racism), but would not have to approve them.

Creating a multi-cultural space within the state will not only permit Jewish and Arab communities that currently exist to maintain cultural autonomy - but will also dismantle the fictitious unity<sup>59</sup> we find today, in which the Jewish community in the form of the nation-state confronts the Palestinian community in the form of the nation (non)state. At present,



internal differences within each community are suppressed, and the groups which make up each national community are unable to express themselves equally. The hegemonic group (among Jews, the Ashkenazi) colors all the rest white, and the others – like Ethiopians, or labor migrants – have no place in the state as we know it today. Separating citizenship from nationality by establishing many community-states will permit the creation of additional communities, which will not be defined in national terms. For example, community-states of farmers or artists might be created. Such community-states would naturally be connected to each other by ties of greater or lesser strength, and these connections would continually be reconstituted.

## Reconciliation

A new political order is not all that is necessary to renew our lives here. New kinds of relationships must be established, based on mutual trust among people – those who now live here as well as those who will arrive in the future. To create a healthy society, wounds that have opened and festered during the past sixty years must be healed. Public space must be provided for speaking about injustice and listening to the stories of victims and perpetrators. One possible model that might be applicable is that of the South African “Truth and Reconciliation Commissions,” which may have been the first attempt to distinguish among truth, responsibility and punishment for injustice. It is possible, for example, to say that the events of '48, '67 or even the recent shelling and bombing of Gaza were the result of what was taken for granted at the time, and not decisions made by particular individuals; that this officer, or that minister, can not be blamed because they were only carrying out the mandate that came with their job. But, if we say that everyone is to blame, that is like saying no one is to blame, and worse – that no one can take responsibility. That is what is interesting about the South African model. The “Truth and Reconciliation Commissions” demand the truth. The victims present their accounts, and the perpetrators are also required to tell their stories publicly; it is the public account that leads to healing, not only of those presenting their stories but of the entire society.

## Is this worthwhile?

Having presented these preliminary reflections about the possible return of Palestinian refugees, it is important, instead of summing up, to explain why it is worthwhile to think about such things. Let's start by indicating what each side would have to give up in order for the Palestinian refugees to return.

Jews relinquish sovereignty, exclusive control over the country, and a guaranteed Jewish majority. After more than 100 years of socialization to Zionism, this will require courage and daring. When the refugees return, Jews will become a minority in the country. Israel as a Jewish state will change radically, and it will no longer be defined as such. Jews will no longer be able to determine their future, and that of the Palestinians, by themselves. They will have rights as a minority in a democracy, but also many constraints.

the same context. We also learned that the tendency to dictate a particular form of rationality, one which transforms nature and then society and the person and his freedom into an object, and reason into nothing but an instrument, and which Max Horkheimer defined as „instrumental reason,“ led to disastrous results. Awareness of this critique is a necessary condition for our current participation in this modern project, but it doesn't lead to negating the value of modern Enlightenment's fundamental assumptions – rather, to the need to address them from a contemporary critical perspective. » [Tomer Gardi]

16- There's quite a bit of class blindness in this statement. Time to learn, free time like this, is a right enjoyed by few. I don't agree that revolutionary change is unnecessary: transforming Israeli society into one in which everyone has the resources needed to learn, to educate themselves, to think about things other than barely getting by. [Tomer Gardi]

17- In addition to my specific comments, I'd like to make a more general one. When I read your text I thought about the Enlightenment, and how, on the one hand, it is all based on the Enlightenment's world view, and ignores, on the other hand, the critique of the Enlightenment that has been developed through the years. As if Adorno and Horkheimer hadn't sat down more than sixty years ago in the United States, to which they'd fled from Nazi Germany, and identified the danger contained in the Enlightenment, and its connection to what made

possible the concentration camp and the gulag, and the critique of the connection between the Enlightenment and modernity, which I know you've read, but which you seem to have excluded from this text, and Zionism as a modernist project, the critique of which you seem to have understood only as a critique of that specific movement, and not as a general critique of the disasters that can be caused by those who believe in the autonomy of rational planning. I thought after reading your text that – instead of placing it at the end of this issue of Sedek – I would republish, ten years after it first appeared, Azmi Bishara's article, „What, then, is enlightenment?“. I asked the Kibbutz HaMeuchad publishing house for permission to reprint it, but they conditioned their permission on Azmi Bishara's agreement, which I wasn't able to obtain. Therefore, I won't publish Bishara's essay in full, but will make do with quoting from it: „The critique of the twentieth century emphasized in particular the boundaries of the eighteenth century European Enlightenment and its limitations. This critique noted the repressive elements contained in the principle of enlightenment, or in its various aspects. Thus, for example, we are aware of the fact that the principle of the autonomy of the subject was based on a view of the person consistent with him being a European male, while repressing anyone who does not fall into that category. In this way the Enlightenment preserved the idea of the person that had developed in Europe since the 16th century, with the start of the colonial era.

So why is it worthwhile? In our view, a situation in which Palestinian refugees are no longer prevented from returning to their land allows Jews, for the first time since the beginning of Zionism, to live in the country instead of prevailing as occupiers or dreamers of a mythological “return to Zion.” When the myth of “Eretz Yisrael” evaporates, and the country becomes an actual political entity, Jews will finally – paradoxically – be able to “arrive” at a real place, land here, see and learn its history at close hand, its geography and its demography. Only when Jews come to see the Palestinians who live here and those who were expelled as people worth living with can we hope to live here fairly and equitably. As a minority, Jews will be able to continue living more or less as they have been used to: life in Jewish localities should not have to change much – and even if it does, the change will be gradual and consensual. Jews can continue to create in Hebrew, to learn Jewish history and support Jewish and Hebrew culture.

Palestinians, for their part, will have to relinquish their dream of a lost paradise. The mythological Palestine, in which all was wonderful, will never return, and will exist only in the world of memory and yearning. For Palestinians, living with Jews means living with the occupier, with those who expelled most of their countrymen. This is a tremendous challenge for someone whose land was occupied and who would certainly have preferred the occupier to simply disappear, evaporate. That will not happen. There may be Jews, most of them of European origin, who will not be able to adjust to a non-Zionist reality and will prefer to use their other passport to move elsewhere, but many will remain – among them those who simply have nowhere else to go, or do not have the resources to leave. We think that the cost of realizing paradise on earth is greater than the cost of giving up that hope. In the real world, it is necessary to take into consideration the tremendous changes that have occurred in the country since the time of the Nakba, but not all of them have been for the worse.



and which subordinated the concept of „humanity,“ to that of Christian Europe. The connection between enlightenment and modern racism was also examined in the same context. We also learned that the tendency to dictate a particular form of rationality, one which transforms nature and then society and the person and his freedom into an object, and reason into nothing but an instrument, and which Max Horkheimer defined as „instrumental reason,“ led to disastrous results. Awareness of this critique is a necessary condition for our current participation in this modern project, but it doesn't lead to negating the value of modern Enlightenment's fundamental assumptions – rather, to the need to address them from a contemporary critical perspective.» [Tomer Gardi]

18– Here, for example, is another such „we.„ Like the one I asked about in my first comment on your text. What are those foundations upon which all of us grew? And who is this „we.„ Are you describing foundations, or laying them? It's ironic that, on one level, the text deconstructs Zionism, and on another level continues the project of creating a dubious „we.„ [Tomer Gardi]

19– One of the great myths is that of Israeli ignorance regarding the Palestinian issue. Zionism knew the Palestinians very well, and all of us know very well what the nakba is. Every Jewish child knows and feels that he's standing on stolen ground, but he also knows that his existence depends on this. That is, without the pillage and dispossession he would not be able to live in

Palestine. And why should symmetry demand that Palestinians learn about the holocaust while Jews learn about the nakba? That's the colossal nerve of those who shoot and weep, that they not only shoot and weep but also demand that their victim also weep a little for them. And if we're dealing with learning – maybe the time has come to learn about the spiritual holocaust of Jews from Arab lands, carried out by Ashkenazi Zionism. It's a fact – you write „the expulsion of the Jews of Arab lands,“ and don't know what you're talking about. That's one indication that colonialism is an overall conception, also of the „left.„ There's no difference between Zionism's cultural view of Arabs and its view of Arab-Jews. You don't even make any effort to understand this (if we're already talking about learning something). [Sami Shalom Chetrit]

20– Here you go. These non-hegemonic aspects are missing from your previous statement. I'm not just being pedantically critical. The non-hegemonic aspects, those outside of „us,“ relations with the hegemony other than those of the hegemon whose eyes have been opened and now seek to divest themselves of their excessive rights. You want to show the Palestinians the non-hegemonic aspects of Israeliness, but your „we,“ is a hegemonic we. [Tomer Gardi]

21– I think that using the 1948 map (2/1 1 million inhabitants) as the basis for planning in –12) 2048 (4 million inhabitants) is problematical, to say the least. There must certainly be memorial gestures and

symbolic reconstruction of a number of locations, but these must be unusual actions, not the guiding principle. The problem is not only one of choosing which Jew will lose his land, and which will not (a poor farmer in a southern moshav – yes, a wealthy factory owner – no?), but to whom the land will be distributed, and how? You refer to these issues in the text, but in my opinion these problems are unsolvable. They're unsolvable not only from the Jewish perspective but also from the Palestinian perspective (which might explain the reluctance of many Palestinians to discuss such details). For example, is it fair for the grandchild of a Palestinian expelled from Sidna Ali, who has lived comfortably in London all his life, to receive land worth millions, while another Palestinian who has lived forty years in Nablus under Israeli occupation receives no compensation at all? It's possible to imagine innumerable examples like this. Perhaps compensation for the Palestinian tragedy should not (and cannot) be individual, but collective, similar to the agreement between the organizations of holocaust survivors and European governments? I think we can learn from the experience of others. It will be interesting, for example, to see the agreement that will (apparently) be reached regarding the reunification of Cyprus. The South African program encouraging white farmers to return their lands to the government for redistribution is also interesting. The long struggle to formulate a new constitution in Bolivia has many similarities to our situation. There are also, of course, negative examples,

such as the expropriation of property belonging to whites in Zimbabwe, or the expulsion of the Chinese minority from Indonesia, which not only led to humanitarian disasters but also to economic catastrophe. In short, it's still hard for me to get beyond a minimalistic approach to the return that views it as a combination of a mechanism for collective compensation, the possibility of full and equal civil rights, and a broad program for housing and employment based more on future needs than on reconstructing the past. [Yoni Eshpar]

22– This is an assumption that must be proven. It can't be a working assumption acceptable to all Israelis, for understandable reasons. Therefore, the first step must be to demonstrate this. [Hillel Cohen]

23– This is an assumption that must be proven. It can't be a working assumption acceptable to all Israelis, for understandable reasons. Therefore, the first step must be to demonstrate this. [Hillel Cohen]

24– Stop these youth movement games. Really. If you're serious, demand that the 1,2 million Russians who settled in Palestine during the past decade be returned to Russia. You can't talk about the right of return without talking about ending the colonial settlement project. That's the highest level of violence, not the checkpoint and not the artillery shell fired into a house, regardless of all the pain they cause [Sami Shalom Chetrit]

25– And also the opposite. [Hillel Cohen]

26– Are you dreaming?! Why should someone give up his house at all? No one will give up his house or his miserable apartment. It won't happen, and it's inhuman to expect it – rehabilitation of refugees by creating new refugees. For the state of Israel is a terrible death trap for Jews. You're focusing on the refugee question, which is only one part of the story, terrible as it may be. What really bothers me, on the other hand, is the Jewish part. That is, the destruction of Judaism by Ashkenazi Zionism. Judaism wouldn't have built such an insane ghetto which will finally explode. Only after the huge explosion will a new arrangement become clear. We have to face this courageously and think about the day after. You won't be able to solve anything in the current political setup, and you're not at fault. Your innocence is in fact an important asset for thinking about the day after the huge explosion. [Sami Shalom Chetrit]

27– Surveys aren't able to do what you assume, especially regarding future intentions about situations people have never experienced. [Charles S. Kamen]

28– And for what? Only the years of suffering? [Hillel Cohen]

29– Study, mapping, polls, drafting of constitutions/consitutional principles: I agree that these are main elements, not only because they help us prepare for return in practical terms, but ALSO BECAUSE they contribute to creating a new reality and wider margin of options – IF THEY ARE PRESENTED/DEBATED

PUBLICLY. That's why I think that recent efforts around alternative constitutions/principles (Future Vision, Haifa Declaration, Adalah constitution) are so good, and we need more of these. Do you agree? [Ingrid Jaradat]

30– It seems like you are starting from a one-state solution framework. I agree with this personally, but given how widespread the –2state idea is in mainstream politics, does the 1 state – 2 state question warrant special attention? [Michael Kagan]

31– If we want to apply international law principles, it should say „nobody will be made homeless,“ – because the basis of this principle is the right to housing. It means that people may be obliged to leave the house they live in now, only if alternative housing is provided by the authorities that force him/her to do so. [Ingrid Jaradat]

32– What does this resemble? A prisoner with a life sentence (with no possibility of a pardon) who sits and plans his dream house. It's sad. [Sami Shalom Chetrit]

33– There are quite a lot of silly ideas in this paragraph. Have we learned nothing from Zionist history? Birthright tours? Absorption centers? What is all this? Palestinizing the Galilee and the Negev? Development towns for Arabs? Ulpans for immigrants with an oud and a daburka instead of an accordion and a mandolin? Do you really believe that de-Zionization is possible by means that have been copied from Zionist modernism? [Tomer Gardi]



33- I am not so sure that existing absorption centers, which are mainly located in Jewish communities, would be so useful for absorbing Palestinian returnees. You do mention the important role of Palestinian citizens of Israel in absorbing returning refugees later on. I just think that also absorption centers should be established in the existing Palestinian communities in Israel, because it would facilitate exactly this supportive role of the Palestinian community. [Ingrid Jaradat]

34- It is not clear to me why you think that return to the OPT would require less preparation. It may be different, but I still think a lot of preparation would be required. [Ingrid Jaradat]

35- There's a certain amount of irony in the fact that the language of this text recapitulates, here and there, the language of the Mandatory government, and even more irony in the fact that much of the model for absorbing the returning refugees is explicitly based on the Zionist model. But, as Marx said, history is full of ironies, and even repeats itself, first as tragedy and then as farce. [Charles S. Kamen]

36- This is good. It should come before the cart. But it's not in our hands. That is, it's not in our hands to bring back the refugees who will dismantle colonialism, nor is it in our hands to dismantle colonialism in order to bring about the return of the refugees and reconciliation. Reality points in other directions that we can already envision: the next war will awaken in the Jews their ability to smell fear (one

that Zionism blunted with great effort), and millions of them will get up and leave in order to find shelter from the madness Zionism brought down on them. Not only Ashkenazim holding Polish passports. There isn't a single Israeli today without a relative in the USA or abroad who would be able to apply for asylum on his behalf. This dynamic has already been operating for some time. The next war, which we're looking forward to, will flood the country with missiles from every possible direction, since the good Jews in America will continue, at Israel's behest, to insure that the Iranian arena stays hot. There will be massive flight. Israelis will also seek asylum in Egypt, and all the countries of North Africa will gladly open their gates to Jews. We must hope that the military governor of the state of Israel (since no civilian government will be able to deal with the chaos) won't have time to pull out Dimona's big gun, but will also seek asylum in another country. And we must also hope that the American military government that will be established here afterwards will find documents like yours. And finally, the main thing that I get from your document is the need to prepare for the day after Zionism. To construct that day, with all its possibilities, clearly and without compromises. To create fear and sound an alarm. [Sami Shalom Chetrit]

37- Although everybody agrees that returns must be organized and implemented in stages, we should not exclude the option of SPONTANEOUS RETURN. There should be a possibility

for refugees who have the means and connections to just return on their own. Such return has proven to be very successful in many other countries. [Ingrid Jaradat]

38- The Lebanon prioritization makes some sense, but it is only a rough measure of vulnerability and hardship. Refugees in Iraq would probably now also warrant a priority; Egypt also has a harsh legal regime toward Pal refugees. [Michael Kagan]

39- Lebanon, yes, but you could also add Iraq, Egypt, Jordan (for refugees from Gaza) - in short all those places where Palestinian refugees do not have access to basic rights.

40- The discussion of how residents of the refugee camps will be resettled indicates, I think, that you don't know very much about those camps. I don't know much either, but when, according to the UN web site, there were more than 45 thousand residents of Ein el Hilwe in 2003, to talk about them as a «community», that might wish to retain its cohesion after the return doesn't seem to make much sense (in addition, though I don't have any particular knowledge of the place, it's hard to imagine that it isn't divided into neighborhoods, social groups, competing organizations and all the complex components found in concentrations of refugees everywhere in the world, including the camps in Cyprus to which the British transferred the illegal Jewish immigrants that they intercepted before the establishment of the state). The impression is that the authors are writing about things they don't know much

about. [Charles S. Kamen]

41- When talking about the total number of refugees returning in relation to the «absorption capacity» of the country, we should never forget that objective criteria for «absorption capacity» do not exist and no state has them. It all depends on how we prioritize all sorts of values and aims (including protection of nature), the type of society and economy we want to build, etc. [Ingrid Jaradat]

42- You reaffirm that Jews will not be evicted from their homes: first of all, I don't think we should refer exclusively to Jews, because the same laws must apply also for Palestinian citizens in the country, some of whom also live in refugee property, including homes. Secondly, the rule should be - as mentioned earlier - that nobody will be made homeless, i.e. alternative housing will have to be provided for those who have to leave the houses they currently live in.

43- While it is true that development of a refugee property by the current occupant strengthens the claims of the latter, it is NOT true that the passage of time alone does so too. The fact that somebody has lived in the house of a refugee over a long period of time does not strengthen the rights of the this person to the property. This has been affirmed in many other restitution efforts, including the campaign for restitution of Jewish property in Europe.

44- Descendants of refugee property owners have the same restitution rights as the dispossessed first generation

- that is another strong principle. [Ingrid Jaradat]

45- Cute. Very cute. Now let's go eat humous at Samir's in Ramle. [Sami Shalom Chetrit]

46- Perhaps an answer to the security first problem would be to continue implementation of some phases, like for internal refugees, even if violence continues. Since there are already citizens, it is harder to rationalize the delay. [Michael Kagan]

47- But, according to the constitution you propose, moshav lands will be taken from their owners and redistributed. That won't encourage people on moshavim to cooperate. [Charles S. Kamen]

48- I like the idea, but I wouldn't propose it as unlimited because it will undermine Israel's sovereign ability to control migration. Perhaps instead all refugees would have an initial right to choose to return home (to Israel) to live. But for others, who would be choosing to waive the option of having Israeli citizenship, perhaps they should be given access to a kind of pilgrimage visa, similar to how Saudi Arabia manages the haj and hijra. These are limited - they could stay only a month, for instance, but could be guaranteed to all every year or every 2 or 3 years, except for individuals who pose a security threat. [Michael Kagan]

49- Nice! [Hillel Cohen]

50- I once asked my mother (they had put us in Ashdod) what would have happened if, instead of the hundred thousand Russians who

were brought to Ashdod, a hundred thousand Palestinians had arrived and rebuilt Isdud? She, of course, unlike you or me, grew up and lived with Arabs who were neighbors in every way. After I peeled away some of her fears («But what if they come to blow themselves up on us in Ashdod every day?»), she said that it could be nice - if the government agreed, of course. And that's the point - the government, that is, the state, that is the Zionist colonial project. [Sami Shalom Chetrit]

51- You mention this only briefly, but the tension between ecology and the return is not easily resolved. One hundred years ago about one million people lived on the stretch of land between the Jordan River and the Mediterranean sea, how many are there today? About ten million, I think, even before the return. There's a conflict of interest between preserving the few green spaces that the adherents of a Greater Israel of cement and concrete have left us, and the idea of rebuilding destroyed villages exactly where neighborhoods of red-tile-roofed single family homes on half-dunum plots haven't yet been constructed. [Tomer Gardi]

52- I generally agree with this approach, except that where original structure remain, I recommend that the Jews be relocated to a neighboring area. [Michael Kagan]

53- Will it really contribute, in practice, to a discussion among Jews? First, I think that the attempt to write about the right of return - the authors make a distinction between the right, on the one hand, and



the return, on the other – is a welcome one, and if you want to be optimistic it can be seen as an additional way of legitimizing talk and discussions about the right and about the return within Israeli Jewish society. If, in the final analysis, the article contributes to this goal, well and good, and its authors should be commended.

The authors choose what is, to the best of my knowledge, an innovative strategy to considering the right of return, but it isn't necessarily an effective one, and you might even describe it as pretentious.

The authors propose to jump immediately to a consideration of practical issues, leaving aside principles and fundamental questions of value, and begin talking about how to implement the return, why it's worthwhile, and other practical matters which the article is full of. Without commenting on their proposals, about which much could be said, I'll try to respond to the strategy they chose.

This is the authors' main strategy: "We tried to deal with the issues of principle, and concluded that it would be better for the discussion to start with the issue of the return, and we propose that the reader accept this approach unconditionally."

What is the authors' goal in this discussion? To calm the Jews down? To show them that it's possible, and even worthwhile? Both of these? Will seeing that it's possible calm them down? And that it doesn't threaten them? Of what, exactly, are they trying to convince that Jewish reader: That it's a waste of time to discuss principles.

After all, that Jewish reader must eventually decide how

he feels about the proposals. In my opinion, it's too risky to bet that the return is worthwhile – it's like planting a tree whose roots remain stuck in the air. The bypass proposed regarding the issues of principle is in fact innovative, and its effectiveness will be tested. I think the two authors are probably engaged in discussions with each other about the right and the return more than are any of the rest of us. Have these discussions, and the path the authors have taken, turned out to be, in their experience, effective? If the answer is "yes," I'd be happy to have them report their experiences, especially the outcomes and the uncertainties involved, when we get to the practical discussions. Were I a Jewish reader I doubt I'd change my mind, or be even slightly sympathetic on second reading. The two authors clearly have already reached their decision about the issues of principle and of values regarding the right. I'm sure that if they hadn't done so they never would have reached the stage of writing about the practical issues. If that's the case, why do they "prevent" the readers from undergoing the same process of dealing with issues of principle? I don't share their insights regarding the practical approach.

I think it important for both authors to share with us, and with other readers, what they went through, their terrible uncertainties, their fateful decisions, the process which led to their principled stand, and I'm certain that it took them more than a day or two, or even a year or two, to formulate it.

Finally, if this article contributes to a constructive discussion among Jews

regarding the return and the right, I'll be the first to be glad about that. [Bassam Kanaana]

54- I don't think it's correct to think of the refugee problem as one that can be solved solely by Israelis and Palestinians. I won't get involved in an academic discussion of historic responsibilities, despite the fact that I think it's an important and complex issue in a general theoretical sense, and also concretely in the Palestinian case. But it's sufficient to take your formulation of the right of return as including the right to resettlement in the current place of residence or in a third country in order to understand the necessity of an international commitment to the solution agreed upon. We certainly don't want the Palestinian populations of Lebanon or the Gulf countries expelled the minute they receive the right to return. The enormous cost of this project (compensation, construction, job creation, etc.) must be underwritten by countries in the region and by international contributions, or it could lead to the collapse of the local economies on the heads of those who live there. In addition, the process of education and teaching you described in the document must occur not only among Israeli Jews and Palestinians but throughout the region as well. Demonstration of pan-Arab and pan-Islamic willingness to accept the presence of the Jewish-Israeli group in the region is a precondition for the willingness of Israelis to be convinced they can maintain their existence as a vibrant cultural community, even without "iron domes" of

one kind or another. [Yoni Eshpar]

55- A part of the vision building process of the future state should already start at the first stage, before the return, and should include diaspora Palestinian refugees too.

56- I think there's a serious contradiction between the character and power of the state in the "before" stage, and its image "after." The state in your transition period is very strong and centralized, one that moves people from place to place, plans, directs. "After," the state is "weak," that is, one which suddenly has lost all those centralized powers of the transition period and retreated voluntarily into weakness. That seems illogical to me, doubtful, inconsistent with everything I know about political power. You seem to be interested in a process that begins in a rational, unitary, positivist centralized modern manner – and culminates in a multi-cultural, particularist, post-modern reality. [Tomer Gardi]

57- I read your document very carefully, and I'll begin by saying that it is interesting and worth addressing and responding to. Sometimes, when I read something, I feel that it's so distant from me, or that it's so tendentious, that I don't know where to begin and what to say of all that I have to say, and so I brush it off or ignore it. I felt comfortable with this document, and in particular I felt that it was a real attempt – even if sometimes unsuccessful – to place the right of return on the table for discussion and on the agenda of those to whom it

is addressed, or those who even dare to pick up an issue of Sedek and read an opinion different from the one they'd want to read and hear. The document is truly "Israeli," and its authors are well aware of the Jewish people's psychological barriers, and try to suggest practical solutions, from their point of view, which can help overcome these barriers. But what they don't propose are tools that can deal with the most serious psychological obstacle from which the Jewish people "suffers," the barrier to accepting and recognizing the right of return of the Palestinian people, and they prefer to put it aside and not confront it. When I read the document I was reminded of the methods my mother used again and again when I was little and had a fever, or a cough or some infection, and I refused to swallow the medicinal syrup. My mother's solution was to promise that the syrup tasted good, and after I took it I'd get candy. So, every time I had a temperature or an infection I took the syrup and discovered what I had already known: that it didn't taste good. But I got the candy. Today, looking back, after I tried more than once without success to convince my two daughters that our health is important, and they have to swallow the syrup so they'll get better even though it doesn't taste good, I began using my mother's techniques: I don't try to talk to them about the principle, but go straight to the solution. I think the authors of the document adopted my mother's methods. Accepting the principle can lead to a solution, but the opposite isn't necessarily true. The practical question, the solution, doesn't bother

the Palestinian people, nor the Palestinian refugees. From their point of view, in my opinion, the principle – and not the solution – is "muftaha el-bayt," the key to the house. Muftaha el-bayt that each and every one of them has kept until this very day, wherever he is found, and which he will bequeath to his children and his descendants. He dreams of the moment in which he can insert the key into the door and reenter his home – even if the house doesn't exist and the door has disappeared. The Palestinian refugees want first "to get to the bridge," and the Jews are sitting around planning how to cross it, and if they come to the conclusion that from their point of view it's not possible to cross the bridge, or that the price of doing so will be too high – let the refugees remain where they are and not come near the bridge, because the Jews can destroy it.

The authors try to show us that the syrup tastes good, or at least that it's not so bad and can be swallowed. Along with this, they offer candy to the Jews: a "weak state," in which "each community will be the equivalent of a state in the sense that it will be able to establish its own social and cultural framework... citizenship in each of the state-communities will be separate from the geographical location of its members, separation of citizenship from nationality by means of multiple state-communities will enable the creation of other communities that will not be defined in national terms." Thus are the authors soothing: don't worry, my dear Jews! We won't allow the Arabs to shuffle the deck after realizing the right of



return in the state that will be established, the Arabs won't be Arabs and so they won't be a majority and won't rule the country – and they certainly won't rule over the Jews. The country will be a collection of communities severed from the nationality and geographical location of each, and each will have its own cultural and social autonomy. Thus the Arab, and apparently the Jew as well, won't be able to be an Arab. A farmer or an artist, etc. – yes. But not an Arab. The solution is the principle, and the lack of a solution doesn't eliminate the principle. Establishing the state of Israel on the land of Palestine was a solution for the Jews, supported by other countries, found to the persecution they had suffered for many years in «exile.» This solution doesn't give the Jews a preferential status on the lands that were stolen from the Arabs in 1948 – and afterwards. In order to advance the solution, the principle must be equality. Equality between the right of the Jewish people to live in the country and the right of the Palestinian people to live in the same country, with full equal rights. The Jews and the entire world must unite and act continually to prevent another holocaust, not to the Jewish people nor to any other people, so that the Jews, or the members of any other people, won't be persecuted, and every person will realize his right to live in freedom and dignity. That's the principle. The Jews have to overcome this psychological trauma, in the present context at least, the fear that, God forbid, there should be another holocaust, or that some nation or other would want to annihilate them or expel them or not

want them. And if the Jews aren't able to do this, it would at least be appropriate for them to refrain from demanding of the Palestinian people to pay the price of the unresolved trauma. In the final analysis, the authors try to outline the process by which the Palestinian refugees return in order to show that, in one way or another, it's possible, and to say that when it occurs, things won't necessarily be so bad for the Jews. Those who claim it's impossible are those who don't want to accept the principle, the right of return of the Palestinian people. I think they have to be spoken to about the solution. Those who accept the right of return, and to my sorrow they number very few Jews, are not so concerned about the process, although some might be concerned about the result. So the authors try to outline the process of return, that, as I said, is less interesting, and along with proposing ways of dealing with the result of implementing the right of return, in order to pacify those who oppose it because of apprehensions or fears about the future that stem primarily from the fears and traumas of the past. In this way the authors try to invent, in order to devise a solution, the principle of «No» to the right of return, yes to the return,» thereby canceling the «right of return» as an independent principle. Nevertheless, a few words about the process the authors propose: They suggest a conditional process, and every condition placed on a natural process – which is how I see the return – is in my view undesirable, and that's an understatement. The authors make the

return depend on a number of conditions, such as «relinquishing the mythological Palestine,» limiting the right to choose and the will of the Palestinian majority that will be created in the country after the return, reconciliation in the sense of forgiveness for all the war crimes committed against the Palestinian people, a return in stages, and additional conditions. I don't see any reference to the status of the original inhabitants of 1948 and their descendants, and those expelled previously by the Ottoman regime and by the British Mandate – Jews and Arabs. Will their status be equal to that of the «new immigrants,» as far as eviction is concerned and «relinquishing» their rights to the Palestinian land and property that was granted to them by the state of Israel after they immigrated? Will the condition stated by the authors as one of the foundations of the future constitution, that no one be forcefully evicted from the home in which they live, also apply to those immigrants? The authors don't address the status of «new immigrants,» compared to that of the Palestinian refugees. Those are the same «immigrants,» whose immigration the state of Israel encouraged for many years as part of steps it undertook to solve the «demographic problem.» According to the authors' outline, which is probably an accurate reflection of what will actually occur, the return is expected to take place in stages, and will take some time to complete. It will also be necessary to reach agreements regarding the status of existing government institutions, if they'll continue to exist at all, during

the interim period between the start of the return and its completion. What will be the entity under whose authority it will take place? The processes of thinking, planning and implementation must occur jointly, and each side that undertakes to «prepare the way,» from its perspective, by deciding on facts and conditions, will undermine the will and the right to choose of the other side. It is important to maintain the principle of equality during the process and in the implementation of life together in the state that will be established. The attempt to deny a priori the right of the majority to determine its future, by preserving the rights of the minority, will perpetuate, in my view, the Arab-Jewish conflict, even with the return of the Palestinian refugees. There will, therefore, be no alternative to full equality and «non-emasculated» democratic rule by the majority, unlike what the authors propose in the form of a communal state. [Kosai Ganaiem]

58– I found the section on the state weak. The focus on the multicultural aspect is important, but is not the main problem of citizenship and rights when discussing the role of the state. It is the control over resources, means of production etc. The focus on the need for a strong social democracy or ideally socialism would for example solve the problem of equality, especially for groups such as the refugees. I think that aspiring for a weak state in our aggressive capitalist society is not the answer. In contrast, there is need for a strong state that protects the citizens... [Nada Matta]









# Looking At The Return Politically - An Obstacle To Compromise, or A Basis for Compromise

Yoni Eshpar

To think about what political conditions might allow Palestinian refugees actually to return is an illusory exercise, and some might say that it's pointless. The way out of the dead end in which long-lasting conflicts find themselves has almost always been the result of regional and global changes which no one could have foreseen. Few South Africans in the 1960's and 1970's could have imagined the collapse of the Soviet Union and the end of the Cold War, and the influence these events would have on ending the apartheid regime. The positive effect the process of European unification had on the continent's conflicts - such as those in Cyprus, Northern Ireland and the Balkans - would have not have seemed likely to the observer whose view was limited to one or another of the specific cases, and who assumed that the surrounding

reality would not change.

Why, then, if the future is unknown, is there any point in thinking about the return in a political context? Because a discussion that is limited to the moral realm ("It's right"), to the legal aspect ("International law supports it"), to the geographical component ("There's room for the refugees") or to the psychological dimension ("That's the only way to reconciliation") misses the essence of the return - as a longing, as a right and as a demand with far-reaching political implications. To the best of my knowledge, refugees have never had their right to return realized so many years after they became refugees, nor has the number of refugees been so large in proportion to the receiving population, to such a degree that the numerical balance between the two groups in conflict

would be reversed. These facts don't diminish the moral, legal or psychological weight of the right of return, but they do require us to confront seriously its political dimension. If we avoid doing so, the right of return will remain no more than the expression of a dream, a longing, an ache; or, on the Israeli side - of repentance, forgiveness, atonement. Only by situating the return within the framework of a political arrangement will it cease to be a symbol of opposition to compromise, proof that the conflict has been and will continue to be a "zero-sum game," and become the basis for formulating a compromise between the two peoples, and the start of the long road to reconciliation.

Even without knowing what the future holds, I think you can say that the return is possible in one of two ways: by forcing it on the Israeli Jewish public, or with its consent - that is, of a significant majority of its members. Many believe today that only through pressure - military, economic, political, or some combination of the three - will it be possible to force Israel to end the occupation, transform the discriminatory nature of its relations with its Arab citizens and make possible the refugees' return. This isn't the place to argue with the discourse of "resistance" and with the campaign to boycott Israel that is gaining adherents in the world. I will simply ask the question that supporters of this approach don't ask: What would a forced return look like? Is it possible to compel millions of people to absorb millions of others, in particular when most of these others have never before set foot here? What kind of society would be created? Would it be a

vision of reconciliation or of civil war? Is that what they **really** want to happen? It's not surprising that the broadest support for such ideas comes from Palestinians and Jews living outside of Israel/Palestine, and it's doubtful they'd be willing to live in the reality they're working toward and preaching about. Moreover, what's the point of a conference like the one in which we're participating today, here in Tel Aviv, in front of an Israeli audience, if the opinion of Israelis about the return is irrelevant? Wouldn't it be better for us to focus on developing the mechanisms of external pressure on Israel? Shouldn't we raise armies, burn flags, excite students and workers' organizations in European capitals, and only thus bring the return of the refugees closer to realization? Permit me to guess that many of us are here today because we have think otherwise. We believe that only return in the framework of an agreement, one which a majority of Israelis will support, is the return we want. Even if we recognize the importance of external pressure, in one form or another, we understand that the critical and essential moment is that in which agreement is reached, and it is therefore necessary to act here in order to begin laying the groundwork for such agreement.

What will that future agreement - that framework in which residents of Israel will accept the return of Palestinian refugees - look like? We can't, of course, know exactly. But we can guess that it will contain some sort of compromise between the interests, rights, and aspirations of the Palestinians, and those of Israeli Jews. We can imagine a successful compromise as a system



of forces in which the costs and benefits of each party are balanced in a manner that seems fair to most members of each group, or at least as being preferable to the continuation of the status quo. That was the case with the "two-state" idea, which was appropriate to the view of the Israel-Palestine conflict as a problem of "occupation" – as, fundamentally, a conflict over territory and separation. The story went as follows: Israel will withdraw from the territories it captured in 1967, will evacuate the settlements it erected there, and will recognize the Palestinian state that will be established with East Jerusalem as its capital. In return, the Palestinians will agree that their state will have no army, they will recognize Israel as a "Jewish state," and announce that they renounce all further claims on Israel, including the right of return. That, in broad outline, is the formulation that during the 1990's gained the support of most of the Israeli public, and became the consensus of almost the entire international community. I would guess that many of those sitting here today used to be convinced, or even remain convinced, by the logic and fairness on which this formulation is based. "Two states for two peoples" – what could be simpler and more sensible?

But the balance of costs and benefits in the "two-state" compromise, from the point of view of most Israelis, at least, was upset during the past fifteen years. The idea that "We'll give up '67, and they'll give up '48," looks increasingly like a fantasy of the Israeli Left rather than an accurate description of the dominant Palestinian view. We didn't know how seriously the

great injustice of '48 kept bleeding, because we didn't really know how great it was. We were – and most of us still are – also blind to the continued repression, plunder and discrimination, which are intensifying, of the Palestinian citizens of the Jewish state from the time of the "nakba" until today. Today, more of us understand that the hyphen in the phrase "democratic-Jewish" represents not the logical operation "and," but rather "or" – in other words, that policies which discriminate against non-Jews, focus obsessively on ethnic demography and encourage militaristic nationalism are likely to continue to characterize the state and become even stronger, even if it returns to the Green Line. We've also begun to understand how central the Palestine refugee problem is to the conflict, that it obligates us not only to look again at our past but also to think differently about the future. The peace process collapsed not only because of hyperactive construction in the settlements, not only because of suicide bombings, not only because of the pro-Israel policies of the Bush administration, and not only because of the political decay which has spread through both sides, but primarily because the putative compromise on which it was based is no longer convincing. If, in the 1990's it still seemed capable of bringing about true peace between the peoples, today it is seen, at best, as an interim arrangement, an additional – some would say essential – stage in the conflict, but certainly not the final one.

So what has to be done? The "vision" documents published recently by various organizations of Israeli Palestinians, and the

coalition of foreign organizations supporting a boycott of Israel, propose an "improved two-state solution," which includes all the original clauses with an added demand for the return of the refugees to Israeli territory, and changing Israel's constitutional structure to transform it into a bi-national state. This position, besides undermining the version which the Israeli Left sold to the public for almost three decades, suffers from many internal contradictions. Who needs a Palestinian national state if it won't be the place where the refugees, together with others, will realize their national identity? Why does the Arab minority in Israel need political and cultural autonomy if the refugees' return will probably alter dramatically the numerical balance between Jews and Arabs? Perhaps it's actually the Jews who will need protection as a minority? And, in general, why in "a state of all its citizens," in which religion, nationality and culture are completely separate from the state, does any particular minority require special protection guaranteed by the constitution? These contradictions are not, of course, the result of an intellectual failure, but the result of a sense of urgency to end the occupation combined with the need for a long-term vision which will solve the two other components of the conflict: the question of the refugees and of Israel's Jewish character. There is also the understandable difficulty that Jewish and Palestinian citizens of Israel would face if they had to now reject the stated goal of the Palestinian national struggle since 1974 – the establishment of an independent Palestinian state in the West Bank and the Gaza Strip. But dividing the conflict's three

basic components – the occupation, the refugees and Israel's defective democracy – into apparently unrelated elements prevents the formulation of a new overall framework for compromise that would replace the previous "two-state" framework.

I am aware that some people recoil from the idea of "compromise," because it implies the existence of symmetry or equality between the two sides. Opposition to compromise frequently involves the argument that Israeli society is a society of colonial settlers, and as such its members have no collective rights in Palestine. According to this view, there's no room for compromise between these two nations, but only for the full realization of the rights of the native population – the Palestinians – who will, for their part, commit themselves to respect the human rights of Jews as individuals. Again, I won't engage in an argument over the principles underlying this view, but will only say that, in my opinion, if someone still truly anticipates the crumbling of Israeli society and the return of its members – most of them, at least – to their countries of origin, that is a fantasy that is as harmful and unrealistic as the Israeli fantasy that the Palestinian refugees will be absorbed in the Arab world and forget their identity and their aspirations to return. True and fundamental mutual recognition of the other's undeniable individual and collective existence is exactly the component that is so sorely lacking today, as it has been throughout the years of the conflict

I will briefly restate the main points which I tried to get across today: 1)



We must think about the return not only as a moral, legal, geographical or psychological issue, but also, and perhaps primarily, as a political issue; 2) A return that does justice not only to the past but also to the future is one that will be agreed to by an overwhelming majority of the Israeli public, in the framework of a compromise between Israeli Jews and Palestinians; and 3) it is impossible for the "two-state" compromise to allow the return of refugees to Israel and, therefore, if we wish to think practically about the refugees' return we must develop an alternative compromise approach that can accommodate them.

This alternative has already been presented in recent years, in books and articles by Palestinian and Jewish writers who have begun thinking about an alternative to dividing the territory into two nation-states, an alternative in which both peoples share the territory as part of a single, democratic state. How this state would be characterized isn't important at the moment - "bi-national," "secular-democratic," "federation" or "confederation." This approach, which is not new at all, lets us conceive of an entirely different form of compromise in which the right of return could also be implemented. I'll conclude by proposing the main components of such a compromise.

The state will be the national home of the Jewish people and of the Palestinian people; all its citizens will enjoy an equal right to life, security and the opportunity for economic and cultural advancement throughout its territory - a Palestinian will be

able to return to Jaffa, Haifa or to Akko, and a Jew will be able to live in Hebron, East Jerusalem and Shilo; no citizen of the state will be forcibly evicted from his home or from his land, even if the property had been confiscated; a democratic mechanism will be established to redistribute state lands, where possible, and return confiscated property to its former owner while appropriately compensating its current holder, in order to make up, insofar as possible, for the policies of confiscation, expropriation and discrimination that Israel has implemented since its establishment; planning and construction policies will give priority to improving the housing conditions of the Palestinian population and to absorbing returning refugees in the best possible way; the state's constitution, its institutions and its electoral system will guarantee to minorities protection, religious and cultural freedom, and participation in decision-making at all levels of government; every Palestinian who chooses to return will have the right to do so, as will every Jew, in order to preserve Israel's historic mission as a haven for Jews suffering persecution or discrimination; the states of the region and the world will assist in establishing a compensation fund for all the victims of the conflict who suffered economic, physical or psychological damage.

This, of course, is only a very general proposal. As with any compromise, the leadership of the two sides will have to engage in long and difficult negotiations over every detail. As I said at the outset, we can't know today if negotiations over such a compromise will ever take place,

or in what historical context, and what, if anything, will be their outcome. But today, in the absence of any coherent framework for compromise and reconciliation between the two peoples which is appropriate to the situation as we see and understand it, I believe it important to present this framework for compromise - "one democratic state for two peoples" - as an alternative to "two states," in order to make clear to Palestinians and Israelis the choice between one cost-benefit calculation and the other. Or, in the context of our conference today, between a compromise which may make the return possible, and one that will not.









# The Governed Must Be Defended: Toward A Civil Political Agreement

Ariella Azoulay

The right of return is not the topic of this conference organized by Zochrot, but its presupposition, the basis for a discussion on "Strategies, Practices, Visions" toward the "the return of Palestinian Refugees". Suffice to look at the list of speakers, at today's audience, in order to understand that what's involved is not a conversation between authorized representatives of two sides in order to reach agreement on the implementation of the right of return, but rather a discussion among citizens which, even if it deals with practical issues, points to a utopian horizon that lies beyond the boundaries of the political discussion that are set by nation-states, in general, and by the state of Israel, in particular. One of the conditions for conducting this discussion is the creation of a space in which the Palestinian demand to implement their right of return,

which has been recognized in international law and by decisions of the United Nations (including those to which Israel is a signatory), can be publicly heard, in Arabic and in Hebrew, inside the borders of the state of Israel. Thinking the return in Hebrew, creating a place for it in the Hebrew which took part in the expulsion and the ongoing refusal to discuss the return, is to begin negotiations over the ways to implement this right, as well as on the limits of the political imagination of citizens who wish to participate in a discussion about their shared political life. Let me make clear that in using the term "citizens," I'm not referring to the status of citizenship in a particular country, but to all individuals comprising the relevant political body of governed who should participate in the formation of the regime that will be established. In

the short time available to me today, I will problematize the use of the category of "refugee" to describe the Palestinians and open new perspective to think about what might be the appropriate political body to consider the regime to be established between the river and the sea.

Let me begin with some questions: Is what we call the "refugee problem" the problem that must be discussed, or is it its effect? Is the conceptual framework of the right of return the solution to the "refugee problem," and is it a sufficient solution? Is the "refugee problem" solely the problem of the refugees and their descendants, or does it represent a problem for all Palestinians, and is it a problem only for Palestinians? Is the return of the Palestinians possible without regime change?

The "refugee problem" is the result of the establishment of the Jewish nation-state on part of the territory in which, up to that time, lived a Jewish minority (600,000) and an Arab majority (900,000) under a British Mandatory regime. This account, it seems, is a fundamental working assumption, at least among those who dare to make the state of Israel responsible for the "refugee problem." But the creation of the "refugee problem" already began in 1947, that is, before the establishment of the state of Israel, so the above account must be qualified in order to avoid reproducing the imperceptible conceptual leap that moves from discussing the Palestinian refugees in the context of colonial relations, to discussing them in the context of national relations, a necessary outcome of which was the establishment of a Jewish state. From the moment Israel was established, Hebrew

was subjugated to this conceptual leap, which enables the boundaries of Israeli political discussion to remain within a theological historical narrative that transforms the eventual establishment of the Jewish national state into something that is seen as self-evident. Thus, the "refugee problem" should be described, first of all, as a result of colonial relations created by the takeover by the Zionist movement of land on which Palestinians were settled, and imposition of the ethno-national narrative on the totality of heterogeneous relations existing here between Jews and Arabs. But this description must also be qualified somewhat. Colonial relations are the context of the refugee issue, but the refugee problem is the result of the founding of a particular regime and the legitimizing mechanism it institutionalized. The new regime tried to obtain legitimation only from the Jews, and all the other inhabitants of the country were neither considered nor counted, and their existence was transformed by its agents into a problem even before the regime had been established and before they had become refugees.

The presence of a Palestinian population everywhere in the country - what the Zionist leadership called "the problem of the Arab minority" - was a problem that concerned a specific stream in Zionism that became dominant at the late forties, and making refugees of the Palestinians was, therefore, a solution to that problem, and not the problem itself. Moshe Shertok's comments during the 1948 war regarding the "transfer post-factum" present the essence of the problem, and what was seen as an historic "opportunity" to solve it: "The



opportunity the present situation presents to us, to solve once and for all and in a comprehensive manner the most pressing problem of the Jewish state [i.e.: the problem of the Arab minority (Benny Morris's parenthetical comment, despite the fact that the Arabs were in no sense a minority at that time)] is more far-reaching than we could have ever imagined [...] so we must take the utmost advantage of the opportunity that history has provided so quickly and unexpectedly" (Benny Morris, 1991, 194). The "solution" that Shertok and others referred to was, therefore, removing the Arab inhabitants of the country from within the borders of the state, so that the incongruence between the potential subjects of the political entity that the Zionist leadership wished to create, and the inhabitants of the country, would not interfere with their vision of a Jewish state. The self-initiated, as well as the involuntary movement of Palestinians beyond the borders of the country appeared as an "opportunity" that made possible the following:

1. Inversion of the relation between political body and regime - the regime had not been constituted from all of the inhabitants and did not represent certain parts of them, but was determined who will be counted among the relevant political body for its constitution
2. Legitimization - Removal of the population that could not have recognized a separatist ethnic regime and participate in its justification and replacing their dis/approval of the regime by the approval and legitimacy obtained among adherents of democracy at home and abroad to a regime which does not represent the

inhabitants of the region in which it was established, and which was required to remove many of them in order to come into existence

3. National meta-narrative - establishing a separation line between Jews and Arabs and imposing retroactively a historical narrative of ethno-national conflict between two hostile parties that justified making the native population irrelevant to the political life whose boundaries were now set by those who became the majority (the Jews)

Transforming the refugees into a "problem" lacking any context allowed separating the fact of the existence of the Palestinian refugees from the conditions that made them into refugees: the violent establishment of a new regime that, in order for it to be established and gain legitimacy was obliged to exile more than fifty percent of the inhabitants who stood in its way. Refiguring the "refugee problem" in the context of the regime, makes clear that the first division on which the Israeli regime was established in 1948 was actually between governed and non-governed. By non-governed I refer to those who were removed from the area of sovereignty that had been obtained by force. This division, which turned the Jews into a majority and the Palestinians into a minority, enabled not only the establishment of the Jewish state, but also the foundation of a democratic regime all of whose governed were citizens. The government solved the problem created by the opposition - actual and potential - of the non-Jewish citizens to the nature of the new regime by establishing military government and through legislation. The "Order regarding governmental

and judicial organization" (Par. 1a), issued in 1948, after the authority of the British Mandate had expired and the state of Israel had been established, stated: "The provisional governmental council is composed of the persons whose names are listed in the appendix to this Order. Representatives of Arab inhabitants of the country who recognize the state of Israel, will be included in the provisional governmental council as the council will determine; their non-participation in the council will not detract from its authority." Thus, the new regime determined from the outset that the form of government to be established in Israel will be one that does not require the agreement of all its governed, nor are all of them needed in order to replace one government with another. The number of Palestinians who remained now suited the conception of the Arabs as comprising a minority. To overcome the regime's illegitimacy, the governmental power that identified itself with the state and acted in its name had to conduct a struggle, ideological and violent, on three fronts simultaneously:

1. Against the non-citizens, both non-governed (the residents of the refugee camps abroad) and governed (under the occupation regime since 1967). The state conducts a brutal, violent and uncompromising fight against both their violent and non-violent resistance to the reality of the regime responsible for turning them into refugees, that defines their resistance as terrorism and a threat to the security of the state. The struggle of the refugees who have lived since 1967 under Israeli occupation, governed by the state of

Israel, has been conducted against the occupying regime since the occupation began, together with residents of the occupied territories who are not necessarily refugees themselves. The state's battle against their resistance does not distinguish between refugees and non-refugees - they all became part of the occupied population of 67.

2. Against non-Jewish citizens. Here the state wages a battle that is primarily ideological, accompanied by periods in which it uses moderate, measured and relatively careful force. For almost two decades of military occupation the government has acted to repress opportunities for political organization by the Palestinians who remained, and to silence any public claim or work of memory of the nakba they share with the refugees.
3. Against Jewish citizens. The state wages what is primarily an ideological battle that involves mobilizing citizens to maintain the reality of the regime, according to which anyone who is not a part of the political body that justifies the regime is not considered and not counted. This battle includes total nationalization both of the governmental apparatus (ideological as well as repressive) and of its Jewish citizens to enable maximum mobilization of the Jewish population to strengthen the regime that continues to reproduce the sin of its founding by removing its opponents (refusing the refugee's right of return, rule over governed who lack citizenship and exclusion of non-Jewish citizens from a share in government).

In order to maintain this regime, its agents are required to continue this struggle continuously, on these three fronts, and it has, in fact,



continued during the 60 years since the day the state was established. Ending the struggle means the end of the regime waging it. The group that directly pays the highest price, one that bears no comparison to the price paid by the other two groups, is, of course, the population of the non-citizens – both governed (in the occupied territories) and non-governed (in refugee camps outside the country). But the struggle of the state against this group, violent as it is, has no chance of succeeding if it is not also carried out on the other two fronts. This is a struggle to maintain an illegitimate and dark regime, one that is tinted with the colors of a national conflict in which Jewish citizens participate as if it really were a national struggle. As long as the regime sticks to its refusal to open its gates to the inhabitants of the country that it turned into non-governed, and to those over whom it rules without allowing them to become citizens, and to those citizens whose access to government is blocked, it must conceal its illegitimacy – that is, continue the struggle in these three fronts.

Paradoxically, the struggle waged against the third group – against Jewish citizens, who pay the lowest price – is the crucial one in the state's refusal to deal with the refugee problem. Concealing the past and present illegitimacy of the regime and presenting it as the realization of a legitimate national vision – “establishing a Jewish homeland for the Jewish people in the land of Israel” is the core of the struggle. This camouflage is made possible by means of political indoctrination presented in the guise of democratic citizenship and implemented in all areas of life, one which mobilizes citizens from a very early age as

agents of the regime, camouflaged as service to the state and the community. Coloring the struggle to preserve an illegitimate regime with national hues, and structuring it within the framework of an ethno-national conflict, transforms the mobilized citizens into the regime's willing representatives. This is an ideological struggle which encompasses almost every area of life, and its maintenance for decades has succeeded in making Jewish citizens identify the flawed political space in which they live with political space in general. Without the struggle on this front, the illegitimacy of the regime that lacks its governed consent, and the crimes it continues to commit in order to continue to exist, would be publicly visible in all their nakedness – products of a regime the violence of whose foundation did not become a bitter memory from the past but became a daily routine, an existential need. Thus, in order to establish a state and a regime that is not based on the agreement nor on the support of a large portion of the population on which it has imposed its authority, the government must nationalize the civic space and deprive it of one of its fundamental characteristics – a space that is open, in whose framework citizens – both men and women – conduct their political lives, lives that include speech, gaze and action that are not enslaved to an external purpose whose primary goal is preserving the regime engaged in fighting them: exiling those standing in its way, ongoing domination of the non-citizens, and excluding the non-Jews from government.

Israel's stubborn refusal to recognize the refugee problem as its own problem, and to open the gates of political participation to governed it has ruled for forty years, most of

whom are themselves refugees or the descendants of refugees should be understood as constituent features of the Israeli regime. The few times that the Israeli rulers dared to look in the refugees' direction, they acted primarily to eliminate them or the “problem” they represent. The question of the refugees creates a trail of anxiety and threat regarding the preservation of the Israeli regime and it is immediately excluded from the political agenda under the guise of a direct threat on the existence of the state of Israel. The main power the refugees possess against a state having enormous military might stems from the fact that by their very existence they manifest the limits of Israeli democracy – their removal was, and remains, the necessary condition for establishing this regime.

Between 1947-1949, in addition to the persecution of the Palestinians by the organizations that would soon become government institutions, their literal existence here was threatened, and part of them they saw no alternative but to leave, others were uprooted or expelled. All of them feared for their lives and became refugees. But when the war ended, and their lives were no longer in danger, they were compelled to remain outside their country, as a result of the refusal of the new regime that was established here to permit them to return. This refusal precede practical questions of lands, property and restitution agreements. It is, first and foremost, a refusal in principle to recognize the refugees as those expelled from the political body of governed, and to stubbornly maintain them as a problem lacking any context, not part of the state's political agenda, nor its responsibility. Recognizing

the refugees as those who were removed from the political body of governed enable to see three things:

1. The refugees for what they are – political exiles
2. The Israeli regime for what it is – an illegitimate regime that has no way to maintain itself other than struggling by various means against all those who, in a democratic regime, would be part of the political body that comprises the governed (including, as noted, those it turned into non-governed)
3. Israeli citizens for what they are – mobilized citizens who have relinquished participation in a free political space, one in which a new beginning and solidarity with other governed persecuted by the regime under which they are governed is possible, and whose existence as political exiles is symptomatic of the regime under which they themselves live.

But as long as the regime succeeds in the struggle it is waging against Israeli citizens, and mobilizes them to represent it, the threat posed by the category that I suggest here of “political exiles” is no greater than that that posed by the common category of “refugees.” Thus, when we understand the structural relationships among the regime, the citizens and those it turned into non-citizens governed and non-governed, it turns out that if there's anything that could pose an actual threat to this regime, it's that Israeli citizens – men and women – will join the claims of all those who are not counted – opponents of the regime – and together demand the dismantling of a regime whose principle of survival is an ongoing struggle – both ideological and violent – against the governed population. Resisting the efforts to bury the dream of return,



seems today as one of the rare possibilities to imagine a different reality, a different political space, a different life, a different form of cooperation, a different future. None of this can occur unless Israelis and Palestinians join together in opposition to the regime that represses these possibilities, and together place civil solidarity among governed above the need to preserve the regime.

Some time ago I saw a video film by Yael Bartana, in which a left-wing Polish intellectual looks directly into the camera and appeals to Jews to return to his country, their country: "We need you," he says. His words, full of pathos, stayed with me for a long time. "Palestinian men and women, since then, I've been waiting for the chance to appeal to you. To say aloud, "Palestinians" - not as a noun, the object of a problem, but as an object of an appeal by a female Israeli Jewish citizen standing in the city square. A citizen who asks, "Will you be willing to join us as political partners? Will you agree to live with us? Will you let us live next to you? Will you forgive us for our crimes? Will you let us again live politically in your country, in our country?"

Without your agreement, and without your return, so long as you aren't part of political life here, civil life is not possible now, nor will it ever be possible. What kind of life will it be if we are sentenced to lie to our children about our memories of your expulsion or, alternatively, to tell them about it and make them hate the society that lies to them. Return. Return to live with us again. We need you! You and your descendants can change our lives here.

→ Mohamad Fadel, **Hulagu on Tank**, oil on canvas, 2004









# The Return as Utopia

Adi Ophir

When Jews recall the nakba, their usual response is to feel threatened, denial, aggression, sometimes hysteria. It soon becomes clear that what they're really afraid of is **the return**, and that this fear is **real**. If we admit that we expelled them, we'll be forced to let them return. Some, of course, even deny that the nakba ever occurred, that anyone was expelled or, at least, that Israel is responsible for the Palestinian catastrophe, while others say that the sin of expulsion has already been atoned for by the "expulsion" of Jews from Arab countries.<sup>1</sup> But these arguments don't eliminate the fear; when they're mobilized by fear their effect is to keep it alive. Fear is why such arguments are believed. Fear is why any move which might provide an opening to a demand for return is prohibited. Why is the return so threatening? Because it is seen as leading to the destruction of the Zionist state. It's said that without a Jewish majority and a Jewish army and a Jewish state, the Jews will once again be in danger of annihilation. Return means no longer being a majority, and not being in the majority means the danger of a second holocaust. That's a risk refugees from the holocaust and their descendants are absolutely unwilling to take. "Never again." The memory of the holocaust is processed as a trauma intended to cover up another trauma, the trauma of the original sin. Why should the returning refugees wish to annihilate the Jews? Perhaps because they'll seek revenge? Perhaps what's involved is a repressed memory of an original sin and, by projection: they'll do to us what we'd do to them were we in their place. And perhaps what's involved is racism, originally stemming from feelings of threat and of sin and now an independent factor creating new fears and new guilt feelings and new defense mechanisms?

We could continue analyzing the roots of Jewish fear, but in the framework of the current discussion it's enough to state its structure and its strength.

The Jewish fear comes down to the fear of no longer being the majority. The fear that Jews will no longer be a majority stems from anxiety about the "Arabization" of Israel. We'll be surrounded by Arabs, Arabs will run our lives, Arabs will make our lives unbearable and eventually Arabs will throw us into the sea or return us to the ghetto. Why should this happen? Because that's how Arabs are. The memory of the holocaust is combined with racism, and conceals it. Anyone who, as a last resort, makes the following argument is a racist: It isn't the regime that makes violence possible and is responsible for it, but the "mentality" of the other. People who have a particular mentality will create a dangerous regime, or will support it, and will certainly accept it (according to this logic, it's worth asking about that "Jewish mentality" which makes the occupation regime possible, but that would be an equally racist question. Here is the real question: What "Jewish mentality" does the occupation regime create?).

Jewish opposition to the return of the Palestinian refugees is so all-inclusive that it's impossible to think seriously about the return as the political program of a minority engaged in a struggle for changes in the regime. Despite the fact that at least fifteen percent of Israeli citizens support the return, the struggle is seen as one waged by a marginal, lunatic minority. Why? Because the Palestinian citizens don't count. Why don't they count? The optimistic answer is that they don't count because they support the return, because they represent by the very fact of their existence the threat of return. This answer implies that the Palestinians will count only when their very presence ceases to raise the threat of return. A more pessimistic answer is that even if the Palestinians relinquish the dream of return, they're still not likely to count. In other words, the return is a pretext concealing a deeper racism. Whatever the case, the apparently unavoidable tendency to view the return through the image of the Arab, and the Arab through the image of the return depends less on what the Arab says and more on what the Jew imagines. So the Arabs don't have much to do about this matter in any case. And the few Jews who support the return are viewed as having joined "our Arab enemies."

The hysterical, all-encompassing opposition to the idea of the return means that the struggle in its support no longer reflects a political program but a utopian vision. The hopes or utopian fancies of those wishing to return are not what make the struggle in support of return utopian, but rather the circumstances in which they make their demand. Those who claim the right to return or the duty to let the refugee return view it as reasonable, just and self-evident, as rectification of an injustice. The majority of Jews who oppose the return so vehemently views this demand as one threatening destruction, and restorative justice is out of the question. Given that more than six decades have already passed since the injustice occurred, restorative justice is "historic justice," and only Jews here seem to have the right to claim historic justice; the Arabs must be satisfied with distributive justice, the time for which is always the present, a notation on the state's



budgetary calendar. So dramatic and comprehensive a change would be required in the current political reality in order for the Palestinian demand for historic, retributive justice to be heard (not to be met – to be heard, to be considered seriously) that it is difficult to imagine that it could come about by means of any historical, political or social process we're familiar with. We don't know what factors may create such a process, nor have we any idea how it might look. The conditions that will make the return possible involve a future reality totally different from the one with which we are familiar, an otherness so great that it is unimaginable. Moving from this present to that future seems to require a wild leap of the imagination. That's why it's utopian. The return will take place elsewhere. When is irrelevant, because it will take place in some future unconnected to the present, which may come about in a way that now appears miraculous, and may not come at all. Only the place is relevant. It will be a different place in the same place, in our place. The complete otherness of that place, which transforms it into no-place, relative to this place, is what makes the return utopian.

It is impossible to know anything about the process that will create the conditions for the return. It is very difficult to know anything about those conditions themselves. But it may be possible to know something about the return itself.

We can begin thinking about the return by negating the place where we are now. The return will not be a return to here. The place which will make the return possible will be different. The return will not be to the place that existed then, sixty two years ago. That place has disappeared and no longer exists. It can't be restored. The physical environment can't be restored to its former condition. The human environment can't be restored to its condition sixty years ago. Specifically, if the return will actually occur, it will not be a true return. The map of the return must have a crack in it. Without that crack it becomes an enslaving fetish. Perhaps that's why so many insist on speaking of the **right** of return. The legal phrasing is alienated from the actual act, and turns it into an abstraction. It isn't the same house, it isn't the same tree, it's only the right. The legal phrasing also makes it possible to translate "loss" into "damage." But it's not possible to translate loss into damage without something being left over, a loss that even the most generous compensation won't restore. Must we insist on the remainder? Can this unrealizable remainder be represented by the right? Can there be a right to something which is unrealizable?

If we relinquish the loss, and make do with the damage, that is, with the loss that is repairable and replaceable, whose value can be assessed, which can be measured and for which alternatives can be devised – not the same village, but a village in Palestine; not the same plot of land, but a plot of land; not the same source of livelihood, but a sufficient livelihood – it's possible to propose a plan for return which **will appear** like a realistic political program. Imagine that an independent Palestinian state within the 1967 borders – assuming that such a thing is possible – undertakes responsibility for the refugees' return. Areas of the western Negev and the southern Judean desert are transferred to the Palestinian state and dedicated

to refugee resettlement. The Palestinian state has an unlimited authority to absorb and resettle refugees. It gains the generous support of the wealthy countries. In return for thinning out the refugee camps, the countries which today host the refugees are prepared to naturalize those who don't return. Stateless Palestinians gain citizenship, in their country or in other countries. Their ghosts no longer hover over the Middle East. Their bothersome presence is reduced to a series of municipal problems in the new cities to be established. Israel participates in the effort of reconstruction. It is even ready for the symbolic return of some tens of thousands of refugees to its territory, and also recognizes most of the unrecognized localities. As a sign of good will, and as part of the overall reconciliation agreement with the Palestine national movement, it provides special treatment to the internal refugees whose special status it had never recognized. Commemorative signs are erected wherever destroyed Palestinian villages once stood. Children go on school trips to these villages and listen to the stories of both sides, stories about the heroism of the Jewish fighters who captured the village and the stories told by the refugees about those same fighters, from the perspective of people who were expelled from that village. For collective memory is elastic. It can include everything. And in that way, everything returns to where it belongs. There aren't any people without a land, there isn't any land without a people, there aren't any people with no address, there's no address where there are no people. The trauma isn't repeated. It's no longer passed on from one generation to the next. The Palestinian refugees are resettled and build new lives for themselves on the West Bank, in the Gaza Strip and in the annexed territories. They are absorbed into Palestinian society and begin to flourish. Arab citizens of Israel gain recognition as a national minority with a special relationship to the Palestinian state. They're people whom the politics of borders have left outside their nation state. Like the Poles who remained in the Ukraine, like the Romanians who remained in Hungary, or the Hungarians in Romania. The world is filled with borders which cut through nations, and nations whose members accepted an existence divided between their own nation-state and other countries. Why shouldn't the same thing happen here?

Whoever views the return as an expression of Palestinian nationhood, and for whom nationhood is a universal principle underlying their political demands, must make do with this vision. The principle of nationhood requires honoring the right of Jews to their own nation-state, that is, their demand that their majority not be undermined. That's why the demand for return must be implemented only in the Palestinian part of Palestine. The Zionist Left understands this very well. That's why those Zionists are so insistent in their support for an independent Palestinian state. Only such a state, they believe, will dispose of the ghosts of the refugees once and for all. Only such a Palestinian state will insure Israel's existence as a democratic Jewish state. Perhaps. But it's clear that the idea of such a state is a utopia, the other side of the vision of a democratic Jewish state. This vision is similarly utopian. Today, and for the foreseeable future, Israel is a non-Jewish state – almost half of the Israeli regime's subjects are not Jewish – and is also not a democratic state – more than a third of those subject to the Israeli regime are not citizens, without rights, abandoned to



the oppressive violence of a military occupation regime and its aggressive colonial project.<sup>2</sup>

Every national project is based on a fantasy of the fit between groups of human beings and territories. The fit is never perfect. The majority views the mismatch as an inevitable distortion (if they're aware of it). The distortion is inevitable because reality is imperfect and the ideal is never achieved completely, so distortions must be put up with. That is, national minorities are seen, on the one hand, as a distortion, and on the other hand arrangements must be made so that their presence is in some way acceptable. These arrangements can't threaten the majority group and can't completely suffocate the minority; they must permit honorable coexistence between the majority and the minority while insuring that the minority remains weak (so that it doesn't upset the system), while at the same time providing it with reasonable conditions of existence so that it will have something to lose if it decides to rebel. Such arrangements are necessary to maintain the overall fit between nations and territories, to preserve the principle of the nation-state.

But in the circumstances which currently exist, the idea that an independent Palestinian state could be established, one which would be capable, among other things, of absorbing refugees and taking care of them, is as utopian as the return. Israel succeeded in dismantling the Palestinian national movement, in separating Gaza from the West Bank and in dividing the latter into a cluster of Bantustans. The settlements on the West Bank have become an insurmountable obstacle. Under present circumstances, no Israeli regime will agree to the necessary dismantling of the settlements on the West Bank. Under present conditions, the occupation is a component of the Israeli regime. Ending the occupation by withdrawing to the 1967 borders requires regime change. In the interim, the only regime change visible on the horizon is from "apartheid denied" to "apartheid proclaimed," from informal to formal racism, from latent fascism to fascists in major government ministries. All these changes strengthen the link between "occupation" and "democracy." We aren't capable of imagining the circumstances which will lead to a regime change that will end the occupation. We aren't capable of describing the process which will lead us there. We're talking about a different place, and reaching it requires leaping into the river of time from the present directly to some indefinite future point. That is exactly the leap required to bring about the return. The vision of two nation-states is as utopian as the vision of a unitary civil state to which refugees who so desire will return. If we're already talking about utopia, if we're already thinking about an alternative reality, freed of the bonds of existing reality, why not choose the improved version?

The civil state which recognizes the peoples who live there and grants their national cultures equal conditions in which to flourish is preferable to the nation-state. In every modern state there's a difference between all the citizens – the nation – and all the subjects; and this difference, the unavoidable fact that the state includes subjects who lack civil rights, is a permanent source of injustice and political instability. The nation-state multiplies these

injustices because it adds the difference of nationality to the difference of civil status, the difference between the homogeneous nationality group and all the citizens. The nation-state always includes national minorities who aren't counted in the way members of the majority are counted. The nation-state always includes people forced to leave behind a culture or language or religion which didn't match their ascribed nationality, and others melted into the nation or annexed to it unwillingly. Being fused to the nation, as well as being distanced from it, gives rise to injustice.

The condition for eliminating or minimizing these injustices is the separation between state and ethnic nationality, similar to the separation between state and church. It is the elimination of the linkage between any national-ethnic group and the state which enables the transformation of the state into a system of rule by one group among the subjects. Members of the majority in a nation-state demand a monopoly over resources – the state mechanisms – access to which should be available equally to all. The state, as a ruling apparatus, must belong to all its citizens.<sup>3</sup> State rule can be just only if the state as a ruling regime belongs to all its citizens, only if every citizen has more or less the same chance of enjoying the goods which the state distributes and has the same protection against its evils. The two-nation-state solution is worse than the civil state solution, because the first has discrimination against national minorities built into it, while the other promises to protect all its ethnic nationalities, as it does the adherents of all religions.<sup>4</sup>

The political discourse today is replete with utopian slogans: a state of all its citizens; return; Palestinian national liberation; a democratic Jewish state; the Land of Israel empty of Arabs; a halachic state in which Palestinians accept their status as strangers, second-class citizens, and make do with autonomy in their own Bantustans. All these projects and plans are more or less equally utopian. There's almost no reference in public discussion today to the present, to processes affecting Israeli society, to the actual circumstances of the Israeli regime, to the political action it dictates: a land which consumes its inhabitants; a regime which not only abandons the non-citizens over which it rules but its own citizens as well, Jews and Arabs; a society shrouded in lies; addicted to self-deception and anxiety, neurotic; a culture which creates symbols of bogus solidarity in the midst of a vacuum which no one knows how to fill and public discourse in which people discuss "the situation" – to the extent that they still engage in discussion at all – in a vocabulary of utopias divorced from reality, in the shadow of an apocalypse which is sometimes called Iran and sometimes Hamastan, and sometimes combines the two as if they were two manifestations of a single Satan.

I'll briefly discuss here the main utopia in Jewish public discourse – a Democratic-Jewish state – and will then turn briefly to the Palestinian utopia of the return.<sup>5</sup>

**A Democratic-Jewish state** is presented as the reality and as a command. Its utopian nature is denied. The contradiction between the dream and the reality is clear to see. The outcome is neither illusion nor fraud, but mental



paralysis. A total disjunction between what people see and what they're able to say about it. What is seen can't be said because doing so would contradict the dogma which must be held onto under all circumstances. So people fall silent, or speak nonsense.<sup>6</sup>

The rigid "Jewish-Democratic" combination isn't a smokescreen. We're not speaking about concealing reality. Almost everything is now visible. It isn't camouflage, but rather a conjuration of incantation. Reality is made to swear to become other than it is, until it suddenly changes. Like the frog who turns back into a prince, like the evil Ja'afar who is transformed into a genie and returns to the bottle in the tale of Ali Baba. Look, it works. If the mantra is repeated often enough, with sufficient conviction and with eyes shut, when we open them we'll find that we live in a Democratic-Jewish state. Nothing has changed, of course, but whatever formerly interfered with our marvelous formula describing reality (much less implementing it) is now simply ignored. Part of reality is ignored because it belongs to the past, and another part – because we know what the future holds. We are oddly certain that the occupation will eventually end -- haven't most people already said they prefer peace to territory? we've already left Gaza, it's only a question of time, and we'll know how to preserve both a Jewish majority and democracy.

The profusion of statements about the "Democratic-Jewish" that has been amassed lately is evidence of our desperate need to exorcise spirits. On the one hand, the post-Zionist demon whispers "no longer democratic," and on the other the demographic demon whispers "soon, no longer Jewish." There's a desperate need to erect a partition, in the political imagination if not actually in politics itself, between us, people who are fundamentally civilized and decent, and the occupation, discrimination and the upsurge of racism. But as with any symptom, this also contains more than a grain of truth. What we have here is not only a conjuration and a spell but also a simple statement which economically expresses a basic truth. The truth is that, at least under existing circumstances, a real Jew is a democratic Jew minus the democratic part. And a real democrat is a democratic Jew minus the Jewish part. That's a well-known formula. Here's how Robert Musil, whose *The Man Without Qualities* described the final days of the Austro-Hungarian empire, defined an Austrian: An Austro-Hungarian minus the Hungarian. But Austrian and Hungarian were at least two members of the same species. Jewish and democratic belong to different species. How could they even be combined? And that's the second truth that the incantation reveals. The truth is that the Jewish and the democratic are connected only by a hyphen, which is exactly what divides them. The hyphen creates an assemblage which is deconstructable to the same degree that it unites, it presents the difference to the same degree that it is asked to blur it. This hyphen is a link which is about as stable and durable as the one assured by the conjunctive "and." It's a combination which someone once exhaled, and one day someone will inhale it back again.

Thanks to the hyphen, every anxious Jew can be a democrat: he's guaranteed that the Jewish side of the formula will protect the regime from too much democracy; thanks to the hyphen every anxious democrat can be a Jew

without worrying: he's guaranteed that the democratic side of the formula will restrain the regime from being too Jewish. The symmetry is perfect. The restraint is also mutual. Everything in proportion. Proportionality is the name of the game.

And what about the Arabs? How does an Arab fit into this formula? Is the Jewish side of Democratic-Jewish supposed to keep him away? The answer is clear: he takes shelter in "democratic," on the condition that he became a subject of the regime in 1948 rather than waiting until 1967. The democratic side of the formula is the refuge of the Israeli Arab, his hiding place, after having been distanced from its other part. We benevolently grant him citizenship and recognize him as an Israeli because **we** are democrats. But the formula is symmetrical. And its essence is balance and mutual restraint. If the Arabs, the non-Jews, find refuge on the democratic side, who takes refuge on the Jewish side? The non-democrats, of course. We forgive the racists, the fascists, the various hallucinatory theocrats, because **they** are Jewish. This patronage comes with a price tag. The Arab democrats are forbidden to alter Israel's Jewish character. The Jewish racists are forbidden to alter its democratic character (meanwhile, since the formula was first proposed, this component has been significantly undermined). The Israeli Arabs were sentenced to citizenship in a state which isn't theirs, but belongs to others, many of whom aren't its citizens. The Israeli racists live in their state, but it isn't exactly the state they want to live in. But here the symmetry is broken. When Arabs dare speculate publicly about the possibility of reshaping Israel as a state of all its citizens or as a bi-national state, they are declared "a security risk". When the racists act – not only talk – in order to strengthen Jewish lordship over Palestinians and establish Israeli democracy as a democracy of masters, no one threatens or restricts them – on the contrary, they join the government and provided with all necessary resources.

But, on second thought, that's also part of the formula: Democratic-Jewish. Israel is truly Democratic-Jewish, because it's a democracy for Jews. It guarantees democracy to the Jewish rulers. This Jewish democracy offers shelter to the Israeli Palestinians under restrictive conditions, and to Palestinians who are not citizens it offers hell. Like in South Africa under apartheid, the democratic nature of the regime to which those in power are subject is an important component of the regime's ability to mobilize them to make life hell for the natives. The well-intentioned Zionists who speak of the Jewish people's right to its own nation-state cleave to their incantation as if there was no occupation, or as if the occupation was temporary and external to the Israeli regime, as if forty three of this regime's sixty two years had not been devoted to ruling another people, and the remaining twenty to taking over their lands within the Green Line, as if about one-third of the eleven million people ruled by the Israeli state didn't lack citizenship, didn't lack all rights and protection, and as if an addition fifteen percent didn't suffer from defective, inferior citizenship. A Democratic-Jewish nation-state which is something other than a regime that uniquely combines Jewish democracy and an oppressive occupation is not a description of reality but a utopian program. It is no less utopian



than the vision proposed by the programmatic documents prepared by Israeli Arab organizations, or than the vision of a single democratic state between the Jordan River and the sea. But “Democratic-Jewish” isn’t presented as a utopia. It purports to describe reality. And that is precisely the moment at which it is transformed into the incantation of people who want to conjure the genie and put it back in the bottle.

Today, Lieberman offers release from that need to whisper (and to sometimes feel pretty idiotic). He presents what the state does anyway – in Gaza, in the West Bank, in the Arab sector, among Jews in Israel “proper”, by fragmenting and nationalizing the institutions of civil society – with none of “sane” Zionism’s ideological packaging. Lieberman is the solution to the contradiction between an ideology which describes the state as “Democratic-Jewish” and a reality in which the state is neither Jewish (because almost half of its subjects, non-citizens as well as citizens, are not Jewish) nor democratic (because it isn’t possible to rule three and one-half million non-citizens in the territories and another million and a half Israeli Palestinian second-class citizens and still describe the regime as democratic). “A Democratic Jewish state” is a term of cognitive dissonance and Lieberman is the easiest way out of that dissonance. Lieberman presents a simple story to explain a complex reality without becoming entangled in contradictions. Lieberman is the license to be racist and waive democracy unblinkingly. Lieberman isn’t Kahana. He lets his listeners be racists with first going through the bible or the Talmud and without depending on any transcendental authority. And his racism is pseudo-scientific, based on biology, “demographic facts” and the systems-analysis of defense-studies strategists (which is why all the generals can be his friends, and why most jurists will be able to work with him). Now, with the triumph of the Liebermanic discourse – his recent electoral achievement is by no means the final expression of that triumph – the democratic Jewish state will finally appear as what it really is: a utopia.

**An independent Palestinian state** is said to be a realistic political plan, the only vision capable of bringing an end to the occupation and reconciling the two peoples. It is also the only vision that the Zionist Left believes will guarantee in the long run both the Jewishness of the state and its democratic character. The present – a non-Jewish, non-democratic state – is presented as a future threat, and the future solution that is capable of thwarting that threat is presented as a plan on which there is agreement, a plan that in fact has been accepted by the majority, at least in principle, and only cognitive obstacles delay its implementation. Such obstacles (“there’s no partner at the moment,” “the American government isn’t prepared to play its role,” “the politicians now in power lack the courage to evacuate the settlements”) are seen as elements that can somehow change, although no one knows just how. People deny that this plan is utopian. The fact that the obstacles to its implementation are not historical accidents but the expression of the conditions for the existence of the current Israeli regime is not understood at all. The result is the same as the talk about a “Democratic Jewish state” and complements it: mental paralysis. The damage from mental paralysis is smaller here than in the previous case, because everyone

1 cf. Shenhav, Yehuda (2008), “Jewish-Arabs, exchange of populations and the right of Palestinian return,” *Sedek 3*, Tel Aviv: Pardess, Parhesia and Zochrot, pp. 67-80

2 For a systematic analysis of the Israeli regime which deals with the occupation as one of its structural elements, cf. Azoulay, Ariella and Adi Ophir (2008), *A Regime that is not One: Occupation and Democracy between the River and the Sea*, Tel Aviv: Risling, especially Part 4.

3 A complete analysis of this topic requires addressing the difference between subjects who are not citizens (labor migrants, other migrants, tourists remaining in the country for an extended period of time) and citizens. But this problem is shared by the nation-state and by the civil state, and can be bracketed in our present discussion.

4 All that notwithstanding, given the existing circumstances of the conflict between Jews and Palestinians in Israel/Palestine, were it possible to end the occupation and turn the Palestinians into citizens and solve the refugee problem by establishing two nation-states, it should be done immediately. It’s clear that a nation-state based on a division between citizens and non-citizens (as occurs under the occupation) is worse than a nation-state based on a separation between citizens who are members of the dominant national group and those who are members of the minority national group.

5 A more comprehensive discussion would require considering the idea of a state for all its citizens and those proposed in the programmatic documents prepared by Israeli Arab organizations. If the return is included in these proposals, all that applies to the vision of the return applies also to them.

6 The following discussion of the concept of a “democratic-Jewish state” is based on a text presented at a discussion held under the auspices of “Ofakim Hadashim” [New Horizons], in honor of Amalia Rosenblum and Zvi Triger’s book, *Without Words: Israeli Culture Through the Mirror of Language*, that took place on August 1, 2007, at Tzavta, Tel Aviv, and was published by *Machsom*, an on-line newspaper that does not appear any longer.

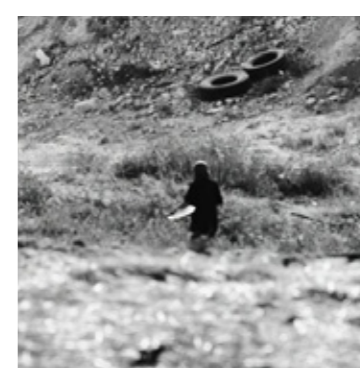
is well aware that no one is talking about existing reality but about a plan to change this reality, but they ignore all the evidence indicating that there’s no longer any foreseeable way of bringing that change about.

**The return** is the only utopia whose utopianism is impossible to deny. The first advantage possessed by the discourse of return is its fidelity to the reality it addresses. There is more truth in the discourse of return than in the Jewish or Palestinian national discourses. Its second advantage is that it requires and facilitates confronting the two traumas of Jewish-Palestinian existence. First of all, it allows them to be separated. It lets us describe the irreparable loss and the obligation to which it gives rise. It allows us to accept responsibility. Its third advantage stems from the fact that, instead of imagining a utopia and forcing it on reality, the discourse of return creates **heterotopia**. The country remapped by the discourse of return is a dual place. That which is now – and that which was; to which there are sometimes attempts to add that which one day will be. The duality is a crack in the usual arrangements. The crack acts. It doesn’t act in order to retrieve from the future what is inconceivable (or at least that whose manner of implementation is unimaginable). The crack acts to bring about change here: not from the future to the present but from the present to the present. It acts to change actual, day-to-day relations between Jews and Palestinians, among Palestinians themselves and among Jews themselves; to open up new possibilities of cooperation across national boundary lines, a place for joint action and joint existence in which the polarization and enmity, the terror of the other, can be overcome, and overcome again, a place in which it is possible to face the trauma in another way.

Someone who insists on return can’t be satisfied with full, genuine citizenship for the Israeli Palestinians, and even with independence for Palestinians in the territories or full citizenship for them in one, Jewish-Palestinian state. The demand for return creates a crack in Palestinian citizenship, even if it appears to be repaired, or to be repairable. It is a crack which arises not only from a certain fetishistic tendency in the discourse of return (return to the same village, the same childhood landscape of one’s father or grandfather, the same plot of land, the same orchard, the same horse in the stable), nor will it disappear even if the Palestinians relinquish completely their tendency to freeze life in order to be ready for the return. The crack results from the fact that the old loss is not denied, nor seen as repairable – but becomes a burden which obligates the present. This crack in Palestinian citizenship is at the same time also a crack in Israeli citizenship. Palestinian refugee-ness is no longer a condition of Israeli citizenship which must be denied, but an actual presence that splits it open. Instead of hovering like a ghost that haunts civil association in this land, Palestinian refugee-ness appears as the utopian promise of its rehabilitation.

In this crack, this gap between one space and another in the heterotopia generated by the discourse of return, between this heterotopia’s Jewish and Palestinian planes, an opening to a genuine association appears, an association of justice and peace. A utopian place, of course, a different place, of course, but a utopia that lives here, cracking our actual present.







# Economic Aspects of the Return of Palestinian Refugees – Initial Thoughts

Shir Haver

## *The return of Palestinian refugees as a subject for economic research*

Faculty in university departments of economics believe that almost any subject can be studied in economic terms. Nevertheless, we should be very careful not to reduce political, emotional and humanitarian issues solely to their economic aspects. The issue of returning the Palestinian refugees has hardly been addressed in the economic literature, and many questions related to that issue remain unanswered: How much will absorbing the refugees cost? What compensation should be paid to people whose property was taken from them sixty years ago? How will the refugees' return affect the regional economy (in particular that of the welfare state, the housing market and the labor market)?

These are burning questions that

should be the subject of research, but we should be careful about the conclusions we draw from such research. The right of return doesn't depend on an economic calculation, nor is it a commodity that has to be "marketed" to a public that must be convinced that its benefits outweigh its costs. That right was established in international law, and is founded on moral grounds.

Therefore, the political aim of studying the economic aspects of the return (and the reason for this article) is to begin a discussion of its practical details, and make that discussion substantive. It is important to move this discussion away from its supporters' abstract yearnings and its opponents' fear of the unknown, and turn it into one that breaks down the issue of return into practical political and moral aspects. The present

article will address the economic issues related to the return, but it is important to remember that economic considerations cannot by themselves justify or deny the right of return.

The Palestinian refugees' right of return has a number of economic aspects – involving compensation to refugees (and perhaps increased compensation to those choosing not to return to the areas from which they were expelled), the substantial economic effects on the countries in which refugee camps are now located (Jordan, Lebanon, Syria), and, of course, on the economies that will absorb the refugees. I will focus here on this last aspect.

Various scenarios of return are possible. The political entity that will receive the returning refugees would likely be quite different from the existing state of Israel, and would in any case be a political entity that would not be defined as belonging to a single ethnic group. At the same time, I will assume that the refugees will be absorbed into the Israeli economy, inside the Green Line, and in a similar set of conditions to the ones which exist today. This isn't necessarily the most reasonable assumption, but it's the simplest one with which to begin the discussion. I'll call this territory "Israel," because that's what it's called today, although its political boundaries, its ethnic character and even its name could change. Since "Palestine" is a name that also refers to the territories occupied in 1967, and could refer to a future state that is separate from Israel, I won't use that term here.

This article should, therefore, be viewed only as a beginning of what

must be a much broader discourse, supported by much more extensive research.

## *Return and economic growth*

There has been considerable migration to and from Israel during the sixty years of its existence. The forced emigration of Palestinians in 1948 was balanced, and even paled (numerically), in comparison to the many migrants who came to Israel under the Law of Return for varied reasons and from many places, bringing with them different amounts of property, and possessing greater or lesser education and skills.

These waves of migrants often had difficulty adapting. They had to make great efforts to become integrated into the economy, to find jobs and adjust, since Israel has suffered a long-term unemployment problem, as well as a gradual erosion of the welfare state and a decline in its public services. As a result, a zero-sum economic discourse was sometimes heard, as if each new immigrant group was competing with long-time residents for jobs, incomes, housing, etc.

Apprehension about competition from immigrants is particularly strong when it involves a group whose members are seen as weaker economically and therefore willing to work for less pay or rapidly accumulate savings (by minimizing consumption and accepting a very low standard of living), thereby pushing out long-time residents.<sup>1</sup>

Economic data for Israel, however, portray a different picture, one in which periods with a large positive migration balance were characterized by economic growth.



This was not only the growth that naturally accompanies an increasing population (that increases demand, expands the labor force, etc.), but also growth in per capita output – in the economic power of the average citizen.

An analysis of the period 1950-2006 indicates that during the years in which the population grew at a faster than average rate (3 percent per year when the immigration waves are taken into consideration), there was usually a higher than average growth in per capita output, reaching about three percent a year. The correlation between the deviation in population growth and the deviation in the rate of per-capita growth (from their respective averages) is about 0.06. In other words, each wave of immigration to Israel has been accompanied by an increase in the average income of veteran Israelis. Roughly speaking, the immigration to Israel of one million refugees would result in adding one percent – about NIS 1000/year – to average per-capita output in Israel.

One possible explanation for the positive correlation between growth and immigration is that immigration increases the variety of labor force skills, increases the demand for products (thereby stimulating increased production and creating jobs), increases demand for housing, transportation and other services, and adds to the economy assets brought by the immigrants.

#### *The labor market*

Actually, growth alone isn't a particularly good measure for evaluating the expected effect of the refugees' return to Israel.

First, the sample studied is small (only 56 years); second, different populations have different educational resources, initial assets and labor force characteristics appropriate to the local economy, which are all important with respect to the effect of migration on growth; third, and most important – growth alone is not necessarily a good measure of economic prosperity. Per capita output measures the speed money circulates in the economy, and much has been written on its shortcomings as a measure of a population's standard of living.<sup>2</sup> At best, growth provides a rough indicator of periods of prosperity and depression.

The state of the labor market provides a more accurate measure of economic conditions. In every country facing mass immigration, workers fear job loss to immigrants. These fears are greater when the immigrants come from countries with relatively low income levels, and are therefore willing to work for lower wages and replace local workers.<sup>3</sup>

An empirical historical analysis of unemployment in Israel has interesting results. The unemployment rate in Israel has risen over the long term since the 1950's, but this long-term rise was interrupted by three periods of a decline in the unemployment rate: the first was in 1968-1976, the second in 1994-1998 and the third in 2004-2008.

This third period of decline in the unemployment rate is not relevant to the present discussion, because it was due to denying unemployment benefits to tens of thousands of unemployed people, and not as

a result of a real increase in the availability of jobs. Data from the National Insurance Institute and the Central Bureau of Statistics shows that many unemployed persons obtained part-time work, and many others were no longer eligible for unemployment insurance payments and signed up for income-support programs instead. They were no longer included in the labor force, and their removal artificially lowered the official unemployment rate.<sup>4</sup> On the other hand, the first two periods of the decline in the unemployment rate were characterized by the addition of many workers to the Israeli labor market. The first reflects the entry into the Israeli labor market of Palestinians from the territory occupied in 1967 and the second reflects the mass immigration from the former Soviet Union as well as the policy of importing foreign workers. The unemployment rate declined during these two periods. The absorption of new workers into the Israeli economy and the new businesses that they helped establish, their purchasing power and the resulting increase in demand, in fact improved the country's employment situation

We can't be sure that the return of Palestinian refugees would have a similar effect of lowering the unemployment rate, but at least the historical examples referred to are evidence that apprehensions about immigration causing job loss are not supported by empirical evidence.

#### *Weakness of the Israeli welfare state*

Another important consideration in any discussion of the economic effects of returning refugees is the

public expenditure required to absorb them into Israeli society (inside the Green Line).

The government gives funds to citizens by investing in education, health and welfare, transfer payments (unemployment grants, child grants, income supplements, etc.), in infrastructure (roads, electricity, water, sewage treatment, etc.) and other public services (police, fire departments, courts, prisons, etc.). Although the government finances these investments by using the taxes citizens pay, it will probably take some time before the taxes paid by large numbers of refugees will cover the costs of their absorption.

Extension of benefits by the Israeli welfare state, which conceives of itself as a western nation adhering to first-world welfare standards, to a much larger population than currently exists, is a major undertaking requiring substantial government effort. Such a project is likely to significantly increase public debt, and temporarily reduce the public services provided to the population as a whole. Nevertheless, such an undertaking is easier to accomplish today than it would have been ten or twenty years ago, because in recent years the Israeli government has made a series of cuts in the welfare state.

The economic policy adopted by successive Israeli governments entails reducing government involvement in the economy, gradual elimination of the welfare state, and privatization. This policy has been severely criticized, and justifiably so, for allowing economic gaps in Israel to grow, and helping a handful of very wealthy



individuals to make enormous profits at the expense of most of the rest of the population. But, this policy has had an unexpected result, since a lower per-capita investment makes it easier for the country to absorb a large number of immigrants at the same time. In fact, even though the economic gap remains great between Israeli citizens and Palestinian refugees in other countries, the difference between the amounts invested in their citizens by the governments in those countries (or the per-capita investment by UNRWA) and the per-capita Israeli government investment in its citizens is growing smaller. That should reduce the difficulties involved in adjusting to the additional migrants, although the problems that result from the dismantling of the welfare state itself will, of course, remain.

#### *Strengthening regional ties*

We can assume that even when the Palestinian refugees will be able to return, not all will wish to do so immediately. Refugee communities will probably divide, with some family members and friends choosing to return while others prefer to settle in other countries, but family members will certainly wish to remain in contact with each other. This will have far-reaching economic effects. Visits to Israel by Palestinians living abroad, for family reasons and to return to their "roots," the locations they or their relatives were expelled from in 1948, will represent a new form of tourism and lead to an infusion of money into the economy. Palestinian families whose members are spread among different countries can use their connections to establish businesses and thereby strengthen commercial

relations between Israel and its neighbors.

Regional ties will, of course, be greatly strengthened when one of the principal obstacles is removed to Israel's integration into the region - its refusal to adhere to the UN resolution regarding returning the refugees. The returning refugees will be in a favored position to benefit from the opportunities provided by the expected expansion of regional trade, some of whose profits will flow to the Israeli economy.

#### *Social and economic gaps*

It's worth noting here that it isn't the purpose of this article to sell the return of the Palestinian refugees as an economic policy. Along with any economic benefits resulting from their return, many difficulties should be expected, as well as a long period of adjustment.

Unlike the situation that existed when previous waves of immigration to Israel were absorbed, the level of inequality in the Israeli economy today is higher than it has ever been. Mass immigration from countries whose income levels are lower than Israel's will widen local economic gaps. The social costs of such increasing gaps will be great, including an increase in crime, decline in social solidarity, weakening workers' rights, undermining democratic traditions, etc.

Therefore, for the refugees returning to their land as well as for the population that will absorb them, the migration itself is not the end of the project, but only its midpoint. It must be followed by assisting the refugees to be

integrated into the economy and reduce gaps between them and the veteran population. Israel already has very effective mechanisms for absorbing immigrants, such as "absorption benefits baskets" and organizations that provide assistance in finding housing, jobs and obtaining education. These can serve as the basis for new, expanded mechanisms to absorb a non-Jewish population. Zionist propaganda, of course, which has been an essential component of Israel's absorption activity, will be ineffective in absorbing the refugees, and must be replaced by programs of educational pluralism.

Israel's governmental institutions will have to make a considerable effort to absorb the refugees. This will require increasing public expenditures, training public officials who will follow-up the refugees during their period of adjustment, significant investments in housing construction, job creation and expanding health and educational services. These efforts will require changing priorities in economic policy: canceling the policy of cuts and privatization of welfare services, and replacing it with a policy of social responsibility and government involvement in the economy in order to insure the right of citizens to live decently.

If such changes occur, they could serve not only as a tool to successfully absorb the refugees, but also to deal with problems of inequality, unemployment and poverty that already exist in Israel. If, however, absorbing the refugees is not accompanied by these other changes, the economic and social problems tormenting Israel will grow more severe and seriously

damage not only the returning refugees but the veteran population as well.

#### *A political solution to an economic problem*

The return of the Palestinian refugees conflicts with Zionist aspirations comprising a central component of the definition of Israel as a Jewish state, including the desire that Jews remain the majority demographic group in the country. The conflict between the right of return, recognized by the international community, and Israeli politics, makes it difficult to discuss the substantive economic issues involved in the refugees' return.

Under existing political circumstances, the refugees have no reason to believe that the Israeli government will consider their best interests in negotiations with Palestinian representatives, and the Israeli government will have no incentive to move toward returning the refugees because the international community is not pressuring it to do so. So long as this situation persists, it is difficult to see on the horizon any chance for the return of the Palestinian refugees.

To find the right balance between the need to implement the right of return and the need for a transitional economic program that will ease the burden that the refugees' return and the substantial compensation payments will place on the economy, a political solution is required, one that is achieved in a democratic manner by a body on which both refugees and residents of Israel are represented, a solution which weighs economic considerations together with those of justice and morality.







# First steps Towards the Rebuilding of Ghabisiyya

Yoav Stern

Case No. 220/51 was heard by the Supreme Court, sitting as the High Court of Justice, on 30.11.1951. The residents of Ghabisiyya had been removed from their village a short while earlier, not for the first time, and they asked that the removal order be cancelled. The court granted their request on technical grounds: the order by the military commander of the Galilee had not been recorded "unrecorded" and was therefore not valid. According to the decision, the IDF "lacked any authority to expel the applicants from the village of Ghabisiyya, nor is it authorized to prevent them from entering it, from leaving it, from being there and from living there."

Many of Ghabisiyya inhabitants who had remained in the country were then living a few hundred meters from their homes, many in houses of the neighboring village of Sheikh Danun, whose original residents had become refugees. Others lived in the village of Mazra'a, closer to the coast. They followed what was happening in their village and were very happy, even surprised, at the court's decision.

Ghabisiyya had been a relatively large village in Palestine in 1948. It was one of the important rural centers in the Acre Sub-District. Seven hundred people lived there. Daud Bader, who was born in the village, points to evidence of its importance: the access road had been paved with stone by the residents, and the curbstones are still visible today. In 1947 part of the road had even been surfaced with asphalt, a rare sight in those days.

The village was proud of its impressive mosque. It had been built during

the time of Daher Alamr, the 18<sup>th</sup> century Arab ruler of the Galilee, and residents of neighboring villages also attended its prayers on holidays and on Fridays. A little room at one end of the mosque was used as the village school whose pupils were of various ages.

Ghabisiyya was a quiet village. Sheikh Rabah al'Od, the village mukhtar, had reached an agreement mediated by the Haganah's intelligence officer, Micah Kahani, from Kibbutz Cabri, that as soon as the Haganah wanted to enter the village a white flag would be flown from the mosque and the village would surrender without a fight.

On May 21, 1948, a battalion infiltrated the village from the north and west. The Jewish forces entered and killed the first person they saw, Daud Zini, who had been sent to raise the white flag over the mosque. Ten more residents died from the attackers' fire.

At the end of that day, all the villagers left their homes. Daud Bader remembers that morning: "Mother woke me up, got me out of bed and put me on the floor of the neighbor's house. I remember sitting on the cold floor. Then she came in, bundled some belongings in a large cloth and lifted it onto her head. We went east, toward the hills."

Toward the end of 1948, some of the residents of Ghabisiyya returned to the village and remained there until 1950, when they were removed by order of the military governor. The village was empty, since all the inhabitants had been expelled and had left their homes behind. Ghabisiyya's residents tried repeatedly in September, 1951, to return home. Whoever was caught then in the village was tried, fined and jailed.

As noted above, toward the end of 1951 the decision of the High Court of Justice cancelled the military commander's order. A week later, some of the residents returned to their homes. "People wanted to implement the decision," says Bader. "On 8 December 1951 they went back to the village. Once again the police came and ordered them to return to 'wherever they'd come from.' They showed the police the court decision, but the police replied that the government had declared the location to be a closed military area."

Bader is a member of the Public Committee for Ghabisiyya. Today, fifty-seven years after that decision, he still lives in Sheikh Danun, not more than one kilometer as the crow flies from his original home. A three minute ride north on Route 70 leads to a unmarked turnoff to an unpaved road. "The Nahariyya cemetery will be located here," according to a rusting sign. Farther along, on both sides of the road, is the abandoned village cemetery. Continuing on - remains of demolished buildings; and the mosque, still impressive and still standing, fenced off by the Israel Lands Authority.

A special effort began in 2000 to redesign Ghabisiyya in order to revitalize the village. The Arab Center for Alternative Planning, directed by Dr. Hana Suweid, who was later elected to the Knesset representing Hadash, along



with the Association for the Defense of the Rights of the Internally Displaced Persons in Israel, headed by Suleiman Fahmawwi, an engineer., initiated the planning process whose first stage involved collection information regarding ownership of village land and property.

Fahmawwi explained that the process is intended to be a precedent for planning additional villages, and that a number of factors combined to select Ghabisiyya as the first attempt: the existence of a residents' committee which had collected information about property ownership, the fact that many of the village's refugees lived nearby, the fact that no new Jewish localities had been erected on village land, and also the legal and planning status of the lands. The fact that the remains of the destroyed buildings were still present in the village, as well as the old cemetery and the mosque, also played a role.

As the project began, questionnaires were distributed to the residents. Each reported what they knew about the family's property, including information about family members who were refugees abroad. A number of residents also were able to obtain the old land titles from the land registry office in Nazareth, titles which clearly specify who the property owners are, to be used in a land survey. In some cases Ottoman archives in Istanbul were used in order to obtain information about ownership. The village residents' committee provided the file that had been prepared many years earlier, containing information that the villagers themselves had put together. Most of the resources invested in the project by the Center for Alternative Planning were intended to develop a computer program that would enable it to describe the village's situation as it existed in 1948. By comparing various aerial photographs of the village, it was possible to reconstruct by computer all the buildings which had then existed, their area and their height.

I asked Anaya Bana, a city planner who led the project as a trainee and who today works at the Arab Center for Alternative Planning, about the connection between collecting information regarding the village in 1948 and planning the modern village. According to her, the job hasn't been completed: "The plan is for the village core to remain unchanged, which can meet existing needs. But it's also necessary to allocate land for public open space and public buildings like the school and the municipality building.

The only public buildings remaining in the village after 1948 are the mosque and the school connected to it. The only open public space is the *bi'adr* - the threshing floor not far from the mosque used in all villages for storing grain and also, in particular, as an improvised "wedding hall" for holding large events, and perhaps public meetings as well.

Bana explains that the village redesign will certainly include reconstructing the conditions which existed before it was destroyed. But the difficulties involved in redesigning a Palestinian village, or expanding it, are also present in this case. Part of the problem is due to the private ownership of land, the density of construction in the village core and the need to site new construction at some distance from the center.

Moreover, there is still no answer to the question of how Ghabisiyya can be developed and expanded so that it will be able to absorb all the former inhabitants who want to return, and their descendants. In modern localities, such development usually involves expropriating land for public purposes and planning restrictions imposed by the local authority, but there is no local authority in Ghabisiyya, nor a national government which will assist in development.

Since the planning process has not dealt with that stage, such questions still have no answers. Bana explains that, according to the approach of the Center for Alternative Planning, "nothing must be imposed on the residents. They understand that in order to develop the village as a whole it is necessary to allot private land for the common good." The Center's staff believes that they'll find the right answers by involving the residents: "In Ghabisiyya," says Bana, "it won't be any harder than in localities in the Negev. We have to take the next step forward, so that it becomes more than a utopian vision."

The residents, meanwhile, haven't stopped hoping. Haj Halil Half'allah, Bader's friend and neighbor in Sheikh Danun, keeps dreaming: If possible, tomorrow he'll get a tent and pitch it on the ruins of his home. Walking among the ruins he moves slowly, telling about the residents. Suddenly he stops, points with both hands at the ground, and says: "Here. Here's my house. Here's where I want to return."



## Re:Form A model Kufr Bir'im

The authorities promised that the expelled villagers would be allowed to return in two weeks, but time passed, and as of today, more than sixty years have gone by. Through so many years, the growing Bir'im community hasn't lost hope of returning home and hasn't stopped working to achieve this goal. This model is a proposal for creating a different future.

Stage A: A model for the development of the original area of the village that was demolished in 1953, and transforming it into a public community area for the benefit of the village as a whole and the residents of the surrounding region.

Stage B: A model for the development of a new village built around the reconstructed center, containing a vibrant combination of infrastructure, housing, industry and agriculture.

**Kufr Bir'im**, Re:Form A model, 2002-2005. installation.  
by: Hana Farah - Kufr Bir'im, Tameer Haddi, Wisam Akel,  
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