doi: 10.1111/1467-8675.12240

When Does a Settler Become a Native? (With Apologies to Mamdani)

Raef Zreik

Introduction

This article is about decolonization in general and decolonization in Palestine in particular. One way to consider decolonization is by asking, as in the title, when does the settler become a native? But what kind of question is that? Is it historical — how much time needs to pass for the settler to become a native? Sociological — what changes must the settler go through to become a native? Ethical — what actions must the settler undertake in order to become a native? Personal — does it suffice for the settler to start feeling like he was a native? And what is the role of the native himself in this entire process?

The article is in part forward-looking, but it does not aim to offer concrete solutions; at best, it can offer conceptual directions. In the case of Palestine/Israel, the article does not advocate a definite solution in the form of a "one-state solution" or a "two-state solution." It does not offer a clear institutional arrangement; rather, it offers an approach that aims to transcend settler-colonialism as a dynamic order, and to move beyond the settler-native opposition. As such, the article is a conceptual one — offering ways to think about the issue without committing to a clear constitutional-institutional position.

This article has four sections and a conclusion. **In the first section,** I raise the very basic question of the ethical duty of the colonized to theorize the status of the colonizer and to offer him solutions. Must or ought he to offer solutions for the colonizer as well as for himself?[1] Is it his duty to contemplate the end of colonialism as a situation, or can he focus solely on his own salvation and decolonization? If not, does that mean the colonized is granted a "moral discount"? Can we exempt him from certain moral obligations? Is he allowed not to think of the colonizer, or bracket the question of the colonizer's future? Or is the colonized under the same categorical imperatives as his colonizer? In trying to answer these questions I will juxtapose two images of the political — one stemming from Hobbes and the other drawing its inspiration from Kant. Drawing on these legacies I will formulate opposing answers to these questions.

In the second section, I address the question in the title head on, and state a number of basic conditions that need to be met in order to contemplate the meaning and possibility of transcending the dichotomous contrast of the settler-native opposition, if at all. What category does the settler enter when he leaves the category of the *settler*?

In the third section, I focus more narrowly on the case of Zionism and the Palestinians. What are the main characteristics of Zionism as a settler-colonial movement, and how might these characteristics influence my discussion? I will argue that Zionism is a settler-colonial project, though a unique one, and a national movement, yet a unique one as well. The aim of this section will be to address the ways in which this unique complexity may influence our discussion of decolonization.

In the fourth section, I seek to address present-day issues, including the demand by Israel to be recognized as the nation-state of the Jewish people exclusively and the relevance of this demand to our current discussion. Here, I will argue that this demand offers an opportunity for Palestinians to state their vision and address the Israeli public on the status of Jewish collective existence in Palestine. While the Palestinians have the right to reject this demand, they are still expected to say what they are ready to accept. The space between what the Palestinians are entitled to reject and what they can accept is the space of radical Palestinian politics that can move us beyond the settler-native dichotomy and beyond the current political discourse.

1. Does the Colonized Have a Duty to Offer Solutions?

In this article I raise the question whether the colonized should engage with the colonizer, and to what extent. Does the former owe the latter anything when contemplating his future? In the case of Israel, how far must/ought the Palestinian engage with the new incarnation of the Jewish Question as it emerged in Europe. This question, which should have been answered within Europe, ended up transposed and reformulated in the Middle East in general and Palestine in particular.

The question that I want to raise in this section, however, is how far the victim is required to engage in theorizing the status of his victimizer and to offer solutions for both of them.[2] How far does he need to incorporate the victimizer within his vision of the future, or imagine the victimizer's future status? To address this, I first develop the argument of why the colonized should be allowed to bracket and shelve the question of

the status of the colonizer, focusing on his own salvation first. Then I move to show some of the weaknesses and flaws in this position.

The argument as to why not theorize the status of the Jews in Palestine or their rights might run something as follows: tomorrow will take care of itself. Let's obtain at least some power first and gain a position from which to negotiate on an equal footing, then deal with these questions of rights. Thinking of the other — according to this logic — is something that can be done in the process of negotiations itself, but to bring the other to the negotiating table in the first place you first need to generate some level of pressure. The colonized must put some pressure to force the colonizer to listen to him. Without pressure, which has usually proved to be the only way to guarantee a readiness on part of the colonizer to listen, the colonized will be simply talking to himself. Hence, the colonized must first establish himself as an empowered subject and only then can he permit himself to engage with the status of the colonizing Other. In this logic, *decolonization is one thing and reconciliation is another*: these are, analytically, two separate processes that need not be collapsed into one another. The first mission of the colonized is decolonization and not reconciliation, despite the close relationship between the two. By that I mean that the process of decolonization aims first and foremost to grant independence, freedom and power for the colonized to regain his subjectivity as an empowered-self capable of shaping his future. Only when this is securely gained can the colonized engage in the project of reconciliation, mutual recognition, and interdependence. A process of reconciliation that starts before the stage of independence and empowerment is achieved, risks the perpetuation of the present power relations.

At this point, one might juxtapose two modes of thinking about "the political" and its relationship to the ethical. One mode derives from Machiavelli through Hobbes and is epitomized with Carl Schmitt: politics is how to rule using force and power. This tradition makes a clear distinction between the ethical and the political, with the political standing on its own, not parasitically to the ethical. It stresses conflict, not consensus, and will, as opposed to reason.[3] Another tradition stems from the Kantian approach all the way down to Rawls and Habermas. Here, politics appear increasingly parasitic on the ethical and moral. This tradition focuses on universality and consensus, not on conflict; on reason, not on will.[4]

These traditions represent modes of ruling and are complemented by equivalent theories of modes of resistance by the ruled. The first vision of politics — politics as power and conflict — has developed theories of resistance within it; here one can find names like Karl Marx[5] and Franz Fanon.[6] Class struggle aims to bring the victory of one class over the other and, according to Fanon, the victory of the colonized over the colonizer. This is one vision of resistance. For the purposes of this article, let us name this view of liberation as the "conflict thesis."

The other vision of resistance is one that understands politics in the shadow of ethics, and includes Mahatma Gandhi[7] and Martin Luther King[8] as its main examples. Here, the act of liberation is inclusive, and aims to save both the oppressor and the oppressed, to overcome colonialism, not just the colonialist, and racism, not just the racist. It aims to bring society as a whole to a new stage of relations and cooperation. Here, the role of ethics is clearer and prominent, and there is some privileging of discourse aimed at creating consensus. Let us dub this vision of resistance the "consensus thesis." One way to demarcate the distinction would be to say that while the "consensus thesis" tries to look at the conflict and the struggle from the viewpoint of nowhere, or to take God's view, and attempts to reach a solution for the entire problem, the "conflict thesis" sees the conflict first and foremost through the particular vantage point of the oppressed agent, forfeiting the pretense that it can speak an abstracted, positionless universal language. In fact, proponents of the "conflict thesis" might suggest, that the thesis offers a different concept of universality, based on deepening the insight of each particular agent involved in the situation, instead of striving for abstraction (an example of that is the *proletariat*: while it is a particular class, still it holds a universal mission of emancipating humanity. In this sense, the universal is reached through conflict, not through evading conflict).[9]

These two theses are not the only ways to view politics. These are ideal types or polar positions but, while they are not exhaustive, they do represent different sensibilities along a spectrum (There are of course complex and complicated middle-ground positions, as in the case of Hannah Arendt[10] – acting in concert in the public sphere – and Max Weber[11] – ethics of responsibility, as opposed to the mere politics of conviction. At this stage I do not address these positions directly. Later on, some of the ideas I develop are indirectly inspired by these middle-ground positions). To achieve maximum lucidity for my own argument, I want first to push the case to its limit: where will it lead? To the "conflict thesis" or the "consensus thesis"?

Here is the case for the "conflict thesis." In a situation of political struggle against ongoing occupation and dispossession, as in is the case of the colonized against the colonizer, and in the case of Palestinians against Israel, there is a pressing need to rally all powers against the Israeli aggression. One of the factors in this rallying process is fury: moral rage, anger, even enmity. Some sense of enmity is required in political struggles, and some level of ignorance of the Other might be productive in political struggles.

Che Guevara offers a particularly distilled version of this argument in his "Message to the Tricontinental," in which he observes that hatred is an essential element in every political struggle. Che takes the logic of enmity to its extreme:

> [A] relentless hatred of the enemy, impelling us over and beyond the natural limitations that man is heir to and transforming him into an effective, violent, selective and cold killing machine. Our soldiers must be thus; a people without hatred cannot vanquish a brutal enemy. We must carry the war into every corner the enemy happens to carry it: to his home, to his centers of entertainment; a total war.[12]

Of course one cannot accept this logic for the same reason that Che tacitly gives: if we were to accept his logic that one must become a "killing machine" then this implies that one ceases to be human. Still, this need not blind us from the core of his insight: conflict, anger, and even hate are factors in political struggle. Ideally, hate need not and should not be directed at a certain group or race, but at the particular role they play: slave masters, colonizers, exploiters, occupiers, etc.

Clearly Che is an extreme case to be rejected. He fits in the distinction that Carl Schmitt makes in his late work *The Theory of the Partisan*, where he notes the distinction between the absolute enemy — the enemy that is not only to be conquered, but to be annihilated — and the real enemy that need only be defeated and conquered. In this sense the absolute enemy is "The" enemy of humanity and is the incarnation of evil on earth.[13]

Schmitt equates this distinction with that between the partisan — who considers the other as a real enemy who needs to be compelled and conquered — and the terrorist, who considers the other as an absolute enemy who needs to be annihilated. Both entail two levels of enmity.

There is a third image of enmity, a less heated version, which one can find in Joan of Arc's speech at her trial, and which Schmitt himself mentions in his book. Here the enemy need not be annihilated, nor necessarily defeated; he simply needs to leave us alone. He is the subject of our indifference. Joan of Arc is indifferent to him, his status, and his future. The story goes that when Joan of Arc appeared before the clerical court she was asked whether she claims that that God hated the English. Her answer was: "I do not know whether God loves or hates the English; I only know that they must be driven out of France."[14] We can understand from this that Joan of Arc does not necessarily hate the English but she does not care about them, either: she simply wants them out of France.

Thus we have at least three images of the Other to fight or struggle against. The radical, or absolute enemy of Che, the real enemy of the Partisan in Schmitt, and the enemy Joan of Arc is indifferent to. Assuming that we reject the first one for what appear to me obvious reasons (e.g., becoming a killing machine), we still are left with two images of enmity: the "real enemy" and the option of indifference.

Let us assume that colonialism constitutes a real enemy and it is "evil." Are we allowed to resist it and how? Machiavelli, on the one hand, was fully aware of this problem and his answer was clear: if you do not resist evil, then evil will prevail, though resisting evil may commit you to do evil yourself.[15] Still, saving your country, or the public, is more important than saving your soul. You must get your hands dirty if you insist on resisting evil. Kant, on the other hand, has a different, and complex, take about this dilemma: because resisting evil might commit you to do evil, and since you are under a categorical imperative not to do evil, Kant's moral philosophy might leave us powerless and helpless in the face of evil and turn us lacking a theory of resistance.[16] This ambivalence appears most clearly in Kant's writings on the French revolution: while he endorses its ideals and kindles his enthusiasm, still he denies the people any right to revolution or to resist the sovereign.[17] Thus, Machiavelli will allow the politician actions that Kant does not allow, unless we are dealing with very extreme cases.[18]

I am not able to deal with this big question in full here. Allowing the politician to escape the moral imperative under the banner of necessity might be a dangerous carte blanche for ruthlessness, but allowing him too little scope for action might also amount to a position where he absolves himself of the results of his actions – he might behave morally but while doing that allows evil to prevail.

Now let's move to the option of indifference. Can we do politics without even some basic enmity and with the overwhelming indifference that Joann of Arc hints at? No annihilation, no defeat, just indifference. Can we do politics without a minimum of indifference? How far can we incorporate the colonizing Other in our discourse of liberation? Here I am alluding to the idea that a universal duty to care for all people upon earth equally might stand in tension with the very concept of borders, national units, the modern state and the concept of the political. We might owe duties to strangers, but not the same way we owe them to our fellow citizens.[19]

One may argue that to act in general, and to act politically in particular, requires some level of determination that is based on the basic idea of partiality and simply on being biased — being committed to one group and its success. In this way, the political is in tension with the ethical.[20] The ethical presupposes some universal openness that requires one to stand above conflicts in order to be able to adopt an impartial point of view, to be able to see the other's perspective and to be able to

judge from the objective and impartial vantage point of nowhere. For those acting politically, this objective, impartial vantage point is either delayed, or nonexistent, or it can exist only as an ideal situation. It is hard for political actors to situate themselves simultaneously in the position of the accuser and the position of the judge, to create the conflict and to be responsible for resolving it. The duty to be responsible in terms of finding ways to solve the conflict stands in the way of raising the heat of the conflict and inflaming it.

This tension between the openness of the ethical and the closure of the political might tip the balance in favor of bracketing[21] ethical matters and shelving them for the time being. By that I mean that the political cannot be parasitic on the ethical domain, as the Kantian tradition of politics requires us to assume. The political is mainly a dynamic of power, while the ethical is a limitation on power. Politics is the playground and ethics is the boundary. In other words, ethical discourse can stand in the way of the political mobilization of the people and their attempts to gain power and change the balance in the relations in their favor.

In this understanding, the political is not, and should not, be merely a kind of applied ethics, but rather the other way around: ethical discourse is parasitic on the political. The ethical is the privilege of those who can afford it — the privilege of the powerful who went to war and have won. Only after winning there is a gap between what one can do and what one ought to do. It is this gap between what one can and what one ought to do that lies at the heart of ethical and moral discourse. It is this ability to be free from without — to possess unconstrained physical and economic ability — but still to be constrained from within — that is, self-limitation.[22] There must be a powerful self that one seeks to limit, in order for self-limitation to be meaningful.

Thus, political discourse as the site of the power relationship is antecedent to moral discussion. Power, as the ability to make choices, is the precondition for the meaningfulness of the "ought to" discourse.

There is no meaning in discussing what one ought to do under certain circumstances, unless one has different options as to how to act and is asked to choose between them on a moral basis. If a weak person offers solutions to a stronger one that include self-limitations he may not sound particularly convincing. For those who have no other option, speaking the language of moral necessity might sound little more than pitiful.

Given the reality of an imbalance of power where the colonized is subjugated externally — from without — by the colonizer, would it make sense to ask the colonized to also subjugate himself internally, from within? Would that not be asking the colonized for too much subjugation? Would not ethics become just another mode of subjugation that can play a role in perpetuating the status quo of power relations? Fanon expressed this vision in very clear terms. He understood the conflict between the colonizer and the colonized not as a conflict within a unity or within a potential synthesis; and therefore, one that need not necessarily be sublimated by mutual recognition, as Hegel thought necessary. On the contrary, this struggle is between colonizer and colonized and instead of moving forward and upwards to mutual recognition; its natural course is to spiral down toward a "struggle unto death" where one side will win and the other will lose.[23]

Fanon thought of the process of decolonization as a violent event, not gradual but revolutionary. As he put it:

> Decolonization is quite simply the replacing of a certain "species" of men by another "species" of men, without any period of transition. There is a total, complete and absolute substitution.[24]

This process does nowhere resemble a reform, but rather a replacement of one order by another:

> Decolonization, which sets out to change the order of the world, is a program of complete disorder. But it can't come as a result of magical practices, nor of mutual shock, nor friendly understanding.[25]

One can fully grasp this image when it is compared with the other mode of resistance inspired by Martin Luther King. He has a dream for America in general, and not only of his own black brothers. He dreams of a common future for the former slaves and slave-owners, where both can live together.[26] The same is true for Gandhi, who thinks the struggle takes place within a common human horizon, where salvation is for both groups, not for one.[27] But Fanon — at least in some of his rhetoric — resonates as if it is "us" against "them," giving up the hope of speaking a universal language that can entail and incorporate both. That is why he speaks mainly about the decolonization of the colonized, not decolonizing the situation as a whole: "The native is an oppressed person whose permanent dream is to become the persecutor."[28] As we see, the aim here is not to put an end to the duality of prosecutor-prosecuted as situation, but rather to invert the role within the relationship of prosecution. If we were to follow Fanon logic, we would not find many reasons to bother theorizing the colonizer.

There is also a pragmatist argument as to the limit on how far the colonized victim can be asked to engage in ethical discourse on the status of the colonizer. The argument is as follows: there is no way that the colonized could reach a consensus on how the colonizer should be treated, or about the latter's future status/rights. Given that, raising the question at this early stage in the struggle will end up dividing the colonized camp and

weakening its internal solidarity, cohesion, and, ultimately, its power. Why should we sacrifice our internal solidarity and divide our united front for, basically, nothing? First we must gain power and assert ourselves as a united empowered entity; existence precedes essence, and respect precedes love. The colonized is so burdened with his problems, pains, losses, and missions that it would be obstructionist, impractical and counterproductive to ask him to also theorize the status of the colonizer.

Does that mean that the colonized/disempowered powerless person can ben allowed some moral discounts when he acts? Is he to be put under a more lenient ethical judgment? Can he excuse himself from the gravitational force of at least some moral questions and duties? Can we bracket the question of the status of the colonizer?

I will leave these questions hanging without giving them a full answer. However, I want to make several remarks as an attempt to begin dealing with the questions posed. These remarks are limited to the case of Palestine/Israel and do not aim to give full-fledged answer to the larger question.

First: I do not think that the Palestinians are only weak. In certain aspects; economically, militarily and politically; they are. They are under occupation and the movement of each, from day laborer to president, is controlled by Israeli officials.[29] There are millions of Palestinian refugees around the world and within Arab countries, many of whom lack clear political status.[30] The Gaza strip is under a collective punishment in the form of a severe siege, which effectively makes it the biggest single open-air prison on earth.[31] Palestinians of Israel are second-class citizens at best, and even their formal citizenship status is under perpetual attack.[32]

But in other aspects; geographically, culturally and historically; they are not. There are still six million Palestinians living in their historical homeland. They managed to rescue the name of their homeland — Palestine — from oblivion. Culturally, the Palestinians are part of the Arab nation, with its rich history, culture and language. The Israeli Jews must win each and every war to maintain their national identity. Winning and existing are almost synonymous for most Jews in Israel. This means that winning is an existential necessity. This amounts to a neurosis, in the sense of an exaggerated feeling regarding the eminent dangers in the material surrounding reality. On the other hand, the Palestinians can lose and continue to feel entirely Palestinian. Despite the Palestinians' striving for independence as a preferred future state, their present lack of independence does not negate their national identity. Thus, for Palestinians, sovereignty lies at the margin of identity while for the Zionist Jews it sits squarely at the center. Israel has faith and feels militarily secure in the present, but it lacks existential security in the future. It is a society that lacks even a fantasy of the future.[33]

Second: the Palestinians do not have much choice. They are stuck, together, with the Jews, in Palestine. The Jewish question is forcing itself upon the Palestinians and it is their fate and destiny to deal with it. The two communities are living among each other in inseparable ways geographically despite the persistent attempts to separate them politically. To think of decolonization as simply the undoing of a past event can be dangerous, since the bodies of the two people are very much entangled. Israel is a unique settler-colonial project that cannot be undone mechanically, but, at the same time despite Israel's slow and steady sociocide and polticide against the Palestinians, Israel is incapable of fully annihilating them. It probably could do so in terms of sheer military force, but I do not think that it can do it politically. First, there are no political forces that can enact such a decision in Israel politics, neither currently nor in the foreseeable future. Second, I do not believe that the Zionist project can maintain its unity and coherence within the local and global Jewish community if such an act was undertaken. Third, I think that despite everything, the Jews in the Middle East do bear some sense of being a minority in an open geographical space, and despite their overwhelming power, they do not and cannot act as an imperial superpower. Given all of this, I would venture to guess that, in the long run, mutual recognition is the more, though not the only, reasonable option. In this way, the ethical and the practical collapse into each other.

Third: it is true that there is a price to be paid by the Palestinians for discussing the status of the Jews, as this might be divisive internally, but there is also a price to be paid if this debate does not take place. Israel has very much capitalized on the relative absence of such a debate in the past, and continues to capitalize on it today, by alleging or insinuating that Palestinians are not considering a future for Jews in Palestine because they are bent on ensuring such a future does not take place. This reinforces the so-called "siege mentality" in Israel and enhances Israel's habitual conflation of hegemony and survival, at home and abroad. All that said, it still does not mean that if the Palestinians do hold the debate and reach the "right" answer, all their problems will be solved and decolonization will somehow organically arrive — far from it. The Palestinians are where they are now not because they are "stupid," or because they did not propose the right answer to the Jewish Question as recasted in the Middle East, but mainly because they are weak and lack the power to impose a reasonable solution.

Nevertheless, even if I am sure that clarity alone will not be sufficient to impose any solution on Israel, I argue that a clear vision is necessary. If nothing else,

there might be compelling pragmatic reasons for offering a clear answer to the question of the status of the Israeli Jews people in Palestine. Sometimes a coherent and consistent moral position is required for political pragmatic reasons. In this way, there is not such a sharp division between power and ethics as one might think, so that a coherent moral vision can by itself play a role by influencing people's attitudes, fears, and conceptions of the self and Others. By arguing so, I wish to invert the dictum offered above on the relationship between politics/power and ethics, and suggest that ethics itself, can, at times, be a practice or a move in the field of power.[34]

Fourth: in order to win a struggle one needs to know where it will stop; that is, the point at which the mission will be accomplished and the goals will be achieved. This means that one must ask himself what the status of the Jews will be when the Palestinians will win. Here, we can allow ourselves to learn from one of Israel's most crucial mistakes — failing to set itself a clear stopping point. Zionism is an ongoing revolution that refuses to become a *Rechtsstaat*, and an ethnically exclusive settlement project that refuses to settle down.[35] By suggesting and offering a stopping point you might point out to your own people the ultimate target of the struggle and signal to the other the line between the site of conflict and the site of peace; all without relinquishing the hope and the intention of forcing the Other to make choices.

Fifth: in transforming our reality we use means that may transform us as well. France left Algeria, but the violence that was brought along with decolonization lived on for decades in Algeria. If one thinks of life as a process, there is no priority of ends over the means, or of goals over the road to the goal. All that there is a road and then another road. It would be a mistake to think that one can use certain means and simply discard them later on. Sometimes the mask (i.e., the means) that one puts on sticks to the face so tightly that it ends up becoming part of the face itself. The idea that subjects can use means, discard them and/or change them while keeping the identity of the subject intact is problematic. The self is in part constituted by the means it uses, in the sense that there is no a priori self that is fully constituted *before* the action it does and the means it deploys.

Sixth: the "conflict thesis" has a Janus face. Adopting it allows Israel to deploy it as well, for its own purposes. If politics is the issue of power relations first and last, then why should Israel restrain itself?

The aforementioned remarks suggest that the dichotomous juxtaposition of the two kinds of politics and between ethics and politics is probably misguided. The relationship is neither one of complete opposition, or of convergence, either. Justice adds to the power of politics; powerless justice is silent. One must probably think of both at the same time. What the exact, objectively right balance is between them is hard to tell.

I now proceed assuming that theorizing the settler is a necessity, not a privilege in the case of Israel/Palestine, though I am not sure that I have won the argument and managed to show that this must be the case. Clearly, there must be more work to be done on this level. My aim was to challenge two positions, often taken for granted: the one assuming that colonized people have the same obligations as the colonizer, and the opposing position, which assumes that the colonized are exempt from obligations toward the colonizer. I hope I managed to show the limits of both.

2. When Does the Settler Stop Being a *Settler*?

There is something unique about Palestine/Israel. Most settler-colonial cases are now over while in Israel/Palestine the process is still going on at full force as well the struggle against it. It is evident that Zionist settlement has succeeded, but not in full. Thus, we are not able to talk about the decolonization process in the language of the past. Talking about it as it occurs means intervening in the shape that it will take, in its trajectory and in its future. This does not mean Israel does not fall within a paradigm or that there are no lessons to be learned from other, already "completed" processes: it just keeps us aware of the limits of analogies.

Most settler-colonial cases that one can think of have concluded either with the near-annihilation of the native as a collective group (as in Australia and the USA)[36] or with the expulsion of the settlers, as in Algeria.[37] Other classical colonial projects — non-settler projects — ended with the simple withdrawal of the colonial power, but those cases do not interest us here, as they are not cases of settler colonialism. The settler colonialist comes in order to stay, and his logic — as Patrick Wolfe[38] convincingly argues, is to erase and eliminate the native. The means for doing so can take different forms: expulsion and physical extermination, on the one hand, and incorporation and forced assimilation on the other. In both cases the native disappears as a collectivity. Classical colonialism, conversely, aims to exploit the local population and the resources of the land. It has a completely different logic, as it does not aim to replace the local population.

Classical colonialism also does not have a desire to become native — in fact, Britain's classic colonialists coined the phrase "to go native" used in a strictly pejorative sense. The settler colonialists want to forget they are settlers and, as Lorenzo Veracini observes,[39] transcend the process itself. The process succeeds when it comes to its ultimate end and buries its colonial settler traces.

As Mahmood Mamdani observes,[40] this should not allow us to conflate the settler colonialist with the immigrant. Unlike the latter, the settler colonialist refuses to come under local laws. He is the law. He brings with himself his own law, his totality, and his terms of reference. He accepts no partners in making the law. The native can benefit from the colonialist's arrangements as a contingent beneficiary, but he cannot be the co-author of the nomos of the land (which is of importance to my discussion of the meaning of decolonization below).

In this way, there are not many similar cases to draw upon. As far as the dynamics, the technology, the settling project of taking over the land, and the relationship to the native are concerned, Zionism does fit into a paradigm. But as to the questions of how, and in what way, one can bring this process to an end — the analogies are limited. South Africa could give us an insight into a case where a settler-colonial project did not end by neither the annihilation of the native nor the expulsion of the settler. But still this analogy is limited for many reasons that I am not able to mention in this short article.[41]

How and when does the settler stop being a settler?

The settler can stop being a settler but cannot become a native or an indigenous person.[42] To draw on Mamdani again, the moment the settler stops being a settler, the settler-native dichotomy itself implodes. The bridge between settlers and natives collapses, and with it the two banks of the bridge; the settler and the native themselves. They may remain as historical or emotional facts, as part of a story of becoming, but not as a political fact; they do not bear on every individual's status, rights, privileges, and duties in the public and political sphere. Thus, one way to look at the decolonization process is as a process with some similarity to that of secularization: as in a secular society where each person's religion becomes a private issue, so too do the settler and native identities in decolonization: they are privatized or bracketed from the public sphere in the same way that religion is bracketed or privatized. But if this is the analogy, then all the critiques of secularization might be applicable *mutatis mutandis* to decolonization as well. Nevertheless, the question remains: how much of this past can become a private matter and how much of it must continue to be part of politics and law?

But when and how does the settler stop being a settler?

First, the settler is no longer a settler when he sits down and stops settling; in other words, stops his expansion as a settler taking over more and more land and resources. A settler stops being a settler when the expansionary settlement comes to a stopping point and an ending; in other words, when it declares its victory and thus turns the moment of its cessation and defeat into a moment of triumph. That moment is also where decolonization begins, but it does not end there. Colonization is both a collective movement through space and the subjugation of the local. Both these processes must come to an end before decolonization is complete: the movement to expand — that is, the actual project of settlement — and the reinforcement of the settler's supremacy.

Second, the settler must give up all privileges, individual or collective. Practically, this means giving up his supremacy and accepting full equality with the native. This way, the settler stays but colonization goes, and when colonization goes he stops being a settler because the situation is no longer one of settlers and natives. This reordering cannot change history, of course, but it can change the trajectory of future. As a historical fact, the settler continues to be a settler but in a political context and in practice he is a settler-no-longer.

But if the settler and the native exit their categories, what do they enter? What new conceptual spaces do they occupy now? What comes after the native and the settler? What and where they can meet and on what middle ground?

The main candidate for such a political space is the old, boring category of citizenship. The strength of the concept of citizenship lies in its ability of abstraction like the concept of money. Money, as we know, has no color. It mediates between the commodities on equal footing and it abstracts from the use value of things turning them all into exchangeable commodities. Citizenship, as well, abstracts us from our particularity and allows us a common denominator: we are all citizens, bearers of rights and duties regardless of race, color, and religion.[43] The trouble with citizenship is the same as its advantage: its abstraction from all that makes us what we are; our culture, our history, and, mainly, our wealth. I think the South African experience is illuminating in this regard for what appeared to be a revolutionary transformation that stopped very much on the legalistic formal level and could not penetrate deeper into more meaningful layers of people's lives. The South Africans are equal in their potentialities not in their actualities, in what they might be, not in what they are.[44]

Probably one lesson to be learned is that one cannot leave it all to the formal equality of the citizenship discourse, for at least two particular reasons that come to mind. For the Palestinians, injustices of the past cannot be overlooked, and the way the colonial past has shaped the relationship between the two communities must be tackled and unpacked.[45] The formal abstractness of citizenship must thus be supplemented by a certain visibility and relevance of history; of the past. There must remain some aspects of the past that are relevant in public here and now, not only in private. How many? Which? It is hard to tell. But I think those parts of the past that leave their traces and shape fragments of the peoples' life, wealth, conditions of existence and

material well-being should be allowed to figure in any arrangement and need be taken into account, at least for some considerable time. The settler cannot simply one day stop being a settler as if there is no past: the past injustices and dispossessions must be settled and addressed.

The collective communal and national aspect must also be taken into account for the Israeli Jews. Any forward-looking solution must take the collective Israeli-Jewish identity into account and give an answer to people's need and interest in their culture, religion, nationality, and history. In this sense, the category of citizenship does not aim to comprehensively replace these interests, but rather to create a space where a conversation based on an equal footing can take place. Citizenship, in this regard, stands for the new "we," based on equal terms of engagement. It does not abolish identity but puts it in its place and tames it.

The idea of citizenship that I introduce here does not aim to introduce a "one-state solution" as being "The" organizing frame and solution for the polity. Both groups — the Palestinians and the Israeli Jews — are very much attached to their identity, and this attachment itself is constitutive of their identity; hence, any solution must be fully aware to this reality. Citizenship here stands for the idea of universal equality on the individual level, where each and every person between the Mediterranean Sea and the Jordan River must bear the same rights, both as an individual and as part of a collective.

However, the category of citizenship in such cases can be problematic for both groups. To be established, the category requires great efforts and even concessions on the part of the natives as well on the part of the settlers. Citizenship discourse is a threat to both, as it imperils matters dear to each of them. For the Palestinians, after decades of harsh injustices, to move forward and to overcome, the issues of the past, is a very demanding challenge. It is true that within citizenship one can address many past injustices, but for the natives citizenship is in itself a concession, because it puts them on equal footing with the settlers. It is important that these concessions be recognized as such. Citizenship threatens the historically privileged position of the native and the indigenous. The native sees himself as the original owner and inheritor of the land, and now he must share it. He will become a citizen — a mere citizen. This is, however, something that must be addressed by natives if they will to move forward.

The same, though differently, holds for the settler, whom the notion of equal citizenship strips of forcefully ascertained privileges and supremacy. He shall become just and only a citizen, like all the others. In the case of Palestine, the case is even more complicated, for while clearly the Jews came as settlers, *Historic Palestine/Eretz Yisrael* plays significant emotional roles in their mental structure and self-identity. To accept the fact that they are settlers in practice; despite their spiritual-mental ties to the land, is particularly demanding. Either way, citizenship is a risk for both groups, as it takes them far from their respective comfort zones.

One of the main tensions in establishing the category of citizenship is that it assumes a certain "we" that is not yet there and is waiting to become. This *becoming* requires some measure of solidarity between the members of the assumed community that forms the new "we"' what it is — or rather, what it should be. This solidarity — the minimal glue — presupposes certain duties by citizens towards fellow citizens; those citizens include settlers, at least historically. This makes the efforts of inclusion stand in tension with the requirement for corrective or historical justice. In corrective justice, the "other" is seen as a stranger, and one, to an extent, is indifferent to that stranger's well-being. But citizenship assumes at least some degree of partnership and invites a vision of distributive justice that pulls us closer together. So here is a paradox: to establish the category of citizenship and bring together two communities after a history of injustice and dispossession, there must be a redress, but this very redress already presupposes the existence of a shared community of the "we" within which the redress should taking place. Again, there is the tension between pushing each other apart, as corrective justice requires, and pulling each other closer together, as the project of citizenship demands.

But despite all the problems facing the citizenship discourse, one can hardly do without it. Citizenship, at the very least, has the potential of ending the monopoly of the settler project over the law. The law, in egalitarian political setting, must represent the will and interests of the people — not the will of the settler only. But the settler must also be convinced that there is a way out from the settler position to the new position of the citizen. By that I mean, he must be convinced that the category of the citizen is an actual one, not an illusion. The logic of Fanon — the prosecuted who wants to become the prosecutor — is hovering as a threat over the head of the settler, inspiring the fear that the category of citizenship is a sham or even a trap. It is, in part, the role of and challenge to the colonized: to give flesh and reality to the category of citizenship, which can never be created without the natives' contribution to its establishment.

3. Zionism as a Settler-colonial Project and as a National One

Zionism is a settler-colonial project, but not only that. It combines the image of the refugee with the image of the soldier, the powerless with the powerful, the victim with the victimizer, the colonizer with the

colonized, a settler project and a national project at the same time. The Europeans see the back of the Jewish refugee fleeing for his life. The Palestinian sees the face of the settler colonialist taking over his land. This combination, or double nature, does not necessarily make the project any less violent, but does make it more sophisticated; in part, its duality is its power. By its power I mean its ideological power, which succeeds, relatively speaking, in keeping its grip over the Israeli-Jewish collective, allowing it to dispossess and feel victimized; to turn Palestinians into refugees and maintain the image of the eternal refugee for itself. Zionism combines two main aspects and trends in European thought of the nineteenth century: nationalism and colonialism. For Europe, these two trends unfold on different geopolitical domains: nationalism in Europe and colonialism beyond the sea, in India, America, Australia, and Africa. But for Zionism the site of the nation is the site of the colony itself. This makes the national intertwined with colonial in such inseparability that it is almost impossible to disentangle them from each other. That is why, for Zionism, "being" and "being colonial" is almost the same. The national project could not be achieved without colonial practices and the dispossession of the native. Its colonial nature does not make it less national, and its national nature does not make it less colonial.

Nevertheless, Zionism as a settler-colonial project was unique in two other aspects: one in terms of time, and the other in terms of space. In terms of time it was a relative latecomer on the stage of colonialism. In terms of geography, it chose to settle in and within a "modern" population, compared with other settler colonies that took place against a less developed society as in the case in North and South America and Australia. The Palestinians, after all, are part of the Arab nation in terms of language, culture, history, and religion. These factors put limits on the settlers' project and increased the resistance to it. Palestine, after all, is not pre-Columbus America. Without understanding these multiple layers it is hard to pin down the nature of the project and the possibilities of bringing it to an end.

As Patrick Wolfe keeps reminding us, the settler-colonial aspect of a given project is a matter of structure, not intention. Zionism, in its praxis and tools, is settler colonialism. Its takeover of the land, its dream of the disappearance of the native, the importance it allocates to the frontier, its expanding nature and the stories that it tells itself about the land as being *terra nullius* all match the settler-colonial paradigm. Clearly, motivations might be different in different aspects of the project and, importantly, the political imagination that accompanied the Jewish settlers is different from that of other settler projects in many aspects. One such aspect is the Zionists' self-image of coming back home to the ancient Promised Land. The other aspect is the fact that there is no clear mother homeland supporting the project, and no homeland for the settlers to go back to.[46] In some aspects, these are important points of difference that can bear some influence on how we view the project. In other aspects, these differences are not as important, or are downright irrelevant. They are not important as a matter of praxis — taking over the land, expansionism, supremacy over the natives, etc. The settlers' logic works regardless of the intentions and the motives of the settler. But in other aspects these differences might be relevant, and nowhere more so than in terms of how to understand the dynamic of the Zionist project, the ideological apparatus that sustains its continuation, and the intellectual processes that maintain its neat surface. Israel falls within the paradigm of settler colonialism, but as a special case of that paradigm. Viewing Israel as settler-colonial case allows us to see part of the processes, but not all of them, and like all analogies, this lens might illuminate some aspects of reality while hiding others. But most important aspect in noticing these differences lies in the way the Palestinians can resist such a project, given the complex understanding of its nature. I want to argue that without seeing this complexity — the national with the colonial — one can easily be mistaken in the strategy one may adopt in resisting the project.

The fact of the matter is that over the course of decades and through the confluence of several factors, the Zionist project did manage to create a national group. This is a particular kind of nationalism: a settler-colonial nationalism, and, at least in part, a colonialism of refugees. The settler-colonial as a category and the national as a category do not exclude each other. Rather, they create a special model of settler colonialism and a special model of nationalism. Any writing or theorizing about Zionism must take these two aspects and ask itself: what is unique about the nationalism born out of the settler-colonial project? What is unique about a settler-colonial project that understands itself as a national project and perceives its followers as "returning," not as immigrating to the new land? The problem with Zionism is further exacerbated by the ethnic and religious forming the basis of the national — thus combining too many categories into one. Some sociologists and historians believe that the very fact that Jews came to Palestine in order to build a national project, with the firm belief that this was their homeland, means then that we should not characterize Zionism as a settler-colonial project at all.[47] Others, who characterize Zionism as settler-colonial project, insist as adamantly that this negates any description of it as a national project.[48] I do not see why Zionism cannot be both.[49]

In this context, the Palestinians have a particular role to play, as important as it is limited. Political struggles

are not only a matter of unfortunate misunderstandings; rather, they tend to be about power relations and interests. But politics is not limited to power relations alone. Israel will not reach any historical compromises without massive pressure, maybe even a war. But power and pressure alone may not suffice. There is a need to show the way out. And it is here that the Palestinians might have a role.

In the case of Israel/Palestine there is a need for surgery that can elicit the national flesh from the settler-colonial skeleton. The challenge to the Palestinians is to accept the Jewish nationalism of the here and now, while rejecting the settler-colonial aspects of Zionism. This is not an easy task, neither on the analytical level nor on the political one. Settler-colonial aspects manifest themselves first and foremost in the existence of Jewish institutions that mediate between world Jewry and Israel, and that aim to settle and develop the space for the aim of settling the Jews (The Jewish Agency and the Jewish National Fund, among others), as if Palestine was and is the property of the Jewish people all over the world. The Zionist project manifests itself in the expansive settling nature of the project that perceives the land as empty and keeps appropriating it while displacing and obscuring Palestinians; and in granting all kind of exclusive privileges for Jews, either privately or collectively, over Palestinians.[50] This settler-colonial aspect that grants supremacy and privileges cannot be compromised with the imperative of its eradication. But given that there is a national aspect of the project, here and now, one is called upon to make a political, historical, and conceptual incision. This deep but salutary incision requires a sharp knife and cautious surgery. A knife that cuts deep, and without a doubt, painfully, but a knife guided by a careful hand that will carry the operation through without killing the patient. The Israeli Jews cannot make this political, historical, and conceptual surgery alone. The Palestinians need to take part in it as well, and their main role is to show that a Jewish nationalism that is not colonial is a viable option. This means that while the Palestinians say "No" to Jewish supremacy they can say "Yes" to Jewish equality, while they say "No" to Jewish privileges they can say "Yes" to Jewish rights, "No" to Jewish superiority but "Yes" to Jewish safety. Such a "Yes" can be both the ultimate triumph and ultimate defeat of the Zionist project as a settler-colonial endeavor. It is victory, because after a hundred years the project may finally manage to fully normalize national Jewish existence in Israel/Palestine. It is defeat, because the project must give up its colonial aspects, and give up all privileges and claims to supremacy. But the Palestinian can do that only if the settler gives up his settler project, recognizes his role in Palestinian dispossession — the Nakba and its ongoing consequences — and takes responsibility for his actions; stands ready to offer reparation, gives up on his privileges and seeks partnership instead of domination. Only facing history, not running from it, will allow the settler to settle down, and allows him to move from conquest to contract.

4. The Jewish State Debate

One opportunity to begin moving toward such a surgery comes, unexpectedly, in the shape of the recently amplified demand by Israel to be recognized as Jewish state, or, more precisely, as a state of the Jewish people that embodies the right of all Jews, wherever they may be, for self-determination.[51] I want to argue that this demand, while galling to the Palestinians because of what it implies for their own claim to the land and their participation in its governance, might be used as a beginning of a discourse on recognition, in which the native has a role to play in shaping the narrative. One might have some suspicions about Israel's motives in making this demand, and it could be convincingly argued that it is made in bad faith. For the reasons just listed above the Palestinians cannot accept it at face value.

But this is not the end of it. The issue that I want to stress here is that the Palestinians can use the opportunity to open a conversation about recognition, and through that, a conversation about natives and settlers.[52] As a matter of fact, the Palestinians declined even to discuss the Jewish state-recognition-demand and rejected it out of hand.[53] Their main reason is that accepting the Israeli demand as it stands would mean accepting two things that the Palestinians cannot accept: it puts a question mark over the status of Palestinian citizens of Israel and their civic status; and it would effectively mean disavowing the Palestinian right of return. While this approach is clearly one that can be defended, I still want to propose that the Palestinian response could have been something along these lines: If the representative of the Jewish people in Israel wants to talk about the rights of the Jews, then let us talk about it. Here are our demands for a historical compromise.[54] Either way, it seems that the current government of Israel wants recognition without recognizing the fact that Palestinians are able to grant recognition or worse still, that Israel needs this recognition. This is what I call "the anxiety of recognition": asking for recognition without recognizing the power of the Palestinians to recognize. This is, in fact, what happened with the PLO's recognition of Israel in the Oslo Accords. Israel recognized the PLO after it recognized Israel. But Israel is undecided if it wants recognition or not, oscillating between the logic of elimination and logic of recognition, between the logic of conquest and logic of consent.

Israel suffered in the so-called peace talks what every master can suffer from. It suffered from its

superiority — the over-killing of Palestinians. The total imbalance of power had seduced — and still seducing — Israel to think that it can manage without Palestinian recognition. But paradoxically, Israel also discovered that while it can survive the conflict by force alone, it could not transcend it solely with brute force; it cannot win by force what it can win only by love — recognition. Israel, in this sense, is the victim of its own power. It dictated the terms of the Oslo framework as if the problem was one of the occupation of 1967, as though it all started then; no refugees, no Nakba, no problem with the Palestinians in Israel. But by putting limits on what kind of question the Palestinians can bring to the table, Israel has also put limits on what it can get from the Palestinians in return — the output, after all, is a function of the input. It preached a pragmatic solution and seduced the Palestinians to stay away from questions of history, to abandon the language of rights and justice, to forget about the Nakba and the refugees and to reckon with pragmatic arrangements. But Israel discovered that this so-called pragmatism also plays against its own existential interest. The frame of reference of the peace talks shapes and delimits what you can get out from the talks. The deeper you define the question, the more profound, the more historical and long-standing the solution can be. One may argue that Israel wanted to close the file of 1948 without opening it in the first instance; to buy 1948 with the currency of 1967. It wanted a historical compromise without resorting to history. But Israel became the victim of its own power. It found in the negotiations towards the final status agreement that what it built into the process in the first place leads nowhere, because it does not go deep enough to deal with the roots of the conflict. It is because of this impasse that there is room to reconsider the overall structure of the relationship, to put on the table questions of natives and settlers, ways out of this dichotomy, and a consideration of the nature of Jewish nationalism in Palestine.

Conclusion?

The article neither offers nor speaks the language of final status forms of political solutions (one-state, two-state, confederation, etc.), nor does it have a full plan for the future. The fact of the matter is that any one-state solution must grant autonomy to both groups, whether personal or territorial, given the deep cultural, religious, and national differences between them. As such, there must be a degree of separation within a united one state. On the other hand, any two-state solution must create a framework for intimate cooperation between the two entities in terms of issues of water, economy, transportation, environment, religious sites, and other related issues, thus creating unity that overarches separations.

This article consciously avoided all these specific, yet obviously important questions. Instead, it took a step back to ask general questions about decolonization, the meaning of this particular brand of nationalism, what rights are associated with it, how should we view the relationship between Zionist nationalism and settler-colonial history, what could be the relationship between Jews in Israel and Jews in the rest of the world, and how can all that square with the Palestinian right of return. All these are questions to be answered. The aim of this article was not to offer answers; it was merely to create the frame where the questions might be asked.

NOTES

Previous drafts of this article were delivered as lectures at the Minerva Humanities Center, Tel-Aviv University and at the Cogut Center for the Humanities, Brown University. I would like to thank the participants in the two events for their comments and feedback. Special thanks Gadi Algazi, Mahmood Mamdani, Adi Ophir and Amnon Raz-Krakotzkin for reading and commenting on earlier drafts of this article, and to Avital Barak and Azar Dakwar for assisting and contributing throughout the entire process of producing this article. None of the previous is responsible for its content and all mistakes are mine.

1. I use the conventional masculine-as-universal for fluidity's sake, despite being aware of its problematics and without wishing to negate the important roles played by people of all genders on all sides of the colonial/native divide.

2. Clearly, being a victim is relational, and the victims of today can be the victimizers of tomorrow. It is also true that in certain concrete situations, the Jews in Palestine might have been the victim of Arab-Palestinian violence. Still my point of departure, which might be disputed of course, is that the overall picture of a hundred years of conflict is that the Palestinians are the victim of the Zionist settler project. Those who think otherwise might find this article either irrelevant or unappealing or totally misguided, or all of these things.

3. Thomas Hobbes, *Leviathan*, edited by Richard Tuck (London: Cambridge University Press, 1996). Carl Schmitt, *Theory of the Partisan: Intermediate Commentary on the Concept of the Political* (New York: Telos Press, 2007). Carl Schmitt, *The Concept of the Political*, translated by George Schwab (Chicago: University of Chicago Press, 1996). For a more recent formulation of some of these ideas see Chantal Mouffe, O*n the Political* (Abingdon and New York: Routledge Press, 2005): "I contend that the belief in the possibility of a universal rational consensus has put democratic thinking on the wrong track," p. 3; "[W]hat we are currently witnessing is not the disappearance of the political in its adversarial dimension but something different. What is happening is that nowadays the political is played out in the *moral register*. In other words, it still consists in a we/they discrimination, but the we/they, instead of being defined with political categories, is now established in moral terms. In place of struggle between 'right and left' we are faced with a struggle between 'right and wrong,'" p. 5.

4. Kant, in "Perpetual Peace" makes his famous statement "true Politics can't progress without paying its homage to morality." Immanuel Kant, "Perpetual Peace," *Perpetual Peace and Other Essays* (Indianapolis: Hackett, 1957), 135.

5. For this conflictual view of society and politics see Marx in *The Communist Manifesto*: "Freeman and slave,

patrician and plebeian, lord and serf, guild-master and journeyman, in a word, oppressor and oppressed, stood in constant opposition to one another, carried on an uninterrupted, now hidden, now open fight, a fight that each time ended, either in a revolutionary reconstitution of society at large, or in the common ruin of the contending classes. . . . Our epoch, the epoch of the bourgeoisie, possesses, however, this distinct feature: it has simplified class antagonisms. Society as a whole is more and more splitting up into two great hostile camps, into two great classes directly facing each other — bourgeoisie and proletariat" 1, in Karl Marx and Frederick Engels, *The Communist Manifesto (1848)*. http://la.utexas.edu/users/hcleaver/368/368CommunistManifestoPtItable.pdf, accessed August 11, 2016.

6. Franz Fanon, *Wretched of the Earth* (New York: Grove Press, 1963).

7. Mary King, "Confronting Power Itself: Mahatma Gandhi's Campaigns and Power of Truth," in *Mahatma Gandhi and Martin Luther King Jr: The Power of Nonviolent Action,* (Paris: UNESCO, 1999), 9–84. Bhikhu C. Parekh, *Colonialism, Tradition, and Reform: an Analysis of Gandhi's Discourse* (New Delhi: Sage, 1999).

8. Martin Luther King, "Pilgrimage to Nonviolence," in *Stride Toward Freedom: The Montgomery Story* (Boston: Beacon Press, 2010); Mary King, "Standing Face to Face with Power: Martin Luther King Jr and the American Civil Rights Movement," *Mahatma Gandhi and Martin Luther King Jr*), 85–172. Moses Greg, *Revolution of Conscience: Martin Luther King, Jr., and the Philosophy of Nonviolence* (New York: Guilford, 1997).

9. Georg Lukács, *History and Class Consciousness: Studies in Marxist Dialectics*, translated by Rodney Livingstone (Boston: MIT Press, 1971).

10. Hannah Arendt offers a unique take on politics that is not reducible to either sheer violence, Kantian moralism, or to a simple rational choice theory, but avoids also falling into identity and communitarian politics. Deploying the concept of "visiting" and "acting in concert," Arendt developed a distinctive concept. See: *Hannah Arendt and the Meaning of Politics*, edited by Craig Calhoun and John McGowan (Minneapolis, University of Minnesota Press, 1997), 136. On Arendt's concept of "political action" and "political judgment" through her major works see Michael G. Gottsegen, *The Political Thought of Hannah Arendt* (New York: SUNY Press, 1994).

11. Max Weber, "Politics as Vocation," in *From Max Weber: Essays in Sociology*, edited by C Wright Mills and Hans Gerth (New York: Routledge, 2009), 77–128.

12. Che Guevara, *Guerrilla Warfare* (Lincoln: University of Nebraska Press, 1998), 21.

13. Schmitt, *Theory of the Partisan*, 89–91.

14. Quoted in Schmitt, *Theory of the Partisan*, 92.

15. For a review of Machiavelli on this point, see Leo Strauss, *Thoughts on Machiavelli* (Chicago and London: The university of Chicago Press, 1978[1958]). Strauss reads Machiavelli as stating that "Non-resistance to evil would secure forever the rule of evil men," 180. To compare Strauss's views on this with Kant's, see Hannah Arendt, *Lectures on Kant's Political Philosophy*, edited by Ronald Beiner (Chicago: University of Chicago Press 1992) session no 8 and in particular pp. 49–52.

16. The problem of resisting evil in Kant's philosophy was recognized in the literature. See Christine Korsgaard's attempt to defend a possible interpretation of Kant's moral philosophy that allows the agent in non-ideal situation to resist "evil." Korsgaard, "The Right to Lie: Kant on Dealing with Evil," *Philosophy and Public Affairs* 15 (1986): 325–49.

17. Kant's position on revolution is persistent in his writings. His position is that under no circumstances should the people revolt even if the sovereign acts unjustly: "From this it follows that all resistance to the supreme legislative power, all incitement of subjects' activity to express discontent, all revolt that breaks forth into rebellion, is the highest and most punishable crime in a commonwealth, for it destroys its foundation. And this prohibition is absolute." Immanuel Kant, "On the Proverb: That may be True in Theory but Is of No Practical Use" in *Perpetual Peace,* 78. Korsgaard tries to make sense of Kant's double position in opposing the revolution while being enthusiastic about it. See Christine Korsgaard, "Taking the Law into Our Own Hands: Kant on the Right to Revolution," in Christine Korsgaard, *The Constitution of Agency* (Oxford: Oxford University Press, 2008), 233–62.

18. For an argument in support of the inescapability of dirty hands in politics, see Michael Walzer "Political Action: The Problem of Dirty Hands," *Philosophy and Public Affairs* 2 (1973). For a more nuanced position and a rejoinder see C. A. J Coady and Onora O'Neill, "Morality and the Art of the Possible," *Proceedings of the Aristotelian Society* 64 (1990): 259–79.

19. I take John Rawls, the most celebrated liberal of the last century, to be the philosopher who admits this fact in his later writings. John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 2001).

20. Here I have in mind Kantian deontological ethics but clearly there are many other ethical and moral traditions.

21. I use the term "bracketing" in the phenomenological sense.

22. Jon Elster, *Ulysses Unbound: Studies in Rationality, Precommitment and Constraints* (Cambridge and New York: Cambridge University Press, 2000).

23. For the application of Hegel's master-slave dialectics on the Israeli-Palestinian struggle see Raef Zreik, "One State Solution? From the 'struggle unto death' to 'master-slave' dialectics," *Social Identities* 17 (2011): 793–810.

24. Fanon, *Wretched of the Earth*, 35.

25. Ibid., 36.

26. See for example, Martin Luther King's 1968 speech, "I see the Promised Land," http://mid-southtribune.com/I%20See%20the%20Promised%20Land%20by%20MLK.pdf, accessed August 11, 2016. Or take, for example, his 1963 "I Have a Dream" speech, where he states: "I have a dream that one day on the red hills of Georgia, sons of former slaves and sons of former slave-owners will be able to sit down together at the table of brotherhood. . . . I have a dream my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. I have a dream today." http://www.archives.gov/press/exhibits/dream-speech.pdf, accessed August 11, 2016. It is clear from this language that King holds a vision for all people and views the liberation of his black brothers as part of the liberation of all America.

27. See, for example, Gandhi: "Mutual trust and mutual love are not trust and no love. The real love is to love them that hate you, to love your neighbour even though you distrust him. Of what avail is my love, if it be only so long as I trust my friends? Even thieves do that. They become enemies immediately when the trust is gone." *Harijan*, 3 March 1946, 254. Also: "I observe in the limited field in which I find myself, that unless I can reach the hearts of men and women, I am able to do nothing. I observe further that so long as spirit of hate persist in some shape or other, it is impossible to establish peace or to gain our freedom by peaceful effort. We cannot love one another, if we hate Englishmen. Love among ourselves based

on hatred of others breaks down under the slightest pressure. "Non-violence — the greatest force," *The Hindu*, November 8, 1926, p. 265.

28. Fanon, *Wretched of the Earth,* 53.

29. See Al-Haq report from 2012 http://www.alhaq.org/documentation/mdd-reports/item/693-monitoring-and-documentation-department-july-december-2012, accessed August 11, 2016; for the increase in the level of violence in Israel attitude toward the Palestinians see *The Power of Inclusive Exclusion: Anatomy of Israeli Rule in the Occupied Palestinian Territories*, edited by Adi Ophir, Michal Givoni and Sari Hanafi (New York: Zone Books, 2009); Ariel Handel, "Exclusionary Surveillance and Spatial Uncertainty in the Occupied Palestinian Territories," in *Surveillance and Control in Israel/Palestine*, edited by Elia Zureik, David Lyon and Yasmeen Abu-Laban (London: Routledge, 2011), 259–75.

30. See Hasan Abu-Libdeh, "Statistical Data on Palestinian Refugees: What We Know and What We Don't," in *Palestinian Refugees: Challenges of Repatriation and Development,* edited by Rex Brynen and Roula El-Rifai (London and New York: I.B. Tauris; Ottawa, 2007), 14–29; Nur Masalha, *The Politics of Denial: Israel and Palestinian Refugee Problem* (London and Sterling, Pluto Press, 2003).

31. See Sara M Roy, *Failing Peace: Gaza and the Palestinian-Israeli Conflict* (London and Ann Arbor: Pluto, 2007). Parts 2 to 4 cover different aspects of life in Gaza since the first Intifada till present. For a broader overview on Gaza, see Jean-Pierre Filiu, "The Twelve Wars on Gaza," *Journal of Palestine Studies* 44 (2014): 52–60. See also Gisha report: "A Costly Divide — Economic Repercussions of Separating Gaza and the West Bank," February 2015. http://gisha.org/UserFiles/File/publications/a_costly_divide/a_costly_divide_en-web.pdf, accessed August 11, 2016.

32. Mossawa Center, "The Main Findings of the 2012 Racism in Israel Report," http://www.mossawacenter.org/my_documents/publication2/2012%20Main%20Findings%200f%202012%20Racism%20Report.pdf, accessed August 11, 2016. Nadim Rouhana, *Palestinian Citizens in an Ethnic Jewish State: Identities in Conflict* (New Haven: Yale University Press, 1997) for the paradigm of Israel as an ethnic state; Ilan Pappé, *The Forgotten Palestinians: A History of the Palestinians in Israel* (New Haven and London: Yale University Press, 2011); Raef Zreik, "The Palestinian Question: Themes of Justice and Power: Part I: the Palestinians of the Occupied Territories," *Journal of Palestine Studies* 32 (2003): 39–49 for an overview of the structural problems facing Palestinian citizens of Israel; Association for Civil Rights: http://www.acri.org.il/en/wp-content/uploads/2012/12/ACRI-Situation-Report-2012-ENG.pdf, accessed August 11, 2016, 42–59; Adalah: *The Inequality Report: The Palestinian Arab Minority in Israel,* http://www.adalah.org/uploads/oldfiles/upfiles/2011/Adalah_The_Inequality_Report_March_2011.pdf, accessed August 11, 2016.

33. See interview with Amos Oz, "Amos Oz has a recipe for saving Israel. To prevent the emergence of a dictatorship of fanatic Jews, or of an Arab state in Israel, we must stop trying to 'manage the conflict' and create two states here. Now. Excerpts from two recent talks by Oz." *Ha'aretz,* http://www.haaretz.com/israel-news/.premium-1.646562, Mar 13, 2015, accessed August 11, 2016; *Mondoweiss*, "'Israel is becoming an isolated ghetto,' says Amos Oz," http://mondoweiss.net/2014/12/israel-becoming-isolated ("There is a growing sense that Israel is becoming an isolated ghetto, which is exactly what the founding fathers and mothers hoped to leave behind them forever when they created the state of Israel"), accessed August 11, 2016.

34. The fact that moral discourse can be a strategy of power we already know from Friedrich Nietzsche, *On the Genealogy of Morality,* edited by Keit Ansell Pearson (Cambridge: Cambridge University Press, 2007). For a less cynical and more positive tone, see Martin Luther King, Nobel Prize acceptance speech: "Negroes of the United States, following the people of India, have demonstrated that nonviolence is not sterile passivity, but a powerful moral force which makes for social transformation." Cited in Nissim Ezekiel, *A Martin Luther King Reader* (Bombay: Popular Prakashan, 1969), 163–4. For a feminist deployment of the same argument, see Margaret Urban Walker, "Seeing Power in Morality: A Proposal for Feminist Naturalism in Ethics," in *Feminists Doing Ethics*, edited by Peggy DesAutels and Joanne Waugh (Lanham: Rowman & Littlefield, 2001), 3–14.

35. Raef Zreik, "The Persistence of the Exception: Reflection on the Story of Israeli Constitutionalism," in *Thinking Palestine*, edited by Ronit Lentin (London: Zed Books, 2008): 131–47.

36. See Ben Kiernan, *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur* (New Haven: Yale University Press, 2007).

37. See, for example, Todd Shepard, *The Invention of Decolonization: the Algerian War and the Remaking of France* (Ithaca: Cornell University Press, 2006) and Peter Godwin, *The Fear: Robert Mugabe and the Martyrdom of Zimbabwe* (New York: Little, Brown & Co, 2011).

38. See Patrick Wolfe," Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8 (2006): 387–409.

39. See Lorenzo Veracini, "Introducing: Settler Colonial Studies," *Settler Colonial Studies* 1 (2011): 1–12.

40. Mahmood Mamdani, "When Does a Settler Become a Native? Reflections of the Colonial Roots of Citizenship in Equatorial and South Africa," Centre for African Studies University of Cape Town; Text of Inaugural Lecture as A. C. Jordan Professor of African Studies, University of Cape Town, 13 May 1998, http://citizenshiprightsafrica.org/wp-content/uploads/1998/05/mamdani-1998-inaugural-lecture.pdf, accessed August 11, 2016.

41. On the analogy to apartheid and its limits see Raef Zreik, "Palestine, Apartheid and Rights Discourse," *Journal of Palestine studies*, 34 (2004): 68–80; Abigail B. Bakan and Yasmeen Abu-Laban, "Israel/Palestine, South Africa and the 'One-State Solution': The Case for an Apartheid Analysis," *Politikon* 37 (2010): 331–51.

42. I owe the distinction between native and indigenous to Gadi Algazi. Algazi offers three subcategories for understanding the native's category of the native-settler structure: autochthonous, native, and indigenous. Doing justice to his analysis is beyond the scope of this article. For our purposes it is sufficient to understand the subcategory of the native as more of a personal private matter and less of a political one, whereas the subcategory of Indigenous denotes a group identity and is a political category. Gadi Algazi, "From Settlers to Natives? Local Perspective," invited talk delivered at the "From Native to Settlers" lecture series, Minerva Humanities Center, Tel-Aviv University, March 19, 2014.

43. The analogy between money or commodity from and the image of citizenship is very old. See Evgeny B. Pashukanis, *The General Theory on Law and Marxism* (London: Pluto Press, 1989); Issac D. Balbus, "Commodity Form and Legal Form: An Essay on the Relative Autonomy of the Law," *Law and Society Review* 11, no. 3 (1977): 571–88.

44. See critique of the South African model by Naomi Klein, "Democracy Born in Chains: South Africa's Constricted Freedom," in *The Shock Doctrine: The Rise of Disaster*

Capitalism (Picador, 2008); Aeyal Gross, "The Constitution, Reconciliation, and Transitional Justice: Lessons from South Africa and Israel," *Stanford Journal of International Law* 40 (2004) 47–104; D. M. Davis, "Constitutional Borrowing: the Influence of Legal Culture and Local History in the Reconstitution of Comparative Influence: the South African Experience," *International Journal of Constitutional Law* 1 (2003): 181–95.

45. Differentiated citizenship discourse is relevant here: see Iris Marion Young, "Residential Segregation and Differentiated Citizenship," *Citizenship Studies* 3 (1999); and Iris Marion Young, "Polity and Group Difference: A Critique of the Ideal of Universal Citizenship," *Ethics* 99 (1989): 250–74. Although these articles were not written of a post-colonial situation, one can draw some fruitful analogies from them.

46. On this point, see Maxim Rodinson, who argues that up to a certain time, Britain could be perceived as such a motherland. Maxim Rodinson, *Israel — a Colonial Settler State?* (New York: Monad, 1973).

47. Alexander Yakobson and Amnon Rubinstein, *Israel and the Family of Nations: the Jewish Nation-State and Human Rights*, translated by Ruth Morris and Ruchie Avital (Abingdon and New York: Routledge, 2009), 65–82.

48. Omar Jabary Salamanca, Mezna Qato, Kareem Rabie and Sobhi Samour, "Past is Present: Settler Colonialism in Palestine," *Settler Colonial Studies* 2 (2012): 1–8; Fayez Sayegh, "Zionist Colonialism in Palestine" (Beirut: PLO Research Center, 1965), *Settler Colonial Studies* 2 (2012): 206–25.

49. Ilan Pappé, "Zionism as Colonialism: a Comparative View of Diluted Colonialism in Asia and Africa," *South Atlantic Quarterly,* Fall (2008): 611–33; Oren Yiftachel, "Territory as the Kernel of the Nation: Space, Time and Nationalism in Israel/Palestine," *Geopolitics* 7 (2002), 215–48. Ilan Pappé, *A History of Modern Palestine: One Land, Two Peoples*, part 3. Gershon Shafir and Yoav Peled, "*Being Israeli," The Dynamics of Multiple Citizenship* (Cambridge and New York: Cambridge University Press, 2002).

50. To review the structural privileges given to the Jewish population as a settler group, see Oren Yiftachel, *Ethnocracy: Law and Identity Politics in Israel/ Palestine* (Philadelphia: Pennsylvania University Press, 2006). For the special status of the Jewish National Fund see Walter Lehn, *The Jewish National Fund* (London: Routledge, 1988). For the issue of land in the Negev and the status of the Bedouin population, see *Indigenous (In)Justice,* edited by Ahmad Amara, Ismael Abu Saad and Oren Yiftachel (Cambridge: International Human Rights Clinic, 2012).

51. Netanyahu has demanded that the Palestinians recognize Israel as a Jewish state as a precondition for peace: "Unless the Palestinians recognize the Jewish state and give up on the right of return there will not be peace." Barak Ravid, "Four Years On, Netanyahu Returns to Bar Ilan More Hawkish Than Ever," *Ha'aretz*, October 7, 2013 http://www.haaretz.com/news/diplomacy-defense/1.550898.

52. See Raef Zreik, "Why the Jewish State Now," *Journal of Palestine Studies* 40 (2011): 23–37.

53. See Ahmad Samih Khalidi, "Why Can't the Palestinians Recognize the *Jewish* State," *Journal of Palestine Studies* 40, no. 4 (2011): 78.

54. See Raef Zreik, "Not Just a Matter of Self-Determination," in *On The Recognition of the Jewish State*, ed. Honaida Ghanim (Ramallah: MADAR Publications, 2014): 12–26.

Raef Zreik is a senior lecturer in jurisprudence and legal theory at the School of Law, Carmel Academic Center - Haifa, and academic co-director of Minerva Humanities Center at Tel-Aviv University.