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CURRENT ISSUE

table of contents

FEATURES

new democracy forum

new fiction forum

poetry

fiction

film

archives

ABOUT US

masthead

mission

rave reviews

contests

writers' guidelines

internships

advertising

SERVICES

bookstore locator

literary links

subscribe

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The Case for Binationalism

*Why one state—liberal and constitutionalist—may be the
 key to peace in the Middle East*

Lama Abu-Odeh

Gradually, some might say predictably, our attention is being drawn back to the Palestinian-Israeli conflict. This renewed focus is understandable. In response to the tragic events of September 11, the United States has tried to build and sustain a broad anti-terrorism coalition, and Israel's status is problematic for many of the countries in the coalition. Moreover, the Bush administration has made a series of statements since September 11 indicating a plan in the works for the establishment of an independent Palestinian state. While the details of the plan have not been revealed, and Palestinians are skeptical, the *idea* of an independent Palestinian state—what is commonly referred to as the *two-state solution*—seems to be back, at least for now.

And yet for many Palestinians, myself included, the two-state solution has already lost a great deal of its historic appeal. The political events and institutions subsequent to the Oslo Accords of 1993—all the painful renegotiation and implementation leading to the second intifada—are to my mind responsible for the shifting enthusiasm.¹ The period since Oslo has revealed the "unrepresentativeness" of the Palestinian Authority; it has not generated meaningful territorial gains; and it has not resulted in any progress on the crucial question of the return of refugees. Moreover, developments since Oslo have raised serious questions about the attractions of a separate state as a vehicle for expressing Palestinian aspirations and advancing Palestinian interests. Thus we have seen the development of social and economic "structural dependency" between Israel and the Palestinian regions; the emergence of "overlapping domains of national consciousness" due to factors such as daily labor movement to and from Israel; and the emergence of a new Palestinian national elite that shares economic interests with the Israeli state apparatus.

All of this—both the political dead-ends of the Oslo process as well as greater economic integration and associated changes in

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consciousness—makes it worth our while, it seems to me, to reconsider the idea of *binationalism in Palestine*. Binationalism in this context expresses the idea that the land of Mandate Palestine should be transformed into a secular state—a constitutional-liberal state, with Arabs and Jews as its national citizens. Its famous maxim is "One Land for Two Peoples" and its most famous proponents are the Palestinian American writer Edward Said and Azmi Bishara, a Palestinian-Israeli member of the Israeli Knesset. The advocates of binationalism typically distinguish it from the more familiar two-state solution, according to which two states, one Israeli and the other Palestinian, are imagined to coexist next to each other. It is also, of course, sharply distinguished from the current situation, in which a recognizable Israeli state coexists with disparate, partially autonomous, Palestinian areas *within* the West Bank and Gaza strip, while the remainder of the latter areas remains under the control of the Israeli army, whether its inhabitants are Palestinians, or Jews living in the largely isolated colonies commonly known as settlements.

With the failure of Oslo, and in the face of the post-September 11 conflict, binationalism has garnered increasing support among Palestinians, but that increase thus far has been marginal. In a recent discussion of binationalism, Salim Tamari argues that binationalism has failed to attract broad Palestinian support because, as a political posture, it does not offer a "programmatic position but [is] simply the expression of a desired outcome": an ideal, not a plan. In addition, he argues that proponents of binationalism do not address the problem of overcoming institutionalized Zionism, nor, on the other side, the difficulty of overcoming the general Palestinian resistance to being incorporated in a Europeanized and industrialized society. Moreover Tamari says, the binationalist alternative involves giving up the struggle for military withdrawal from the occupied territories and the dismantling of colonial settlements. Even an independent Palestinian state of limited scope, Tamari says, has a better chance of launching these struggles through continual efforts to consolidate its territory and future re-negotiations of agreements that had been signed. And lastly, he says, binationalism would weaken the bonds and trappings of Palestinian identity and force Palestinians to reconsider their Arab ties.

These criticisms of binationalism all have some force. But despite the current limits on support for binationalism—not only on the Palestinian side, but even more so on the Israeli side—I propose that we take it up seriously as a political project. While it now has the status of a "utopian" political proposal, talking about binationalism in practical terms may force people to confront more seriously the limits of alternative approaches, and their own

denial about those limits. Everyone agrees that circumstances are now disastrous. Moreover, there is considerable pressure to find a solution to the conflict, and much disquiet, not all of it publicly expressed, about the two-state solution. If binationalism is a desirable outcome—as even its critics sometimes acknowledge—then it may have some chance of crystallizing opinion and emerging as a serious alternative.

Colonialism

Objections to binationalism reflect an attachment to a particular understanding of de-colonization and colonial struggle. But this trajectory is neither necessary nor even, in the case of the Palestinians, strategically wise.

The standard model of de-colonization reflects the anti-colonial struggles of the twentieth century that culminated in the formal independence of many British and French colonies such as India, Egypt, and Algeria. The nationalist elites of the colony wrest a set of formal, governmental powers from the elites of the colonizer power, and exercise those powers over a formally delineated territory (the ex-colony). This shift in the locus of political authority typically follows a period of mass resistance to colonialism. The new territory then becomes the depository of the national identity of the newly de-colonized people, who are now "subject" to the authority of the new national elites (whose newly acquired formal powers are defined by international law).

On a substantive level, de-colonization is understood as a symbolic and material shift of colonized resources from the colonizers to the colonized. The new national elites of the ex-colony undertake to salvage what the anti-colonial movement had constructed as the "culture" of the colonized from the ravages of the colonizers, and to release the economic wealth of the ex-colony from the colonial grip and transfer it to its true owners, the citizens of the new nation-state. This usually takes place through pursuit of combined strategies of economic growth and redistribution by the new elites, with the post-colonial state playing a large role—as in Egypt and India—in developing and implementing these strategies.

While the transfer of powers to the new nationalist elites has sometimes created a margin of improvement in the lives of the citizens of the new nation-state (in income, health, and education), these improvements have historically proven to be neither lasting nor as substantial as one might have hoped. Some analysts argue that the ability of the new elites to create a more dignified life for their citizens was seriously curtailed by the continuing intervention in these territories by the imperial powers of the day:

that de-colonization simply meant a shift from official political subordination to unofficial subordination to an outside power (neo-colonialism). Moreover, nationalist elites often proved to be either unwilling or unable or simply too corrupt to pursue a serious project of development and modernization in these new states. Such projects often required the ability to resist or circumvent the demands and needs of the imperial centers (imposed in the form of international trade treaties, military deployments, oil interests, and so on). But the skill and resolve required for such maneuvering have often been lacking.

These limitations by themselves do not condemn the nationalist project. For Palestinians to have a state—to enjoy the trappings of national independence over a formally delineated territory (that occupied by Israel in 1967) with East Jerusalem as their capital—would undoubtedly be a substantial achievement. They would have the experience of being equal in their national destiny (and consequently humanity) to that of other previously colonized people: no trifling matter. And they would also conceivably see the same margin of improvement in their circumstances—greater income, improved health, better education and housing. Again nothing that should be dismissed too lightly.

But for Palestinians, the national solution now seems to have reached a dead end. Oslo proved the nationalist goal unattainable. The Oslo accords of 1993 were signed by the PLO and Israel, and were designed to be implemented over time. The terms of the accords suggested a progressive liberation of Palestinians from Israeli colonial control through a piecemeal withdrawal of the Israeli army from the areas occupied by Israel in 1967. Negotiation over issues deemed too controversial, such as the status of Jerusalem and the right of Palestinian refugees to return home (from exile in Lebanon, for example), were deferred to a future time.

The period since Oslo has repeatedly revealed that the Israeli political and military class has no serious intention of conceding to their Palestinian counterparts any set of powers, nor any stretch of a decently contiguous territory that would allow that nationalist project to succeed, even on a modest scale. The eruption of the second intifada has simply, to my mind, called the bluff of the Israelis. It has both revealed and put an end to the Israeli elites' strategy in Oslo of what I would call neo-dominance—from direct military occupation and economic hegemony before Oslo, to partial withdrawal from population centers and economic siege after Oslo. The withdrawal would never be more than partial. What distinguishes the Israeli response to the Palestinian anti-colonial struggle at this particular historical juncture from its French or British historic colonial equivalent is its unwillingness to permit a historic shift to neo-colonialism to occur, via the route

of Palestinian formal national independence. Similarities in the way Likud and Labor conducted themselves in the Oslo negotiations and subsequent discussions about implementation show that it would be a mistake to attribute this policy to one party (Likud) rather than the other (Labor). Indeed, the political migration to the right of many members of the Israeli peace movement as the second intifada broke out, and the election of Ariel Sharon as Prime Minister, indicate the breadth of opposition to Palestinian independence outside the political class. Israel has yet to create its post-colonizer liberal elite.

So even if the two-state strategy succeeded, its payoff would be limited. Moreover, that strategy no longer shows much promise. But is binationalism a more promising alternative given the contemporary structure of the Israeli military and political class?

Why a binational state?

Endorsing binationalism would mean a fundamental shift in the Palestinian political agenda. Rather than basing their claims on a right to national self-determination and appealing to international law to arbitrate their relationship with the Israelis, Palestinians would appeal to constitutional liberalism with its conception of individuals—whatever their race, religion, or ethnicity—as equal, rights-bearing members of a single political society. Rather than attaching their claims to a contiguous territory—as national subjects, over which their own elites could exercise authority as national elites—Palestinians would attach their claims to Israeli resources as national citizens of the state of Israel (as a historically persecuted minority).

Several considerations suggest that the shift to binationalism holds greater promise for Palestinians than an independent state:

Generals or Judges?

A change in Palestinian political discourse would carry with it a fundamental shift in the institutional focus of Palestinian politics. When Palestinians try to establish their existence as independent national subjects of an independent state, Israeli military generals emerge as the primary players in the negotiations. If they set out to negotiate their lives within the state of Israel as national citizens, Israeli judges would play the primary role. Palestinians would present their legal claims (constitutional rights) before a judicial forum. Judges are better than generals for Palestinians, for several reasons.

The Israeli military establishment is very effective in mobilizing Israelis around exaggerated concerns about state security. The

appetite of Israel's security interests has proven to be insatiable. Israeli demands for crippling security arrangements and land (and water) concessions would likely render a so-called independent Palestinian state neither independent nor truly Palestinian.

Moreover, in the two-state world, Israeli generals would be governed in their bargaining with the Palestinians by "the rules of war" (informed by the background fact of Israel's military superiority). Such rules would allow Israel to utilize its superior power to extract concessions from the Palestinians in a way that the international community would find acceptable and typical of the relationship between two states at war, as distinct from two communities in conflict within a single state.

In contrast, Israeli judges—while historically preoccupied with balancing liberalism (committed to equality) with Zionism (a nationalist movement the historic expression of which has often been racist/anti-Arab²)—are constrained by Israel's international reputation as the only "democracy" in the Middle East. Israeli elite judges tend to look to their Western, primarily American, counterparts as models, and have become concerned with the latter's judgment of their performance. For example, in the Qa'dan case, the Israeli Supreme Court ruled that regulations and laws that allowed only Jews to live in land administered by the Jewish National Fund were discriminatory. Qa'dan himself was a Palestinian citizen of Israel who was prohibited from leasing a house in such an area; the binationalist Palestinian legal posture would be modeled on the position of Palestinian Israeli citizens, who insist that liberalism trump Zionism. Indeed, Palestinian Israelis have made some headway in overturning the Israeli judicial rationalization that allowed them to be treated as extra-state citizens—an argument based, as ever, on state security.

In a nutshell, binationalism would be better for Palestinians, because dealing with Barak the judge (head of the Israeli Supreme Court) is better than dealing with Barak the Army General/Prime Minister. A diffuse liberalism exercises some constraint on the former and none on the latter. And while some constraint is not enough, it is better than no constraint at all.

Material Gains

Palestinians would be far better off economically, in my view, if they attached their legal claims directly to the resources of the state of Israel as *national* budget (to be distributed, after a struggle, equally and justly among its *national* subjects, Jews and non-Jews alike)—rather than hoping to benefit from the pursuit of national economic development within the boundaries of a nominally independent Palestinian state.

Israel is, after all, a very wealthy country with a gross national product close to a post-industrial European state. For Palestinians to be partial beneficiaries of these resources—even with the disadvantage of being historically disenfranchised and territorially dispossessed within Israel—would likely be materially better than to be citizens of a poor and thirsty state, bound in economically dependent and hostile relations with a very powerful neighbor. The pursuit by many Palestinian Jerusalemites of an Israeli identity that would allow them access to the resources of a rich welfare state is a case in point. In other words, in the new dispensation, Palestinians would be like immigrants to a wealthy metropole rather than nationals of a poor third-world country. Not that I idealize the status of immigrants. I am perfectly aware that "racism" is the organizing principle of the life of the dark immigrant to the metropolitan center (as is the case now with Palestinian Israelis). Still, life for the average Palestinian stands to improve.

Matters look similar when we shift attention from distribution to growth. The pursuit of economic growth by a newly independent Palestinian state would be seriously curtailed by the neoliberal development projects of the World Bank and the IMF, not to mention the International trade treaties, all of which would eventually be imposed on the new state. Economic growth in the post-colonial context often, though not always, involves a significant role for the state. But the professional representatives of neoliberalism and international trade are usually antagonistic to substantial state involvement in regulating and protecting the economy. In contrast, Israel already has in place a developed and sufficiently regulated economy (admittedly in the process of being deregulated) that would prove to be of great benefit to the national newcomers, the Palestinians.

An independent state would also be less advantageous when it comes to labor market regulation. A Palestinian state would most likely promote employment for Palestinian citizens by continuing to export a mass of cheap and unprotected labor for the Israeli economy; as citizens of an independent Palestinian state, Palestinian workers would continue to earn their income by crossing the border. Indeed, at the moment, the interests of Israeli military generals in setting up checkpoints and sieges converge with the interests of Israeli employers who benefit from cheap and unprotected Palestinian labor. The military blockades create borders, and borders make labor cheap. This labor pool is now—and under a two-state solution would remain—outside the scope of Israeli labor regulation because of its foreign status. It seems unlikely that the Palestinian elite of a new state would be able to extract a protective regulatory regime for these workers in Israel: they would be too afraid of losing the "leverage" that comes from supplying cheap labor.

Binationalism, in contrast, would offer the possibility of labor alliances inside of Israel with other groups of unprotected workers and would allow Palestinians to acquire in time the same benefits and protections as Israel's current domestic labor force. Instead of having Palestinian ministers negotiate trade deals and protective arrangements (from a position of weakness) across national borders, Palestinian political representatives, in shifting political alliances, would press for labor market regulations, and for new programs of education and training to upgrade the skills of Palestinian workers.

Finally, a binational state would foster alliances between Palestinians currently under occupation and Palestinian Israelis to combat discriminatory Israeli land and housing policies. The Israeli state's policies of land expropriation, control of water resources, and distribution of land and housing benefits within its boundaries (undefined as they are) strikingly correspond to those pursued in its capacity as an occupying force in the West Bank and Gaza. The latter is a simple continuation of the former, though in Israel proper there are greater efforts to rationalize land, water, and housing policies through legislation. Such policies have consistently favored Ashkenazi Jews at the primary expense of Palestinians (who have historically owned much of the land and the water) and Mizrahi Jews (who have historically received a smaller share of the Jewish Israeli pie). A civil rights agenda within a binational state would condemn Jewish settlements in the West Bank and Gaza as forms of discrimination in the distribution of land and water resources, rather than as invasions of national territory. Reconfiguring the complex schemes of benefit distribution that these settlements are based on (in terms of the ethnicity of the users, the nature of land and water use, transportation benefits, access to benefits of Israeli welfare state, etc.) to remedy Palestinian historic dispossession is conceivable through a discourse of civil rights. Obvious allies in this movement would be Mizrahi Jews.

American Appeal

Binationalism is more promising for Palestinians because the mobilizing agenda for political activism would appeal to "civil rights" rather than the current "anti-colonial struggle to achieve national independence." And that appeal would, I expect, be met with greater sympathy and support in the United States.

The United States greatly matters in this Israel-Palestine context not only because it is the world's only superpower, but also because it has been so receptive to Zionist mobilization in support of Israel at all societal levels: the elite (political and economic class), the intelligentsia and mass culture. (The official two billion dollars of annual aid is only part of a larger package—financial,

military and otherwise—that Israel receives from the U.S. on a regular basis). Indeed, Israel-identified American Jews are established members of the American elite and intelligentsia.

The mobilizing agenda of "civil rights" for Palestinians as nationals of Israel would have greater resonance in the United States than an agenda of "national independence," in part because Americans in general lack a firm grip on such concepts as "colonialism" and "anti-colonial struggle." Not possessing a national consciousness as a colonial power (in contrast to the contemporary British and French), while at the same time thinking of their nation as an ex-colony (of Britain) that has done very well *despite* having been a colony, most Americans don't quite grasp the racialized and dehumanizing bond between colonizer and colonized. In particular, they find it hard to understand the bloodiness of anti-colonial resistance. I spend a lot of classroom time explaining to my American students that colonialism is *bad*, and that colonial powers fight to keep their colonies.

But most Americans do understand well the idea of a civil rights struggle. One of the more important ways in which Americans acquire a national (and nationalist) self-consciousness is by learning about the history of the American civil rights movement. Martin Luther King is a staple of contemporary American political pedagogy, and the distinction between the civilly disobedient King and the nationalist freedom fighter Malcolm X is fundamental. A Palestinian civil rights movement based on a King-like strategy of long-term civil disobedience would have the potential to change the political balance in the United States in several ways: (1) within the community of liberals committed to civil rights, it may create a division between groups more and less strongly identified with Israel; (2) it may force a crisis within the consciousness of many progressive Zionist Jews by bringing to the surface the suppressed tensions between liberalism and Zionism; (3) it could create the possibility of identification with the Palestinians by the American black intelligentsia and middle class; and (4) it could make it more difficult to sustain the current demonization of Palestinians and idealization of Israelis in American mass culture.

To be sure, the circumstances of American blacks at the time of the civil rights movement were different in important ways from the current conditions of Palestinians. Some 10 percent of the soldiers in the Union Army were black, and black soldiers played a similarly large role in World War II. Moreover, despite segregation and the black belt in the South, black Americans were geographically very dispersed. Furthermore, black and white Americans spoke the same language and had broadly similar religious affiliations. And the civil rights movement—as King's "I

"Have A Dream" speech powerfully underscored—expressed the longstanding identification of blacks as Americans. The differences from the condition of Palestinians are clear. Still, it remains true that a demand to be treated with respect as equal citizens, pursued through civil disobedience, is more likely to resonate in the United States than the forcible insistence on having a separate state.

National Imagination

A binational state would allow Palestinians to identify with all of Palestine, whereas an independent state would force a contraction of Palestinian national imagination. While some Israelis have colonially extended their imagined nation to include the West Bank (Judea and Samaria in their discourse) as part of the "rightful" land of Israel, binationalism would allow the Palestinian national imaginary to make a similar but reverse move by reclaiming land they were brutally called upon to dis-identify with after the creation of Israel. Jaffa (in Israel) becomes the fantasized extension of Ramallah (in the West Bank), Haifa (in Israel) the extension of Hebron (in the West Bank) and Galilee the extension of Nablus.

How to make the shift

How can Palestinians make the transition from a political agenda based on national independence to one based on civil rights? The most crucial point in this context is to learn from the language and political strategies of Palestinian Israelis in their movement of protest against the discrimination of the Israeli state. Palestinian citizens of the state of Israel lived under emergency rule from 1948, when Israel was created, until 1964. They suffered all forms of blatant discrimination often rationalized and justified by the Israeli political class and judiciary as required by "national security" considerations. An elaborate alliance with Palestinian Israelis and the advocates for their rights (such as Adalah, The Legal Center for Arab Minority Rights in Israel) is of paramount importance. All of the following activist strategies would be conducted in collaboration with Palestinian Israelis. Palestinians would:

1. Delete "Right to self-determination" and "Independent State" from the placards and replace them with "Equal Rights for Palestinians and Israelis," "One Land for Two Peoples," "Human Rights Means Equal Rights," and "Occupation = Apartheid = Discrimination."
2. Stop using stones, bullets, and explosives, and instead use their bodies, sitting or standing, as a peaceful mass, unarmed (except

for placards), occupying a space in protest, a space they are not supposed to occupy. Example: check points, Jewish settlements, land in the process of confiscation, house in the process of demolition, lines of closure, encircled religious sites, etc.

3. Use their bodies in manual labor to reverse the effects of siege and closure. Walk en masse to the next village where they're not supposed to go, fill en masse the trenches that isolate a village, break down en masse army earth barriers that besiege a Palestinian population, replant en masse olive trees that have been uprooted, etc.

4. Create a new flag modeled along the lines of a pastiche of the current Israeli flag and the Palestinian one to be used by the movement and pitched as the flag of the new democratic state.

5. Organize en masse to fill out fake application forms requesting Israeli citizenship to be mailed to the offices of the Israeli Military Governor in the West Bank and Gaza, and to the Ministry of Interior in Israel. Thousands, tens of thousands, a million!

6. Organize en masse to fill out application forms to be reunited (through the return of the refugees) with family members living in exile, external or internal. A Palestinian shift from an independent state to a binational state agenda would self-consciously incorporate Palestinian refugees living in refugee camps outside of the territories of mandatory Palestine as equally entitled to citizenship in the new state. Refugees are in effect severed members of Palestinian families who have been prohibited from reunion with their families through a set of arbitrary and coercive policies pursued by the state of Israel. They are also entitled claimants in what would be a political movement demanding redistribution of land and housing benefits as a remedy for their historic dispossession. Obvious activist strategies for these refugees to pursue from their own exilic sites would be 1,4, and 5 above.

7. Create an organization focused on Palestinians that mimics the work of the Anti-Defamation League. This organization would take on the discourse of the Israeli media, political and military class, intelligentsia, and school curricula in Israel and argue that their representation of the Palestinians and the Palestinian-Israeli conflict amounts to racism.

8. Create forums that would engage and attempt to forge alliances with the Israeli left. One of the enabling aspects of a struggle pitched as "civil rights" (as opposed to "nationalism") is that it raises several possibilities for cross-national alliances. Obvious groups to target would be Israeli human rights advocates who currently demand equal rights for Palestinian Israelis. Others

would be activists who advocate human rights for Palestinians under occupation and call for the right of Palestinians to have their own state. Such groups have gone a long way in overcoming the military-induced fear for the "security" of the state by showing willingness to incorporate some Palestinians in their state and to allow the rest to have their own state adjacent to Israel. An attempt should be made to push them to adopt a position that advocates incorporation of all Palestinians within the Israeli state. The ethno-phobia that underlies exaggerated fears about state security must be taken on bluntly and directly.

A brief outline of the new state

What would this new state, this new Israel, look like? I have proposed that constitutional liberalism would provide the political philosophy for a state that includes all Palestinians as equal members. But this philosophy—as we know from comparing constitutional liberal states—can be translated into a relatively wide range of institutional arrangements. Here, I present only one of them, taking the United States as a useful comparative model.

First, concerns over the fate of the cultural identity of the Palestinian community (its Arabness), if its members were incorporated as citizens within the state of Israel, could be accommodated through the conception of the new state as *federal* in its constitutional structure. The United States would be a conceivable model to emulate.

Today in the area historically known as Mandatory Palestine, regions of Jewish settlement are for the most part distinct and separated from the regions of Palestinian settlement. Each region could be delineated as a separate administrative unit (like the states in the United States). Such Jewish and Palestinian units would enter into a "deal" with the central government according to which they acquire a set of jurisdictional powers allowing them to administer their units relatively independently. For example, they would administer their educational and cultural institutions, allowing Palestinian units to reconstruct their contemporary cultural "identity" in a manner that self-consciously incorporates its unique Arabness, Islamicity, and Christendom. (But also Eastern Jewishness, opening the possibility that some Mizrahi Jews would choose to live in these administrative units rather than in the European Jewish dominated ones). A fundamental right that citizens of the new federal state would acquire is the freedom of movement and the right to reside in the unit of their own choice.

Federalism would not simply provide a venue for expressing cultural differences. In addition, administrative units would be given, through the federal constitutional arrangement, relatively

autonomous powers to develop their own economic strategies with aid from the federal government.

Finally, in order for Israel to transform itself into a federal state that treats its citizens equally, some transfer of resources would have to take place from the rich Jewish "units" to the poor (and thirsty) Palestinian ones. This transfer would help to stabilize the future state and prevent it from disintegrating into conflict (as is the case today). But it is also morally required to do so, to accommodate the claims of the Palestinians who have been unjustly dispossessed and exiled.

The transfer could take place in two stages. At the moment of the founding of the federal state, Palestinian refugees would be given the option of return to "Palestine," now become the federal state of Israel. For those who wish not to do so, a fund would be established to compensate them for properties lost and injuries suffered as a result of decades of dispossession. The Holocaust claims campaign could provide a model. Those who wish to return would live in the unit of their own choosing and enjoy the benefits of Israeli citizenship within the new federal structure. Needless to say, the number of those choosing to return would largely depend on the amount of compensation offered.

Second, a tax system would be worked out within the federal state that would ensure the transfer of resources over time from the rich (Jewish) units to the poor (Palestinian) ones. Again the U.S. state and federal tax structure could provide the model. The federal government would use the taxes it collects, disproportionately paid by the richer units, to assist the poorer units through federal programs. Such money would help the poorer units to overcome their historic disadvantages in areas ranging from infrastructure to educational institutions. Through such a system, a gradual "reimbursement" process would begin to compensate for the historic injuries Israel has inflicted on the Palestinians.

Warrior and citizen

Many readers, especially the Palestinian ones, are likely to find a paradox implicit in my position. On the one hand, I am proposing an almost unforgivably self-indulgent exercise in fantasy. "It would never happen, the Israelis would never accept this," many will say. On the other hand, I am proposing a risky shift in Palestinian political strategy. In essence, I am proposing that the Palestinians give up the "warrior ethic" demanded by the political strategy of national independence: courage that involves staring death in the eye. What the Palestinian kids call martyrdom for Palestine. In its place, I am proposing that Palestinians adopt the ethic of the legal claimant: rights-obsessed, constitution-fixated,

friend of the lawyer, unwelcome but tireless visitor to the courtroom.

The shift is profound and the risk is big, it could go wrong in a million ways. But it is a risk worth taking. After all, what do they—we—have now? ■

I dedicate this piece (peace) to all those kids who died for Palestine. They will forever be my heroes.

Lama Abu-Odeh is professor of law at Georgetown University.

Return to the forum on [binationalism](#), with Abu-Odeh and respondents.

¹ In this summary of the effects of Oslo on support for the two-state solution, I follow a recent discussion by Salim Tamari in the *Journal Of Palestine Studies*. See his "The Dubious Lure of Binationalism," *Journal of Palestine Studies* 117 (Autumn 2000). A shorter version of Tamari's piece appears as "[The Binationalist Lure](#)" in this forum.

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