



Walter E. Block
Alan G. Futerman

The Classical Liberal Case for Israel

 Springer

The Classical Liberal Case for Israel

“It is essential to make the liberal case for Israel in order to assure continued bipartisan support. This book makes that case convincingly.”

Alan Dershowitz, Former Felix Frankfurter Professor of Law at Harvard University and Author of *Defending Israel*.

“Classical Liberalism, often associated with the spread West from Northern Europe in creating free nations, is argued here as applying to Israel, with ancient roots in the principles of human freedom.”

Vernon L. Smith, Ph.D., Nobel Prize in Economic Sciences (2002), and Professor, George L. Argyros Endowed Chair in Finance and Economics, Professor of Economics and Law, Smith Institute for Political Economy and Philosophy, at Chapman University.

“Walter Block and Alan Futerman have written what will soon be recognized as the gold standard in defense of the moral and legal rights of the State of Israel to exist. Sweeping in its scope, exhaustive in its research, thorough in its approach, consistent in its philosophical underpinnings, ‘The Classical Liberal Case for Israel’ will deeply resonate with and profoundly challenge all serious thinkers on the rights of the Jewish people. Professor Block is the most intellectually honest academic I have ever known. His extraordinary career has spanned a lifetime of steadfastly influencing many thousands of people – including me – to embrace and understand personal liberty. This is his greatest work.”

Hon. Andrew P. Napolitano, Senior Judicial Analyst, Fox News Channel.
Best-selling author.

“In today’s world, the center of political struggle is shifting towards the confrontation between liberalism and progressivism, between those who believe in human rights and those who divide the world into ‘oppressed and oppressors,’ where oppressed are always right, and oppressors are always wrong. Israel and Zionism will inevitably be at the center of this struggle. That is why the book, which is making a strong liberal case for Zionism and the Jewish State, is very timely and important.”

Natan Sharansky, Former Prisoner of Zion and Deputy Prime Minister of Israel, Former Chairman of the Executive of The Jewish Agency for Israel.

“In novel twist of political scholarship, Block and Futerman write in a take-no-prisoners style by invoking classical liberal thought into the Middle East. These authors are not interested in compromise, but only in clarity and force of their argument to counter the Palestinian claims to Israeli lands. Many may disagree with particular points of their exposition. But no one can deny that their theoretical rigor, when coupled with their mastery of the historical record, makes them redoubtable champions of the Israeli cause.”

Richard Epstein, Ph.D., Laurence A. Tisch Professor of Law and Director Classical Liberal Institute at New York University and Peter and Kirstin Bedford Senior Fellow at the Hoover Institution.

“For 73 years Palestinian terrorists have been conducting an unprovoked aggressive war against the State of Israel with the express intent of ‘finishing the job that Hitler started.’ In waging this genocidal war of aggression they have lied about their own identity, about the land that Israel was created on – it was neither Arab nor ‘Palestinian’ – and about the history of the Jews – the indigenous inhabitants of the Middle East. The Classical Liberal Case for Israel is a welcome antidote to Palestinian lies, whose sole purpose is the destruction of the Jewish state and the ethnic cleansing of its Jews.”

David Horowitz, author of *The Enemy Within: How a Totalitarian Movement Is Destroying America*.

“The only problem with this book is that it took so long for someone to finally write it. Not only does it add to the overwhelming evidence that it’s the rejection of socialism not its adoption that delivers prosperity to the people, but it provides defenders of Israel with an even stronger moral and economic justification for their position. This book is a must read, especially for those Jewish Americans who still advocate the failed socialist policies that hamstringing the Israeli economy until its people found the wisdom to successfully abandon them. Israel still has a long way to go on its journey to becoming a libertarian promised land, but it’s headed in the right direction. If only America would follow her lead.”

Peter Schiff, Host of the Peter Schiff Show Podcast, author of *The Real Crash: America’s Coming Bankruptcy – How to Save Yourself and Your Country*, Chairman of Schiff Gold, and Chief Economist and Market Strategist of Euro Pacific Capital.

“I’ve got to say this book took me by surprise. I’m not a Jew, and don’t have a dog in the Israeli-Palestine conflict. But I’ve always been interested in Israel’s story—starting with reading Leon Uris’ ‘Exodus’ in high school, visiting both Israel and its neighbors quite a few times, and doing the research for my first book, ‘The International Man’.

“I’d never considered that there was a classical liberal case for Israel.

“After reading their thesis there are points I’d argue with my dear friend Walter Block (et al.). Including questions about the conflict between a classical libertarian agenda and that of a state founded on socialist and theocratic principles. But – aside from elements of polemic that are to be expected when arguing a point of view – this book is a genuine education.

“After the first 50 pages it’s tempting to think the basic argument has been laid out, but the entire book is thought provoking and highly engrossing – touching on how property rights originate through homesteading, whether today’s Jews can claim an unbroken line of succession from the time of the destruction of the Temple and the question of Khazar heritage. A strength is that they consider specifics rather than making generalized assertions.

“And it’s a good read.

“Will this work change anybody’s mind? A tricky question, since its subject stirs up so much emotion – the public’s arguments are about feeling much more than about thinking.

“Should you read it? Without question if you’re pro-Palestinian or neutral. And also if you’re on the side of Israel, simply because it presents all sides of the question in an intellectually honest way.”

Doug Casey, World-renowned investment advisor, founder of Casey Research and author of the Crisis Investing series of books, “Totally Incorrect” and with John Hunt, the novels “Speculator,” “Drug Lord,” and “Assassin.”

“A compelling case for Israel, based on classical liberal ideas and the historical record.”

Jesse Fried, Dane Professor of Law, Harvard Law School.

“For a hundred and fifty years, supporters of Jewish nationalism have made their case on historical, cultural, religious, socialist, humanitarian and other grounds. Block and Futerman now offer their classical liberal argument for Zionism.”

Douglas Feith – Senior Fellow, Hudson Institute, and former US Under Secretary of Defense for Policy.

“An unusual – and most welcome – analysis of the case for Israel from a classical liberal perspective. It will go a long way in overcoming historical myth and resolving the tension some classical liberals feel between freedom and national identity.”

Sam Peltzman, Ph.D., The Ralph and Dorothy Keller Distinguished Service Professor Emeritus of Economics at the Booth School of Business, University of Chicago.

“The authors present a painstakingly clear and unapologetic case for the legitimacy of Israel, based on the historical record, and through the lens of classical liberal values. With anti-Zionism sweeping the world’s international organizations and American campuses, this book could not have been published at a more opportune time.”

Jay P. Lefkowitz, Adjunct Professor at Columbia Law School, former Deputy Assistant to President George W. Bush, and former U.S. Special Envoy for Human Rights in North Korea.

“The Classical Liberal Case for Israel is a careful and nuanced analysis of Israel’s history as the homeland of the Jewish people. The authors provide a thorough and accurate depiction of the historical record, including a valuable critique of the work of the new historians, to show not just the foundational record in support of Israel but the powerful case for Israel from a liberal perspective. The book is a triumph, providing clarity amidst heated political rhetoric.”

Steven Davidoff Solomon, Professor of Law, New York Times “Deal Professor,” and Faculty Co-Director Berkeley Center for Law and Business, U.C. Berkeley School of Law.

“The Classical Liberal Case for Israel is a comprehensive and deeply researched defense of Israel. More than 70 years after the state’s establishment, attacks on its legitimacy and misrepresentation of its character persist despite widespread acceptance and recognition of its achievements. For those who are open to unbiased examination of the debate, this book is a necessary and compelling read.”

Ilan Troen, Ph.D., Stoll Chair in Israel Studies, emeritus, Ben-Gurion University of the Negev (Israel) and Stoll Family Chair in Israel Studies, Brandeis University (USA).

“In this monumental undertaking, the authors thoroughly and systematically lay out the case for Jewish property rights in the Land of Israel, based on liberal principles and historical facts.”

Moshe Koppel, Ph.D., Chairman, Kohelet Policy Forum, and Professor at the Computer Science Department at Bar-Ilan University.

“This work provides a welcome – and sorely needed – counterweight against the accumulation of biased anti-Israeli screeds that masquerade as academic research. The authors construct an impressive intellectual edifice that debunks the prevailing anti-Israeli narrative – or rather, myths – that dominate the academic discourse on the Israeli-Arab conflict in general, and the Israeli-Palestinian one, in particular. They argue persuasively that while Zionism and Israel are the product of the practical implementation of principles of classical liberalism and libertarianism, anti-Zionism is, in effect, an endeavor to supplant it with a regime of destructive tyranny. Thus, contrary to the claims of its detractors, Israel was not built with the aim of expelling, robbing, and destroying others, but of creating, developing, and thriving itself. Accordingly, the authors succinctly encapsulate the clash between Zionism and anti-Zionism as a ‘fight between those who want to build, and those who want to destroy.’ It is a book that should be read by all who have an interest in both the history and the future of the Middle East as well as the fate of the people who populate it.”

Martin Sherman, Ph.D., Founder and CEO of The Israel Institute for Strategic Studies.

“This is a well-researched, in depth analysis of the problems that Israel faces.”

Moshe Dann, Ph.D., Research Associate, The Israel Institute for Strategic Studies.

“Two groundbreaking contributions to Western Civilization – the Austrian School and Modern Zionism – are one and a half centuries old, and their triumph has become manifest in recent times.”

“Bridging these two successful trends was long overdue. With their book, Block and Futerman ingeniously built the winning bridge.”

Dr. Gustavo Perednik, Author, Former Lecturer at The Hebrew University of Jerusalem and others.

“The ‘Classical Liberal Case for Israel’ is an exhaustive examination and compilation of well foot-noted historical accounts of the Jewish presence in the Holy Land during the past 2000 years, since the illegal Roman occupation and

expulsion. The Jews are clearly the historical indigenous people of Israel and have remained attached to the land both physically and emotionally, against all the odds. This thoroughly researched book is a welcome reminder for both friends and foes, alike."

Kenneth Abramowitz, Co-Founder and Managing General Partner of NGN Capital, Threat Analyst and author of *The Multifront War*.

*"At a time when the millenarian Jewish attachment to the Land of Israel, recognized 100 years ago by the League of Nations as 'the grounds for reconstituting their national home in the country,' has been obliterated from public memory by decades of relentless anti-Israel and anti-Semitic propaganda, reclaiming the historical truth is not only a scholarly necessity but a prerequisite for Arab-Jewish reconciliation. This is why *The Classical Liberal Case for Israel* is a must read."*

Efraim Karsh, Ph.D., Emeritus Professor of Middle East & Mediterranean Studies, King's College London.

*"I view the Bible as both the contentious title deed to the Land of Israel and the defining document of western morality. It is also a comprehensive matrix of human coexistence and as such, it contains relatively few ritualistic regulations when compared to its vast compendia on property rights and economic freedom. This is one of the great secrets of the success of Israel, the people of the Book and the land of the Book; Israel in whose defense many books have been written. But, my illustrious friend, Walter Block along with his colleague Alan Futerman, has created the first of such books to be fixed upon such firm footings. *The Classical Liberal Case for Israel* carefully catalogs the compelling congruence between morality and economics, placing Israel at the epicenter of the intellectual turbulence that its existence generates. This book will thrill Israel's admirers with its searing honesty and persuasive linking of cause to effect. Even Israel's detractors will ultimately benefit from this volume because every scholar of integrity welcomes exposure of his weaknesses. All readers interested in the rich story of human progress will enjoy the laser beam of incandescent brilliance this book throws onto Israel, its economic success story, the focal point of the Middle East and pivot point of world politics for millennia."*

Rabbi Daniel Lapin, Author of *Business Secrets from the Bible*, and *Thou Shall Prosper*, and President of the American Alliance of Jews and Christians.

"A hundred years ago, Israel's early political leaders built a country on economic and social philosophies rooted in Marxist socialism. In due time those rigid principles stifled the country's enormous intellectual capital, drove dynamic entrepreneurs to expatriate to freer countries like America, and created destructive fissures in Israel's society. Even when opponents of Marxist Labor socialism ascended to authority when Likud leader Menachem Begin first was elected Prime Minister of Israel in 1977, they found socialism so deeply entrenched in all walks of Israeli life that they could not uproot its underpinnings. As the country's economic realities descended perilously further, only in recent years did dire necessity become

the mother of inventing an emerging 'start-up nation'. But great societal change cannot sustain itself merely by abstract need without a compelling intellectual argument to influence future policy makers. In their book, The Classical Liberal Case for Israel, co-authors Walter Block and Alan Futerman, cogently and impressively make the persuasive case that Israel's future success will be determined in great measure by whether its leaders can supplant the inherited socialist infrastructure that animated early Zionism's Marxist socialist ideologues a century ago with the kind of classically liberal economic and social world view that has proven successful in every economically great contemporary Western country that chose classical liberalism over excessive government asphyxiation."

Rabbi Dov Fischer, Young Israel of Orange County, Adj. Prof. of Law at University of California, Irvine (UCI) School of Law, Contributing Editor, *The American Spectator*, and Former Chief Articles Editor, *UCLA Law Review*.

"One of the amazing things about Israel is this: During roughly half a century it gave the world its most successful example of true socialism, and then, within the span of a few years, it turned around and created one of the world's most dynamic capitalist economies. Many books have been written about Israel by socialist authors. Now, at last, we have a fine treatment from a libertarian perspective. The larger story that Futerman and Block have produced is thoughtful and compelling. Their devastating takedown of Murray Rothbard adds piquancy."

Joshua Muravchik, Ph.D., Author of *Heaven on Earth: The Rise, Fall, and Afterlife of Socialism* and *Making David Into Goliath: How the World Turned Against Israel*.

"This terrific work reminds libertarians why Israel is worth defending -- and why classical liberalism remains an ideological touchstone for the Jewish State."

Ben Shapiro, Author, Editor Emeritus for *The Daily Wire* and Host of *The Ben Shapiro Show*.

"Having escaped the brutality of religious tribalism in Lebanon, and as a staunch defender of the foundational values that define free and enlightened societies, I can attest that Israel is a beacon of hope in a large sea of illiberalism. In a utopian world free of genocidal hate, a nation organized around religious identity would be unnecessary but we do not live in such a world. The Classical Liberal Case for Israel offers a compelling analysis for its existence using a classical liberalism framework. A much-needed book to address many of the falsehoods spread on university campuses."

Gad Saad, Ph.D., Professor of Marketing, Concordia University Research Chair in Evolutionary Behavioral Sciences and Darwinian Consumption (2008–2018), and author of *The Parasitic Mind: How Infectious Ideas Are Killing Common Sense*.

"Israel haters claim the country is formed from massive land theft. In other words, they charge the State of Israel with property rights violation. The Classical Liberal Case for Israel rightly argues that the truth is precisely the opposite. Property rights explain not only why Israel's existence is legitimate, but also just. And why it should

be universally regarded as such. This book is a must-read for anyone who genuinely wants to understand the truth and should certainly be studied by those whose job is to formulate policy on Israel."

Colonel Richard Kemp CBE, Former Commander of British Forces in Afghanistan.

"The authors argue convincingly for Israel as a libertarian success story. They do so in large part by emphasizing two usually neglected topics: First, Israel was 'built on both legitimate land purchases as well as legitimate land claims from the past.' Second, Murray Rothbard's toxic hostility to Israel resulted from glaring inconsistencies and needs to be rejected. Together, their arguments give libertarians abundant reason to celebrate the Jewish state."

Daniel Pipes, Ph.D., President, Middle East Forum.

"Israel belongs to the Jews because God said so. Period. But not everyone believes in God and not everyone understands divine justice. For them, The Classical Liberal Case for Israel is a must-read. It argues convincingly that history, common sense, and basic fairness can lead to only one conclusion: Israel's legitimacy is rock solid."

Elliot Resnick, Jewish Press Chief Editor.

"Israel and its existence are always under attack. Israel reflexively defends itself. Many assist in that effort by making the case for Israel and now we have a new effort namely, The Classical Liberal Case for Israel.

"To my mind, it sounds too defensive. Israel can be whatever it wants to be and need not be what others want it to be. Too often demands are made on Israel to behave in a certain way that no one else manages to do. Even the liberal west isn't liberal. We need not justify ourselves to anyone.

"Unfortunately for Israel, it is ruled by an extremely liberal court which constantly is at odds with the Knesset. In other words, it is too liberal for the people.

"Having said that, it is important for Israel to stress her historical and legal claims to the land which this book does admirably. But her existence doesn't depend on such claims. It depends on the strength of her army and her economy."

Ted Belman BAsc, LLB, Editor and Publisher of Israpundit, Jerusalem, Israel.

"Older libertarians or Objectivists are wont to say that for them, 'It all began with Ayn Rand.' For libertarians this writer's age, it all began with Walter Block. No one has captured more souls for liberty than this good professor.

"Since Walter Block has practically authored the libertarian non-aggression axiom, his and his co-authors' application of it to the vexation that is Zionism and the Jewish State cannot but be scrupulously just. This indeed it is.

"It is in its fealty to freedom, in general, that makes this book's methodical defense of Israel significant – and, in particular, its kind, if coruscating, critique of the stance taken toward the legitimacy of the Jewish State by Mr. Libertarian himself, Murray Rothbard.

"Inarguably –and despite their dispossession 2,000 years ago –Jews clung to life in Israel throughout the centuries, never relinquishing their claim to the occupied territory. Enduring the ruthlessness of the Byzantines, the massacres of the Muslim

dynasties, and the onslaught of the Crusaders, the Mongols, and the Ottoman Turks – Jews struggled to maintain a continuous presence in Israel since the exile. “Theirs is a tie that has never been severed. If anything, by maintaining over the centuries a purposeful, continuous, and heroic presence in the conquered land, the Jew’s claim to Israel has been affirmed and sealed in the annals of time. No subsequent hegemonic regional power, like the Ottomans, ever had the right to deny them their natural right to lawfully repurchase land titles from those willing to sell them.

*“All these points are driven home in *The Classical Liberal Case for Israel*. As Block and Futerman put it, ‘What were Jews who wanted to buy land to do, when going through the official [if unsavory] channels was the only lawful way to purchase property?’*

*“Noted, too, with appreciation, is that *The Classical Liberal Case for Israel* is dedicated to Vladimir Ze’ev Jabotinsky. Obscurity being the fate of many a hero of the Right, few know that Jabotinsky was one of the philosophical founding fathers of the Jewish State, who had, alas, been successfully sidelined by the country’s pushy socialist framers, their followers, and the ever-willing court historians. All have smeared Jabotinsky’s thinking as fascist. Far from being of ‘a fascist strain,’ ‘Jabotinsky was a classical liberal and thus a champion of individual liberty,’ surmise the authors. Nicely done!”*

*Ilana Mercer, paleolibertarian columnist since 1999, author of *Into the Cannibal’s Pot: Lessons for America from Post-Apartheid South Africa* (2011) and *The Trump Revolution: The Donald’s Creative Destruction Deconstructed* (June, 2016).*

*“The main charge against the State of Israel, that from which all other scurrilous attacks flow, is that of massive land theft and expropriation. To counter this lie, Block and Futerman resort to the private property rights philosophy of John Locke, Classical Liberalism and Libertarianism, to show not only that this fundamental charge is wrong, but also why Israel’s existence is just. Thus, *The Classical Liberal Case for Israel* convincingly argues not only against Israel’s enemies, but also for a positive: this country is a living example of liberty that all freedom lovers around the globe should cherish.”*

Isi Leibler, CBE, AO, International Jewish Leader and Former Chairman of the Governing Board of the World Jewish Congress.

Walter E. Block • Alan G. Futerman

The Classical Liberal Case for Israel

Commentary by Benjamin Netanyahu

 Springer

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*This book is dedicated to Vladimir Ze'ev
Jabotinsky*

Commentary by Benjamin Netanyahu

The Classical Liberal Case for Israel makes the practical and moral case for Israel. It is based on truths and facts that need to be repeated over and over.

Block and Futerman understand that the only way to defeat a big lie is with a big truth.

Prime Minister of the State of Israel
Jerusalem, Israel
11/26/2020

Benjamin Netanyahu

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From Both Authors

This book is the outcome of many years of work. Throughout the time leading to the publication of the present work, we have received much help from many different people. We are thankful to Rafi Farber for his valuable ideas, suggestions, edits and help in the writing of this book. We also wish to thank the following persons for their invaluable feedback, comments, advice and much more (on this book, and/or previous essays and articles of ours that lead to it): Reuven Azar, Daniel Pipes, David Horowitz, Moshe Dann, Peter Lewin, Daniel Doron, Michael Makovi, Joel Kirsch and Leslie Marsh. Also, the work, help and assistance of Lucie Bartonek, Joseph Daniel, Mariëlle Klijn and Camilya Anitta from Springer was invaluable to get us here.

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Walter Block: With great love and respect, I acknowledge the teachings of my mentor and friend, Murray N. Rothbard. He and I do not agree on the issues covered in this book. Nevertheless, everything I know about libertarianism, and much of what I know of scholarship, I gratefully attribute to him.

Alan Futerman: Many people have helped me to get here, more than I could ever mention in this brief section. But the following had the greatest impact on me. I wish to thank my family, especially my beloved parents Marcelo and Ana, who

made me a proud Jew, and my wonderful brother Jordan. My grandparents Moises, Rebeca, Mauricio and Sofía, who introduced me to the history of Israel and the Jewish people. My professor, Gustavo Perednik, who taught me the theoretical framework on which my views on Israel and Zionism are based. My friends, they know who they are.

I could never have done this without the constant advice, support and help from Desiré, the love of my life. Thank you for being there, always.

Neighborhood Bully

Well, the neighborhood bully, he's just one man
His enemies say he's on their land
They got him outnumbered about a million to one
He got no place to escape to, no place to run
He's the neighborhood bully

The neighborhood bully just lives to survive
He's criticized and condemned for being alive
He's not supposed to fight back, he's supposed to have thick skin
He's supposed to lay down and die when his door is kicked in
He's the neighborhood bully

The neighborhood bully been driven out of every land
He's wandered the earth an exiled man
Seen his family scattered, his people hounded and torn
He's always on trial for just being born
He's the neighborhood bully

Well, he knocked out a lynch mob, he was criticized
Old women condemned him, said he should apologize.
Then he destroyed a bomb factory, nobody was glad
The bombs were meant for him. He was supposed to feel bad
He's the neighborhood bully

Well, the chances are against it and the odds are slim
That he'll live by the rules that the world makes for him
'Cause there's a noose at his neck and a gun at his back
And a license to kill him is given out to every maniac
He's the neighborhood bully

He got no allies to really speak of
What he gets he must pay for, he don't get it out of love
He buys obsolete weapons and he won't be denied

But no one sends flesh and blood to fight by his side
He's the neighborhood bully

Well, he's surrounded by pacifists who all want peace
They pray for it nightly that the bloodshed must cease
Now, they wouldn't hurt a fly. To hurt one they would weep
They lay and they wait for this bully to fall asleep
He's the neighborhood bully

Every empire that's enslaved him is gone
Egypt and Rome, even the great Babylon
He's made a garden of paradise in the desert sand
In bed with nobody, under no one's command
He's the neighborhood bully

Now his holiest books have been trampled upon
No contract he signed was worth what it was written on
He took the crumbs of the world and he turned it into wealth
Took sickness and disease and he turned it into health
He's the neighborhood bully

What's anybody indebted to him for?
Nothin', they say. He just likes to cause war
Pride and prejudice and superstition indeed
They wait for this bully like a dog waits to feed
He's the neighborhood bully

What has he done to wear so many scars?
Does he change the course of rivers? Does he pollute the moon and stars?
Neighborhood bully, standing on the hill
Running out the clock, time standing still
Neighborhood bully

Bob Dylan (1983)

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Introduction

If history could teach us anything, it would be that private property is inextricably linked with civilization. Ludwig Von Mises (1944 [2010], 58)

The core of a free society lay in its institutions. Among these, private property and the free market are the fundamental ones. The former not only recognizes the right to own the fruits of one's labor, but also creates incentives to save, produce and exchange. The latter builds on private property and, through the millions of exchanges that private individuals make every day for mutual benefit, articulates a system of money prices that in turn operate as a series of signals. These signals transmit the knowledge implicit in the exchanges, that is, the relative valuation individuals make of each good and service.

Companies and entrepreneurs identify profit opportunities in the market through the careful analysis of prices and allocate capital to the production of such consumer wants. But the most important function of the system is that it allows economic agents, whether individuals or large corporations, to identify mistakes and correct them. Free enterprise is both a profit and loss system. It is, therefore, an information transmitting mechanism, which is one of the beauties of this system.

In the absence of private property, and the freedom required to make use and dispose of it, there can be no money prices,¹ and therefore no efficient mechanism for the transmission of knowledge. Centralization lacks the power of the market, not because the intentions of politicians are necessarily bad (although they indeed can be and often are), but because they cannot concentrate the knowledge dispersed among millions of individuals.

Therefore, a free market operates as a system where incentives are aligned in reducing costs as identified through price signals. What is, then, the bedrock of a free society? Private property. In the words of Ludwig Von Mises (1944 [2010], 48):

The essential teaching of liberalism is that social cooperation and the division of labor can be achieved only in a system of private ownership of the means of production, i.e., within a market society, or capitalism. All the other principles of liberalism—democracy, personal

¹That mean anything; they could exist, but would be arbitrary, yielding no information.

freedom of the individual, freedom of speech and of the press, religious tolerance, peace among the nations—are consequences of this basic postulate. They can be realized only within a society based on private property.

But what is the fundamental principle behind private property, and therefore, that sustaining a free society? It is Justice. The latter, in the words of Ulpian², is simply “the constant and unfailing will to give each his right.” This logically leads us to the question of what is “his right” and how does one justify it? The origin, justification, and definition of private property is a fundamental question in the context of political philosophy. The answer lay in the tradition of John Locke, Classical Liberalism, and modern libertarianism. This is the approach that will guide us throughout our book.

Let us now briefly focus on the basics of private property rights.³ The first Classical Liberal who systematically justified such rights, John Locke, explained his views in his *Second Treatise on Government* (1689). In that work, the origin and justification of private property (more specifically Ch. 5) are thoroughly presented. Locke expounds that men have natural rights because these derive from human nature, thus constituting Natural Law. These rights precede the existence of government. As a Classical Liberal, Locke believed that the institution of government is established and exists with the sole purpose of the protection of individual rights as identified in terms of life, liberty, and property. As a matter of its practical application, private property is the *essential* human right. Locke contends:

“[...] Every Man has a *Property* in his own *Person*. This no Body has any Right to but himself. The *Labour* of his Body, and the *Work* of his Hands, we may say, are properly his. Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his *Labour* with, and joyned to it something that is his own, and thereby makes it his *Property*. It being by him removed from the common state Nature placed it in, hath by this *labour* something annexed to it, that excludes the common right of other Men. For this *Labour* being the unquestionable Property of the Labourer, no man but he can have a right to what that is once joyned to, at least where there is enough, and as good left in common for others” (*Second Treatise*, Ch. 5, §§ 27).

As libertarianism⁴ makes clear, the inherent self-ownership of one’s own body is the foundation of any subsequent right to the product of one’s own actions. Thus, whenever man acts on virgin resources or produces any value by mixing his labor with the resource, the outcome should be recognized as *his* property.⁵ In other words, homesteading, production, and, subsequently, trade are the basis of

²Quoted in Powell (1989, 28).

³The impatient reader might think, “what’s any of this got to do with Israel?” Be patient. It is important that we lay the groundwork, which we will soon apply, with a vengeance, to that issue.

⁴For libertarian and classical liberal literature, see among others, Anderson and Hill (1979), Benson (1989, 1990), Block (2007c, 2011H), Chodorov (1962, 216–239), DiLorenzo (2010), Higgs (2009, 2012, 2013), Mises (1922 [1981], 1927 [2002], 1944 [2010], 1949 [1998], 1969), Murphy (2005, 2010, 2013a, b, 2014), Rothbard (1973, 1975, 1977, 1998), Spooner (1870), Stringham (2007), Tannehill and Tannehill (1970 [1984]).

⁵For classical liberal and libertarian literature on the homesteading issue, see Block (1990; 2002a, b), Block and Edelstein (2012), Block and Yeatts (1999–2000), Block vs Epstein (2005), Bylund (2005, 2012), Grotius (1625), Hoppe (1993, 2011a), Kinsella (2003b, 2006, 2009a, b), Locke

legitimate ownership. Exclusion is therefore a natural corollary of property rights, since the owner has a right to his values and therefore may dispose and use them just as he desires (as long as he does not violate other people's identical rights by so doing). The use of force and the threat of force against any individual are therefore a violation of its rights, i.e., a violation of the non-aggression principle (NAP).

How many sovereign states on this planet are legitimate? Surely every country in the world insists upon its own legitimacy, on its own right to exist as a sovereign entity, representative and protector of its own people. The vast majority of today's modern, liberal, and industrial nation states take their legitimacy for granted. There is no relentless global assault against their right to exist. Except, of course, for the State of Israel, the Jewish State.

The right of the Jewish People to inherit and develop the land of their ancestors is so deeply rooted in historical and cultural evidence that to dispute it is simply a farce. It is tantamount to denying the basic rights of private property in a broad sense. That is what the attack against Israel's legitimacy essentially is—an attack against private property rights generally, for anybody at all.

The State of Israel is far and away the most liberal nation state in the Middle East in terms of freedom of religion, freedom of speech, freedom of choice and freedom of economic activity. Even its most bitter enemies would not dare dispute this claim. Because of these freedoms, Israel is by far the most productive country in the region. It is not even remotely close. Israel's per capita GDP is more than twice its neighbors' Egypt, Jordan, Lebanon and Syria all combined.

And yet, despite, or perhaps precisely because of this massive success, the Jewish State is widely viewed as illegitimate, having no right to exist, a criminal enterprise based on mass expropriation. This view flies in the face of the very basis for all of Western Civilization—the Bible, the book of the Jewish Nation. It is a book that tells the story of the very Nation State so viciously attacked constantly on the modern international stage. To assert that the People of the Book have no right to build and develop land that their ancestors physically built and rebuilt twice in the past is to deny the very foundation of Western Civilization.

Israel is a small country, with a population of around 9 million people and a land mass of about 8600 square miles. It lays claim only to what has been properly owned by Jews historically and has always been, and nothing else. It is surrounded by more than twenty countries, with a combined population above 400 million people and a total land mass comprising five million square miles. Israel is treated in its own neighborhood anywhere from bare tolerance to active hostility. Its true friends in the rest of the world are few and far between.

Many countries reject Israel's right to exist as a State, as indicated by the votes of the UN which continually condemn it. In the 72 years of its existence as a country, and for the thousands of years Jews have existed as a nation in exile, they have been continually attacked and denounced. No other nation in the history of the

(1948, pp. 17–19, 1955, chapter 5), Paul (1987), Pufendorf (1673), Rothbard (1973, 32), Rozeff (2005a), Watner (1982).

world has been forced to put up with anything even remotely resembling this calumny, savagery, and viciousness.

However, against all of its enemies, the Zionist project and the will of the Jewish people have prevailed. Israel is a strong nation, and the Jews are free in their own land. Zionism has succeeded. Theodore Herzl and Ze'ev Jabotinsky's dreams of a vibrant Jewish State in its own historical homeland are now a reality. And it will continue to succeed, as the Jewish People always have.

The roots of all the hatred against Israel are deeply embedded in anti-Zionism. We would challenge that to be anti-Zionist is to be against the entire concept of private property and inheritance in a broad sense. It is high time that the liberty movement, the real and true classical liberals of the world, stand up and take notice. Those who attack Israel are almost always enemies of private property and free markets generally.

This book, *The Classical Liberal Case for Israel*, offers a succinct thesis. The Land of Israel was built up and developed by Jews who were unjustifiably expelled from their homeland thousands of years ago and are now back to reclaim their lost property and add to it by building and developing otherwise virgin land. It is really as simple as that.

This book wrestles with the so-called "Palestinian right of return," with what we call the "Palestinian Fiction Factory," with the ethnic cleansing of Jews in Arab countries, with charges of "expulsions" and "massacres," with the continuing failure of the "peace process," with the real motivations of Arab leaders, with the relationship between anti-Zionism and anti-Semitism, and much, much more.

It is perhaps because of the unique strength of the Jewish Nation's claim to land it has developed in the Land of Israel past and present, that so much of the world contests it. None of this is unexpected or new. Jews have dealt with rejection throughout history and have succeeded in spite of it all.

The Jews are a nation born in slavery in Egypt and brought to freedom in the Land of Israel. That is their story. The freedom of the West itself ultimately depends on the freedom of the Jews to be a nation in their own land, to thrive as a free people in the land homesteaded by their forefathers so long ago. Only by acknowledging this and internalizing it can the forces of chaos now gathering force be beaten back.

Israel is the most liberal state in the Middle East, surrounded by murderous dictatorships, autocratic regimes, and closed societies that dramatically oppress their citizens and shut down their voices. It is the only country in the area that respects the rights we identified above as the ones defining Western Civilization. Hence, the Jewish state is the only real free society in the area, respecting private property and all that follows from it. It is innovative and strong *because* it is free.

Paradoxically, this country has been under widespread attack since its creation in 1948, from practically all sides of the political spectrum. These attacks are mobilized, apart from Arab regimes, by Iran, and jihadis of all kinds, currently in the West primarily by the Boycott, Divestment, and Sanctions (BDS) movement. International forums such as the UN, human rights organizations, the media, and

university campuses throughout the West are used as a stage to demonize the only free society in the Middle East.

In this work, we adopt a minarchist limited government position and offer a classical liberal and libertarian analysis based upon homesteading and private property rights to defend the state of Israel. Thus, our goal is to provide a definitive answer to the claims against the Jewish state, and to anti-Zionists in general, from this classical liberal perspective. More importantly, we want to present this case *for* Israel.

Now that our basic premise is clear, let us begin.

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Chapter 1

Why Judea is Jewish



“This is not about that 2,000 years ago the Jews had possession over Judea, but that for 2,000 years, they were the only people that claimed it as theirs” Gustavo Perednik (2003). (Translated from the original in Spanish by one of the present authors).

The land of Israel is the historical land of the Jewish People. It is its origin, and the land to which Jewish consciousness always strived to reach. No matter where Jews were, Israel was their ideal. The State of Israel is placed in the land of Israel for a reason: because Judea is Jewish.

There are many arguments used in order to undermine Israel’s legitimacy. Although the list is certainly long, the fashionable argument these days is to deny any past Jewish connection to Israel, i.e. to Judea. Despite the fact that this endeavor is false and ahistorical,¹ we will analyze the basis for the historical connection between this land and its people. We will demonstrate how this argument is relevant in order to uncover one of the mechanisms that Palestinian propaganda uses: trying to replace the actual history of the Jews with their own fabricated narrative of the past, as a means to justify their cause.

As research institute Palestinian Media Watch has reported, Imad Hamato, professor of Quranic Studies at the University of Palestine in Gaza, claimed on Palestinian Authority Television:

“Israel has worked hard to *Judaize* the land, [but] it did not stop at that. [Israel] worked to realize something else: the *Judaization of culture*, [so that] the Arab intellectual embraces the idea of acceptance of Israel as a recognized body and as an entity that has a right to live. Israel, the invading country, the *cancerous tumor* – which we have already called a cancer-

¹ It is not at all illogical. Au contraire, the very opposite is the case. If it were only true, then, the Hebraic claim to *Eretz Yisrael* would indeed be weakened, we readily acknowledge.

This chapter is based on parts of our paper Block, Walter E., Futerman, Alan G. and Farber, Rafi. 2016. “The Legal Status of the State of Israel – A Libertarian Approach”. *Indonesian Journal of International and Comparative Law*, Vol. 3, Issue 3, June, pp. 435–553.

ous tumor in the past – many intellectuals today talk about coexistence and offering our hands in peace, and [say] Israel is part of the region. The noblest Arabs in terms of their Arabness were those who spoke up and said: ‘*Israel does not exist!*’ Those who did not say that were ostracized. Now, whoever says that Israel should exist is met with approval... They [the Jews] are *usurers*. See, the usury money and usurer banks, those who control the money in the world can be counted on one hand – a few individuals – and all of them belong to the *Jewish world*. They control the media, the money, the press, the resources, the plans” (emphasis added) Official PA TV, May 1, 2015 (Marcus and Zilberdik 2015).

In this context, two points are relevant²:

- 1) The historical connection between modern day Jews and the land of Israel is a relevant fact, both for Jews and for Palestinian Arabs.
- 2) Rewriting history is not just one propaganda point of Palestinian narrative, but one of the most important ones. They, too, recognize that without a historical connection that works as an anchor between a people and a land, no modern national case could be made.

In this respect, given the chronology of events that took place in the historical area of Israel, and the archaeological basis for modern historians’ contentions about the strong history of Jews in Judea, the present chapter may appear as redundant. However, in the light of recent events, where none other than UNESCO rejected the millennial connection between Jews and the Temple Mount, it is nevertheless quite necessary.

Are we going to make a full description of every archaeological discovery that proves our point? Of course not, we believe that listing some of the most recent major ones is sufficient. After all, to deny the Jewish connection to Judea is like denying that the Sun is the center of the solar system in the XXIst Century.

It is important to note that the ancient world already recognized this connection,³ which UNESCO-types try to ignore today. We can start with the obvious: the Hebrew Bible, the *Mishna*, both *Talmuds* (the older of which was compiled in Jerusalem and is known as the Jerusalem Talmud) and the Christian New Testament all speak of this fact. No modern day Jew would even come close to thinking that the long discussions of events that took place in Judea are millennial fabrications in an attempt to deny the existence of a Palestinian people in Palestine. Nor would a modern day Christian accept the notion that, instead of Jesus going to the Temple, he was just passing by the “Buraq Wall” (Western Wall). When today some people say that Jesus was a “Palestinian” (Mazzig 2019), they do not even recognize that this is impossible due to the simple fact that the term “Palestinian” did not even exist before 136 CE.⁴

Here is some other ancient evidence which supports the presence of Jews in their ancestral homeland. Josephus Flavius (37–100 CE), is one case in point. Hecataeus

²Ignoring for now the blatant anti-Semitism embedded in anti-Zionism.

³This claim is buttressed immediately below.

⁴It was the definition that the emperor Hadrian gave to Judea after defeating the Jewish Revolt of Bar Kochba in 135/136 CE (Bard 2012, 2).

of Abdera (IVth Century BCE), a skeptic philosopher and historian, also recognized Jewish presence in Judea. His approach was unique in the ancient world, because he was the first to show antipathy for Jews:

“The accusation of misanthropy directed against the Jews in Antiquity is probably the only specific anti-Jewish bias to be found in the Greco-Roman world, together with the accusation of atheism” (Berthelot 2008).

This author said:

“[...]But the greater number were driven into what is now called *Judaea*, which is not far distant from Egypt and *was at that time utterly uninhabited*. 3. The colony was headed by a man called Moses, outstanding both for his wisdom and for his courage. On taking possession of the land he founded, beside other cities, one that is now the most renowned of all, called Jerusalem. In addition he established the temple that they hold in chief veneration, instituted their forms of worship and ritual, drew up their laws and ordered their political institutions. He also divided them into twelve tribes, since this is regarded as the most perfect number and corresponds to the number of months that make up a year. 4. But he had no images whatsoever of the gods made for them, being of the opinion that God is not in human form; rather the Heaven that surrounds the earth is alone divine, and rules the universe. The sacrifices that he established differ from those of other nations, as does their way of living, for as a result of their own expulsion from Egypt he introduced a kind of misanthropic and inhospitable way of life” (emphasis added) (Berthelot 2008).

Irrespective of the author’s opinion of Jewish monotheism, the relevant part is his account of Jewish presence in Judea. Was he the only one to mention Jews in Judea? Of course not. Here are other examples from the ancient world.

Polybius (IIth Century BCE) mentions Jerusalem:

“[...] the testimony of Polybius of Megalopolis: for thus does he speak, in the sixteenth book of his history, ‘Now Scopas, the general of Ptolemy’s army, went in haste to the superior parts of the country (sic), and in the winter time overthrew the nation of the Jews.’ He also saith in the same book, that ‘when Scopas was conquered by Antiochus, Antiochus received Batanea, and Samaria, and Abila, and Gadara: and that, a while afterwards, there came in to him those Jews that inhabited near that temple which was called *Jerusalem*: concerning which, altho’ I have more to say, and particularly concerning the presence of God about that *temple*, yet do I put off that history till another opportunity.’ This it is which Polybius relates” (emphasis added) (Josephus Flavius, Undated, Book XII, Ch. 3).

Cicero (106 – 43 BCE) refers to the Judean uprising against Rome:

“Justice demands that that barbaric superstition should be opposed; and it is to the interest of the state not to regard that Jewish mob which at times breaks out in open riots. . . . At one time *the Jewish people took up arms against the Romans*; but the gods showed how little they cared for this people, suffering it to be *conquered and made tributary*” (emphasis added) (Gottheil and Krauss 1906).

Livy (59 BCE – 17 CE) mentions the destruction of the Second Temple in Jerusalem⁵:

⁵At the hand of Roman forces headed by Titus (70 CE).

“[...] Gnaeus Pompey *subdued the Jews and captured their shrine at Jerusalem, which had never before been violated [...]*”⁶ (emphasis added) (Livy, *History of Rome from its beginning, Periochae*, Book 102).

Tacitus (56–120 CE) refers to Jerusalem, as well as along with other Greco-roman contemporaries, expressing contempt for Jewish monotheism:

“Some say that the Jews were fugitives from the island of Crete, who settled on the nearest coast of Africa about the time when Saturn was driven from his throne by the power of Jupiter. Evidence of this is sought in the name. There is a famous mountain in Crete called Ida; the neighboring tribe, the Idaei, came to be called Judaei by a barbarous lengthening of the national name. Others assert that in the reign of Isis the overflowing population of Egypt, led by Hierosolymus and Judas, discharged itself into the neighboring countries. Many, again, say that they were a race of Ethiopian origin, who in the time of king Cepheus were driven by fear and hatred of their neighbors to seek a new dwelling-place. Others describe them as an Assyrian horde who, not having sufficient territory, took possession of part of Egypt, and founded cities of their own in what is called the Hebrew country, lying on the borders of Syria. *Others, again, assign a very distinguished origin to the Jews, alleging that they were the Solymi, a nation celebrated in the poems of Homer, who called the city which they founded Hierosolyma after their own name.* Most writers, however, agree in stating that once a disease, which horribly disfigured the body, broke out over Egypt; that king Bocchoris, seeking a remedy, consulted the oracle of Hammon, and was bidden to cleanse his realm, and to convey into some foreign land this race detested by the gods.

“The people, who had been collected after diligent search, finding themselves left in a desert, sat for the most part in a stupor of grief, till one of the exiles, Moses by name, warned them not to look for any relief from God or man, forsaken as they were of both, but to trust to themselves, taking for their heaven-sent leader that man who should first help them to be quit of their present misery.[...]”

“Quite different is their faith about things divine. The Egyptians worship many animals and images of monstrous form; *the Jews have purely mental conceptions of Deity, as one in essence. They call those profane who make representations of God in human shape out of perishable materials. They believe that Being to be supreme and eternal, neither capable of representation, nor of decay. They therefore do not allow any images to stand in their cities, much less in their temples. This flattery is not paid to their kings, nor this honor to our Emperors.* From the fact, however, that their priests used to chant to the music of flutes and cymbals, and to wear garlands of ivy, and that a golden vine was found in the temple, some have thought that they worshiped father Liber, the conqueror of the East, though their institutions do not by any means harmonize with the theory; for Liber established a festive and cheerful worship, while the Jewish religion is tasteless and mean” (emphasis added) (Cicero, Undated, *The Histories*, Book V).

Cassius Dio (155–235 CE) tell the story of the siege of Jerusalem and the destruction of the Second Temple by Titus:

“4 1 Titus, who had been assigned to the war against the Jews, undertook to win them over by certain representations and promises; but, as they would not yield, he now proceeded to wage war upon them. *The first battles he fought were indecisive; then he got the upper hand and proceeded to besiege Jerusalem. This city had three walls, including the one that surrounded the temple.* 2 The Romans, accordingly, heaped up mounds against the outer wall,

⁶“*Cn. Pompeius Iudaeos subegit, fanum eorum Hierosolyma, inviolatum ante id tempus, cepit.*”

brought up painter engines, joined battle with all who sallied forth to fight and repulsed them, and with their slings and arrows kept back all the defenders of the wall; for they had many slingers and bowmen that had been sent by some of the barbarian kings. 3 The Jews also were assisted by many of their countrymen from the region round about and by many who professed the same religion, not only from the Roman empire but also from beyond the Euphrates; and these, also, kept hurling missiles and stones with no little force on account of their higher position, some being flung by the hand and some hurled by means of engines. 4 They also made sallies both night and day, whenever occasion offered, set fire to the siege engines, slew many of their assailants, and undermined the Romans' mounds by removing the earth through tunnels driven under the wall (sic) As for the battering-rams, sometimes they threw ropes around them and broke them off, sometimes they pulled them up with hooks, and again they used thick planks fastened together and strengthened with iron, which they let down in front of the wall and thus fended off the blow of still others. 5 But the Romans suffered most hardship from the lack of water; for their supply was of poor quality and had to be brought from a distance. The Jews found in their underground passages a source of strength; for they had these tunnels dug from inside the city and extending out under the walls to distant points in the country, and going out through them, they would attack the Romans' water-carriers and harass any scattered detachments. But Titus stopped up all these passages.

"5 In the course of these operations many on both sides were wounded and killed. Titus himself was struck on the left shoulder by a stone, and as a result of this accident that arm was always weaker. 2 In time, however, the Romans scaled the outside wall, and then, pitching their camp between this and the second circuit, proceeded to assault the latter. But here they found the conditions of fighting different; for now that all the besieged had retired behind the second wall, its defence proved an easier matter because its circuit was shorter. 3 Titus therefore once more made a proclamation offering them immunity. But even then they held out, and those of them that were taken captive or deserted kept secretly destroying the Romans' water supply and slaying any troops that they could isolate and cut off from the rest; hence Titus would no longer receive any Jewish deserters. 4 Meanwhile some of the Romans, too, becoming disheartened, as often happens in a protracted siege, and suspecting, furthermore, that the city was really impregnable, as was commonly reported, went over to the other side. The Jews, even though they were short of food, treated these recruits kindly, in order to be able to show that there were deserters to their side also.

"6⁷ Though a breach was made in the wall by means of engines, nevertheless, the capture of the place did not immediately follow even then. On the contrary, the defenders killed great numbers that tried to crowd through the opening, and they also set fire to some of the buildings near by, hoping thus to check the further progress of the Romans, even though they should gain possession of the wall. In this way they not only damaged the wall but at the same time unintentionally burned down the barrier around the sacred precinct, so that the entrance to the temple was now laid open to the Romans. 2 Nevertheless, the soldiers because of their superstition did not immediately rush in; but at last, under compulsion from Titus, they made their way inside. *Then the Jews defended themselves much more vigorously than before, as if they had discovered a piece of rare good fortune in being able to fight near the temple and fall in its defence.* The populace was stationed below in the court, the senators on the steps, and the priests in the sanctuary itself. 3 And though they were but a handful fighting against a far superior force, they were not conquered until a part of the temple was set on fire. Then they met death willingly, some throwing themselves on the swords of the Romans, some slaying one another, others taking their own lives, and still

⁷These numbers are to be found in the original document from which we are quoting.

others leaping into the flames. And it seemed to everybody, and especially to them, that so far from being destruction, it was victory and salvation and happiness to them that they perished along with the temple. 7 Yet even under these conditions many captives were taken, among them Bargiora, their leader; and he was the only one to be executed in connexion with the triumphal celebration.

“2 *Thus was Jerusalem destroyed on the very day of Saturn, the day which even now the Jews reverence most. From that time forth it was ordered that the Jews who continued to observe their ancestral customs should pay an annual tribute of two denarii to Jupiter Capitolinus.* In consequence of this success both generals received the title of imperator, but neither got that of Judaicus, although all the other honours that were fitting on the occasion of so magnificent a victory, including triumphal arches, were voted to them” (emphasis added) (*Roman History*, Epitome of Book LXV, 265–271).

Porphyry (234–305 CE), also, comments on his contempt for the Jews, while mentioning the Rebellion of the Macabees and the destruction of Jerusalem by the Romans:

“But of the Syrians, the Jews indeed, through the sacrifice which they first made, even now, says Theophrastus, sacrifice animals, and if we were persuaded by them to sacrifice in the same way that they do, we should abstain from the deed. For they do not feast on the flesh of the sacrificed animals, but having thrown the whole of the victims into the fire, and poured much honey and wine on them during the night, they swiftly consume the sacrifice, in order that the all-seeing sun may not become a spectator of it. And they do this, fasting during all the intermediate days, and through the whole of this time, as belonging to the class of philosophers, and also discourse with each other about the divinity. But in the night, they apply themselves to the theory of the stars, surveying them, and through prayers invoking God. For these make offerings both of other animals and themselves, doing this from necessity, and not from their own will. The truth of this, however, may be learnt by any one who directs his attention to the Egyptians, the most learned of all men; who are so far from slaying other animals, that they make the images of these to be imitations of the Gods; so adapted and allied do they conceive these to be both to Gods and men.” (Porphyry, Undated, *On abstinence from animal food*, Book II, 26)

“11. *But among those who are known by us, the Jews, before they first suffered the subversion of their legal institutes under Antiochus, and afterwards under the Romans, when also the temple in Jerusalem was captured, and became accessible to all men to whom, prior to this event, it was inaccessible, and the city itself was destroyed; – before this took place, the Jews always abstained from many animals, but peculiarly, which they even now do, from swine. At that period, therefore, there were three kinds of philosophers among them. And of one kind, indeed, the Pharisees were the leaders, but of another, the Sadducees, and of the third, which appears to have been the most venerable, the Essenes*” (emphasis added) (Porphyry, Undated, *On abstinence from animal food*, Book IV, 11).

Flavius Claudius Julianus (“Julian the Apostate”) (331–363 CE) refers to the destruction of Jerusalem:

“Desiring to extend yet further favors to you, I have exhorted my brother, the venerable Patriarch Julos [i.e., Hillel II.], to put a stop to the collection of the so-called Apostolé [see Jew. Encyc. ii. 20, s.v.] among you; and henceforward no one will be able to oppress your people by the collection of such imposts, so that everywhere throughout my kingdom you may be free from care: and thus enjoying freedom, you may address still more fervent prayers for my empire to the Almighty Creator of the Universe, who has deigned to crown me with his own undefiled right hand... . Thus should you do, in order that when I return

safely from the Persian war, *I may restore the Holy City of Jerusalem, and rebuild it at my own expense, even as you have for so many years desired it to be restored; and therein will I unite with you in giving praise to the Almighty*” (emphasis added) (Gottheil and Adler 1906).

Ammianus Marcellinus (325–400 CE), also expressing contempt for the Jews, mentions their presence in Judea:

“For Marcus, as he was passing through Palestine on his way to Egypt, being often disgusted with the malodorous and *rebellious Jews* is reported to have cried: ‘O Marcomanni, O Quadi, O Sarmatians, at last I have found a people more unruly than you’” (emphasis added) (*Roman Antiquities*, Book XXII, 5, 5, p. 205).

It is not our intention to bore the reader with more testimonies of Jewish existence 2,000 years ago (Fishman-Duker 2008). Nevertheless, when numerous “illustrious” scholars, representing prestigious institutions in the modern era deny these simple facts, it is the duty of those of us who revere the truth to raise our voices in opposition.⁸

Consider what UNESCO recently opined with respect to the Temple Mount⁹ in its infamous resolution submitted by Algeria, Egypt, Lebanon, Morocco, Oman, Qatar, and Sudan (October 13, 2016):

“[...] I.B Al-Aqsa Mosque/Al-Haram Al-Sharif and its surroundings

“I.B.1 Al-Aqsa Mosque/Al-Haram Al-Sharif

“7. Calls on Israel, the *Occupying Power*, to allow for the restoration of the historic Status Quo, that prevailed until September 2000, under which the Jordanian Awqaf Department (Religious Foundation) exercised exclusive authority on *Al-Aqsa Mosque/Al-Haram Al-Sharif*, and its mandate extended to all affairs relating to the unimpeded administration of *Al-Aqsa Mosque/Al-Haram Al-Sharif*, including maintenance, restoration and regulating access;

“8. Strongly condemns the Israeli *escalating aggressions* and illegal measures against the Awqaf Department and its personnel, and against the *freedom of worship and Muslims*’ access to *their Holy Site Al-Aqsa Mosque/Al-Haram Al Sharif*, and requests Israel, the Occupying Power, to respect the *historic Status Quo* and to immediately stop these measures

⁸Are there similar early references to “Palestinians” during these epochs? Our research on this matter concludes this is not so.

⁹The Israeli Prime Minister Benjamin Netanyahu said in this regard, ironically: “Netanyahu suggested that the Bible aside, UNESCO members should visit the Arch of Titus in Rome. ‘On it one can see what the Romans brought back to Rome after they destroyed and looted the Second Temple on the Temple Mount 2,000 years ago. There, engraved on the Arch of Titus, is the seven-branched menorah that is the symbol of the Jewish People, and I remind you, is also the symbol of the Jewish state today,’ he said. ‘Soon, UNESCO will say that the Emperor Titus engaged in Zionist propaganda,’ Netanyahu said. ‘To say that Israel has no connection to the Temple Mount and the Western Wall is like saying that China has no connection to the Great Wall of China or that Egypt has no connection to the pyramids. By this absurd decision, UNESCO has lost what little legitimacy it had left,’ Netanyahu added.” Lazaroff et al. (2016).

“9. Firmly deplores the continuous storming of *Al-Aqsa Mosque/Al-Haram Al-Sharif* by the *Israeli rightwing extremists and uniformed forces*, and urges Israel, the *Occupying Power*, to take necessary measures to prevent provocative *abuses that violate the sanctity and integrity of Al-Aqsa Mosque/Al-Haram Al-Sharif*;

“10. Deeply decries the continuous Israeli *aggressions* against civilians including Islamic religious figures and priests, further decries the forceful entering into the different Mosques and historic buildings inside *Al-Aqsa Mosque/Al-Haram Al-Sharif* by different Israeli employees including the so-called ‘Israeli Antiquities’ officials, and arrests and injuries among Muslim worshippers and Jordanian Awqaf guards in *Al-Aqsa Mosque/Al-Haram Al-Sharif* by the Israeli forces and also urges Israel, the *Occupying Power*, to end these aggressions and abuses which inflame the tension on the ground and between faiths;

“11. Disapproves the Israeli restriction of access to *Al-Aqsa Mosque/Al-Haram Al-Sharif* during the Eid Al-Adha 2015 and the subsequent violence and calls on Israel, the *Occupying Power*, to stop all violations against *Al-Aqsa Mosque/Al-Haram Al-Sharif*;

“12. Deeply regrets the refusal of Israel to grant visas to UNESCO experts in charge of the UNESCO project at the Centre of Islamic Manuscripts in *Al-Aqsa Mosque/Al-Haram Al-Sharif* and requests Israel to deliver visas to UNESCO experts without restrictions;

“13. Also regrets the damage caused by the Israeli Forces, especially since 23 August 2015, to the historic gates and windows of the Qibli Mosque inside *Al-Aqsa Mosque/Al-Haram Al-Sharif*, and reaffirms, in this regard, the obligation of Israel to respect the *integrity, authenticity and cultural heritage of Al-Aqsa Mosque/Al-Haram Al-Sharif*, as reflected in the *historic Status Quo*, as *Muslim Holy Site* of worship and as an integral part of a World Cultural Heritage Site;

“14. Expresses its deep concern over the Israeli closure and ban of the renovation of the Al-Rahma Gate building, one of *Al-Aqsa Mosque/Al-Haram Al-Sharif* gates, and urges Israel, the *Occupying Power*, to reopen the Gate, and stop obstruction of the necessary restoration works, in order to repair the damage caused by the weather conditions, especially the water leakage into the rooms of the building;

“15. Calls on Israel, the *Occupying Power*, to stop the obstruction of the immediate execution of all the 18 Hashemite restoration projects in and around *Al-Aqsa Mosque/Al-Haram Al-Sharif*;

“16. Further deplores the Israeli decision to approve a plan to build a two-line cable car system in East Jerusalem and the so called ‘Liba House’ project in the Old City of Jerusalem as well as the construction of the so called ‘Kedem Center’, a visitor centre near the southern wall of the Mosque, the construction of the Strauss Building and the project of the elevator in *Al-Buraq Plaza ‘Western Wall Plaza’* and urges Israel, the *Occupying Power*, to renounce the above-mentioned projects and to stop the construction works in conformity with its obligations under the relevant UNESCO conventions, resolutions and decisions [...]” (emphasis added) (Haaretz 2016).

Observe here the language, used by none other than the institution that supposedly is entitled to identify and preserve the historic and cultural heritage of humanity, and “[...] seeks to build peace through international cooperation in Education, the Sciences and Culture” (UNESCO, undated):

- 1- The Temple Mount is no longer the Temple Mount, but Al-Aqsa Mosque/Al-Haram Al-Sharif. No one seems to ask: *Where* was the Al-Aqsa Mosque *placed*?
- 2- Israel, the *only* country that guarantees (and the only one that has *ever* guaranteed) freedom of worship in the Old City of Jerusalem, is accused of violating this right.
- 3- Muslims are denied from exercising the right to worship in *their* Holy Site. Jews are not even mentioned.
- 4- Jews who visit the Temple Mount are nothing but *Israeli rightwing extremists and uniformed forces*.
- 5- In this context, Israel is not the rightful owner of the Temple Mount within the Old City of its Capital, Jerusalem,¹⁰ but an *Occupying Power*, which violates *the sanctity and integrity of Al-Aqsa Mosque/Al-Haram Al-Sharif*.
- 6- Even more untenable is that, while the resolution rewrites history, maintains that Israel should respect the *integrity, authenticity and cultural heritage* of the “*Al-Aqsa Mosque/Al-Haram Al-Sharif* (!)”, as reflected in the *historic* Status Quo, as a *Muslim Holy Site* of worship and as an integral part of a “World Cultural Heritage Site”. It is thus the world’s cultural heritage, *except* for the Jews.
- 7- The resolution “further deplors the Israeli decision to approve a plan for the construction of the so called ‘Kedem Center’, a visitor centre near the southern wall of the Mosque, the construction of the Strauss Building and the project of the elevator in *Al-Buraq Plaza ‘Western Wall Plaza’*”. Not even the Western Wall has any connection to Jews. It is the Al-Buraq Plaza (with “Western Wall” placed in scare quotes).

The political commentator Charles Krauthammer (2016) wrote in this regard: “This Orwellian absurdity, part of a larger effort to deny the Jewish connection to their ancestral homeland, is an insult not just to Judaism but to Christianity. It makes a mockery of the Gospels, which chronicle the story of a Galilean Jew whose life and ministry unfolded throughout the Holy Land, most especially in Jerusalem and the Temple. If this is nothing but a Muslim site, what happens to the very foundation of Christianity, which occurred 600 years before Islam even came into being?”

Observe that this entire resolution also points to another conspiracy theory widely held by Palestinian Authority leaders and heavily promoted in the Arab world: the Zionists are trying to destroy Al-Aqsa. The idea that Jews intend to harm Muslim worship sites is not new (Mor 2016). For instance, in 1928 this idea promoted a wave of Arab attacks on Jews, and the Hebron massacre of 1929 resulted in 67 Jews dead. As Mor (2016) contends, the truth is exactly the opposite:

“[...] Israel has not conducted any excavations, archaeological or otherwise, under the Mount or the mosques on the Mount. The only large-scale excavation in recent times was carried out by the Islamic Waqf on the site formerly known as Solomon’s Stables, now the El-Marwani Mosque.

¹⁰ See Pipes (2001).

“The construction of the El-Marwani Mosque on the southeast corner of the Mount, directly adjacent to Al-Aqsa, entailed a wanton and unrecoverable destruction of archaeological treasures ranging across three millennia of human patrimony. Unlike the imagined archaeological damage fantasists and fanatics accuse Israel of committing, this was never condemned by UNESCO or any other international body.”

The same is true of the idea that Israel restricts access of Muslims to the Temple Mount. Quite the opposite, Jews are the ones that usually have restricted access to the area of the holy of holies. Mor (2016) explicated:

“[...] Israel [...] forbids any Jewish prayer or religious activity of any kind anywhere on the Mount and limits visits of non-Muslims to a few hours a week. During a particularly tense period from 2000 to 2003, Israel forbade the entry of Jews altogether. No international human rights group has ever protested this entirely prudent denial of religious freedom. It is the visits of Jews in 2014 and 2015—to the Mount, but never inside the mosques—that is preposterously described in the UNESCO resolution as ‘storming Al Aqsa.’ I guess when you deny that Jews have any reason to want to visit a place, their presence must be described as some kind of invasion. In fact, the only worshipers regularly harassed on the Temple Mount are the few Jews who have the temerity to silently visit their faith’s holiest site. Meanwhile, the Israeli government has repeatedly affirmed that it will uphold this status quo, including in Arabic.

“[...] Israeli control of the Old City of Jerusalem in the last half century has meant that Al Aqsa, the third holiest site in Islam, is the rare Islamic holy site not to be a stage for some kind of massacre of Muslim worshipers by one or another rival branch of radical Islam” (Mor 2016).

The present authors staunchly oppose this Israeli policy of appeasement and strongly reject forbidding Jews access to the Temple Mount, whenever they want, for however long they choose to stay. More so, because if there is one place that has one of the strongest and longest lasting cases for Jewish ownership, it is the Temple Mount. If Jews do not stand up for what is theirs by inheritance, but instead choose to negotiate away their own rights, they only end up undermining them: by the approval of negotiating with the Palestinian Authority that which is non-negotiable by right, the entire case for Israel is undermined.¹¹ If the Jews are willing to negotiate over what is so obviously theirs by historical homesteading rights,¹² then they

¹¹As an example, Evelyn Gordon (2017) says: “Just last week, for instance, Palestinian guards employed by the Islamic Waqf (religious trust) that runs the Mount’s day-to-day affairs [tried to eject](#) an Israeli archeologist from the site merely for daring to use the term ‘Temple Mount’ in a lecture to American students. They demanded that he use the Mount’s Islamic name instead, and when he refused, they demanded that Israeli policemen on the site eject him. Other tour guides subsequently told the *Times of Israel* that this isn’t an uncommon occurrence... Or consider what [happened](#) to *Jerusalem Post* reporter Lahav Harkov when she visited the Mount in September 2015. As usual, the Waqf guards harassed her nonstop, over everything from the length of her skirt (below the knees, but not ankle length) through taking pictures to standing still for longer than the guards deemed proper. But the climax came when, moved by thoughts of the Temple, she unexpectedly began to cry. A Waqf guard promptly started shouting at her in Arabic. And once again, an Israeli policeman disgracefully seconded the Waqf’s complaint: ‘You can’t close your eyes and cry. That’s like praying.’” For more on this subject, see Shragai (2014b).

¹²We now reiterate the importance of the present chapter. See more on this below.

are implicitly saying that their historical connection to the land is irrelevant, tolerating all denials of any right to anything in all of Israel.

Israel's negotiations with its enemies in the Palestinian Liberation Organization and its modern heirs (such as the Palestinian Authority) actually turns into appeasement, which ends up being the main fuel to perpetuate war¹³ (since at least the Oslo Accords). In any case, the conspiracy theory to the effect that Israel is interested in destroying Muslim worship sites, held by both UNESCO and the Palestinian Arabs among many others, has no basis in reality whatsoever. As is usually the case, reality is exactly the opposite of what is contended by the media and most international bodies. The very opposite is the case. Israel is the only political entity that has ever secured religious freedom for all in the area, and specifically Jerusalem.¹⁴

The rejection of historical truth¹⁵ goes beyond the Arab world. The aforementioned resolution by UNESCO was supported by countries such as Mexico, South Africa and China. Even Italy and France, which are usually more sensible on matters of this sort (compared to the others, at least), merely “abstained”. Under the Obama administration (2009–2017), although the US voted against this infamous resolution, the general anti-Israel approach went more and more mainstream. And denying Israel's capital, Jerusalem, was a part of it. See, for instance, Charles Krauthammer (2016) commenting on what happened at the time of former Israeli Prime Minister and President Shimon Peres' funeral:

“And what to make of the White House's correction to a news release about last month's funeral of Shimon Peres? The original release identified the location as ‘Mount Herzl, Jerusalem, Israel.’ The correction crossed out the country identifier — ‘Israel.’ Well, where else is Jerusalem? Sri Lanka? Moreover, Mount Herzl isn't even in disputed East Jerusalem. It's in West Jerusalem, within the boundaries of pre-1967 Israel. If that's not Israel, what is¹⁶?”

¹³Defining the situation as the “Arab-Israeli Conflict” is deceptive, since it gives the false impression that there is something to which both parties have conflicted interests. However, one group wants only to live in peace (Israel), while the other (Palestinian Arabs) wishes to destroy the latter. There is no talk, in Israel, about “pushing the Arabs into the sea.” As Pipes (2003) explains: “Although a neutral term like ‘Arab-Israeli conflict’ makes it sound as if both sides were equally to blame for this decades-long war, and must therefore be brought to compromise by splitting in half the differences between them, this is, as Norman Podhoretz has rightly insisted, ‘a deceptive label.’ A more accurate term is the ‘Arab war against Israel.’”

¹⁴On the case of Jerusalem under Jordanian control, see Steinberg (2020).

¹⁵Even during negotiations in 2000 between Israel and the Palestinian Authority (PA) conducted by the US, this historical nonsense was articulated publicly by Arafat: “Barak [Authors Note: Former Prime Minister of Israel] recalls Clinton telling him that during the Camp David talks he had attended Sunday services and the minister had preached a sermon mentioning Solomon, the king who built the First Temple. Later that evening, he had met Arafat and spoke of the sermon. Arafat had said: *There is nothing there [i.e., no trace of a temple on the Temple Mount].*” Clinton responded that ‘not only the Jews but I, too, believe that under the surface there are remains of Solomon's temple.’ (At this point one of Clinton's [Jewish] aides whispered to the President that he should tell Arafat that this is his personal opinion, *not an official American position*)” (emphasis added) Morris (2002).

¹⁶The key to the conflict, again, is that the “occupation”, in fact, means Israel, i.e. the entirety of it.

Although the UNESCO resolution is not precisely unique within the United Nations, its irrationality is a case in point. It shows both how relevant history is in justifying Israel's existence, and how Israel's enemies recognize this fact to the point of making it a fundamental part of their agenda to rewrite and fabricate history. Finally, they use international organizations in order to launch their attacks against and lies about Israel, and more importantly, truth. When Secretary General of the UN António Guterres recognized Jewish ties to Jerusalem by mentioning the destruction of the Second Temple at the hands of Roman forces, Fatah demanded an *apology* (Rosenberg 2017).

Denying the Jewish connection to Judea is like contending that the Earth is flat. To obviate this fallacy, let us consider some of the recent archaeological discoveries that attest to this linkage (Borschel-Dan 2018).¹⁷ In the Jewish Quarter of the Old City in Jerusalem,¹⁸ archaeologist Dr. Oren Gutfeld (Hebrew University of Jerusalem) found a scale weight from the family of the high priest of the Temple (Mandelbaum 2016). Recently, discoveries dating from the Second Temple period were also discovered in Hebron (Biblical Archaeology Society Staff 2017).

In Huqoq, archaeologists uncovered a mosaic that shows the meeting between two men, one of them probably Alexander the Great, and the other the Temple High Priest. The excavation director, Jodi Magness (University of North Carolina, Chapel Hill)¹⁹ wrote: “The whole point of the Alexander legend is to show that even Alexander the Great, the greatest of the Greek kings, acknowledged the greatness of the god of Israel’ [...] ‘He’s so awed by the appearance of the high priest that he bows down before him and brings a sacrifice to offer at the temple...” (Williams 2016).

The Bible version that is still currently studied by moderns is the same as used in Judea, 2,000 years ago. Around the 1970s archaeologists found a scroll in a synagogue in the Dead Sea area, but they could not read it. Now, thanks to new technology, we know that it is an exact version of the “Masoretic text of the Hebrew Bible

¹⁷This is of course only the tip of the iceberg.

¹⁸Jewish presence was almost uninterrupted in Judea for the last 2,000 years. On the particular case of Jerusalem, Jewish presence existed even under the worst conditions. As even Karl Marx (1854) explained: “Nothing equals the misery and the sufferings of the Jews at Jerusalem, inhabiting the most filthy quarter of the town, called hareth-el-yahoud, the quarter of dirt, between the Zion and the Moriah, where their synagogues are situated – the constant objects of Mussulman oppression and intolerance, insulted by the Greeks, persecuted by the Latins, and living only upon the scanty alms transmitted by their European brethren. The Jews, however, are not natives, but from different and distant countries, and are only attracted to Jerusalem by the desire of inhabiting the Valley of Jehosaphat, and to die in the very places where the redeemer is to be expected.

“Attending their death,’ says a French author, ‘they suffer and pray. Their regards turned to that mountain of Moriah, where once rose the temple of Solomon, and which they dare not approach, they shed tears on the misfortunes of Zion, and their dispersion over the world.’

“To make these Jews more miserable, England and Prussia appointed, in 1840, an Anglican bishop at Jerusalem, whose avowed object is their conversion. He was dreadfully thrashed in 1845, and sneered at alike by Jews, Christians and Turks. He may, in fact, be stated to have been the first and only cause of a union between all the religions at Jerusalem.”

¹⁹Her work is supported in part by the National Geographic Society.

and, at nearly 2,000 years old, is the earliest instance of the text” (Wade 2016). Moreover, “The Dead Sea scrolls, those found at Qumran and elsewhere around the Dead Sea, contain versions quite similar to the Masoretic text but with many small differences. The text in the scroll found at the En-Gedi excavation site in Israel decades ago *has none*, according to Emanuel Tov, an expert on the Dead Sea scrolls at the Hebrew University of Jerusalem [...] ‘This is the earliest evidence of the exact form of the medieval text,’ he said, referring to the Masoretic text” (emphasis added) (Wade 2016). This author continues: “The date of the En-Gedi scroll is the subject of conflicting evidence. A carbon-14 measurement indicates that the scroll was copied around A.D. 300. But the style of the ancient script suggests a date nearer to A.D. 100. ‘We may safely date this scroll’ to between A.D. 50 and 100, wrote Ada Yardeni, an expert on Hebrew paleography, in an article in the journal *Textus*. Dr. Tov said he was ‘inclined toward a first-century date, based on paleography.’” (Wade 2016).

Is this relevant to our case? Yes. Cultural connection explains and demonstrates the fact of Jewish return to their ancestral homeland. Archaeology does not only prove long term Jewish presence in modern Israel, but in other nearby areas as well. As an example, “A menorah carved on a stone block, found in a 1400-year-old Byzantine church in Abila, Jordan is the first tangible evidence of a Jewish presence in the ancient Hellenistic city that had been assumed, but not proven. *There is ample evidence of Jewish presence in the region, such as an ancient synagogue discovered in nearby Jerash*. But in 36 years of excavations at Tell al-Abila, also known as Selukeia, no traces of Jews living in the Roman trading hub had been found before. The depiction of the seven-branched menorah, with a branching three-legged base, was found on a stone in the second tier of a wall, near the floor, while excavating a Byzantine church from the 6th or 7th century CE” (emphasis added) (Bohstrim 2016).

Archaeologists have even found the hiding places of Jewish rebels who fought the Romans (Bohstrim 2016); this took place during the Jewish Revolt that ended with the destruction of the Temple in Jerusalem (66–70 CE). According to Surkes (2017), Josephus’s account of the Jewish revolt against Romans is being increasingly supported by archaeological evidence: “The Jewish historian Josephus wrote extensively about the Roman-Jewish wars. Some historians have wondered whether he didn’t embellish his role in the Jewish uprising, glorifying his own actions. But the discoveries of the caves in the Galilee, which were made over a period of years, lend credence to his accounts”.

There are archaeological discoveries that even go back to the Maccabean Period. For instance, near Modi’in (Blumenthal 2016), researchers exposed silver coins from that period (130-120 BCE). And one discovery leads to another: “The excavation also found apparent that possibly point (sic) to the manor inhabitants’ possible participation in the Maccabees’ first revolt against the Romans in 66 CE, as some of the coins read ‘Year 2’ (of the revolt), as well as the slogan, ‘Freedom of Zion.’... The excavation found that the manor was still operating in 70 CE, and as such, according to Tendler [the manager of the excavation], ‘It appears that the manor’s inhabitants held onto hope that they would still break free from Rome.’ He assessed, ‘They were preparing to fight as part of the Bar Kokhba Revolt’” (Keinon 2016).

In fact, ancient Jewish presence in Israel is so widespread that it is not strange even for students to make major findings. See this example from Beit Shemesh (Israel Antiquities Authority [n.d.](#)): “Some 240 eleventh-grade students from Jerusalem’s Boyer High School [...have been] Working for an entire week on archeological excavations at Ramat Beit Shemesh, far from their computers and air-conditioned classrooms. The students are involved in unearthing exciting archeological finds at the site. In recent months, the remains of a Jewish settlement dating to the Second Temple period have been found to include an extensive complex of ritual baths and underground hiding refuges” (Ynet News [2017](#)). Or, here: “A group of Israel Caving Club members were exploring hidden caves in the Judean lowlands over the weekend when they discerned the limestone carvings: a three-footed menorah with seven branches similar to the one that stood in the Jerusalem temple, a cross, and a depiction of an ancient key. Other as yet unidentified carvings were also found, the IAA said... The organization’s announcement highlighted the fact that the discovery of the menorah was made over the Hanukkah festival, when Jews light candelabras to commemorate the restoration of the ancient Temple in Jerusalem” (Ben Zion [2017d](#)).

There is a symbol of Jewish continuity in the land of Israel from time immemorial: Peki’in. According to traditional stories, Jewish presence there (it is now a Druze village) has been constant since the destruction of the Second Temple. Although Jewish presence in the land of Israel was ongoing, except for a period during the crusades, we must ask: is the Peki’in story true? “A pair of 1,800-year-old Hebrew inscriptions carved into a capital found [...] in the Druze village of Pekiin (sic) may lend support to a tradition linking the Galilean village to an ancient center of Jewish scholarship [...] The village Peki’in, in the northern Galilee, is believed to have been the site of a Jewish community since the Roman era, and Jewish tradition associates the modern village with a town mentioned in Josephus’s ‘Jewish War’ and the Talmud as Beka. According to the Talmud, the town was a center of Jewish scholarship during the Roman period and Rabbi Shimon bar Yohai hid in a cave there for 13 years. The association of the modern village of Peki’in with the ancient town mentioned in the Talmud has been challenged by scholars in recent years, however. ‘At the same time, researchers debate the location of ancient Peki’in,’ Yoav Lerer, an archaeologist with the IAA said in a statement. ‘I believe that these inscriptions will add an important layer to our understanding of the Jewish settlement in the village of Peki’in during the Roman and Byzantine periods.’ It remains to be seen whether the ancient Jewish community of Peki’in can be conclusively linked with the traditions affiliated with it [...] Until this discovery, Rosenbaum said, ‘it wasn’t possible to prove that there was something here 2,000 years ago, but *this stone has a slew of words written upon it in Hebrew*’” (emphasis added) (Ben Zion [2017e](#)). Whether the Peki’in tradition is true or not, what is indisputable is the vast amount of evidence of Jewish history and presence in Israel. We must also remember Masada,²⁰ by now an eternal example of Jewish resistance to

²⁰ See also the case of Gamla in Syon ([2017](#)).

Romans and a long known archaeological site, where researchers still make new discoveries (Ben Zion 2017a).

Excavations are not the only testimony of historical Jewish presence in Jerusalem. The Siloam Inscription, a text in Hebrew that dates back more than 2,500 years, describes "... the construction of the tunnel, which brought water from the Pool of Siloam to the City of David, below the southern edge of the Temple Mount. It echoes the Biblical account of the tunnel's construction under King Hezekiah" (Ben Zion 2017c).

Discovered in 1880, this property "... was whisked away by Ottoman authorities to Constantinople — *the 1874 Ottoman Law on Antiquities stipulated that all artifacts excavated in the empire were state property.*²¹ The Gezer calendar found in 1908 — a 10th century BCE inscription describing the agricultural cycle, believed to be one of the oldest Hebrew texts — and the Temple Warning inscription found in 1871, which stood on Jerusalem's Temple Mount, also wound up in Istanbul" (emphasis added) (Ben Zion 2017c).

Moreover, discoveries of Jewish presence go back even to Iron Age Jerusalem (Sapir-Hen et al. 2016). As part of the findings dating three millennia ago, researchers recently found a military fortification from the time of David and Solomon (Rogers 2017).

In addition, even plants mentioned in the Bible are being revived in Israel. Eglash (2016) expounds:

"Guy Erlich is a pioneering Israeli farmer ... engaged in a grass-roots project: reviving ancient plants mentioned in the Bible. Think frankincense and myrrh, plus a few others. At his farm on Kibbutz Almog, a West Bank²² settlement (sic) a stone's throw from the Palestinian city of Jericho and a few miles from the Dead Sea, Erlich is growing ancient plants once used to make holy balms, perfumes and natural medicines. Frankincense and myrrh, along with gold, are forever intertwined with the Christmas story as the gifts the wise men took to the baby Jesus in the city of Bethlehem, just 20 miles from here [...] he searched for the plant [...] he learned of a botanist who had smuggled it out of Saudi Arabia. Somehow, one sapling had ended up in Jerusalem's botanical gardens, but the tree had failed to flourish in the city's cool air. It was sent to the Arava Institute for Environmental Studies in Israel's southern desert, where Elaine Solowey, head of the center for sustainable agriculture and a biblical plant expert, began to study it and try to revive it."

Often, archaeological discoveries take place during the relevant Jewish Holidays, such as this example from Hannukah:

"[...] A bronze coin that was in circulation in the time of King Antiochus IV Epiphanes, who decreed that the Jews must be annihilated and during whose reign the Maccabean

²¹ Observe here the relevance of Ottoman state-owned land and property, which is extremely relevant at analyzing Palestinian Arab claims.

²² The area is properly called Judea and Samaria. On the term "West Bank", a *Jerusalem Post* editorial (Nov. 5, 2016), correctly notes: "Political influence over language is also reflected in the use of the term 'West Bank.' In the best of rainy seasons, the Jordan River is only a few meters wide. The claim that its western bank extends for some 65 kilometers, encompassing Judea and Samaria, demonstrates how politicized terminology drives the ongoing conflict. In fact, the Jordanian government marketed the term in the 1950s in an attempt to legitimize its occupation of the region."

revolt took place, has been discovered at the Tower of David archaeological site in Jerusalem” (Yalon 2016).

The irony of these findings taking place during Jewish holidays has an explanation: that the Jews are back in their ancestral homeland. Just as Director and Chief Curator of the Tower of David Museum Eilat Lieber told *Israel Hayom*: ‘It’s exciting to find, in the winter of 2016, Antiochus himself thrown down here between the stones and tell him: We’re still here celebrating Hanukkah – and how!’” (Yalon 2016).

What about Jewish religious practice? Is it the same as in days of yore? In certain respects, absolutely yes (such as the case with the reading of the *same* Bible text), and this establishes yet another connection between its people and *Eretz Yisrael*. For most Jews, there are differences, of course, due to the changes introduced by the Rabbinical tradition. But, even so, Rabbinical tradition was developed *both* in Judea and Babylon (although the latter was a stronger influence). In other cases, it is certainly almost completely the same, as occurs with Ethiopian Jews. Dr. Yossi Ziv, who researched religious rituals of Ethiopian Jews in Ethiopia, “[...] discovered that they maintained the same customs and traditions as the Jews of the Second Temple period for the past two thousand years” (Freidson 2016).

Researchers have been able to reconstruct with accuracy the image of the Temple itself and reproduce the sound of the cottails of the High Priest, who wore a belt of alternating pomegranates and bells around his waist, according to Exodus 28:34. As reported by Ynet News (2016), “This was done with the help of a golden bell discovered bell (sic) during the excavation of a drainage channel beneath Jerusalem in 2011 by archaeologist Eli Shukron of the Israel Antiques Authority. After discovering and researching the bell, made of pure gold, experts were confident they could recreate the sound produced by the 72 bells associated with the garb of the high priest”.

Yet, despite all this ample evidence, which is just the tip of the iceberg, ancient Jewish presence in Judea and history are continuously denied. More perplexing is that even the Islamic Waqf has to recognize a long Jewish presence in the area, since whenever they proceed to undertake any research, Jewish history constantly arises. And, of all places, from the Temple Mount itself:

“Israeli archaeologists on Thursday presented new details of what they said were the first tiny artifacts, unearthed in situ on the Temple Mount, ever conclusively dated to the time of the First Temple over 2,600 years ago. The discoveries were made during limited scientific excavations carried out atop the flashpoint Temple Mount in the past decade, the first of their kind since the British Mandate. The highly sensitive Israeli excavations were conducted with minimum publicity in cooperation with the Islamic Waqf which manages the incendiary holy site. The artifacts excavated from the mount, detailed in a paper and presentations at a conference at Hebrew University, are said to include olive pits, animal bones and pottery fragments dating to the time of the First Temple,²³ between the 8th and 6th Centuries BCE. Archaeologists have previously found a limited number of artifacts from First-Temple-period Jerusalem, but none of those finds were uncovered atop the mount itself. Rather, they were recovered from the Ophel excavations to the south of the Mount,

²³On findings of the times of the First Temple, see for instance Borschel-Dan (2019).

and from the Temple Mount Sifting Project, which examines rubble credibly believed to have been removed from the holy site and dumped in the nearby Kidron Valley” (Ben Zion 2017b).

The curious thing about this is that the Islamic Waqf (as do the rest of humanity) know full well that the Temple Mount is the site of two ancient Jewish Temples. Yet, the Palestinian Authority, as well as the entire Arab world, insists on denying Jewish history; worse, they try to appropriate it. However, Islam did not even exist 2,600 years ago.²⁴

This is far from the only example of Islamic implicit recognition of Jewish precedence in the Temple Mount. Ilan Ben Zion (2016a) explains in an article at *The Times of Israel* about explicit recognitions of this fact:

“A recently studied inscription [...] from the Mosque of Umar in Nuba, a village nearly 26 kilometers (16 miles) southwest of Jerusalem, mentions the village as an endowment for the Dome of the Rock and Al-Aqsa Mosque [...] the Dome of the Rock is referred to in the text as ‘the rock of the Bayt al-Maqdis’ — literally, ‘The Holy Temple’ — a verbatim translation of the Hebrew term for the Jerusalem temple that early Muslims employed to refer to Jerusalem as a whole, and the gold-domed shrine in particular. [...] Israeli researchers, who presented their findings during a conference on Jerusalem archaeology last week, dated it to the 9th or 10th centuries CE [...]

“[...] The distinction between the Al-Aqsa Mosque and Dome of the Rock in the text, authors Assaf Avraham and Peretz Reuven wrote, ‘together with the Hadith tradition and [Arabic] literature praising Jerusalem [from the 11th century], leads us to posit that the term Bayt al-Maqdis as it appears in the Nuba inscription... alludes directly to the Dome of the Rock.’ Further, medieval Muslim traditions surrounding the Dome of the Rock cited by the authors ‘identified the mount again and again with David and Solomon’s temples’ and ‘understood that the mount is the ancient temple rebuilt, the Quran is the true faith and the Muslims the true Children of Israel.’

“The 10th-century Muslim historian Muḥammad ibn Aḥmad Shams al-Din al-Muqaddasi wrote in his description of Syria and Palestine that ‘in Jerusalem is the oratory of David and his gate; here are the wonders of Solomon and his cities,’ and that the foundations of the Al-Aqsa Mosque ‘were laid by David.’ Likewise Nasir-i Khusraw, an 11th-century Persian travel writer, recorded in his description of the Haram that ‘Solomon — upon him be peace! — who, seeing that the rock was the Kiblah point, built a mosque round about the rock, whereby the rock stood in the midst of the mosque, which became the oratory of the people.’

“‘Rites imitating activities performed in the Jewish temple were held in and around the Dome of the Rock in the Ummayyad period,’ Avraham and Reuven wrote. ‘Performers of those rituals purified themselves, changed clothes, burned incense, anointed the stone with oil, opened and closed drapes and lit oil lamps.’

“‘In effect, the Muslims saw themselves as the ones continuing the biblical tradition of the temple,’ Avraham explained; they considered themselves the ‘*new Jews*.’

“[...] Even as late as 1951, historian — and then-Palestinian mayor of East Jerusalem — Aref el-Aref’s history of the Dome of the Rock stated unequivocally that ‘the ruins of Solomon’s Temple are under al-Aqsa’ and that Umar built a mosque atop the former build-

²⁴Islam appeared in the VIIth Century CE.

ing's site. But by 1965, 'A Brief Guide to the Dome of the Rock and Haram al-Sharif,' published by the Supreme Awqaf Council, completely *avoided mentioning the ancient Jewish temples*' (emphasis added) (Ben Zion 2016a).

Not surprisingly, 1965 is the time around which the Palestine Liberation Organization (PLO) was born (1964). And what about Jewish references to Jerusalem? There are discoveries going back as far as 2,600–2,700 years ago. Recently, a relevant papyrus²⁵ was found:

"The fragile text, believed plundered from a cave in the Judean Desert, was apparently acquired by the Israel Antiquities Authority during a sting in 2012 when thieves attempted to sell it to a dealer. Radiocarbon dating has determined it is from the 7th century BCE, making it one of just three extant Hebrew papyri from that period, and predating the Dead Sea Scrolls by centuries. The IAA's Eitan Klein said the dating of the papyrus had been confirmed by comparing the text's orthography with other texts from the period. [...] Its two lines of jagged black paleo-Hebrew script appear to have been a dispatch note recording the delivery of two wineskins 'to Jerusalem,' the Judean Kingdom's capital city. The full text of the inscription reads: 'From the female servant of the king, from Naharata (place near Jericho) two wineskins to *Jerusalem*'" (emphasis added) (Ben Zion 2016b).

Previously unknown historical records are constantly being discovered by means of archaeological research. Judea is often mentioned, as in this case from Haifa in 2016, where "A large rock bearing a *1,900-year-old inscription* was discovered on the seabed off the coast, south of Haifa, in the Mediterranean Sea earlier this year, bearing the name of Gargilius Antiques²⁶ and mentioning the province of Judea. The archaeologists were able to determine that Antiques ruled over Judea just prior to the legendary revolt against the Roman Empire, fought from 132 to 136 AD. The uprising was eventually crushed, resulting in the exile of Jews, and *Emperor Hadrian's renaming Jerusalem Aelia Capitolina and Judea Syria Palestina*" (The Times of Israel Staff 2016).

Josephus, the ancient Jewish historian, has been the subject of numerous analyses in the past. Many of his chronicles have been subject to scrutiny, and sometimes they were questioned. Yet, as we showed above, more and more findings support his accounts of the Jewish Rebellion period (66–70 CE). *The Times of Israel* reports on the finding of the site of a battle between Jews and Romans in Jerusalem before its destruction:

"[...] the discovery, made last winter during an excavation of a construction site for the new campus of the Bezalel Academy of Arts and Design outside the Old City, also finally confirmed the description of the wall that was breached provided by the historian Josephus

²⁵Although there is controversy with respect to its legitimacy, it constitutes but one of possible examples: "While there are more than a handful of ancient Hebrew texts etched into stone and scrawled on bits of pottery from this period, the only other known Hebrew papyrus texts from before the fall of the Judean Kingdom in 586 BCE were the Marzeah Papyrus, believed to be from mid-to-late 7th century BCE trans-Jordan, and a papyrus palimpsest found at Qumran" (Ben Zion 2016b). See also Harrow (2016).

²⁶Gargilius was a "previously unknown Roman prefect of the province of *Judea* in the time before the Bar Kochba revolt" (emphasis added) (The Times of Israel 2016).

Flavius. During the dig, the archaeologists found the remains of a tower surrounded by scores of stones and boulders fired by Roman catapults at the Jewish forces guarding the wall, the Israel Antiquities Authority said in a statement” (Rabinowitz 2016).

All of this archaeological evidence is well and good, but it is only relevant if the Jews of today can be proven to be descendants of ancient Jews, and therefore justified in inheriting the lost property of their forefathers. Let us now apply our classical liberal private property rights approach. While we cannot say that every single person today identifying himself as Jewish therefore has a right to inherit all this ancient property, we can safely claim that at least many Jews can prove physical descent from these previous generations of Jews. And nearly all modern Jews can certainly claim cultural descent from the latter.

Are the Jews of today the legal descendants of the original Jewish homesteaders of circa 2,000 years ago? We are not going back to the supposed Biblical times of the history of the Biblical Abraham, Isaac, and Jacob (later named Israel), because to prove the existence of these people is impossible (or, at the very least, extremely difficult), let alone lineage stemming from them or any property they may have homesteaded that still exists for claim.

We are, however, taking for granted that a people who called themselves Jews, spoke Hebrew and Aramaic, and practiced a religion similar to what modern observant Jews now practice, did in fact exist during the Roman period. We contend that the Israelis of today could converse with the Jews of 2,000 years ago in Hebrew. Many learned Orthodox Rabbis who study both the Aramaic Jerusalem and Babylonian Talmuds would even be able to communicate with the Jews of that generation in the Aramaic vernacular as well.

By “similar religion” we mean these two groups of people considered the same book, namely the Pentateuch and subsequent anthologies of the history and poetry of the ancient Israelites, as religiously authoritative. They also celebrated the same holidays with similar customs, for example sitting in an outdoor hut and waving palm fronds and citrons on the Festival of Tabernacles, eating unleavened bread on Passover, wearing phylacteries, and other clear religious similarities.

That Jews existed in Palestine around the turn of the common era needs no further elucidation and is confirmed by many sources, as we have already noted. The Arch of Titus, which still stands in Rome today, clearly depicts the many religious vessels looted from the Second Temple after its destruction by the Roman army in the year 70 CE, most famously the solid gold Menorah on which the popular holiday of Hannukah is based.

We are not making the case that the entire land mass of what is now the State of Israel belongs to all the Jews of today simply because of cultural continuity with a distinct group that happened to have homesteaded parts of the same land 2,000 years ago. What we are saying is that if it can be proven that 1) at least some Jews of today are both culturally and (or especially) physically descended from people who homesteaded land in Palestine (Judea) during the Roman period, and that 2) these modern Jews actually lay claim to these previously-homesteaded lands, and that 3) evidence of that previous homesteading still exists today, then according to

classical liberal and libertarian law, that specific previously-homesteaded land belongs to the heirs of those Jews who originally worked that land. The status of legal heir would be determined by the nearest of kin that could be determined genetically as well as culturally. If a plot cannot be attributed to a single heir, it would theoretically go to a group that could apply for equal shares in said land.

This would mean, according to classical liberal and libertarian theory as adumbrated by Murray N. Rothbard, for example, that any and every piece of land located within the jurisdiction of the modern State of Israel for which there is no physical evidence that any homesteading ever took place, is proverbially up for grabs by anyone who works it regardless of ethnicity or religion, as should be the case in any minarchist society. However, any piece of land where sufficient evidence exists that Jews of the Roman period previously did homestead the land, should return to the heirs of those Jews, provided that those heirs actually lay claim to it. The same is true for anyone else who can offer similar proof.

We will illustrate this principle via one specific plot of land. Title to it should be transferred from Arab to Jewish ownership based on these premises. In other words, the current Arab ownership (or control) of this terrain is unjustified, and the specific area of land in question should return to Jewish hands. From there, the same principles may be used wherever the same type of evidence and verified claimants exist.

The plot of land we will use as an example is perhaps the core of the entire “Jewish Arab conflict”,²⁷ that is the Temple Mount. The latter is a rectangular platform measuring 150,000 m² surrounded by a retaining wall on all four sides. It is constructed with Herodian stone dated to the reign of King Herod of Judea, who reigned from 37-4 BCE. The Wailing Wall, or Western Wall where Jews commonly worship today, is the most famous of these retaining walls, though the platform is surrounded on all four sides by the same architecture.

Herod’s construction of the foundations of these walls and their description is detailed in Josephus (1981, Book XV, Chapter XI, paragraph 6). He writes that the structure of the Temple itself was built by Jewish priests rather than by Herod or his staff, because only Jews of priestly lineage could enter the actual complex to do the building:

“But the temple itself was built by the priests in a year and six months, upon which all the people were full of joy, and presently they returned thanks, in the first place, to God, and in the next place, for the alacrity the king [Herod] had shown. They feasted and celebrated this rebuilding of the temple: and for the king, he sacrificed three hundred oxen to God as did the rest...”

Josephus also offers a topographical description of the Jerusalem of his day in *Wars*, Book 5, Chapters 4 and 5, ensuring that the area we know today as the Temple Mount is in fact that same area that Josephus is referring to in his works.

Further evidence that a Jewish Temple stood on that platform during the Roman period comes from the *Mishna*, a compilation of Jewish sources emanating around 200 CE, 130 years after the Temple’s destruction. Notably, most tractates of the

²⁷ See fn. 13.

Mishna record arguments amongst different Rabbinic sources. However, the tractates *Midot* and *Tamid*, which detail the blueprints and architectural design of the Temple and what happened there on a daily basis, contain no arguments beyond sourced footnotes adding certain details. This indicates the strong likelihood that agreement was nearly universal as to the measurements and general daily goings-on at the Temple at the time of the creation of the *Mishna*. Otherwise, differing opinions would have been included as they are in other tractates.

To get a sense of the detail in these sources, here is *Midot* 1:6:

“There were four chambers in the Hall of Fire, like alcoves opening into an auditorium. Two were in a consecrated part [of the Hall of Fire] and two in an unconsecrated part, and the ends of the beams separated between consecrated and unconsecrated. And what were they used for? The southwestern one was the Chamber of the Sacrificial Lambs. The southeastern one was the Chamber of the showbread. The northeastern one the Hasmoneans hid the stones of the altar that were defiled by the kings of Greece. [Through] the northwestern one the priests descended to the Room of Immersion.”

The above *Mishna* also shows evidence of the events commemorated in the holiday of Hanukkah, where the priestly Hasmonean family overthrew the Syrian Greek regime headed by Antiochus IV Epiphanes in 163 BCE. These events are also detailed throughout Josephus’s *Antiquities* as well as in the Apocryphal Books of Maccabees written after the close of the Biblical canon.

In any case, given historical evidence that Jewish priests built the building and served in it, including Josephus himself who was also a priest and himself served in the Temple, the \$64,000 question is, do these homesteaders have any modern day heirs? There are Jews alive today who claim to be paternal descendants of the Jewish priests that built and served in the Temple (the *Kohanim*). Genetic studies have also been done on the Y-chromosomes of Jewish men claiming descent from these people. One recent study (Hammer et al. 2009) completed in 2009 tracking the male chromosome found:

“The most frequent Kohanim lineage (46.1%) is marked by the recently reported P58 T->C mutation, which is prevalent in the Near East. Based on genotypes at 12 Y-STRs, we identify an extended CMH on the J-P58* background that predominates in both Ashkenazi and non-Ashkenazi Kohanim and is remarkably absent in non-Jews. The estimated divergence time of this lineage based on 17 STRs is 3,190 +/- 1,090 years. Notably, the second most frequent Kohanim lineage (J-M410*, 14.4%) contains an extended modal haplotype that is also limited to Ashkenazi and non-Ashkenazi Kohanim and is estimated to be 4.2 +/- 1.3 ky old. These results support the hypothesis of a common origin of the CMH in the Near East well before the dispersion of the Jewish people into separate communities, and indicate that the majority of contemporary Jewish priests descend from a limited number of paternal lineages.”

That modern Jews who claim descent from Jewish priests have a shared paternal lineage does not of itself prove that modern priests actually descend from the people who built and served in the Temple. However, the preponderance of evidence in this case is overwhelming.

First, the platform of the Temple Mount itself predates the structures currently on the Mount by centuries. The Dome of the Rock was only completed in 691, about 700 years after the platform was completed and 600 years after the Temple was

destroyed. Second, there is cultural continuity between the people who originally built the structure – Jewish Priests as documented by Josephus – and modern day observant Jewish *Kohanim*. They learned the same texts, celebrated the same holidays, and followed many of the same religious rituals. They all prayed, and still pray, in the direction of the very building in question. Third, there is evidence of genetic descent as well, and at least some of these people with evidence of cultural and genetic continuity with the original homesteaders do claim ownership of the place.

It would be consistent with libertarian/Lockean homesteading theory to say that the area of the Temple Mount should be transferred to all such modern day Jewish priests who claim descent from the original homesteaders. This could be done by dividing the territory via shares, and giving them to all who test positive for the same genetic markers that indicate shared paternal descent.

From the example of the Temple Mount we may extend to any area where evidence of previous Jewish homesteading is confirmed. The same goes, of course, for Muslim claims as well. That means wherever there is evidence of previous Muslim homesteading of land in the State of Israel that is currently occupied by Jews, title should be transferred to Muslims provided that cultural and genetic descent can be similarly proven by the other side. In cases where there is both evidence of Jewish and Muslim homesteading, archeological evidence would need to be presented to see which predates which in any particular case.

As we have demonstrated, the Palestinian Arabs have been frantically attempting to erase as much archeological evidence of previous Jewish presence on the Temple Mount as possible by digging underneath the complex and discarding material incompatible with their claims. But consistent findings by Jews sifting through the trash left behind by PA renovations to the Mount continue to confirm past Jewish presence there.

A common view challenging the Judean descent of modern day Jews is that Jews who immigrated to Israel in the last years of the 19th century and the beginning of the 20th century were not the proper descendants of the original Jews, since the former were supposedly from “Khazar,” not Middle Eastern, descent. Yet again, this has no basis in reality nor historical record (Beider 2017). As this recent study (Behar et al. 2013) illuminates:

“It has been claimed, however, through a reanalysis of some of our data, that a large part of the ancestry of the Ashkenazi population originates with the Khazars, a Turkic-speaking group that lived to the north of the Caucasus region ~1,000 years ago. Because the Khazar population has left no obvious modern descendants that could enable a clear test for a contribution to Ashkenazi Jewish ancestry, the Khazar hypothesis has been difficult to examine using genetics [...] Here, through integration of genotypes on newly collected samples with data from several of our past studies, we have assembled the largest data set available to date for assessment of Ashkenazi Jewish genetic origins. This data set contains genome-wide single-nucleotide polymorphisms in 1,774 samples from 106 Jewish and non-Jewish populations that span the possible regions of potential Ashkenazi ancestry: Europe, the Middle East, and the region historically associated with the Khazar Khaganate. The data set includes 261 samples from 15 populations from the Caucasus region and the region directly to its north, samples that have not previously been included alongside Ashkenazi Jewish

samples in genomic studies. Employing a variety of standard techniques for the analysis of population genetic (sic) structure, we find that Ashkenazi Jews share the greatest genetic ancestry with other Jewish populations, and among non-Jewish populations, with groups from Europe and the Middle East. No particular similarity of Ashkenazi Jews with populations from the Caucasus is evident, particularly with the populations that most closely represent the Khazar region. Thus, analysis of Ashkenazi Jews together with a large sample from the region of the Khazar Khaganate corroborates the earlier results that Ashkenazi Jews derive their ancestry primarily from populations of the Middle East and Europe, that they possess considerable shared ancestry with other Jewish populations, and that there is no indication of a significant genetic contribution either from within or from north of the Caucasus region.”²⁸

However, we do not rely only on genetic studies. What, after all, is meant by an indigenous population? Ryan Bellerose (2017), in an excellent article at *The Times of Israel*, explains the concept according to the insights offered by anthropologist José Martínez Cobo (former UN’s special rapporteur on discrimination against indigenous populations):

“[José Martínez Cobo]... developed a simple checklist in order to make indigenous status easier to understand. Even though that checklist has since been adjusted—I would argue, to fit the UN’s anti-Israel agenda—it remains the standard for most anthropologists in the field today:

“Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present nondominant²⁹ sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system.

“This historical continuity may consist of the continuation, for an extended period reaching into the present of one or more of the following factors:

²⁸According to yet another study (Rootsi et al. 2013), concerning the Levites (who also served in the Temple): “Previous Y-chromosome studies have demonstrated that Ashkenazi Levites, members of a paternally inherited Jewish priestly caste, display a distinctive founder event within R1a, the most prevalent Y-chromosome haplogroup in Eastern Europe. Here we report the analysis of 16 whole R1 sequences and show that a set of 19 unique nucleotide substitutions defines the Ashkenazi R1a lineage. While our survey of one of these, M582, in 2,834 R1a samples reveals its absence in 922 Eastern Europeans, we show it is present in all sampled R1a Ashkenazi Levites, as well as in 33.8% of other R1a Ashkenazi Jewish males and 5.9% of 303 R1a Near Eastern males, where it shows considerably higher diversity. Moreover, the M582 lineage also occurs at low frequencies in non-Ashkenazi Jewish populations. In contrast to the previously suggested Eastern European origin for Ashkenazi Levites, *the current data are indicative of a geographic source of the Levite founder lineage in the Near East and its likely presence among pre-Diaspora Hebrews*” (emphasis added).

²⁹“You might be wondering why this seemingly throwaway line about ‘prevailing societies and non-dominant sectors’ was included when it’s so clearly counterintuitive to our goals as indigenous peoples. It is my belief that it was inserted to deny indigenous status to one specific people, in fact, the only people who have actually achieved full self-determination on their ancestral lands: the Jewish people.” (Bellerose 2017)

- “a) Occupation of ancestral lands, or at least of part of them;
- “b) Common ancestry with the original occupants of these lands;
- “c) Culture in general, or in specific manifestations (such as religion, living under a tribal system, membership of an indigenous community, dress, means of livelihood, life-style, etc.);
- “d) Language (whether used as the only language, as mother-tongue, as the habitual means of communication at home or in the family, or as the main, preferred, habitual, general or normal language);
- “e) Residence on certain parts of the country, or in certain regions of the world;
- “f) Other relevant factors” (Bellerose 2017).

With respect to Jews, we can clearly see that they qualify for each and every item,³⁰ and regarding to point f) we can add another one, highly critical for the libertarian: Jews came back and homesteaded *again* what was theirs, initially, by right. Bellerose (2017) continues:

“The primary argument promoting the false narrative that Jews are not indigenous to the land of Israel is that they are actually the descendants of European colonizers. This can be easily rebuked. Recent studies support the notion that some 80 percent of Jewish males, and 50 percent of Jewish females, can trace their ancestry to the Middle East. Early population genetics studies also confirm that ‘most Jewish Diaspora groups originated in the Middle East’.³¹

“The next argument against Jews being an indigenous people derives from the fact that Abraham was from Ur. And, while he is considered the father of the Jewish people, they did not become a people in Ur but in the Levant—specifically, in modern-day Judea and Samaria.

“According to Jewish tradition and spirituality, the Torah was given to the Jewish people at Mount Sinai, but they had their cultural Genesis in the land of Israel. Of the 613 mitzvot, the vast majority can only be completed in the land of Israel. The Patriarchs and Matriarchs of the Jewish people are all buried in the land of Israel. The holiest sites in Judaism are located—you guessed it—in the land of Israel. Abraham was indeed from Ur, but the people who stemmed from him are, without a doubt, from Israel.

“This is closely related to the issue of Jerusalem, which both Palestinian Muslims and Israeli Jews claim as their own. One need only look to the Tanakh, where Jerusalem is mentioned an astounding 699 times, and then to the Quran, where Jerusalem is not mentioned even once, to resolve this dispute.

³⁰Hence, to talk about Israeli Jews as settler-colonialistas is simply absurd. Joffe (2017) explains on this regard: “The idea of Jews as ‘settler-colonialists’ is easily disproved. A wealth of evidence demonstrates that Jews are the indigenous population of the Southern Levant; historical and now genetic documentation places Jews there over 2,000 years ago, and there is indisputable evidence of continual residence of Jews in the region. Data showing the cultural and genetic continuity of local and global Jewish communities is equally ample. The evidence was so copious and so incontrovertible, even to historians of antiquity and writers of religious texts, some of whom were Judeophobes, that disconnecting Jews from the Southern Levant was simply not conceived of. Jews are the indigenous population.”

³¹ See Ostrer and Skorecki (2013).

“Then there is the Canaanite argument, a relatively newer piece of Palestinian propaganda that argues—because the Torah claims that the Canaanites were driven out by the Israelites—that Jews are therefore not indigenous to Israel. Archaeologists suggest, however, that the Canaanites were in fact not destroyed at all, but subsumed by the ascendant Hebrew people.

“[...] pre-Islamic Arabs—of whom Palestinians are direct descendants—first appeared only in the 9th century BCE, not in 7000 BCE. Third, in 1946, before the establishment of Modern Israel, Palestinian-Arab leaders themselves only claimed a connection to the land of Israel dating back no further than seventh century CE—when Muhammad’s followers conquered North Africa and the surrounding region.” (Bellerose 2017)

What about Palestinian Arabs themselves (Inbari 2017)? Even they themselves sometimes recognize that the narrative concerning “Palestinian History” is a lie. Nadav Shragai (2014a) explains:

“Fathi Hamad, the interior minister in the Hamas government in the Gaza Strip, who cried out for Egyptian assistance during the IDF’s operations in the area in March 2012 [said] ‘When we ask for your help, it is so that we can continue the jihad,’ he said. ‘Praise God, we all have Arab roots and every Palestinian in Gaza and all over Palestine can prove their Arab roots, whether they be in Saudi Arabia and Yemen, or anywhere else. We have blood ties’. ‘Speaking personally, half of my family is Egyptian,’ he said. ‘Where is your mercy? There are over 30 families in the Gaza Strip with the surname Al-Masri, ‘Egyptian.’ Brothers, half of the Palestinians are Egyptian, and the other half are Saudi. Who are the Palestinians? We have many families called Al-Masri whose roots are Egyptian! They come from Alexandria, Cairo, and Aswan. We are Egyptians. We are Arabs. We are Muslims.’”

The author continues, at *Israel Hayom*, on

“[...] former MK Azmi Bishara, the Israeli Arab Christian founder of the Balad party. He fled Israel after he was suspected of spying and assisting Hezbollah. In the preface to Benedict Anderson’s famous work *Imagined Communities*, Bishara writes: ‘Modern Arab nationalism makes it seem like the fact that it was created in the 19th century, like other national movements, subtracts from its worth or its justness.’ ‘It feels obligated to nationalize the history of Arab-speaking peoples and to make it into a national history that goes back to before the time of Islam all the way to contemporary times...’ [...] ‘Acting out of a need to compete with Zionism, the Palestinian national movement has anchored its origins with those of the Canaanites,’ [...] ‘In doing so, it achieve (sic) its own, unique start-off point in the past that precedes that of the Hebrew tribes, which Zionism claims as its natural descendants’” (Shragai 2014a).

Here Bishara concedes that the Palestinian Arabs must identify as the original Canaanites in order to supplant Jewish claims to Israel. However, modern day Arabs have neither cultural nor genetic connection to ancient Canaanites. Whereas a modern religious Jew could easily converse with a Judean of 2,500 years ago in Hebrew and quote the same texts and shares a genetic background, modern day Palestinian Arabs would have no way of communicating with ancient Canaanites nor do they have any cultural similarities, nor have any Arabs ever claimed cultural or genetic

continuity with ancient Canaanites until recently (particularly to support Palestinian Arab claims).

What of the claim that Palestinian Arabs are descendants of Canaanites in Islamic and Arab history? Shragai (2014a) quotes Professor Rafi Israeli, an expert on Islam (Hebrew University):

“‘The early origins of the Arabs who came to this country are in the Arabian peninsula,’ [...] ‘The first ones came from there. Now they are standing on their heads. Instead of saying that they are Arabs who immigrated to Canaan and turned it into a Muslim country, they have rendered themselves indigenous Canaanites.’ ‘Even their Arab surnames give clear clues that they immigrated here,’ [...] ‘In Umm al-Fahm,³² there are four large clans who originated in Egypt.³³ In the Old City of Jerusalem, one can find the Moroccan Quarter, which was home to Muslims who came from North Africa, the Maghreb, and settled in the Land of Israel.’ ‘Furthermore, the Ottoman Empire transferred populations from place to place in order to tighten its control over those areas’ [...] ‘Take, for example, the Circassians, Muslims from the Caucasus who were brought here and have settled here since.’”

This author also quotes a book by Professor Nissim Dana (Ariel University) entitled *To Whom Does This Land Belong – A Reexamination of the Quran*, where he describes that:

“‘In the Quran, which according to Islam is the word of God whose holiness cannot be minimized or exceeded, there are 10 passages which state that Allah bequeathed the land to the Jewish people,’ [...] ‘In all of these instances, it is written that there is not only the right but the obligation placed on the Sons of Israel to inherit the land. On the other hand, there is no mention in the Quran of bequeathing the land to Muslims, Arabs, Palestinians, or any other nation not called the Jewish people.’ [...] ‘Moreover, the current claim going around, which states that the nations from which the land was conquered by the Jewish people – the Canaanites, the Jebusites, the Anakites – were ‘Arab’ doesn’t square with the fact that according to Islam itself, the Israelites were commanded by Allah to conquer the land from those nations after they had defiled him by worshipping idols’” (Shragai 2014a).

If the Quran itself admits that the Canaanites were conquered for worshipping idols, then Islam itself denies that Arabs, as Muslims, are descendants of Canaanites. Or at the very least it makes both claims problematic. In any case, even if they were, this also denies that there is an Islamic case for defending ownership of Palestine by Canaanite descendants, because according to the Quran, the Canaanites were justly conquered by Israelites. This is not particularly interesting for non-Muslims, but it is relevant for those anti-Israel organizations or countries that base their opposition to Israel on Islamic roots.

Dana, quoted by Shragai (2014a), continues:

“‘[...] As for Jerusalem, from Chapter 2, Verse 142 onward in the Quran, the city was mentioned in the context of which direction one needs to turn in order to pray,’ [...]’ But that was

³² Located in Israel’s north.

³³ Moreover, “A research study which [Professor] Bartal co-authored with Dr. Rivka Shpak Lissak shows that the four main clans that make up the population of Umm el-Fahm -- Makhagna, Jabrin, Mahamid, and Aghbariya -- trace their roots back to families who immigrated to Palestine in the 17th century onward from Saudi Arabia, Yemen, and Syria. It was only afterward during the 19th century when many families from Egypt and Transjordan joined them” (Shragai 2014a).

to entice the Jews to convert to Islam, since the proper direction for Muslims to pray toward is the Kaba in Mecca. With regards to the famous story about the Prophet Muhammad's ascendance to heaven, after his overnight journey from Mecca to Jerusalem on the back of a wild animal known as 'al Burak,' the Quran has something to say about this.'

"The Quran mentions the testimony of Aisha, the prophet's beloved wife, who said that she and her husband stayed together throughout the night he supposedly went up to heaven,' [...] 'So, according to Aisha, the whole episode was nothing more than a dream that was dreamt at night. It wasn't really an ascendance to the heavens.'

"Ibn Taymiyyah, the Islamic scholar, philosopher, and theologian who died in 1328, denounced as a lie the deceitful claim made today that Muhammad left evidence of his visit to the Temple Mount,' [...] 'Solomon's Stables, which the Muslims of our generation have turned into a mosque, are specifically cited by one of Islam's grandest scholars, Ibn Khaldun, as part of the Temple'" (Shragai 2014a).

Moreover, Palestinian Arab national symbols, far from showing a historical proof of an ancient people in its homeland, have no significant particularities of their own, given the political movements in the area. Shragai (2014a) continues:

"Perhaps an examination of the colors of the Palestinian national flag will tell the real story'. [Professor Bartal said] 'the flag is missing its own uniqueness.' 'The white symbolizes the Umayyad caliphate (650–750 A.D.), the black represents the Abbasid dynasty, and the green represents Islam as well as the Shiite Fatimid caliphate, while the red is the color of the Hashemites, the descendants of the Prophet Muhammad,' [...] 'Many Arab countries have identical or nearly identical flags,' [...] 'Jordan, Iraq up to 1958, the countries of western Sahara, Kuwait, and Sudan [all had the same or almost the same designs]. The similarity stems from the fact that this flag represents Arab nationalism, and there is nothing there that links the Palestinians with the biblical Canaanites'" (Shragai 2014a).

Palestinian propaganda, therefore, is full of lies. As is often the case, that which Zionists are blamed for is actually done by its enemies. In this case, the charge of settler-colonialists is better suited for the first Arabs who inhabited the area of Palestine. Alex Joffe (2017), elucidates:

"Palestinian genealogies that show their own tribes originating outside the Southern Levant are prima facie evidence of Arab settler-colonialism. And while narratives of the Arab conquests of Byzantine Palestine and North Africa cannot be taken at face value, they are pure ideological expressions of settler-colonialism. In 634-37 CE, Muslim armies commanded by the Caliph Umar conquered the entirety of the Levant before invading Armenia and Anatolia in 638 and Cyprus in 639.

"The subsequent Islamization and Arabization of the Levant was a long and complex imperial process that entailed reorganizing the region into administrative provinces, instituting new social categories for the purposes of taxation and control, implanting settlers and re-portioning lands as estates, and encouraging conversion to Islam. Over the centuries, other settlers migrated and were intentionally implanted, including, in the 19th century alone, Egyptians fleeing from and imported by Muhammad Ali from the late 1820s to the 1840s, as well as Chechens, Circassians, and Turkmen relocated by the Ottoman Empire in the 1860s after its wars with Russia. Tribes of Bedouins, Algerians, Yemenis, and many others also immigrated during that century.

“As for modern immigration, Inbari could well have pointed to the well-documented increases in Palestinian census numbers from 1922 to 1931, produced by illegal immigration spurred by the development of the region’s infrastructure and economy. One estimate sees some 37% of the increase in Palestinian population between 1922 and 1931, over 60,000 persons, having been the result of illegal immigration. Another study found that from 1932 to 1946, another 60,000 illegal male immigrants entered the country, with uncounted females imported as brides. These were in addition to the great influx of Arab workers from 1940 to 1945 in connection with the war effort.”

Therefore, the claim to the widely held idea that Palestinian Arabs are the indigenous population of the land, with a millennia connection to it, is simply not based on facts.

Another modern objection against Jewish claims to Judea is that the Jews were, also, settler colonialists at the time of the Biblical invasion of Canaan between 3,200–3,000 years ago. The problem is that no Canaanite *exists* today, nor is there any way of identifying such a person or people.

But, let us assume, *arguendo*, that there were to be found descendants of the Canaanites. Unlike Jews, they have not reiterated their claims to the land from generation to generation continuously. Moreover, they do not have a common “Canaanite” culture, customs, nor identification, which would buttress their (non-existent) claim of genetic continuity.

The contrary to fact conditional that one can trace a specific genetic characteristic back to ancient times does not imply that there are “Modern Canaanites”. Nor would this say anything about specific property nor lands. This is very different in the Jewish case since modern day *Kohanim* are descendants of the original homesteaders located at a specific place, the Temple Mount. We do not assert that they are entitled to any and all pieces of land in the Middle East.

Even if there were “Modern Day Canaanites”, which specific land would they claim as theirs? Is there any evidence of them homesteading all of Israel? Any part of it? There is some, as we do not deny that Canaanites once existed, but Jewish presence is almost but not quite literally “all over the place”.³⁴ And there is indeed a cultural, religious, etc. connection between ancient and modern Jews which provides empirical evidence in behalf of these homesteading claims.

The connection is much stronger and more fluid than, say, today’s British people and the culture surrounding the ancient poem of Beowulf, for example. This was an epic poem written in Old English in what is now the United Kingdom between the 8th and 11th centuries CE. Only specialized scholars can read it in the original, and modern day British people see it mostly as an interesting oddity, yet certainly there is some cultural connection between today’s British and the author of Beowulf. By contrast, Jewish works written long before this are ubiquitous and can be read easily by almost any Hebrew-speaker.

³⁴Of course, not every place. That is, not every square inch or foot or yard. However, in Jerusalem, for instance, there is rarely an acre, and certainly not a square mile, that does not bear an ancient Jewish imprint. John Locke, the father of libertarian homesteading theory, could not but be impressed.

Finally, there is no “Modern Canaanite” currently demanding reparations for his forefathers’ land, owned 3,000 years ago. A recent article in *National Geographic*, claiming that living descendants of original Canaanites were identified through DNA, clearly puts paid to this argument:

“No archaeological evidence for the widespread destruction of Canaanite settlements described in the Bible has yet been identified, and many scholars believe that the Israelites, who appear around the beginning of the Iron Age, may have originally been Canaanites... While the researchers were surprised at the level of genetic continuity between ancient Canaanites and modern Lebanese after some 4,000 years of war, migration, and conquest in the area, they caution against drawing too many conclusions on ancient history based solely on genetic data. ‘People can be culturally similar and genetically different, or genetically similar and culturally different,’ says Tyler-Smith. [co-author of the study]” (Romey 2017).

This last remark is also the reason we do not rely on genetic studies alone. These are only just a part of the overall case for Jewish claims to the land of Israel.

But enough is enough. We have presented only a brief sample of recent archaeological discoveries and well known historical sources that prove Jewish *connection* to Judea. Denying it is worse than impossible, it is dishonest. Yet, this is part and parcel of Palestinian Arab propaganda. There is no other way to undermine the legitimacy of the present Jewish presence in Israel if history is not distorted. *The logical step before demonization is delegitimization.*³⁵

The reader may judge for himself what is the real purpose of those who try to do just that. As we tried to show, it is not precisely truth. But, what is truth, in particular with regard to Israel’s founding and the Zionist project? Let us study the subject in the next chapter.

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³⁵We will see more on this below, in Chap. 5, when we deal with anti-Zionism.

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Chapter 2

Zionism



If you will it, it is no dream.

Theodor Herzl (1902 [Quoted in Avineri (2012)]).

In our view, Zionism is in effect the Movement of National Liberation of the Jewish People. After two thousand years of persecutions, expulsions and violence, Jews needed to find a way to defend themselves, and most importantly, to settle in a place to develop and grow in peace. Zionism was the answer. Where is the best place to do so? No better place than Zion. No matter where Jews were, either Europe or the Middle East, Zion has always been their most important goal.

The Jewish idea of coming back to the land of Israel to live there is not new. Zionism is not, and certainly was not in the nineteenth century,¹ a homogeneous movement:

“The first writings in what later came to be known as Zionism appeared in the mid-1800s. In 1840 the Jews of Eastern Europe and the Balkans had been aroused by rumors that the messianic era was at hand. Various writers, most prominently Rabbi Judah Alkalai and Rabbi Zevi Hirsch Kalisher but including many others, were impressed by the nationalist fervor of Europe that was creating new nation-states and by the resurgence of messianic expectations among Jews. Kalisher wrote that Jewish nationalism was directly akin to other nationalist movements and was the logical continuation of the Jewish enlightenment that had begun in France in 1791 when Jews were granted civil liberties. Alkalai consciously altered his expectations from a miraculous messianic salvation to a redemption by human effort that would pave the way for the arrival of the messiah. Both authors urged the development of Jewish national unity, and Kalisher in particular foresaw the ingathering to Palestine of many of the world's Jews as part of the process of emancipation” Metz (1988a).

This chapter is based on parts of our paper Block, Walter E., Alan G. Futerman and Rafi Farber. 2016. “A Libertarian Approach to the Legal Status of the State of Israel.” *Indonesian Journal of International and Comparative Law*, Vol. 3, Issue 3, June, pp. 435–553.

¹See as an example of support for a Jewish Home in Palestine the letter by Napoleon Bonaparte (1799).

In fact, the source of Zionism could be traced back to the Babylonian exile, and after the great deportations of 135 C.E. by the Romans many types of Zionisms emerged. Until the nineteenth century Jewish immigration and presence in Israel responded mainly to religious phenomena. But later, other secular views appeared²:

“The first Jew to articulate a political Zionist platform was [...] Leo Pinsker, reflecting the disappointment of other Jewish maskalim [Jewish Enlightenment], wrote in a pamphlet entitled *Auto-Emancipation* that anti-Semitism was a modern phenomenon, beyond the reach of any future triumphs of ‘humanity and enlightenment.’ Therefore Jews must organize themselves to find their own national home wherever possible, not necessarily in their ancestral home in the Holy Land. Pinsker’s work attracted the attention of *Hibbat Tziyyon* (Lovers of Zion), an organization devoted to Hebrew education and national revival. Ignoring Pinsker’s indifference toward the Holy Land, members of *Hibbat Tziyyon* took up his call for a territorial solution to the Jewish problem. Pinsker, who became leader of the movement, obtained funds from the wealthy Jewish philanthropist, Baron Edmond de Rothschild – who was not a Zionist – to support Jewish agricultural settlement in Palestine at Rishon LeZiyyon, south of Tel Aviv, and Zikhron Yaaqov, south of Haifa [...]” Metz (1988b).

Among the secular perspectives of Zionism, we are especially interested in *Political Zionism*, championed by Theodor Herzl and later Chaim Weizmann. Given the desperate situation of Jews (especially in Eastern Europe), Political Zionists were not talking only about Palestine as a possible Jewish homeland, since even Herzl considered other proposals such as Uganda (Lipsky 2008; Metz 1988c) and the Patagonia in Argentina.³ The objective was to give millions of persecuted Jews a secure homeland out of the reach of abusive state apparatuses. However, the main goal has always been the return to Zion, and the fundamental prime mover of the Zionist enterprise was Theodor Herzl:

“The impetus to the founding of a Zionist organization with specific goals was provided by Theodor Herzl [...] The turning point in Herzl’s thinking on the Jewish question occurred during the 1894 Paris trial of Alfred Dreyfus, a Jewish officer in the French army, on charges of treason (the sale of military secrets to Germany). Dreyfus was convicted, and although he was eventually cleared, his career was ruined. The trial and later exoneration sharply divided French society and unleashed widespread anti-Semitic demonstrations and riots throughout France. To Herzl’s shock and dismay, many members of the French intellectual, social, and political elites – precisely those elements of society into which the upwardly mobile emancipated Jews wished to be assimilated – were the most vitriolic in their anti-Semitic stance. The Dreyfus affair proved for Herzl, as the 1881 pogroms had for Pinsker, that Jews would always be an alien element in the societies in which they resided as long as they remained stateless. He believed that even if Jewish separateness in religion and social

²For examples of different types of Zionism (Spiritual, Cultural, Political, etc.) see Pinsker (1882); Shlomo (1981); Ha’am (1962, 1889; 1891); Herzl (1989); Hertzberg (1959); Jabotinsky (1923). On the relation between Democracy and Zionism, see Kaplan (2019).

³Among libertarian theorists, Kinsella (2001a) suggests moving the Jewish state to Utah and Wyoming, while Kinsella (2003a) cites several other authors with proposals of this sort for Israelis. All we have to say about this, apart from the obvious injustice of forcing Jews to abandon their property and homes, is that it would necessarily involve involuntary transfers (unless one thinks the Israelis will accept such a move, which is absurd), and therefore these recommendations, if forcibly carried out, would constitute a violation of the non-aggression principle.

custom were to disappear, the Jews would continue to be treated as outsiders. Herzl put forth his solution to the Jewish problem in *Der Judenstaat* (The Jewish State) published in 1896. He called for the establishment of a Jewish state in any available territory to which the majority of European Jewry would immigrate” Metz (1988b).

In *The Jewish State* (1896), Herzl was thorough in his examination of the characteristics such a state should have.⁴ His ideas on the founding of Israel had an up-bottom perspective. This is why his work was focused primarily in securing political support (hence the name, Political Zionism) for the project. His second goal was to promote immigration. But Israel is not primarily the result of any one political decree, or centralized plan. Instead, it arose from the spontaneous actions of hundreds of thousands of Jews who returned to Zion in order to build their homes, and only much later their state. Zionism, in fact, was a bottom up process, the outcome of the interaction of thousands of private individuals and organizations, each with their own backgrounds, inspired and moved by the millennia traditions of the Jewish people. It was a purely classical liberal and libertarian enterprise: the hard journey to living free in the land of their forefathers, to thrive once again free from coercion.

The Jewish population was not only subjected to anti-Semitism and violence as second class citizens, but specifically in Eastern Europe, to mass slaughter in the “pogroms”.⁵ For Political Zionists, which land was to be the shelter for Jews was not that relevant, although Palestine was the obvious choice due to the millennia-long connection between the Jewish People and *Eretz Yisrael* (the land of Israel). The main point was to find a secure place for Jews to live free from persecution under a foreign state.

For other Zionists, such as Ahad Ha’am, the best way to achieve the return to Zion was by promoting Judaism among communities in the Diaspora and to secure settlements in Palestine with a strong Jewish culture in the area to live once again based on Judaism; and only later create a state. As such, this approach was much more compatible with a bottom up, spontaneous order process. His real name was Asher Zvi Hirsch Ginsberg,⁶ but it is no coincidence he was known as Ahad Ha’am (one of the people) since he saw himself as just an individual who could not conceive of centrally planning a state without the necessary foundation: convinced *individuals* with a strong Jewish culture who would make it happen. For him:

⁴“The new state would be modeled after the postemancipation European state. Thus, it would be secular in nature, granting no special place to the Hebrew language, Judaism, or to the ancient Jewish homeland in Palestine [...] In 1897 Herzl convened the First Zionist Congress in Basel, Switzerland. The first congress adopted the goal: ‘To create for the Jewish people a home in Palestine secured by Public Law.’ The World Zionist Organization (WZO) was founded to work toward this goal, and arrangements were made for future congresses. The WZO established a general council, a central executive, and a congress, which was held every year or two. It developed member societies worldwide, continued to encourage settlement in Palestine, registered a bank in London, and established the Jewish National Fund (Keren Kayemet) to *buy land in Palestine* [...]” (emphasis added by present authors). Metz (1988b).

⁵For a brief description on the history and nature of pogroms see <http://www.jewishvirtuallibrary.org/jsource/History/pogroms.html>

⁶He was born in Skvyra, Russia, on 8/18/1856 and died in Tel Aviv on 1/2/1927.

“...[The] solution was cultural Zionism: the establishment in Palestine of small settlements aimed at reviving the Jewish spirit and culture in the modern world. In the cultural Zionist vision, a small number of Jewish cadres well versed in Jewish culture and speaking Hebrew would settle in Palestine. Ahad Ha’Am believed that by settling in that ancient land, religious Jews would replace their metaphysical attachment to the Holy Land with a new Hebrew cultural renaissance. Palestine and the Hebrew language were important not because of their religious significance but because they had been an integral part of the Jewish people’s history and cultural heritage” Metz (1988c).

However, all types of Zionist viewpoints converged in creating the national Jewish home. That several versions of Zionisms existed shows that this project had little in common with a top-down centralized, process. The idea of a Jewish State in the area of what was then called Palestine was due to the millennia-long Jewish connection, both cultural and physical in the Diaspora, with this particular land. Such enterprise was not to be achieved through conquest, but through negotiation and purchase.⁷ In fact, most of the Jewish settlements that were created did so in lands bought by Jewish philanthropists in order to promote Jewish immigration. This is starkly contrary to the idea that the Jews somehow stole the land from Arabs. Mitchell G. Bard (2012, 16–18) explains:

“Despite the growth in their population, the Arabs continued to assert they were being displaced. From the beginning of World War I, however, part of Palestine’s land was owned by absentee landlords who lived in Cairo, Damascus and Beirut. About 80 percent of the Palestinian Arabs were debt-ridden peasants, semi-nomads and Bedouins. Jews actually went out of their way to avoid purchasing land in areas where Arabs might be displaced. They sought land that was largely uncultivated, swampy, cheap and, most important, without tenants. In 1920, Labor Zionist leader David Ben-Gurion expressed his concern about the Arab *fellahin*, whom he viewed as ‘the most important asset of the native population.’ Ben-Gurion said ‘under no circumstances must we touch land belonging to *fellahs* or worked by them.’ He advocated helping liberate them from their oppressors. ‘Only if a *fellah* leaves his place of settlement,’ Ben-Gurion added, ‘should we offer to buy his land, at an appropriate⁸ price.’ It was only after the Jews had bought all of the available uncultivated land that they began to purchase cultivated land.⁹ Many Arabs were willing to sell because of the migration to coastal towns and because they needed money to invest in the citrus industry. When John Hope Simpson arrived in Palestine in May 1930, he observed: ‘They [Jews] paid high prices for the land, and in addition they paid to certain of the occupants of those lands a considerable amount of money¹⁰ which they were not legally bound to pay.’ In 1931, Lewis French conducted a survey of landlessness for the British government and offered new plots to any Arabs who had been ‘dispossessed.’ British officials received more than 3,000 applications, of which 80 percent were ruled invalid by the Government’s legal

⁷Suppose, contrary to fact conditional coming up, that the Jews took this land by force (after first asking nicely, of course). It is our contention that they still would have been justified in doing precisely that, since, we maintain, they were the first homesteaders of it, some 2000 years ago. See below on this.

⁸From the libertarian perspective, *any* mutually agreed upon price is a legitimate one.

⁹Had it been precisely the other way around, that, too, would have been completely compatible with libertarian law.

¹⁰According to libertarian doctrine, the amount of money that changes hands in any deal is irrelevant to whether the commercial interaction is licit or not. All that is necessary is that there were no threats, no duress, and the deal was voluntary on both sides.

adviser because the applicants were not landless Arabs. This left only about 600 landless Arabs, 100 of whom accepted the Government land offer.”

The Peel Commission, analyzing this subject, came to the same conclusion: no dispossession was taking place. Bard continues:

“In April 1936, a new outbreak of Arab attacks on Jews was instigated by a Syrian guerrilla named Fawzi al- Qawukji, the commander of the Arab Liberation Army. By November, when the British finally sent a new commission headed by Lord Peel to investigate, 89 Jews had been killed and more than 300 wounded. The Peel Commission’s report found that Arab complaints about Jewish land acquisition were baseless. It pointed out that ‘much of the land now carrying orange groves was sand dunes or swamp and uncultivated when it was purchased... there was at the time of the earlier sales little evidence that the owners possessed either the resources or training¹¹ needed to develop the land.’ Moreover, the Commission found the shortage was ‘due less to the amount of land acquired by Jews than to the increase in the Arab population.’ The report concluded that the presence of Jews in Palestine, along with the work of the British Administration, had resulted in higher wages, an improved standard of living and ample employment opportunities.”¹²

As Bard establishes, it is also a falsehood that Jews paid little for the lands they purchased:

“[...] Even at the height of the Arab revolt in 1938, the British High Commissioner to Palestine believed the Arab landowners were complaining about sales to Jews to drive up prices for lands they wished to sell. Many Arab landowners had been so terrorized by Arab rebels they decided to leave Palestine and sell their property to the Jews. The Jews were paying exorbitant prices to wealthy landowners for small tracts of arid land. ‘In 1944, Jews paid between \$1,000 and \$1,100 per acre in Palestine, mostly for arid or semiarid land; in the same year, rich black soil in Iowa was selling for about \$110 per acre.’¹³ By 1947, Jewish holdings in Palestine amounted to about 463,000 acres. Approximately 45,000 of these acres were acquired from the Mandatory Government; 30,000 were bought from various churches and 387,500 were purchased from Arabs. Analyses of land purchases from 1880 to 1948 show that 73 percent of Jewish plots were purchased from large landowners, not poor *fellahin*. Those who sold land included the mayors of Gaza, Jerusalem and Jaffa. As’ad el- Shuqeiri, a Muslim religious scholar and father of PLO chairman Ahmed Shuqeiri, took Jewish money for his land. Even King Abdullah leased land to the Jews. In fact, many

¹¹ We acknowledge that the wherewithal to develop land is irrelevant to legitimacy, from the libertarian point of view. All that is necessary is well-founded ownership, based on homesteading principles. On the latter see: Block (1990a, b, 2002a, b); Block and Edelstein (2012), Block and Yeatts (1999–2000), Block vs Epstein (2005), Bylund (2005, 2012), Grotius (1625), Hoppe (1993, 2011a), Kinsella (2003b, 2006), Locke (1948), Paul (1987), Pufendorf (1673), Rothbard (1973, 32), Rozeff (2005a), Watner (1982). For the Talmudic equivalent of this literature, see the tractate *Baba Metzia*.

¹² Again, not exactly relevant, at least from a libertarian point of view. Why, then, do we include this quote in our paper? Because libertarians will not be the only readers of this work, and Jews in general, and Israelis in particular, are widely seen at least by intellectuals who will appreciate these irrelevancies, as modern day bogeymen; anything that will undermine this perception is grist for our mill.

¹³ So here, too, the Anti-Zionist contention (for instance, that of Murray Rothbard, as we will see in Chap. 6) that the Jews were buying cheaply is not consistent with the facts.

leaders of the Arab nationalist movement, including members of the Muslim Supreme Council, sold land to Jews.”¹⁴

Why do we mention this subject at a Chapter focused on Zionism? To show that this ideology was nothing resembling a colonialist project, but rather a peaceful, private property respecting endeavor.

Moreover, these were emphatically not “Arab lands”.¹⁵ In the purest sense of the concept, these lands were *homesteaded* by the Jews who arrived at those locations in several *Aliyot* or immigration waves.¹⁶ Not only were they purchased,¹⁷ but they were very often the worst lands in Palestine.¹⁸ Israel is unique in this regard, since it is the only known country that was built by spontaneous order of free individuals, from all corners of earth, that decided to immigrate not to invade nor conquer, but to *build and cooperate peacefully* (see Pipes 2011) not only with other Jews, but also with the Arabs of the area.

There is another question that also arises: How is it that if the land of Palestine was so deeply populated that the Arabs allowed the Jews (which as we have seen were very few in number at the beginning, and had to figure how to work the land, also not knowing anything of how to defend themselves) to come in and “conquer”? It is difficult to say. Actually, much of the Arab population of Palestine by the first half of the twentieth century arrived to the land *because* of Zionist growth and development. The same Arab population that was, according to Anti-Zionists, being “expropriated” was actually moving *to* Palestine in order to work with the Jews. Moshe Aumann (1972, 125–126) explains:

“Statistics published in the Palestine Royal Commission Report (p. 279) indicate a remarkable phenomenon: Palestine, traditionally a country of Arab emigration, became after World War I a country of Arab immigration. In addition to recorded figures for 1920-36, the Report devotes a special section to illegal Arab immigration. While there are no precise totals on the extent of Arab immigration between the two World Wars, estimates vary between 60,000 and 100,000. The principal cause of the change of direction was Jewish development, which created new and attractive work opportunities and, in general, a standard of living previously unknown in the Middle East. [...] Jewish development served as an incentive not only to Arab entry into Palestine from Lebanon, Egypt, Syria and other neighbouring countries, but also to Arab population movements within the country—to cities and areas where there was a large Jewish concentration. Some idea of this phenomenon may be gained from the following official figures:

¹⁴ Bard (2012, 16–18). We make the case below that these sales in effect exploited the Jews, since they were the rightful owners, and were only buying land they already owned *de jure*, but of course not *de facto*.

¹⁵As we can see throughout this work, there was no such thing as a policy of expropriation by Zionists.

¹⁶For data on waves of immigration to Palestine, see https://www.jewishvirtuallibrary.org/jsource/Immigration/First_Aliyah.html

¹⁷As Transjordan’s King Abdullah said, “‘It is made quite clear to all, both by the map drawn up by the Simpson Commission and by another compiled by the Peel Commission, that the Arabs are as prodigal in selling their land as they are in useless wailing and weeping’” (emphasis in the original), Bard (2012, 17).

¹⁸See Pipes (2011).

“Changes in towns: The Arab population in predominantly Arab towns rose only slightly (if at all) between the two World Wars: in Hebron—from 16,650 in 1922 to 22,800 in 1943; Nablus—from 15,931 to 23,300; Jenin—from 2,737 to 3,900; Bethlehem—from 6,658 to 8,800. Gaza’s population actually decreased from 17,426 in 1922 to 17,045 in 1931. On the other hand, in the three major Jewish cities the Arab population shot up during this period, far beyond the rate of natural increase: Jerusalem—from 28,571 in 1922 to 56,400 (97 per cent); Jaffa—from 27,437 to 62,600 (134 per cent); Haifa— from 18,404 to 58,200 (216 per cent). [...]”

“During World War II, the Arab population influx mounted apace, as is attested by the *UNRWA Review*, Information Paper No. 6 (September 1962): ‘A considerable movement of people is known to have occurred, particularly during the Second World War, years when new opportunities of employment opened up in the towns and on military works in Palestine. These wartime prospects and, generally, the higher rate of industrialization in Palestine attracted many new immigrants from the neighbouring countries, and many of them entered Palestine without their presence being officially recorded.’”

Moreover, Jewish influence not only promoted Arab immigration to Palestine, but also disincentivized emigration from the area. As Sergio DellaPerogla (2001, 9) clarifies:

“During most of the 20th century Jewish immigration constituted a main engine of economic growth and modernization in the whole area. Immigration functioned primarily as a reinforcing mechanism that allowed for further Jewish immigration to be absorbed, but also stimulated economic change that allowed for large scale employment of Palestinian Arabs and, especially during the British Mandate, for Arab immigration from neighboring countries (Metzer, 1998). Consequently, on the one hand, an Arab labor force became one of the essential prerequisites for the construction of a modern Jewish state. On the other hand, were it not for the state of Israel, a large share of the Palestinian labor force would have missed the possibility to find employment locally, thus having to seek for alternative markets through emigration elsewhere. Indeed, sustained emigration of about 140,000 occurred during the 1960s from the West Bank - at the time under Jordan. After the 1967 Israeli occupation and until 1989, 171,000 Palestinians emigrated from the West Bank and 114,000 from Gaza, in connection with the new opportunities that were created in the booming economy of the Gulf States. After the Gulf war about 30,000 returned, and 30,000 mostly related to the Palestinian Authority’s military forces returned after the Oslo agreements (Zureik, 1997). Between 1967 and 1987, a growing number of Palestinian commuter workers amounting to up to 200,000 were employed within Israel’s territory”.

This phenomenon of “voting with the feet” is crucially important in determining the truth of Anti-Zionists charges of abuse, exploitation, danger, etc. It sheds light on all sorts of mistreatment all around the world. For example, there was migration from East to West Germany, not the reverse. There was emigration from North to South Korea, not the opposite. There was an exodus of Jews out of Nazi Germany, not the other way around. During the Jim Crow era, there was a mass movement of black people from the south to the north, not the reverse. The underground railway pointed in one direction, not the other. In all of these cases, we are unambiguously able to say that things were better for the migrants. Now, as we have seen there was migration of Arab people from other countries into what later became Israel, not the reverse. And, within this supposedly vicious territory, there was migration of Arab people to the cities containing the highest amount of the supposedly evil Jews, not

in the contrary direction. Surely, if this phenomenon gives correct answers in all these other contexts, the one under our present focus would not be an exception to this rule.

Jewish immigration for work and homesteading increased capital equipment, which in turn boosted the wages of everyone due to increased productivity¹⁹:

“The British Royal Commission of 1937 clearly related Arab development and progress with the Jewish presence. The prosperity of Arab villages was in direct ratio to their nearness to Jewish settlements. Arabs benefited from Jewish capital and were taught by Jewish farmers how to use machines. Arab industry expanded likewise; wages were higher, hours of labour less, and illiteracy declined. The budget of the Mandatory Administration was financed 70 per cent by Jewish tax-payers (who formed less than half of the population) and 30 per cent by Arab tax-payers. Yet Arabs benefited from more than 80 per cent of the budget expenditure, especially in social welfare areas such as health. The Jewish community also helped Arabs by providing finance for important non-government social services. In the year 1934 alone the Jewish Agency spent £350,000 on medical services in contrast to the £166,000 that the British Administration spent for the whole population. Similarly, from 1922 to 1925 Jews spent £403,000 on draining swamps and fighting malaria²⁰ while the Mandatory Administration spent £85,000 and the Arab community nothing” Leibler (1972, 11).

Wage rates of 1943 in Palestine (Table 2.1) illustrate the above statement:

Although not every branch of Zionism was in favor of an actual, immediate, Jewish State, some supported merely a Jewish Home, this does not imply that the

¹⁹On the Israeli Economy now see a brief exposition by Gilder (2009a, 2009b), Singer and Senor (2009 [2011]); and the publications of the Jerusalem Institute for Market Studies <http://www.jims-israel.org/Publications>

²⁰Those were the “good old days” when swamps actually existed. Nowadays, they have all been converted into wetlands by the forces of political correctness. Sometimes, the Jews are blamed for draining the swamps, sorry, the wetlands. “Most of the land purchased had not been cultivated previously because it was swampy, rocky, sandy or, for some other reason, regarded as uncultivable. This is supported by the findings of the Peel Commission Report (p. 242): ‘The Arab charge that the Jews have obtained too large a proportion of good land cannot be maintained. Much of the land now carrying orange groves was sand dunes or swamp and uncultivated when it was purchased . . . there was at the time at least of the earlier sales little evidence that the owners possessed either the resources or training needed to develop the land.’ (1937)” Aumann (1972, 120). Moreover, “For twenty years (from 1914 to 1934) the Huleh Concession— some 57,000 dunams of partly swamp-infested but potentially highly fertile land in north-eastern Palestine—was in Arab hands. The Arab concessionaires were to drain and develop the land so as to make additional tracts available for cultivation, under very attractive terms offered by the Government (first Turkish, then British). However, this was never done, and in 1934 the concession was sold to a Jewish concern, the Palestine Land Development Company, at a huge profit. The Government added several onerous conditions concerning the amount of land (from the drained and newly developed tracts) that had to be handed over—without reimbursement for drainage and irrigation costs—to Arab tenant-farmers in the area. All told, hundreds of millions of dollars were paid by Jewish buyers to Arab landowners. Official records show that in 1933 £854,796 was paid by Jewish individuals and organizations for Arab land, mostly large estates; in 1934 the figure was £1,647,836 and in 1935, £1,699,488. Thus, in the course of only three years £4,202,180 (more than 20 million dollars at the prevailing rate of exchange) was paid out to Arab landowners (Palestine Royal Commission Report, 1937)” Aumann (1972, 123). In terms of reducing the incidence of Malaria and other such diseases, there can be little doubt as to the benefits of such activities.

Table 2.1 Daily Wage Scales, 1943 (in mils)

	Unskilled labour	Skilled labour
Palestine	220–250	350–600
Egypt	30–50	70–200
Syria	80–100	150–300
Iraq	50	70–200

Source: Aumann (1972, 126). In A. Khoushy, *Brit Poali Eretz Israel, 1943*, p. 25

creation of a state contradicts that objective. Most were *ultimately* in favor of a Jewish government, but they disagreed with regard to *when* it should arise.²¹ The cultural Zionists advocated creating such a state once the culture turned deeply Jewish and thus became part of the daily lives of the people. The secular members wanted a Jewish State as fast as possible in order to save Jews in Europe who were facing pogroms and slaughter, especially in Eastern Europe.

Although an Anti-Zionist might say that no state is necessary²² in order to save the Jews, the situation of the world at that time (1930s and 1940s) contradicts such a stance (at least with regard to the issue of Jewish immigrants from Europe). Since in the Evian conference of July 1938, the great majority of nations denied Jews the entrance to their territories.²³ As Dr. Chaim Weizmann said at the time, “The World seemed to be divided into two parts - those places where the Jews could not live, and those where they could not enter.”²⁴ If there had been a State of Israel in 1938, millions might have been saved from Nazi depredations.²⁵

Among the different perspectives of Zionism, we find that of Vladimir Ze’ev Jabotinsky and the movement he founded, the Zionist Revisionist, as the best and

²¹ Although as of 2020 there are Zionists who are self-identified with the anarcho-capitalist perspective of libertarianism (for instance, in the Israel New Freedom Movement; see <https://liberal.co.il/category/english/>), the main point here is that a state in itself does not imply the negation of a Jewish Home.

²² In a sense, the present authors agree with that statement if we are to follow anarcho-capitalism. But for purposes of the present work, we are extrapolating from the pure libertarian theory, and entering into the real world of the politically possible. At that time, even now, there is not sufficient support for a stateless society, so we are forced to resort to an analysis of second best: given statism, what can be justified by the freedom philosophy?

²³ According to a highly placed Canadian spokesman, regarding how many Jews could enter that country during the 1930s, “None is too many”. Abella and Troper (1983).

²⁴ Quoted in the *Manchester Guardian*, May 23, 1936, in Sherman (1973).

²⁵ A state itself is not necessary per se to achieve this end, but an absence of preventing Jews from entering a given territory is. It is not the state that would have saved Jews from Nazis in a positive sense (yes, if taxes are spent on saving Jews, but it is conceivable that this is not necessary). The lack of a state that forbids Jews from entering a territory controlled by that government is necessary. The right of return for example is not a positive right – it merely indicates that the state will not stop you if you are Jewish and you want to live in Israel. Like the U.S. constitution, it limits the government rather than expands it (or so was the intention, once upon a time). But, again, given the situation at the time, a State of Israel would have been the only refuge for millions of Jews.

most compatible with our classical liberal and libertarian approach.²⁶ Jabotinsky was a classical liberal and thus a champion of individual liberty. In fact, he was an enemy of both fascism and communism. As a strong advocate of individualism, he was quoted as saying: “In the beginning, God created the individual, a king who is equal among kings. It is far better that the individual errs vis-à-vis the community rather than the opposite, since ‘Society’ was created for the benefit of the individual.” (Kremnitzer and Fuchs, 2013, 6).

Moreover, his classical liberal views constituted an extraordinary contribution to the Zionist movement:

“It was his emphasis on the needs of the private economic sector, articulated [...] in an article entitled *Basta*, which called down on Jabotinsky’s head the wrath of Palestine’s left-ist political parties and their economic blunderbuss, the powerful Histadrut Labor Federation. He was labeled the ‘enemy of labor’, a slur that was to dog him for the rest of his life. In fact, Jabotinsky was a friend of labor. What he deplored was class warfare. In *Basta* he simply exposed what should have been obvious to all – a total disequilibrium among the various social elements in Palestine and the socialists’ transformation of the Histadrut from a labor union into an instrument of the class struggle in which ‘every Jewish worker should consider himself an enemy of the Jewish capitalist, even though the latter utilizes his capital to build another factory or to purchase a plantation and employ in his concerns Jewish labor exclusively’” (Mehlman 2010, 17).

Jabotinsky’s opposition to communism and his fierce fight for individual liberty gained him enemies, but at the same time provided a classical liberal foundation for the Zionist project. Moreover, as Adam Smith did in his *Wealth of Nations* (1776), Jabotinsky defended such typically free market figures as the trader and merchant, focusing in the role these type of works played throughout Jewish history:

“During the 1920s and 1930s, Jabotinsky was often criticized by members of the Jewish intelligentsia for his early and harsh opposition to Communism and class war. Though his role in the struggle against the now discredited Communist ideology is considerable, it must be said that his opposition to Marxism was not because of any lack of sympathy for the working classes, but rather because of a sense of respect for the historic role of the Jew as a merchant. While Jabotinsky developed this and other socioeconomic theories in a number of well-known essays such as ‘Socialism and the Bible’ and ‘Social Redemption’ nowhere else does he dwell on the historical role of the Jewish trader as in his forgotten 1930 essay, ‘Shall the Jewish Middleman be Spared’. In this essay, which was written in a highly literary style, Jabotinsky expounded on the necessity of the merchant for the economic and cultural well-being of Western civilization while also chiding the efforts of some modern Jews to ‘bury’ the middleman. To such Jews Jabotinsky wrote, ‘the tradesman is unproductive; he is a middleman who robs both the producer and the consumer; a parasite, a superfluous social figure who has played no creative part in world history? in short, he is ‘trefe’ from every standpoint. Such ideology, wrote Jabotinsky, is ‘bad, dangerous and stupid.’ It was bad he noted, because up until the 1880s, trade was the chief characteristic of the Jews in the world economy, and ‘it does not sound right when we ourselves condemn our old mode of activity [...] Obviously answering Marxist critics, Jabotinsky argued that the entire development of production from beginning to end, is the result of the work of the trader, and

²⁶As opposed to Socialist or Labor Zionism, with figures such as, among others, Moshe Hess, Ber Borochov, Aaron David Gordon, and of course Israel’s first Prime Minister David Ben Gurion. Albert Einstein also supported the Socialist approach on Zionism.

that without him no factory could obtain any raw materials. He further wrote that spiritual culture was also a child of trade, and that astronomy, geography and even literary works like Homer's *Odyssey* were enriched by the actions of the trader, who historically is the true fighter for progress. Though aware of the dangers of Jewish involvement in only a few sectors of economic life, Jabotinsky nevertheless advised caution in dealing with the elimination of a classic Jewish role: 'That we Jews have too many tradesmen, for whom there has for a long time not been enough place in the world economy; that it would be a good and healthy thing to increase if possible the number of Jewish land and factory workers; that in Palestine we do not need more than ten percent of traders? All this is true and indisputable. But the anti-commercial ideology, which especially for us Jews is something like a slap in the face, appears to me as a stupid and superfluous accompanying phenomenon. By the grace of God we are descended not only of a people of law givers, prophets and conquerors, but during the past two thousand years also from a people of merchants. Today we are seeking new and wider paths for our national activities, but that doesn't mean that we must shut up our trading stalls. To do this would mean to evacuate a position. Careful!'" (emphasis added) (Gordon 1997, 99–100).

Moreover, Jabotinsky's support for freedom exceeded that of free trade, but included liberty in all human endeavors:

*"A revolution is what I call a liberating uprising but there is no liberation except in freedom of expression, freedom of speech and freedom of assembly. There is no liberation without the right of every citizen to influence, to change the regime; no liberation without equality of rights for every citizen regardless of race, religion and class. My outlook is in essence the negation of the totalistic state. The state system that is the most normal and healthy as well as the most pleasant is the 'minimal state.' That state acts only in case of real necessity. There is no basis for limiting the right of self-expression in the area of ideas. My 'yes' does not prevent you from declaring 'no.' Of course, there is a need for extra flexibility. In times of war and crisis (economic as well as political), there might arise the need to expand the scope of what is to be considered the minimum. The instinctive ideal of man is a serene anarchy. As long as this ideal cannot be realized, democracy must be recognized as the form closest to the ideal. An individual - this is the supreme concept, the highest value, that which was created 'in the image of G-d'. The doctrine of communo-fascism states that man is part of state societal mechanism. Our tradition has it that in the beginning, G-d created the individual. Man is intended to be free. Democracy's meaning is freedom and the goal of democracy is to insure the influence of the minority. [Jabotinsky, V., *Introduction to the Theory of Economy - Part Two*, 1934, in *Nation and Society* (Hebrew), p. 218–219]"* (emphasis added) (Eldad 1980).

Given his fierce support of freedom, he never accepted the idea (particularly held in the 1930s) that liberalism²⁷ was dead:

"Liberalism is bankrupt. Parliamentarianism's exalted ideas have been shattered. Is it so? We will yet see if Grandpa Liberalism has been buried along with the concepts of freedom, equality and the people's will. The fashion of the 'now' will disappear simply because it is evil and because liberalism's prescriptions for society are better and more practical. True these are not the remedies of a pharmacy or a hospital clinic. Occasionally, one falls sick and needs bitter medicine and maybe an operation, but one does not need to make hospital

²⁷In the modern era, 2020, the time of this writing, "liberalism" connotes socialism, or communism, or being a "progressive." At the time of Jabotinsky's writing, it was more akin to what we know today as libertarianism. Although this is now changing. The leftists have so besmirched "liberalism" that they have been forced to shift gears. They now take refuge in the nomenclature "progressives."

regimen into a way of life. Injections, bandages and diets make up the hospital routine, whereas life is eating what you want and going where you want. Today's therapy and surgery may be successful. It is possible, too, that they will prove misguided. But this I do not comprehend: masses, hysterically saluting in a chloroformed state, a castor-oiled salute in deranged nightshirt dress, this crowd is a gathering of good-for-nothings. Grandpa Liberalism will yet dance at their funeral and the funeral of its 'buriers' today. ["The World of Jabotinsky" (Moshe Bella ed., 1975, Tel Aviv: Difusim, in Hebrew), pp. 274–75, quoting V. Jabotinsky, *Grandpa Liberalism, Heint* (Warsaw), October 14, 1932]" (Eldad 1980).

Hence, Jabotinsky advocated a minimal state:

"The constitution built along these lines will be essentially 'liberal and democratic'. It will create a 'minimalistic state, interfering with the individual's freedom only where an essential defense has to be enacted and avoiding all interference beyond that point. It will especially, safeguard the freedom of expression (foreshadowed, as we have seen, by the free speech of the prophets) expression in every sense of the term. [And also] freedom of speech to associations. ["On State and Social Problems", p. 70. In *From the Pen of Jabotinsky*, 62 (Cape Town: Unie Volkspers, 1941)]" (Kremnitzer and Fuchs, 2013, 7).

Jabotinsky²⁸ also favored a Jewish State on both sides of the Jordan River, not for a caprice, but precisely because he was taking as a model the ancient Kingdom of David, the Balfour Declaration and the geographic area of the British Mandate,²⁹ since "[...] Palestine is a territory whose 'chief geographical feature' is that 'the Jordan River does not delineate its frontiers but flows through its center'" (Pipes and Garfinkle 1988). At that time, there was no Jordan, which is an artificial British creation.³⁰

Our own views on Zionism, are not only compatible with Jabotinsky's, but, we believe, are built on his, guided by his.

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²⁸ For more on Jabotinsky, see Kremnitzer and Fuchs (2013).

²⁹ See Maps 5, 10, 11 and 12 in Annex A.

³⁰ As Daniel Pipes and Adam Garfinkle (1988) explain on this regard: "In March 1921, Winston Churchill, the colonial secretary, found it 'necessary immediately to occupy militarily Trans-Jordania.' Rather than use British troops to do this, he decided to control it indirectly. Toward this end, Churchill divided the Palestine Mandate into two parts along the Jordan River, creating the Emirate of Transjordan on the east bank and excluding Jewish immigration there. Churchill offered this territory to Faisal's older brother Abdallah, who after some hesitation accepted. The Hashemite dynasty of Abdallah, his son Tallal, and his grandson Hussein has ruled Transjordan (or Jordan, as it was renamed in 1949) ever since. After March 1921, the east bank was no longer Palestine".

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Chapter 3

The Palestinian Fiction Factory and the Historical Record



So far from being persecuted, the Arabs have crowded into the country and multiplied till their population has increased more than even all world Jewry could lift up the Jewish population. Winston Churchill (Quoted in Pipes (1984))

It is very difficult to make a case out for the misery of the Arabs if at the same time their compatriots from adjoining states could not be kept from going in to share that misery. C. S. Jarvis (Governor of the Sinai in 1923–36, quoted in Pipes (1984))

*There is no historian in the world who is objective. I am not as interested in what happened as in how people see what's happened. Ilan Pappé ("An Interview of Ilan Pappé," Baudouin Loos, *Le Soir* [Bruxelles], Nov. 29, 1999, quoted in Hollander (2005b))*

The usual strategy of modern anti-Zionists is to blame Israel's "occupation" of Judea and Samaria (which they call "the West Bank") as the *source* of war in the entire Middle East.¹ We say "Middle East" specifically, as Israel is typically blamed for conflict throughout the entire region and not just in the land of Israel itself. However, the problem with this approach is that attacks and wars were launched against Israel even *before* it controlled Judea, Samaria or Gaza. It has only come to control these areas *as a result* of defensive actions during the 1967 War. So, the "occupation" as the fundamental source of the war against Israel is demonstrably false. Since the conflict began before said "occupation", it cannot be the source of the conflict.

Citing the "occupation" is nothing more than an excuse to undermine Israel's right to exist. Nevertheless, the original anti-Zionist approach opines that Israel is by itself illegitimate *as* a colonizing power, i.e. it is the occupier of Palestine *as such*. Not only that, but critics claim that it *purposefully* expelled 700,000 Palestinian

¹For an analysis of the Middle East and related subjects, see Karsh (2003).

Arabs from their homes and lands before and during the 1948 War of Independence, called “The Naqba” (“catastrophe”) among Palestinian Arabs.

The fundamental promoters of this view who attempt to give it academic legitimacy are some of the so-called “New Historians”. These are several Israeli academics who, during the 1980s and 1990s developed the idea that Israel was not born as a result of the self-determination of Jews working their own land and homesteading it, but as a result of expulsion and conquest.² The reader may be surprised that we devote a large part of our libertarian and classical liberal defense of Israel to refute these critics, but when it comes to the case for Israel there is no way of doing so merely by stating a positive. We must also repudiate the negative too.

We must necessarily resort to the negative approach on the subject, since it is so full of myths, half-truths and direct lies that it is not possible to ignore it. Yes, we have already presented the case for Israel. Yet, we must refute the opposite approach not only as to expand the case but also to show what *is* true. We resort to several historical studies in order to make our point clear.

In the very same way that someone need not be a physicist in order to know that Aristotle’s physics had long been abandoned, one must equally be able to discern what is true with respect to a certain historical event without being a historian. We do so by surveying the relevant literature and drawing logical conclusions from it.

3.1 The Land Issue

The case often made against Israel is, apart from the charge of “Ethnic Cleansing”, that it is built on Palestinian Arab property. Observe that we mention property and not land, because as libertarians we need to focus on what is the *basis* for property (a larger concept that includes land), in order to determine if the territory in contention was stolen or not. Our perspective, presented in the introduction, will guide us throughout this inquiry.

So, let us get back to the charge against the original Zionists, and now Israel, that goes like this:

1. Palestinian Arabs were in possession of the land in dispute.
2. Palestinian Arabs had legitimate property over what is now Israel.
3. Zionist purchases of land were illegitimate.
4. Zionists actively expelled Palestinian Arabs from their homes.

Since we will address point 4 later and offer enough evidence to conclude that it is false,³ we refute these other allegations in the present section.

Based on a civilized order, *legitimate* possession or property over land must be based on homesteading. In other words, by working the land. It is more than

²“Above all, the new history signifies a set of beliefs: that Zionism was at best an aggressive and expansionist national movement and at worst an offshoot of European imperialism; and that it was responsible for the Palestinian tragedy, the continuing Arab-Israeli conflict, and even the Middle East’s violent history” Karsh (1996).

³See Sect. 3.4, below.

obvious to any rational observer or student of the present subject, that the area known as Palestine (and, more specifically, under British control during the Mandate period), was for the most part a deserted area. In fact, the state of underdevelopment was so extreme that a locust invasion in the second decade of the twentieth century caused an authentic disaster, since “Between late 1915 and late 1916, according to one analyst, somewhere between 100,000 and 200,000 people in Palestine died ‘from starvation or starvation-related diseases’” (Ben-David 2017) caused by it.

Hence, the key matter is how much of the land was actually homesteaded at the time. Cultivable and cultivated land, therefore, are extremely relevant to identify this. Ami Isseroff (2007) explains:

“About 17%–20% of the land area that was British Mandate Palestine is *now* estimated to be arable, the total area being 26,625,600 metric dunam (a metric dunam is 1000 square meters; the Turkish dunam was somewhat smaller) between the Jordan river (sic) and the Mediterranean. Cultivable land was estimated at about 6.4 million dunams out of 26 million” (emphasis added).

However, as can be seen in Table 3.1, with the information estimated by Maurice Bennett (seconded to Sir John Hope-Simpson’s staff) in the decade of 1930, the amount of land regarded as cultivable was very different.

Irrespective of the amount of land regarded as cultivable, the fundamental issue is what part of it was homesteaded. Moreover, if an area is categorized as uncultivable, it can be safely assumed that it was not cultivated, therefore virgin land, and hence unowned under libertarian standards, no matter what titles exist or who conferred them. Further, even if any given piece of land was considered cultivable, that does not mean it was actually homesteaded.

The label of “cultivable” land depended also on how it was defined. Hence, as Isseroff (2007) explains, “Other estimates found about 7 million or as high as 12 million metric dunams of ‘cultivable’ land [...] For example, if one *excludes swamps and marshland, because these areas could not be cultivated without development, there was considerably less land than if one includes the swampland*” (emphasis added). This is particularly relevant, since Jews are especially remembered for their efforts in draining swamps.

Table 3.1 Total cultivable land area (in metric dunams) of Palestine in 1931

Region	Cultivable area	Total area	Percent cultivable
Hills of Galilee	1,054,000	2,083,300	51
Acre Plain	203,300	315,900	64
Plain of Esdraelon	302,800	351,100	86
Jezreel Valley	636,000	648,000	98
Huleh Basin	173,500	261,600	66
Jordan Valley	255,700	681,200	37
Coastal Plain	2,302,600	2,928,300	79
Hills of Judea and Samaria	2,165,000	6,005,300	36
Wilderness of Judea	0	1,050,900	0
Beersheba subdistrict	1,160,000	12,300,000	9
Total	8,252,900	26,625,600	33

Source: Stein (1984, 4)

In any case, whether the cultivable land of the area comprising Palestine was 17% or 30%, it is quite clear that most of it was uncultivated (which is why it was regarded as uncultivable), hence unhomesteaded. No case of legitimate property, on classical liberal foundations, could be made with regard to it. Where does that leave the Palestinian Arab claim that they were in legitimate possession of the land? It exposes it as a myth.

Delving further into this topic of what amount of territory was actually homesteaded and therefore owned legitimately by anyone in Palestine, we can refer to Ottoman Law as a starting point, which divided parcels under the following criteria (Table 3.2):

Table 3.2 Ottoman law land's division

Type	Definition
<i>Mulk</i>	"Privately owned land in the Western sense. Only a tiny portion of the land was owned in this way. This was the <i>only actual non-government private land in Palestine to which people had inalienable ownership rights</i> " (emphasis added).
<i>Miri</i>	"Land <i>owned by the government</i> (originally the Ottoman crown) and suitable for agricultural use. Individuals could purchase a deed to cultivate this land and pay a tithe to the government. Ownership could be transferred only with the <i>approval of the state</i> . Miri rights could be transferred to heirs, and the land could be sub-let to tenants. If the owner died without an heir or the land was not cultivated for three years, the land would <i>revert to the state</i> " (emphasis added).
<i>Mahlul</i>	"Uncultivated Miri lands that would <i>revert to the state</i> , in theory after three years" (emphasis added).
<i>Waqf</i>	"Land belonging to the Muslim religious endowment, which supposedly could not be alienated or sold. Some categories of this type of land were in fact purchased by Zionists at one time" (emphasis added).
<i>Matruka</i>	"Land left for <i>public use</i> such as highways, as well as communal lands and pastures. These lands <i>belonged to the state</i> , and not to communities or individuals. It is not clear that this category actually existed in Palestine [...] It is however, listed in the Hope-Simpson report" (emphasis added).
<i>Mawat</i>	"So-called 'dead', unreclaimed land. <i>It constituted about 50 to 60% of the land in Palestine. It belonged to the government</i> . Private individuals could purchase and register this land as their own for its unreclaimed value, but it was just as easy to simply cultivate it [...] If the land had been cultivated with permission, it would be registered, at least under the Mandate, free of charge. Communities and individuals often expanded their land (sic) holdings 'informally' by cultivating or using such land. According to the Hope-Simpson Report Mawat land was probably of considerable extent. It was defined as any land that was more than a mile and a half from a village, and was not owned by anyone. However, no systematic survey was ever done, so it was impossible to determine the precise extent of Mawat land" (emphasis added).
<i>Musha'</i>	"Musha' land was Miri or Mulk land that was cultivated in common by numerous owners in common. Often this was unregistered land, or land to which Miri rights had been acquired by squatting and eventual registration. About 5 million dunams of land in Palestine were Musha' land in Palestine in 1933 [...] Musha land was gradually sold out to absentee owners who lived in town, and used tenants or hired labor to work their lands. Musha and subtenanted Miri land probably constituted the bulk of agricultural land ownership of cultivated land by Arabs" (emphasis added).

(continued)

Table 3.2 (continued)

Type	Definition
<i>Jiftlik</i> or <i>Mudawara</i>	“[...] private lands that had been bequeathed to the Sultan and were therefore <i>government property</i> . The largest such parcel was the Beisan area land with consisted of 302,000 dunams [...] Originally this land was apparently about 394,000 dunams [...] According to the Hope-Simpson Report [...] the second largest Jiftlik area was apparently in Rafa and comprised 90,000 dunams. Along with other such lands it was leased to Arabs who had been there ‘for many years’ or so they claimed. The third largest Jiftlik area was in the Jericho area and covered about 75,000 dunams [...] The government could lease these lands to tenants, in such a way that they were not liable to eviction as they were on Miri or Mulk land, but after 1933, it was no longer possible to acquire such tenancy. Instead, the British government had begun to sell these lands” (emphasis added).

Source: Isseroff (2007), on the basis of Stein (1984)

As we can see based on these categories in Table 3.2, *all* land was indeed categorized and recognized by Ottoman Law.⁴ As such, although terrain that was supposedly homesteaded and legally owned was a minor percentage of the entire territory, all the rest was yet considered under one or the other of these categories. It was therefore the (illegitimate) property of the Government (or sultan). This situation was inherited by the British, which also regarded empty plots as part of the Mandate.

But was registered land properly surveyed? It was not, as Stein (1984, 22) reveals:

“In addition to the lack of registration and underregistration of property, no map or cadastral survey accompanied the description of the lands registered. Boundaries in many instances were identified by roads, buildings, or referenced to a local piece of history such as the ‘land of the great fight’ or ‘land of the big rock.’ During the 1920s, the director of lands stated with complete frankness and accuracy that he was unable, from registered information and the isolated plan that sometimes accompanied it, to locate the piece of land that a registered transaction purported to concern.”

In this respect, Isseroff (2007) clarifies that the premise behind British endeavors in land registration was to collect taxes, and not to identify legitimate property rights:

“The British [...] considered that land was ‘owned’ for tax purposes if someone could be found to pay the taxes, and the figure of 45% Arab ‘ownership’ is based on this calculation, including village commons and other areas that were used for cultivation as well as unregistered holdings of different type, Mawat land that was ‘acquired’ by squatting etc. Most of it, except for the tiny portion of Mulk holdings, was not owned in the conventional sense even if it was registered. The proliferation of abandoned land in Palestine had long been noted by travelers. Miri Land that was abandoned *reverted to the state*” (emphasis added).

Moreover, the only reliable records of land ownership were those compiled by Jewish organizations, that were precisely interested in acquiring territory for

⁴For a description see also *A Survey of Palestine* (1946a, 225–233) and Stein (1984).

actualizing the Zionist project. They had no interest in collecting taxes, as did the British Mandate, or the Ottoman Empire. Isseroff (2007) continues:

“The only exact records of ownership and transfer of ownership that existed, insofar as this was (sic) possible without accurate information, were the Land Books of Jewish settlements, which were legally recognized by the Mandate government in 1926, in the framework of their attempts to regularize land registration.”

Of course, the fact that there are not demonstrable property rights recognized by a judiciary is not enough evidence that there *is* no legitimate title. Yet, the onus of proof is on he who makes a claim, not the reverse. If indeed most of the acreage was not cultivated, that means it was not properly homesteaded, i.e. the issue of “cultivable” and “uncultivable” land proves that, since these lands were not in fact cultivated, it was necessary to make such categorizations for purchasing purposes. This only demonstrates that almost no legitimate property (in the strict libertarian sense, except for those few purely private holdings) existed in most of the area. This is so because there was no homesteading through working the land. It does not mean that there were no property titles recognized by the Ottoman state.

By libertarian standards though, titles to unhomesteaded land are meaningless. The state may as well hand out titles on Jupiter or Saturn. The state may control a given area, but that does not mean that the property titles it hands out are based on philosophically justifiable claims.

Yet, as we can see, most of the territory was “property” (in the statist sense) of the Turkish government, which passed later on to the British Mandate. On the subject of *Mulk* land, the closest to private property in the sense of Western law, *A Survey of Palestine* (1946a, 225–226) claims:

“The land tenures of Ottoman law consist of various modes of user the features of which are set out in the Ottoman Land Code. Not all of these modes of user are actually found in Palestine. Most of the land is held under two distinct tenures commonly referred to as *mulk* and *miri*. *Mulk* means ‘property’. The tenure called *mulk* is a private ownership tenure. Land so owned may be called ‘allodial’ land. It is held in absolute ownership. The holder has almost unfettered freedom in regard to its use and disposition. *Miri* is a conditional usufruct tenure of land held by grant from the State. The holder or possessor is a usufructuary whose tenure resembles a leasehold, subject to certain limitations on the use and disposition of the land and to the payment of certain fees. The interest is indeterminate, assignable and hereditary. The extent of *mulk* or allodial lands in Palestine is limited, and is usually only found in the old cities or in garden areas. Rural land in this category is rare.”

Most of the parcels in the area called Palestine then was owned by government fiat, and whether British (despite its original promises contained in Art. 6 of the Mandate⁵) or Ottoman, they both actively opposed Zionist purchases and homesteading in Israel. As Isseroff conclusively explains:

⁵“The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes” Palestine Mandate (Jul. 24, 1922), Art. 6.

“[...] In fact, the mandate government [...] made] available Mawat and Jiftlik and other state lands to Arabs and *encourage Arabs to register claims on state lands as well*. The Beisan Jiftlik lands were registered to various Arab tenants for fairly nominal fees (one seventh to one fourteenth of actual value, and *Jews were excluded from the agreements*. The Arab tenants illegally sold their land to the Jews at full market prices, and eventually, the British relented and legalized the sales [...], but they never allowed the Jewish Agency to *purchase the lands directly*. In all, according to Stein [1984], the mandate estimated that there were about 959,000 metric dunams of State land, including all the Jiftlik lands. Manifestly, this did not include all the lands south of Beersheba, and may have been intended to represent cultivable land. Only 98,000 of these were allocated or about to be allocated to Jews in 1930. About 394,000 dunam were to be allocated to Arabs from the Beisan lands (eventually reduced to 302,000), 300,000 were leased to Arabs, on an annual basis, 52,000 were part of the Huleh Ottoman concession that eventually came under Jewish control. [...] The 800,000 or so dunams purchased by Jews during the early mandate years *were therefore balanced out in part by transfer or leasing of government land to Arabs*, land that should have been transferred to Jews if article 6 of the mandate had been followed.

As from 1940, the British land regulations *officially forbade or severely limited land purchases by the Jewish Agency*. In fact, however, the British could limit only the *registration* of land, and the Jewish agency continued to purchase land. In 1940, the Jewish Agency had purchased about 22,000 dunam. In 1941, despite the land regulations, it still purchased over 14,000 dunams, and during each of the subsequent war years it purchased 8–18,000 dunam” (emphasis added).

This is extremely important, because another Palestinian Arab claim is that the British were actively helping Jews in their quest to establish a Jewish Home. However, the restrictions on land purchases placed against Jews undermines the claim that either the British or Ottomans were in favor of the Zionist movement. As Gavish and Kark (1993) explain:

“The Ottoman authorities imposed many administrative and economic restrictions on land purchase, registration and transfer by foreign subjects. Until 1867 foreigners could not legally possess immovable property in the Ottoman Empire. From that year the Ottoman authorities, under pressure from foreign powers, granted certain foreign citizens right to acquire land and register it in their names with thee (sic) exception of land in the Hejaz. These rights were dependent on the signing of separate agreements between the Ottomans and any interested government and were subject to changing preconditions (Kark 1984). Citizens who did not enjoy the backing of such an agreement- such as Jews residing in Palestine under five years, or, in certain periods, German and American Templers- were not entitled to possess or register land. Therefore, these settlers had to resort to subterfuge, such as registering land in the name of fictitious owners.”

Facing this situation, and accustomed to fighting against coercive state apparatuses, Jews had to find another way to move forward. Gavish and Kark (1993) continue:

“With the absence of an official cadastral system the Christian and Jewish settlers of European origin in Palestine understood that as an alternative they would have to administer their land within their own communities. Hence, they *developed unofficial land regimes in which were recorded all their land transactions*. When the official Land Books ceased to reflect the true situation with regard to real estate, these private, unofficial ‘Land Books’ became indispensable tools for land administration within the new settlements (Goadby and Doukhan 1935).

“[...] The wave of mass immigration of Jews to Palestine began in 1882. At that time Jews were permitted to acquire real estate and register it in the Land books, but *these rights were, from that year onwards, subject to constantly changing restrictions*. Not only were Jews from certain countries *barred from registering land, but so were Jewish societies, organizations and financial institutions* who suffered from the absence of juridical persons in Muslim and Ottoman law.

“As an example of the subterfuges employed by Jewish individuals and bodies, the first contract for acquisition of lands in Tel Aviv was signed, in 1909, in the name of a Jewish member of the Zionist Executive in The Hague (Solel 1990)” (emphasis added).

All these restrictions on purchase and registration, either by the British or the Ottomans, are hardly compatible with policies that purport to help the Zionist project. Given this situation, Jewish registers became a standard in order to verify accurate records concerning ownership of land, as Gavish and Kark (1993) make clear:

“The Hebrew Land books, that the Jewish settlements maintained around the turn of the century, contained precise records of the true ownership of land, as well as its dimensions, legal status and the obligations imposed upon it. Also included were maps of each and every lot, on which were recorded the measurements and the names of the owners of adjoining plots. The surveyors and other technical workers employed by both the settlement bodies and the local authorities prepared large-scale maps that evidently formed the basis for the registration of each community’s territory. [...] Not until the British took over Palestine and were forced to contend with the issue for (sic) official land settlement and to conduct cadastral surveys, did the Jewish Land Books gain recognition as valuable and reliable documents.”

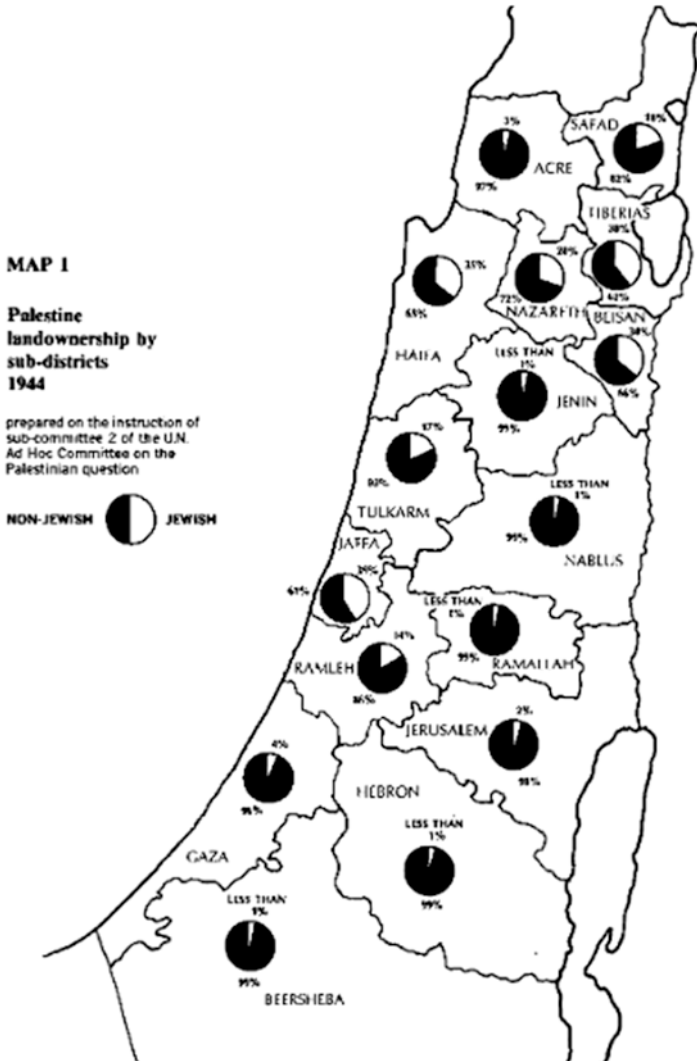
Still, despite all the evidence to the contrary, there is a widespread myth (promoted by anti-Zionist propaganda), that most of the land in Palestine was owned legitimately by Palestinian Arabs.⁶ This was enhanced by means of utilizing some of the material that the UN (or some of its commissions) itself created, which implicitly (more often explicitly) gave the impression of subscribing to this viewpoint. For instance, the anti-Zionists often present this map as an example of “Arab ownership” (Map 3.1).

The problem with this map is obvious: It is assumed that whatever is not privately owned by Jews is properly possessed by the Palestinian Arabs (by labeling it “non-Jewish”).

But it is not possible nor sensible to assume (whether for libertarians or non-libertarians, because this myth defies common sense) that Palestinian Arabs legitimately owned most of the land. There is absolutely no evidence in the historical record that this was the case. Moreover, the Arab population would have to have been several times larger than what it in fact was, for this claim to have even approached rationality. Evidence of homesteading throughout the entire terrain (including two thirds of what is now Israel, still mostly desert territory) would need to have been massive. This was far from the case. Moreover, this is in contradiction with the land categories that we presented *supra*.

Also, if “uncultivable” land is regarded as such (since no work has been done on it) but at the same time said to belong to Arabs, this is a direct and blatant

⁶On the difficulties of cadastral mapping during the Ottoman and the British Mandate eras, and its influence on ownership claims, see Gavish and Kark (1993).



Map 3.1 Palestinian Arab Land Ownership according to the Sub-committee 2 of the UN Ad Hoc Committee on the Palestinian Question. (Source: Zionism-Israel. Available at http://www.zionism-israel.com/maps/Palestine_Land_Ownership.htm (last visited April 9, 2017))

contradiction of libertarianism and classical liberalism. *For in this philosophy there is simply no legitimate ownership whatsoever without prior homesteading.*

Yet, if in Locke’s words there is mixing of labor with the land (as the case of Jews in swamp territory) not only is it no longer “uncultivable”, but now it becomes *legitimate* homesteaded land. In very much the same way Arab property indeed existed, but did not include anything like most of Palestine. Most of the territory under dispute was government owned, first by the Ottomans, then by the British

under the Mandate, and later on and until now by the Israeli government (whose “ownership” of unhomesteaded land we also dispute as libertarians). It passed hands from one administration to the other. Most of the land had never belonged to Palestinian Arabs. In fact, as we show in Chap. 6 (Table 6.3), the area of Palestine was in Arab hands only for a short period in historical perspective. The Ottoman government was the fiat owner and comptroller of the land for 500 years before the British arrived. It was not owned by Arabs either.

Isseroff (2007) clarifies further with respect to the above map:

“The ‘catch’ is that all of the land that was not purchased and registered to Jews or the Jewish agency, including government lands, is categorized as ‘non-Jewish.’ The Beersheba district, which was 99% government land, is shown as being 99% ‘Non-Jewish [...] It was also ‘99% non-Arab.’

“[...] In total, approximately 6 million dunams of land were registered as taxable by Jews and Arabs in 1936, excluding the Beersheba district, according to the Peel commission. [...] Taxable and registered land area in the Beersheba district was negligible, as noted. If we accept Stein’s [1984] estimate of Jewish land ownership as two million dunams in 1948, and assume that all of that area was taxable, then the Jews *owned roughly a third* of the usable land exclusive of the Waqf land in all of Palestine, and probably about half of the usable, taxable land in the area that would be allotted to Israel. This makes sense in view of the fact that *the Jewish sector of the Palestinian mandate economy produced twice as much tax revenues as the Arab sector*. Given the population differences, it means that each Jew paid about four times as much taxes as each Arab. If the Jews did not own a significant proportion of the land, it would probably have been difficult for them to achieve that level of productivity” (emphasis added).

In effect, to call a parcel of land “Arab” does not make it so. Such a characterization certainly does not constitute evidence of homesteading. Isseroff (2007) therefore concludes:

“From the point of view of the Arabs, all these lands ‘belonged’ to Arabs, since all of the land of Palestine ‘belonged’ to the Arabs, inasmuch as they considered themselves the rightful owners. It is a circular definition of ownership and not very meaningful. The Arabs of Palestine had never exercised sovereignty and did not own most of the land by private purchase. It was government land that had belonged to the Ottoman empire and before that to the various Turkish and Arab empires. If there had been ‘actual’ owners in history, they were probably Jews of 2,000 or more years ago.”

We hasten to add that even had the Arabs of Palestine purchased government-sanctioned titles to any virgin land, this would not constitute legitimate ownership either. Purchasing fiat titles is simply a practical of convenience, as doing so effectively prevents the government from encroaching on property that one homesteads. There is no need by libertarian standards to purchase fiat land titles, but it is generally recommended if a landowner wishes not to be harassed by the authorities. However, so long as no homesteading has actually taken place, land remains unowned, on philosophical terms. This is especially in the classical liberal and libertarian traditions.

If, for example, an Arab that owns titles to x dunams of unhomesteaded land, flees the area in response to the war, and then demands his land back because he has a government title to it, his claims can and should be ignored.

In effect, since this terrain was mostly government owned, non-homesteaded land was inherited by the British from the Ottoman government, and by Israel, in turn, from the British. We can certainly say that Israel is not a concrete entity nor an individual who can homestead physical property, but under International Law, it did indeed inherit that land from those governments. No classical liberal case could be made on that land, apart from calling for its privatization. Another thing we can say is that it was not Arab land either.

What about artificial legislation of property rights? With respect to International Law, that Palestinian Arabs claim is on their side, Gordon (2016c) explains:

“The first relevant document is the 1922 League of Nations Mandate for Palestine. It explicitly allocated all of what is today Israel, the West Bank and Gaza as a ‘Jewish national home,’ stressed that none of this territory could ‘be ceded or leased to, or in any way placed under the control of, the Government of any foreign Power,’ and authorized ‘close settlement by Jews on the land.’ It also allocated what is now Jordan to the Jewish national home, but with an explicit proviso that Britain, the Mandatory power, could ‘postpone or withhold application’ of the Mandate’s terms to that territory if it so chose. No such proviso attached to the rest of the territory; it was awarded to the ‘Jewish national home’ permanently and unconditionally.

“After the League of Nations dissolved, the various international guarantees it had conferred were explicitly preserved in Article 80 of the UN Charter. That provision states that nothing in the charter shall be construed ‘to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.’ Nor did the 1947 Partition Plan revoke this guarantee: It was adopted by the General Assembly, which under the UN’s own rules means it was nonbinding. It could have become a binding international treaty had both Jews and Arabs accepted it, but in fact, the Arabs rejected it.”

Thus, the following anti-Zionist claims are false:

1. Palestinian Arabs were in possession of the land in dispute.
2. Palestinian Arabs had legitimate property over what is now virtually all of Israel.

As we have seen, the land was neither *from* Arabs nor Arab. Moreover, to claim that whatever land that was not homesteaded or purchased⁷ by Jews is Arab is to state a false dichotomy.

What about private land that was non-Arab and non-Jewish after Israel’s creation? It was respected as such. Isseroff (2007) mentions as an example the case of the Greek Orthodox Church, a large landowner in the area:

“They hold the land under a Waqf-like policy. They will not sell it, but they have leased portions of it in long term leases to the Israeli government, including about half of downtown Jerusalem, the Knesset Building, the neighborhood of Rehavia and the Israel Museum. They continue to own the land and were never ‘dispossessed.’”

We have by now demonstrated that the claim that Palestinian Arabs legitimately owned most of the land of Palestine is false. However, the main Palestinian Arab argument is of dispossession of lands that belonged to the peasants or Palestinian

⁷See as an example Ruppin (1929).

Arabs, not that they merely had (or not) titles over such land. It is now time that we tackle the following claim:

3. Zionist purchases of land were illegitimate.

This latter charge is supposedly based on the argument that Palestinian Arabs, especially poor peasants, were being improperly displaced by Zionists. Hence, their legitimately homesteaded property was being taken away from them, due to the fact they did not have titles to it. However, the extent of this situation is far smaller than Palestinian Arab propaganda claims. Isseroff (2007) also illuminates us in this regard:

“[...] Stein [1984, 1987...] concluded that Palestinian Arab fellahin were being systematically displaced from the land, but that this was an ongoing process that had begun in Ottoman times, and was not related to Zionist settlement. Rather, he attributed it to the archaic land laws, the Tanzimat reform of those laws which favored the rich, competition from inexpensive imports and the depredations of World War I, which had ruined Palestinian agriculture and put many poor peasants hopelessly in debt. The eagerness of owners large and small to sell their land no doubt increased as the prices that others were willing to pay increased. As in all countries at the beginning of the twentieth century, agriculture became less and less capable of supplying a livelihood and could not compete with other land uses and labor opportunities. Greedy landlords found ways to evict tenants and sell the land or put it to more productive uses, subverting laws intended to protect tenant farmers. The land was usually not sold to Zionists or Jews.”

This makes sense since the Zionists were neither helped by the Ottomans nor the British. It was quite logical that such process did not have anything to do with them directly. To claim that this phenomenon involved Zionists is to misunderstand their political power in the Ottoman or British Palestine. Otherwise these governments would have treated the Jews amicably, which was far from the case.

What about the claim that Zionist purchases impacted the livelihood of the local Arab farmers or *fellahin*, whose property was acquired from “absentee landlords”? Isseroff (2005a) reveals:

“In 1936, a commission of inquiry found that 654 Palestinian families had lost their lands as the result of Zionist purchases, out of a total of 61,408 Arab families that owned or tenanted land. In other words, slightly over 1%. These families lost 46,633 dunams of land, which is less than 1% of the 6,440,000 dunams of land in Palestine that were deemed to be arable. That was the extent of the dispossession.”

Keep also in mind that Isseroff is not writing from a classical liberal or libertarian perspective, so even this land over which Arabs claimed ownership may not have been legitimately owned, but merely based on illegitimate title. Since Ottoman (and the British) government titles in the area were arbitrary, Jews purchasing titles to the same land is equally just a practical matter.

Therefore, the claim that Zionists massively “dispossessed” Palestinian Arabs cannot be seriously contended. Isseroff (2005a) continues:

“The land purchase used to dramatize the dispossession of the Arabs of the Galilee was the purchase of the Sursuk lands in the Valley of Jezreel. The Sursuks were absentee landlords who lived in Beirut. Much of the land had fallen into disuse, and was unirrigated. The claims of the Arabs of dispossession by this purchase were examined by Sir John Hope

Simpson in 1930. The Simpson commission was set up to examine the causes of the riots of 1929. Very likely it was clear from the start that its purpose was to blame the riots on Zionist immigration, and to justify a finding that would require curtailment of Jewish immigration to Palestine. This they did. However, despite having every motivation to blame the Zionists for ‘dispossession’ of Palestinian Arabs, Simpson wrote:

“Government responsibility towards Arab cultivators.—The Jewish authorities have nothing with which to reproach themselves in the matter of the Sursock lands. They paid high prices for the land, and in addition they paid to certain of the occupants of those lands a considerable amount of money which they were not legally bound to pay. It was not their business, but the business of the Government to see to it that the position of the Arabs was not adversely affected by the transaction. In Article 6 of the Mandate it is the duty of the Administration of Palestine to ensure that the rights *and position* of the Arabs are not prejudiced by Jewish immigration. It is doubtful whether, in the matter of the Sursock lands, this Article of the Mandate received sufficient consideration’.

“[...] Moreover, Simpson quotes from a letter by Yehoshua Hankin, the Zionist land agent, who stated:

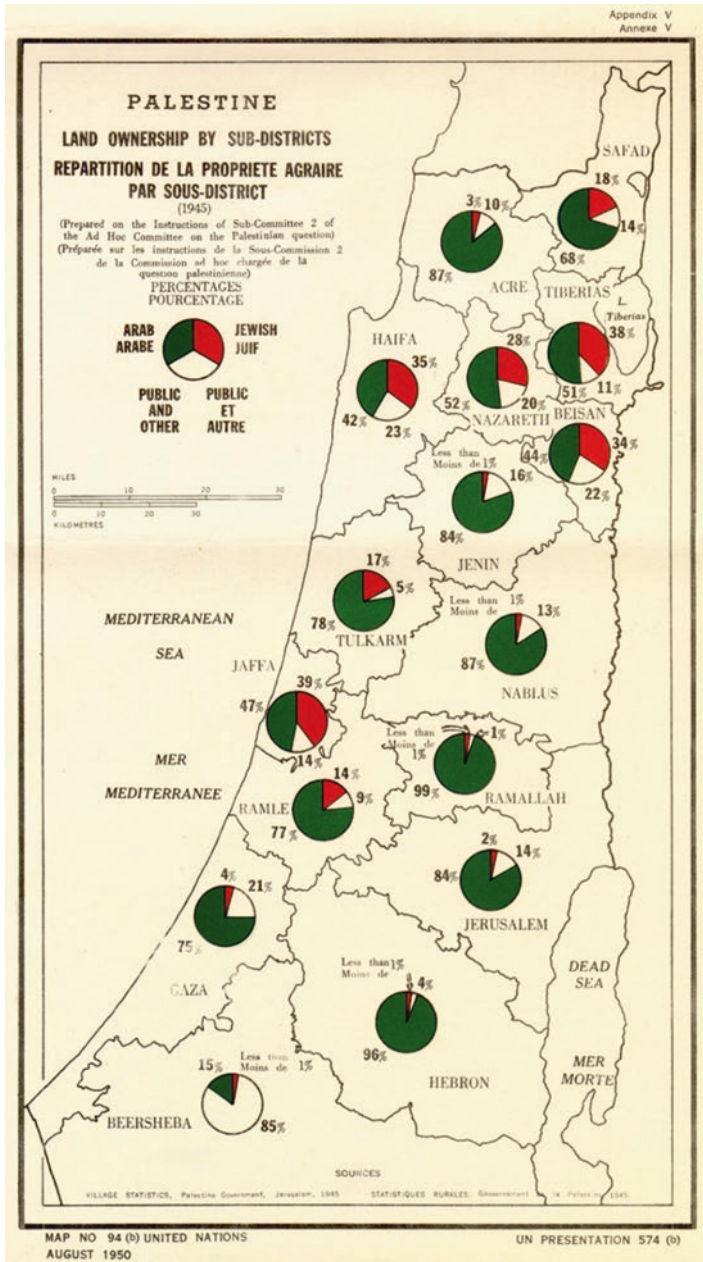
“... Had we desired to disregard the interests of such workers of the land as are dependent, directly or indirectly, upon lands of the landlords, we could have acquired large and unlimited areas, but in the course of our conversation I have pointed out to you that this has not been our policy and that, when acquiring lands, it is our ardent wish not to prejudice or do harm to the interests of anybody.”

Given the absurdity of the idea that non-Jewish land *must* have been “Arab” land,⁸ thereby lending the impression that it was properly *owned* by Arabs, we must now analyze the original Map from the Sub-committee 2 of the UN Ad Hoc Committee on the Palestinian question (Map 3.2).

The basic problem with this map is that, first, it only tracks land *titles*, not actual ownership. For classical liberalism and libertarianism, of course, these are not the same. For example, the map claims that 96% of the land in the Hebron district was “owned” by Arabs. That would mean that 96% of that entire district was already homesteaded. This is extremely difficult to believe, since the population of the town of Hebron itself in 1943 was about 22,800, and only 16,650 in 1922 (Aumann 1972, 125–126). This population density simply does not help to support the idea that most of the land was homesteaded by Arabs. Second, the map seems to conflate former Ottoman “ownership” with Arab “ownership”.

What do anti-Zionists deduce on the basis of this map? Basically, that since Arabs supposedly owned more land in every district, it is necessarily the case that they were the rightful owners of *all* the terrain in dispute, i.e. that Palestine is almost entirely properly “Arab”. The problem with this claim is that most of the land in Palestine was owned by the Ottoman government, and even that ownership was illegitimate. The amount of private land was extremely low. This territory can be broken down into several categories, as we have seen (Table 3.2). Much of it was leased, conceded temporarily, etc. Except in the case of property bought by Jews, previously (privately) owned by Arabs, the amount presented as owned by Arabs

⁸ Observe that, non-Jewish territory, as opposed to Jewish territory, is literally non-Jewish territory. This obvious fact is perverted to imply that “non-Jewish” must necessarily mean “Arab”. As we have shown, the Arabs were not the only people around at the time. See also the relevant entry on the *Encyclopædia Britannica* (Pipes 2016).



Map 3.2 Land Ownership by Sub-Districts. (Source: Sub-committee 2 of the UN Ad Hoc Committee on the Palestinian Question)

includes the categories presented in Table 3.2. The implication is that many of these titles were not titles to property (homesteaded), but to *claims* based on government power. In other words, they were based on *might, not right*. The government claimed ownership of most of the terrain.

Also, given all these complications on how to identify legitimate homesteaded property, we cannot claim that Jews owned more territory than Arabs. But at the same time, we cannot say what actual amount of territory was legitimately owned by the latter. According to Auman (1972, 126–127):

“The claim is often made that in 1948 a Jewish minority owning only 5 per cent of the land of Palestine made itself master of the Arab majority, which owned 95 per cent of the land.

“In May 1948 the State of Israel was established in only part of the area allotted by the original League of Nations Mandate. 8.6 per cent of the land was owned by Jews and 3.3 per cent by Israeli Arabs, while 16.9 per cent had been abandoned by Arab owners who imprudently heeded the call from neighbouring countries to ‘get out of the way’ while the invading Arab armies made short shrift of Israel. The rest of the land—over 70 per cent—had been vested in the Mandatory Power, and accordingly reverted to the State of Israel as its legal heir. (Government of Palestine, *Survey of Palestine, 1946*, British Government Printer, p. 257)

“The greater part of this 70 per cent consisted of the Negev, some 3,144,250 acres all told, or close to 50 per cent of the 6,580,000 acres in all of Mandatory Palestine. Known as Crown or State Lands, this was mostly uninhabited arid or semi-arid territory, inherited originally by the Mandatory Government from Turkey. In 1948 it passed to the Government of Israel.

“These lands had not been owned by Arab farmers—neither under the British Mandate nor under the preceding regime. Thus it is obvious that the contention that 95 per cent of the land—whether of Mandatory Palestine or of the State of Israel—had belonged to Arabs has absolutely no foundation in fact.”

We maintain that even if Arabs owned more land (and even if we do not take into account the qualifications of their titles to it) it is irrelevant, since Israel was not going to (and did not, as we have seen) dispossess them nor “ethnically cleanse” them. That did not happen, as is shown by those Israeli Arabs who stayed, and are now part of the State of Israel, comprising some 20% of the population.⁹ Respecting property rights was a given in the only free country in the mid East.

If most Arabs fled, it was so because of the war that the Arab countries *imposed* on Israel. The criterion for the Partition Plan accorded with demographic considerations (Table 3.3), and also to the context, which was that Jews wanted a state of their own and coexistence was difficult given Arab rejectionism. It was not based on property, and this is so because *most of the area was government owned*, as we never tire of saying, since it is so important.

Let us get back to the “cultivable-uncultivable” issue. It is important to note that categorizing territory as “uncultivable” does not make it so. This was proven by Zionism itself.¹⁰ However, what is relevant for our case is not that “uncultivable” can be made “cultivable”, but that uncultivated land cannot be regarded as property.

⁹ Israel Central Bureau of Statistics (2010, 10).

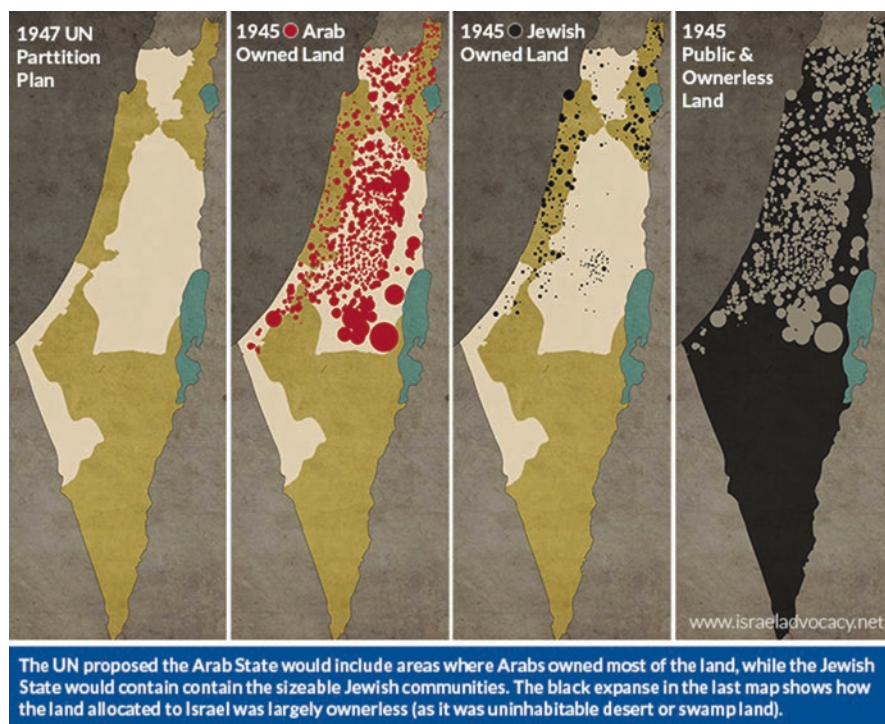
¹⁰ It is not for nothing that the Israelis are widely credited with “making the desert bloom.” See on this Mehan III (2016).

Table 3.3 Figures given for the distribution of the settled population in the Jewish and Arab States

Jurisdiction	Population	Percentage Jewish	Population	Percentage Non-Jewish	Total
The Jewish State	498,000	55.03%	407,000	44.97%	905,000
The Arab State	10,000	1.36%	725,000	98.64%	735,000
City of Jerusalem	100,000	48.78%	105,000	51.22%	205,000
Total	608,000	32.95%	1,237,000	67.05%	1,845,000

Source: Official Records of the Second Session of the General Assembly, Supplement No. 11, United Nations Special Committee on Palestine, Report to the General Assembly, Vol.1, 1947

On Bedouins, it is explained that “In addition there will be in the Jewish State about 90,000 Bedouins, cultivators and stock owners who seek grazing further afield in dry seasons.” Yet, these were not included in the table in the original. Even so, the Jewish State would have had a minimum majority of 1000 Jews. Take also into account that the estimates of bedouins are controversial



Picture 3.1 Land ownership. (Source: Israel Advocacy Movement n.d.-a)

If some acreage has not had any labor mixed with it, then it is still in a state of nature, there for the taking, for the first person to make it his own; how? By cultivating it.

The UN Partition Plan was designed on the basis of demographical considerations, and took into account Arab “land ownership”, despite if the latter was or not

legitimately homesteaded (Picture 3.1). But it was certainly not, as anti-Zionists contend, an anti-Arab plan. Given what we saw on the status of such land on a classical liberal and libertarian foundation, quite the opposite, actually.

Perhaps more importantly, even if the Arabs owned more land, the establishment of Israel with a Jewish majority would not have necessarily undermined the rights of the Arab proprietors in the new state. If real estate is mostly concentrated in the hands of a specific people, that does not imply that a country would necessarily be established for their benefit. Let us present a *reductio ad absurdum*: if 99% of territory in country *A* is owned by the group *B*, which represents 1% of the population, it would be indefensible to believe that *B* should rule over the rest by instituting a government of their own design.¹¹

The *essential* and relevant subject behind any minarchist consideration is whether the government will respect individual rights. Israel was created precisely to this end, and has certainly accomplished this task and more so relative to other states in its vicinity at the very least. The existence of a sizeable minority of Israeli Arabs demonstrates that this government enforces the rights of all its citizens. So even conceding, *arguendo*, that Arabs indeed owned more land, that would still not undermine the right of a larger Jewish demography to constitute a state. Since the issue at stake is not if the property rights of those Arabs was going to be respected (that was a given), but if Israel *as such* was going to exist at all.

Territorial ownership would not have been a legitimate argument to deny validity to the right of Jews to establish a state. Under other determinations, property would merely have been placed in a different jurisdiction. However, the Arabs rejected the 1948 plan. This was not because they “owned more land” or not, but because *they opposed a Jewish State as such*. Jewish presence was the problem, current Arab excuses that “Jews are welcome in the Palestinian state” notwithstanding. They were not all that welcome in Egypt, Lebanon, Syria or several other Arab countries (especially after 1948). Moreover, to have an idea on the actual feasibility of the latter claim, see what the actual population of Jews in Arab states is *today*. Almost zero.

This can also be easily seen when the issue of “settlements” in Judea and Samaria is presented as the fundamental obstacle to peace. But we ask, why? If a Palestinian government were created in Judea and Samaria, would it have to be a *Judenrein* state? This is precisely what the Palestinian Authority (PA) has in mind. Otherwise, why would Jewish settlements prevent the establishment of a Palestinian state? Why can’t Jews be a minority in such a state? By contrast, when Israel was established, it was conceded that there would be a sizeable Arab minority. The Zionist leadership never contended that Arab villages or settlements within what would become 1948 Israel were an “obstacle to peace”. It was simply assumed that all Arab settlements would be part of Israel, as the UN Partition Plan, accepted by the Jews, shows.

¹¹ From a purely economic point of view, labor, typically, contributes some 75% to the GDP, while natural resources, up to and including land, about 10%. This is a matter of positive, not normative economics, so is not directly relevant to our issues. Nevertheless, it serves as food for thought.

The idea of a *Judenrein* state was prevalent in 1947 too. Some (very naïve) people think that in the Palestinian State, “Jews would be welcome”,¹² despite that the facts on the ground contradict this assumption. Those facts are that the PA enforces the death penalty on those Palestinian Arabs who dare sell land to Jews (Abu Toameh 2009).¹³ This policy does not seem compatible with welcoming a minority. Perhaps this policy of legal murder will be changed when and if the PA has a state, but we reasonably tend to doubt this.

Even if it were true that “Arabs owned more land”, that would still be irrelevant for the *large majority of the area*, which has always been under government possession, unhomesteaded and unowned from a libertarian perspective. If the Arabs owned more legitimately homesteaded land than the Jews (a contrary to fact conditional), the area under control of the state and unhomesteaded was larger still.

The British Mandate¹⁴ covered an area of about 120,000 km² (Galnoor 1995, 155), and in 1922 Great Britain unilaterally delivered almost 77% of it to Jordan. Of that 23% remaining territory, the Jews got about 55% in the 1948 Partition Plan. So, the Arab claim of “dispossession” of territory is obviously wrong. Palestine was no longer what it was in 1917 (at the time of the Balfour Declaration). Moreover, the claim that the Jews received 55% of the area while constituting a minority of the population (Parker n.d.) (since the Arabs and others comprised approximately 65%¹⁵) is unreasonable, given that most of the terrain awarded to the Jews was the Negev desert (more than 45% of the land of Israel). Also, the Jews were a majority in the territory allotted to them, comprising almost 500,000 people, and the Arabs approximately 400,000 (Table 3.3).

Let us assume there would be a Palestinian Arab State in the entire terrain in contention, i.e., including what is now Israel. Or, that the UN would have agreed in its Resolution 181 that there would only be an Arab state in addition to Jordan, in other words two Arab states versus one of each. For libertarianism, the right to secession is fundamental.¹⁶ So, what would have been the problem if the Jews had wanted to secede from this presumptive Arab state? The Jewish state would have indeed been smaller, but the arguments of land and possession would still apply.

For the anti-Zionist the issue is not Israel’s size, but rather whether Israel should exist *at all*. The anti-Zionist would still say that this Jewish “entity” should not exist, and therefore the Jews may not secede from this Arab state to create their own. Now that it does make this attempt, the people responsible must be eliminated, root and branch. In our present context, in the view of radical opponents of Israel, the problem is not its size, but its very existence.

¹²One can justifiably suspect that the only Jews the Palestinian Authority would want to live in the Palestinian State are Noam Chomsky, Norman Finkelstein, Murray Rothbard and others who think like them.

¹³In sharp contrast, Israel has no death penalty for Jews who sell property to Arabs, nor anything resembling that. This stark contrast deserves far more publicity than has ever been given to it.

¹⁴See Israel Ministry of Foreign Affairs (n.d.-a).

¹⁵See Table 3.3.

¹⁶See on this Mises (1919 [2006], 37).

Let us end this section by seeing what Ludwig Von Mises (1927, 109) had to say about the right of secession¹⁷:

“The right of self-determination in regard to the question of membership in a state thus means: whenever the inhabitants of a particular territory, whether it be a single village, a whole district, or a series of adjacent districts, make it known, by a freely conducted plebiscite, that they no longer wish to remain united to the state to which they belong at the time, but wish either to form an independent state or to attach themselves to some other state, their wishes are to be respected and complied with. This is the only feasible and effective way of preventing revolutions and civil and international wars.”

Lest we be accused of hypocrisy, do Arabs have the same right to secede from the Jewish State? Yes, of course. This option was in fact offered to the Arabs of the disputed territories during the Camp David talks in 2000 (among other times). The offer was rejected.

3.2 The “New Historians”

The movement of the “New Historians” was born out of the idea of delegitimizing Israel by pointing to its birth as the result of an “original sin”.¹⁸ From the anarchist libertarian point of view, every single state that has ever come into existence has done so through some level of original sin against the non-aggression principle (NAP). Our point though, even from this perspective, is that the State of Israel was established through a much lesser NAP violation than almost any other state in the world, given that the people returning to Israel are descended from the last known legitimate homesteaders, the Jews. Moreover, these people engaged in homesteading the land yet again, or purchasing it from willing sellers. The other states of the world, by the way, have not emanated from virgins either.¹⁹

¹⁷The anarcho-capitalist tradition goes even further in this direction. If even a single individual wishes to secede from a given political entity and set up a “state” with himself as the only member, he would have the right to do exactly that. This stems from the basic building block of libertarianism: free association, no one should be forced to “associate” with anyone else against his will. The problem with rape is that the victim is compelled to “associate” with the rapist, when the former would prefer to have nothing at all to do with the latter. The problem with slavery is that the victim is compelled to “associate” with the slave-owner, when he would prefer to have nothing at all to do with him. Every horror associated with both rape and slavery stems from the lack of consent in the relation. In like manner, the problem with not allowing secession down to the individual level is that the victim is compelled to “associate” with the political entity when he would prefer to have nothing at all to do with it.

¹⁸Discussing the Israeli historian Benny Morris, Daniel Polisar (2000, 18), claims: “His often extreme use of language is likewise a reflection of perspective: In his November 1988 *Tikkun* article, Morris raised the possibility that Israel ‘was besmirched by original sin’ due to the manner in which the Jewish state had come into being.”

¹⁹As libertarians, we know that believing that such a thing would be the case is beyond rational.

From a classical liberal perspective, though, the relevant thing is that the state respects individual rights, and to this day the fact that the State of Israel is the most rights-respecting state in all of the Middle East cannot be seriously denied.

The new documents opened to the public by the British and especially Israeli authorities during the 1980s supposedly gave the New Historians evidence to justify their claims: fundamentally, that Israel was born on the basis of expulsion and conquest. They rarely even *mention* almost a million Jews expelled from Arab countries, though.²⁰

The fundamental premise of the most extreme among them (most notably, Ilan Pappé), is that Israel was created on the basis of the “ethnic cleansing” of Palestinian Arabs. The most relevant events these New Historians focus on and use as evidence for their contentions are: a British-French plan (1912) to cleanse the future Jewish State of Arabs, the expulsion of Arabs twelve days after the UN declared the partition plan in 1947, and the “Tantura Massacre” (Perednik 2010).

The movement of New Historian academics in Israeli Universities or former professors there includes, among others: “Ilan Pappé, Benjamin Beit Hallahmi, and Uri Ben-Eliezer at the University of Haifa; Joseph Grodzinski, Yoav Peled, and Tania Reinhardt at Tel-Aviv University; Israel Shahak, Baruch Kimmerling, Ze’ev Sternhell, and Moshe Zimermann of the Hebrew University in Jerusalem; Gabriel Piterberg and Uri Ram from Ben-Gurion University [...]”(Karsh 2000b, xx).

How did this rubric arise? The term “New Historians” first appeared in an article in *Tikkun* (November 1987), by Benny Morris.²¹ As Daniel Polisar (2000, 16), from Shalem College explains, “...he and his colleagues have claimed that what distinguishes them from their predecessors is the willingness and ability to *unearth the inconvenient facts* of Israeli history” (emphasis added).

Yet, the approach taken by these historians is primarily to *mix* evaluative judgments with facts. In so doing, they often contradict their own assertions. Moreover, there is no unanimous agreement among them on how to understand the Arabs fleeing from Israel during the 1948 War of Independence. Consider this case in point offered by Polisar (2000, 20) regarding the most widely, and highly esteemed of these historians, Benny Morris:

²⁰ See below.

²¹ The importance of Morris himself cannot be overlooked on this regard. Beker (2009) claims that: “More than anyone else, Morris provided the historical sources for the argument that the State of Israel was born as a result of a conspiracy to carry out the ethnic cleansing of the Palestinians. His books and articles provided the basis for an indictment of the State of Israel, something that helped the Palestinian and Arab leadership reject all peace efforts right after the Oslo Accords, at Camp David in 2000 and in discussions of Prime Minister Ehud Olmert’s peace proposal in 2008”. The present authors disagree with Beker (2009), since in our view specific historical narratives are merely excuses for the Palestinian Arabs chronic rejectionist positions against Israel. Their true motive is a rejection of any Jewish presence in the area whatsoever. However, the Palestinian Arabs are more than happy to seize on the publications of anyone in order to buttress their case. However, Morris, who changed many of his initial evaluations of his historical writings (mainly after 2000), has not been as positively cited by anti-Zionists since then.

“We can take as an instructive example the research done by Benny Morris in *Birth of the Palestinian Refugee Problem* [1987]. Despite occasional inaccuracies, Morris’ account of the subject is more detailed and accurate than anything that preceded it. If we consider the facts Morris presents, it is reasonably clear that the flight of much of the Arab population from the territory that became Israel stemmed from battles between Arab and Jewish forces, and from the fears of Arab civilians of getting caught in the fighting. The Zionist leadership, Morris’ research shows, correctly understood the danger that the Palestinian Arabs posed to the nascent Jewish state, and therefore did little to prevent their departure, at times encouraging or even precipitating it through political or military actions. *In fact, Morris’ own research does much to disprove the claims of his recent writings that what happened during the War of Independence was ‘ethnic cleansing’*” (emphasis added).

In very much the same way, many of these works have been permeated by a political, rather than academic spirit. Historian Efraim Karsh²² (King’s College) expounds, for example, that:

“Simha Flapan, the left-wing political activist and editor of *New Outlook* who inaugurated the assault on alleged ‘Zionist myths,’ made no bones about his political motivations in rewriting Israeli history, presenting his book as an attempt to ‘undermine the propaganda structures that have so long obstructed the growth of the peace forces in my country.’²³ But soon after, a group of Israeli academics and journalists gave this approach a scholarly imprimatur, calling it the ‘new history.’²⁴ Its foremost spokesmen include Avi Shlaim of Oxford University, Benny Morris of the Hebrew University of Jerusalem, and Ilan Pappé of Haifa University. Other prominent adherents include Tom Segev of the *Ha’aretz* newspaper, Benjamin Beit Hallahmi of Haifa University, and researchers Uri Milstein and Yosi Amitai” (Karsh 1996).

Is it true that this new movement went “mainstream” due to its supposedly groundbreaking discoveries? Absolutely not. Its fame owes to the fact that it gives anti-Zionists scholarly arguments they need in order to wage (intellectual) war against Israel and its legitimacy. Moreover, many of these works have long been refuted by other historians. Karsh (1996) illuminates:

“A number of scholars have already done outstanding work showing the faults of the new history. Itamar Rabinovich (of Tel Aviv University, currently Israel’s ambassador to the

²²The works by Karsh have been an invaluable source for the present section.

²³Flapan (1987, p. 4), quoted in Karsh (1996).

²⁴Karsh (1996) expounds in his fn. 2 “The new historians make much of their relatively young age: ‘Most of them, born around 1948, have matured in a more open, doubting, and self-critical Israel than the pre-1967, pre-1973, and pre-Lebanon War Israel of the old historians.’ Of course, biological age indicates little about outlook. The opponents of the new historians also matured ‘in a more open, doubting, and self-critical Israel,’ many of them belong to the same age group and having lived in the same milieu as the new historians. Moreover, some new historians are older than the ‘old’ historians, especially Flapan, who was born in 1911 and thus precisely a member of that generation that ‘had lived through 1948 as highly committed adult participants in the epic, glorious rebirth of the Jewish commonwealth’ and that was consequently derided by the new historians as being ‘unable to separate their lives from the events they later recounted, unable to distance themselves from and regard impartially the facts and processes through which they had lived.’ Benny Morris, *1948 and After: Israel and the Palestinians* (Oxford: Clarendon Press, 1994), p. 7.” Insofar as ages are concerned, not that they are at all relevant (this discussion reeks of the *ad hominem*), in the interests of full disclosure, Block was born in 1941 and Futerman in 1991.

United States) has debunked the claim by Shlaim and Pappé that Israel's recalcitrance explains the failure to make peace at the end of the 1947–49 war.²⁵ Avraham Sela (of the Hebrew University) has discredited Shlaim's allegation that Israel and Transjordan agreed in advance of that war to limit their war operations so as to avoid an all-out confrontation between their forces.²⁶ Shabtai Teveth (David Ben-Gurion's foremost biographer) has challenged Morris's account of the birth of the Palestinian refugee problem.²⁷ Robert Satloff (of the Washington Institute for Near East Policy) has shown, on the basis of his own research in the Jordanian national archives in Amman, the existence of hundreds of relevant government files readily available to foreign scholars,²⁸ thereby demolishing the new historians' claim that 'the archives of the Arab Governments are closed to researchers, and that historians interested in writing about the Israeli-Arab conflict perforce must rely mainly on Israeli and Western archives'²⁹—and with it, the justification for their almost exclusive reliance on Israeli and Western sources."

Remember our initial claim that the basis of their approach was to mix evaluative judgments with facts. Far from being a movement interested exclusively in historical truth, its anti-Zionist agenda rapidly grew to include wider socio-political subjects. Hence, the undermining of Israel's legitimacy was not going to be accomplished only with respect to its founding. Anita Shapira (1999), the Emerita Professor of Jewish History at Tel Aviv University, in the context of reviewing Morris (1999) and Shlaim (2001), elucidates:

"The revisionist dispute quickly spilled over from history into sociology and cultural studies, as new topics and new heresies were added to those that treated the War of Independence and the relation to the Palestinians: the pre-state Jewish community in Palestine and its conduct during the Holocaust, the absorption of Holocaust survivors and Oriental Jewish immigrants, and so on. No longer were particular Zionist or Israeli figures impugned; *Zionist ideology as a whole was now the real culprit*. Several of the new school's devotees labelled themselves 'post-Zionist,' and charged that the 'lunatic' ambition of Jews to transform themselves into a people with a state of their own was senseless, and opposed to the natural inclinations of the Jews. They claimed that *the Jews had never been a people*³⁰ until the Zionists muddled their thinking, and had no desire for nationhood. Post-Zionism turned out to be a peculiar form of anti-Zionism. In contrast with the anti-Zionism of an earlier era, the post-Zionists made their peace with Israel's existence as a state. (It is hard to argue with success.) But they sought to undermine the state's moral and philosophical foundations, to dismantle the Jewish identity of the state and reconfigure it as a state of 'all its citizens'" (emphasis added).

About this movement, and in the same wavelength as Shapira, Gustavo Perednik (2010) (former lecturer at the Hebrew University in Jerusalem) further explains Post-Zionism and its representatives:

²⁵ Karsh refers to Rabinovich (1991).

²⁶ Karsh refers to Sela (1992, pp. 623–89).

²⁷ Karsh refers to Morris (1987, p. 286); and Teveth (1990, pp. 214–49).

²⁸ Karsh refers to Satloff (1995, p. 954).

²⁹ Morris (1994a, p. 86), quoted in Karsh (1996).

³⁰ An example of this is Shlomo Sand and his *The Invention of the Jewish People* (2009).

“...Israeli representatives of the new wave were the linguist Tanya Reinhartz, sociologists Baruch Kimmerling and Yehuda Shenhav, philosopher Anat Bilezki, and geographer Oren Yiftachel.

“These deconstruct each facet of the history and Israeli society: Zionism mistreats women as much as Palestinians, destroys the most pristine essence of Judaism, abuses the memory of the Holocaust, discriminates against Sephardic Jews. Almost any good person is presented as a victim of the Jewish state. Neve Gordon and Lev Grinberg specialized in criminalizing the Israeli army. In 2009, an awarded thesis in sociology at the Hebrew University in Jerusalem maintained that Israeli soldiers do not rape their enemies’ women because...*they are racists*. (It is sensible to presume what would the ‘thesis’ of the ‘researcher’ have been if the soldiers would *rape*).

“The aforementioned Tom Segev (b. 1945) is the author of *The Seventh Million* (2000) on Israelis and the Holocaust, which shows the Israeli Jews disinterested of their exterminated brothers in Europe.

“[...] The new escalation of the Israeli detractors of Israel was generated last year by a Trotskyist son of Stalinists, professor Shlomo Sand of the University of Tel Aviv, who in his *The Invention of the Jewish People* (2009) says that the Jewish People invented their own history in the XIX century (especially from the historian Heinrich Graetz), and that the expulsion of the Jews from Judea by the Roman Empire was a Christian myth in order to sustain the divine punishment of the Jews, and this way to evangelize the Hebrews”³¹ (emphasis added).

Many of these historians are widely promoted not due to their scholarship, but *because* they are Israeli Jews. In the mind of the anti-Semite (in the context of the regular anti-Zionist), the Jews are a homogeneous block, where neither dissents nor controversies are conceived even though reality is exactly the opposite.³²

This is why whenever anti-Zionists see a Jew (or Israeli, in this case) who presents the worst slanders against Jews (or here, Israel), they are delighted and use this material as an example of a *legitimate* voice. The main difference between the non-Jewish and the Jewish anti-Zionist is that the latter is Jewish and the former not. Critics of Israel as a nation hide their anti-Semitism³³ by claiming that, ‘if even a Jew says so, then it must necessarily be true’. However, even if a Jew opines infamous statements about Jews, that does not make it any the less anti-Semitic.

In this case, although not *every* “New Historian”³⁴ can be defined either as a self-hating Jew nor an anti-Semite, there are some who do fit this bill perfectly. The fact that a Jew can provide an anti-Semite with an excuse to hate Jews (or Israel), is highly problematic. Their response might be along the following lines: “How could you say that *I* am an anti-Semite, when *even* Jews (or Israelis) say these things?” We

³¹ Translated from the original in Spanish by one of the present authors.

³² As the well-known joke about the Jew that is found in a desert island shows: When the rescue team found him, they saw that he had built three synagogues. When asked by the rescuers why he did such a thing, his reply was ‘Well, there is one where I always go. The other one I visit every once in a while. The third one I would *not even dare to set a foot in*’.

³³ On the relation between anti-Semitism and anti-Zionism see Chapt. 5.

³⁴ In this respect, even Benny Morris, who is the founder of the movement, changed his mind with regard to some of his conclusions and approach to the Israeli situation and Palestinian Arabs. We will see more on this below.

answer: because their arguments (and sometimes themselves) *are* anti-Semitic, and so are you for repeating them, relying on them.³⁵

Let us go back to the “New Historians”. Other problems with their scholarship are related directly to their methodology. Anita Shapira (1999) comments on the selection of sources:

“To write the history of relations between Israel and the Arab world almost exclusively on the basis of Israeli documentation results in obvious distortions. Every Israeli contingency plan, every flicker of a far-fetched idea expressed by David Ben-Gurion and other Israeli planners, finds its way into history as *conclusive evidence for the Zionist state’s plans for expansion*. What we know about Nasser’s³⁶ schemes regarding Israel, by contrast, derives solely from secondary and tertiary sources. The same is true for the planning of defense ministers of Syria and their fantasies of a ‘Greater Syria.’ We are given no first-hand source for King Hussein’s designs over the years other than what it was convenient for him to (sic) tell Avi Shlaim in the ceremonious interview that he granted him not long before his death [...] The upshot of all this methodological self-limitation is a history of the conflict in which one side *completely disrobes, disclosing all its weaknesses and its flaws, while the other remains conveniently shrouded in the mystery of the veil.*”

It is of course not wrong to survey the relevant documents of a certain part of any given war or conflict. But it is quite clear from Shapira’s account that in the case of the New Historians the intention is to make Israel take on the role of the fundamental culprit. The following example, also by Shapira, illustrates this point:

“Describing the political background of Levi Eshkol, who replaced David Ben-Gurion as prime minister in 1963, Shlaim tries to explain why Eshkol was consistently a liberal and a humanist who understood the need for dialogue with the Arabs. This is itself a dubious proposition; but Shlaim links Eshkol’s alleged dovishness to his emigration to Palestine in 1914 as a representative of the left-wing youth movement Ha-Shomer ha-Tzair (The Young Watchman). But Ha-Shomer ha-Tzair was founded after Eshkol came to Palestine, and Eshkol was never a member of Ha-Shomer ha-Tzair, then or later.

“Shlaim appears to have confused the moderate Palestinian political party Ha-Poel haT-zair (The Young Worker), founded in 1905, with the radical Zionist youth movement Ha-Shomer ha-Tzair established in Galicia and Poland during World War I. This detail would not be worth mentioning, except that Shlaim bases an entire explanation, an unfounded explanation, on a patent error. This is reminiscent of the pseudopsychological interpretations to which the Israeli ‘new historians’ sometimes resorted, as in their crude accounting for the moderation of Moshe Sharett (the foreign minister and second prime

³⁵From a narrow libertarian point of view, that is, from that which is to be permitted in a free society, there is nothing wrong with being an anti-Semite. Mere hatred of Jews is not per se a violation of rights; in the free society, no violence against anti-Semites would be justified. Of course, the same goes the opposite way: an anti-Semite can hate Jews all he wants, but he is not entitled to exercise or threaten force against any individual Jew. Nevertheless, it is important to “call a spade a spade.” If it walks like a duck, quacks like a duck, why, then, probably, it *is* a duck. Ditto for anti-Semites. But neither “being a duck” nor an anti-Semite is incompatible with libertarian law. This does not mean that Jews, or anyone else for that matter, should look up to, admire, rely upon the research of, anti-Semites. Nor ducks either. For more on Anti-Zionism and Anti-Semitism see Chap. 5.

³⁶On Gamal Abdel Nasser (former President of Egypt between 1954 and 1970), his obsession against Israel, and the Six Day War see Kuntzel (2017).

minister of Israel) by the biographical circumstance that when he was a boy his family lived for a time in an Arab village.”

A mistake can no doubt be made when doing research, but what this example shows is that in the case of several New Historians an entire narrative already exists before uncovering any particular finding. As such, the fact that Eshkol was or not a member of Ha-Shomer ha-Tzair is irrelevant.

Another feature of this school is its double standard. Israel is seen and must be judged in a different light, *apart* from, and way above, the rest of the world. And, more specifically, apart from the *Arab* world. This is a particular feature of anti-Zionism, to judge the Jewish State with a different and almost impossibly higher standard.³⁷ Shapira (1999) comments on this aspect of their scholarship:

“Shlaim’s sentiments are revealed in his differing attitude toward Jews and Arabs. His approach to the latter is shaped by a kind of Realpolitik. After all, they are the indigenous inhabitants of the region; and so their actions require no justification, and are motivated by entirely understandable and self-evident interests. Yet Jews are repeatedly viewed through a moralistic prism: they are transgressors, and have come as invaders into the Arab East. Shlaim is prepared to accept the principle of national interest when it comes to the Arabs, but not when it comes to Israel. Israel’s agreement with King Abdullah at the end of the war of 1948 is criticized for its instrumentality: ‘It was a striking example of the unsentimental Realpolitik approach that had dictated Israel’s conduct throughout the first Arab-Israeli war.’ But Shlaim offers no criticism of Abdullah’s takeover of the West Bank, or of Egypt’s seizure of the Gaza Strip or of Syria’s grab of territory west of the international frontier.”

That last sentence is particularly revealing, as it shows that Shlaim’s criticism of Israel for supposedly usurping Palestinian Arab land does not extend to Jordanian or Egyptian usurpation. The reason for this is implicit in his approach: This is because Jordanians and Egyptians are Arabs, and therefore good, while Jews are Jews, and the very opposite is true.

Consider, during the 1948 War of Independence Jordan conquered Judea and Samaria, and Egypt the Gaza Strip. This is never mentioned as a cause for Palestinian Arab despair.³⁸ After all, if Jordan and Egypt were so concerned about the fate of the Palestinian Arabs, why did they not deliver to them those lands out of which to build a state? Answer: they were actually concerned with destroying Israel, not with creating any Palestinian Arab country.

Modern anti-Zionists are concerned with what happened in 1948, *only* with respect to Israel. Otherwise they would have to severely criticize Egypt and Jordan, since they *were* in control of those lands and did nothing in this regard. Moreover, as we have seen, they have condemned Palestinian Arabs to live as eternal refugees³⁹ in those lands. This is a particularly relevant subject, since the core of the main

³⁷We will see more on this on Chap. 7.

³⁸In our view, everyone has a right to a state of their own, Palestinians certainly included. The only debate is over which territory that state should control, and in what conditions *vis a vis* Israel. But if Palestinian Arabs intend to use a state in order to continue their war against Israel, it is unreasonable to assume that Israel, or anyone else, should agree.

³⁹On the origins of the Palestinian Arab refugee problem see Meir-Levi (2005).

excuse for Palestinian Arab rejection of Israel is that the latter does not allow refugees to “come back”. In this regard, what is the real current status of the Palestinian Arab refugees? Singer (2017) explains:

“The reality is that only some 50,000 of the ‘Palestinian refugees’ are refugees as the world defines the term. The others are descendants of refugees who have died. The Palestinian leadership and the Arab states have prevented these descendants, who never lived in Israel, *from settling and living normal lives in any Arab state* (except Jordan). Furthermore, UNGA Resolution 194 did not, in fact or in law, grant the right of return to all refugees, and would have had no authority to do so even if it had tried” (emphasis added).

As we can see, the exact number of refugees today is controversial. A classified report by the US Government is said to argue that they are far lower than the UN estimated. Kredo (2018) discloses that “Those familiar with the report say the U.S. quietly determined under the Obama administration that the actual number of Palestinian refugees is far smaller, closer to around 30,000.” However, after the War of Independence in 1948, Israel proposed to repatriate 100,000 Arab refugees in 1949 as an integral peace plan with its neighbors (Meir-Levi 2009). Of course, this is not only never mentioned because it shows Israel’s good will even after a war their enemies started, but also because this is not the core of the conflict. Israel’s existence is.

This double standard is again criticized by Shapira (1999):

“The same disparity obtains also for peace feelers. Shlaim assumes that it was legitimate for the Syrians and the Egyptians to demand from Israel half of the Sea of Galilee and portions of the Negev as the price for peace; but he deems Israel’s refusal to agree to massive territorial concessions as sufficient reason to put the blame on the Jewish state for bungling the opportunities for peace. Shlaim is also sympathetic to Syrian views on the demilitarized zones along the Sea of Galilee. Even though this land was territory forcibly occupied by Syria in the War of 1948, Shlaim is vehement in castigating Israel for trying to extend its sovereignty over it. As a general principle, Shlaim rejects the right to seize land by force, when it is a question of Israel’s territorial gains; but Syria’s irredentism is different. Since the land that Syria seized was taken by a rightful Arab ‘owner,’ it should not be faulted. But all of Israel’s territorial gains are illegitimate and have to be returned.”

And these territorial gains were not gained by Israel in offensive attacks, but in defensive actions in the context of the genocidal wars its enemies launched against it. Another inconvenient fact that goes all too often unmentioned.

3.3 The Facts

Jewish immigration at the end of the nineteenth century and especially during the first half of the 20th promoted an unprecedented economic revolution in Palestine. This, in turn, increased Arab immigration.⁴⁰

⁴⁰For accounts of Muslim immigration patterns see Frantzman and Kark (2013).

Table 3.4 Growth of Non-Jewish population

Areas	1893	1947	Increase
Area 1: No Jewish Settlements	337,200	730,000	116.49%
Area 2: Light Jewish Settlements	38,900	110,900	185.09%
Area 3: Heavy Jewish Settlements	92,300	462,000	400.54%

Source: Based on *From Time Immemorial* (Peters 1984); based on work by Kemal Karpat at Ottoman Records. In Pipes (1984)

Reviewing Joan Peters' *From Time Immemorial* (1984), Daniel Pipes (1984) accounts for the evolution of the non-Jewish population according to its proximity to Jewish settlements. As Table 3.4 shows, there is a direct correlation between Jewish Settlements and non-Jewish population growth:

Naturally, since the three regions showed in Table 3.4 usually are shown together, nothing extraordinary is identified. However, when analyzing these areas separately, a pattern emerges. Daniel Pipes (1984) offers this explanation:

"Population in the whole area of Mandatory Palestine grew 178 percent in fifty-four years. This increase can be accounted for through natural reproduction alone; it therefore raises few questions. But 401 percent cannot be explained in this way, much less the vast difference in growth rates among the three divisions."

The Arabs' primary immigration destination were areas near Jewish settlements. As we have seen, their immigration was not largely surveyed by authorities, either Ottoman or British. Jewish immigration, on the other hand, was. The British, who according to Israel critics had been promoting Jewish immigration at the expense of the Arabs, were in fact doing the very opposite. In this respect, they were just following the Ottoman path:

"Since Russia was part of the alliance ranged against Germany and the Ottoman empire, Jews of Russian origin were viewed as a potential fifth column. In December 1914, the Turks expelled 6,000 of them from Jaffa. (Thanks to the U.S. Navy, they were safely evacuated to Alexandria.) In April 1917, another 8,000-10,000 Jews would be expelled from Jaffa and Tel Aviv" (Ben-David 2017).

Hence, Arab immigration was not treated as Jewish immigration, and while the former was typically ignored, the latter was scrutinized with a lens. Pipes (1984) explains:

"[...] officials in Palestine counted only a small percentage of the Arab immigrants. British records for 1934 show only 1,734 non-Jews as legal immigrants and about 3,000 as illegals. Yet, according to a newspaper interview in August 1934 with the governor of the Hauran district in Syria, 'In the last few months from 30,000 to 36,000 Hauranese had entered Palestine and settled there.' In 1947, British officials had counted only 37,000 Arabs as the aggregate of non-Jewish immigrants in Palestine since 1917—hardly more than had come from one district of Syria in less than one year alone."

Where were these Arab immigrants coming from? Pipes (1984) continues:

"Non-Jewish immigrants came from all parts of the Middle East, including Turkey, Syria, Iraq, Lebanon, Transjordan (as Jordan was once known), Saudi Arabia, the Yemens, Egypt,

Sudan, and Libya. *Thanks to British unconcern, Arab immigrants were generally left alone and allowed to settle in Mandatory Palestine.*"

Exceptions to this support of the laissez faire policy towards Arab immigration among British officials are difficult to find, but Pipes (1984) gives us a hint:

"Some British administrators complained about the laxness toward Arab immigration, but to little avail. [...] such as] the memoranda sent in the latter part of 1937 by the British consul in Damascus, Colonel Gilbert MacKereth, in which he urges a more effective patrolling of Palestine's borders. MacKereth failed in this because British concern with immigration remained always focused on the Jews."

It is important to highlight that some versions of classical liberalism and libertarianism are perfectly compatible with free immigration.⁴¹ However, there is no reason to support a free immigration policy for one group, while restricting another as much as possible. This is precisely what Ottomans and British officials did with the Arabs and the Jews, respectively.

In spite of the huge controversies surrounding Peters' book, its fundamental thesis has never been refuted: Jewish development attracted Arab immigration.⁴² In a more recent study on this regard published at *Middle East Quarterly*, Fred M. Gottheil (2003), Professor of Economics at the University of Illinois at Urbana-Champaign, expanded on this argument.

"Capital stock grew at an annual rate of 14.1 percent, much of it a result of capital imports. The deepening of capital—capital stock per laborer—accompanied the growth of capital stock. The modernization process in the form of infrastructure development is illustrated by the growth of road construction, electric power, and telephone communications. [...] The results were dramatic. Real net domestic product per capita soared, doubling during 1922–31, from 19.4 LP (Palestine pounds) to 38.2 LP."

Naturally, the Arabs of the surrounding areas learned of these developments in Palestine. The excellent study by Gottheil (2003) clarifies⁴³ why there was neither dispossession of Arabs with such levels of productivity nor were they prevented from enjoying the benefits of Zionism's impact (as shown in Tables 3.5 and 3.6).

⁴¹There is actually an ongoing debate within this intellectual community on this question. On the open borders side see Berg (2010), Block (1983a, b, 1988b, 1990b, 1998, 2004b, 2011a, c, 2013a, 2015c, 2016a, b, 2017b, 2018), Block and Callahan (2003), Ebeling (2015a, b), Esplugas and Lora (2010), Friedman (1973, 2006), Gregory and Block (2007), Hornberger (2016), Hudson (1986), Krepelka (2010), Rothbard (1962), Rozeff (2005b), Salin (2000, chap. 11), Todea (2010). For the anti open immigration viewpoint, see: Brimelow (1995), Hoppe (1998, 2001, 2002), Hospers (1998), Kinsella (2005), Machan (1998), Rockwell (2016), Rothbard (1994), Simon (1998), de Soto (1998).

⁴²The lack of development in Palestine before Jewish immigration is a known fact. According to Isseroff (2007): "[...] the land of Palestine was for the most part virtually worthless prior to the mandate. Land prices soared because of the mandate, and this was due almost entirely to Jewish settlement and Zionist investment. The land of the Sursocks was sold in 1921 for 3 to 6 Egyptian piasters per dunam, which was 40 to 80 times what they had paid for the land. [...] In effect, the British policy and the Arab 'land claims' amounted to saying 'we will take the money of the Jews, but we will not give them their rights'" (emphasis added).

⁴³See also Isseroff (2005a).

Table 3.5 Selected indicators of capital formation and infrastructure development: 1922–1931

	Capital stock ^a	Capital imports ^b	Capital deepening ^c	Consumption of electricity ^d	Telephone lines ^e	Kilometers of metalled roads
1922	5056	3821	84.2			450
1924	6,541	5522	90.3		3526	580
1926	9603	5013	90.8	2344	5611	631
1928	12,022	2891	98.6	2974	8,78	706
1931	16,539	3225	95.2	9546	14,557	922

Source: Gottheil (2003). Based on R. Szereszewski, *Essays on the Structure of the Jewish Economy in Palestine and Israel* (Jerusalem: Maurice Falk Institute for Economic Research in Israel, 1968), pp. 60, 82; and S. Himadeh, *Economic Organization of Palestine* (Beirut: American University at Beirut, 1938), pp. 282, 565

^a’000 s of real LP measured at 1936 prices

^b’000 s LP

^cReal LP measured at 1936 prices

^dUnits of KWH sold

^eKilometers of local telegraph and telephone lines

Table 3.6 Economic performance and standards of living in Middle East economies: 1932–1936

	Per Capita income ^a	Industrial daily wages ^b	Per capita consumption of foodstuff ^c	Net productivity per agricultural worker ^d
Egypt	12	NA	16.0	90.1
Syria	13	50–310	19.0	97.6
Iraq	10	40–60	13.8	93.2
Transjordan	NA	NA	NA	90.1
Arab Palestinians	19	70–500	22.9	186.3

Source: F. Gottheil, “Arab Immigration into Pre-State Israel: 1922–1931,” *Middle Eastern Studies*, Oct. 1973, p. 320

^aBritish pound sterling, 1936

^bIn mils, 1933–5

^cInternational Units (IU), 1934–6

^dIU, 1934–6. In Gottheil (2003)

One would expect that with so much more capital, higher wages and productivity, immigration into Palestine by Arabs would be encouraged. And so it was. The demographic changes were recognized by several studies, and they cannot be explained by natural increase alone. Critics of Israel argue that the latter is the main reason, but Gottheil (2003) challenges this claim by using the work of other demographers:

“Demographer U.O. Schmelz’s analysis of the Ottoman registration data for 1905 populations of Jerusalem and Hebron *kazas* (Ottoman districts), by place of birth, showed that of those Arab Palestinians born outside their localities of residence, approximately half represented intra-Palestine movement—from areas of low-level economic activity to areas of higher-level activity—while the other half represented Arab immigration into Palestine itself, 43 percent originating in Asia, 39 percent in Africa, and 20 percent in Turkey

“[...] Like U.O. Schmelz, Roberto Bachi expressed some reservation about the virtual non-existence of data and discussion concerning migration into and within Palestine. He writes: ‘Between 1800 and 1914, the Muslim population had a yearly average increase in the order of magnitude of roughly 6–7 per thousand. This can be compared to the very crude estimate of about 4 per thousand for the ‘less developed countries’ of the world (in Asia, Africa, and Latin America) between 1800 and 1910. *It is possible that part of the growth of the Muslim population was due to immigration.*’⁴⁴ [...] ‘The great economic development of the coastal plains—largely due to Jewish immigration—was accompanied both in 1922–1931 and in 1931–1944 by a much stronger increase of the Muslim and Christian populations in this region than that registered in other regions. This was probably due to two reasons: stronger decrease in mortality of the non-Jewish population in the neighborhood of Jewish areas and *internal migration toward the more developed zones.*’⁴⁵ [...] ‘As no statistics are available for internal migration, this conclusion has been obtained from indirect evidence.’”⁴⁶

But a critic may ask, how is it that official data points to population growth as the result of natural increase? Gottheil (2003) explains:

“It is not surprising then that the British census data produce an Arab Palestinian population growth for 1922–31 that turns out to be generated by natural increase and legal migrations alone. Applying a 2.5 per annum growth rate to a population stock of 589,177 for 1922 generates a 1931 population estimate of 735,799 or 97.6 percent of the 753,822 recorded in the 1931 census. [...] A footnote accompanying the census’s population time series acknowledges the presence in Palestine of illegal Arab immigration. But because it could not be recorded, no estimate of its numbers was included in the census count. Ignoring illegal migrants does not mean they don’t exist.”

In other words, to assume that population growth necessarily follows the path of annual rates of natural increase alone is fallacious. Moreover, it is not only illegal immigration that is relevant in our analysis, but also migration within Palestine, where areas experiencing economic growth attracted population from those that experienced relative stagnation. Gottheil (2003) continues:

“[...] Analyzing the 1922 and 1931 demographic data by sub-district and separating those sub-districts of Palestine that eventually became 1948 Israel—that is, sub-districts that had relatively large Jewish populations (with accompanying Jewish capital and modern technology)—from those that were not designated as part of 1948 Israel, identified not only the direction of Arab Palestinian migration within Palestine but its magnitude as well.

“The Arab Palestinian populations within those sub-districts that eventually became Israel increased from 321,866 in 1922 to 463,288 in 1931 or by 141,422. Applying the 2.5⁴⁷ per annum natural rate of population growth to the 1922 Arab Palestinian population generates an *expected* population size for 1931 of 398,498 or 64,790 less than the actual population recorded in the British census. By imputation, this unaccounted population increase must have been either illegal immigration not accounted for in the British census and/or registered Arab Palestinians moving from outside the Jewish-identified sub-districts to those sub-districts so identified. This 1922–31 Arab migration into the Jewish sub-districts

⁴⁴Bachi (1974, pp. 34–5), quoted by Gottheil (2003), (emphasis added in the original).

⁴⁵Bachi (1974, pp. 51), quoted by Gottheil (2003) (emphasis added in the original).

⁴⁶Bachi (1974, pp. 51, fn.), quoted by Gottheil (2003) (emphasis added in the original).

⁴⁷The author derives the 2.5% growth rate from a table of annual rates of natural increase of Muslim population, see Gottheil (2003, fn. 30).

represented 11.8 percent of the total 1931 Arab population residing in those sub-districts and as much as 36.8 percent of its 1922–31 growth.”

Thus, not only is foreign Arab immigration not taken into account, but neither is internal migration. Why is this relevant? Because this undermines the often made but fallacious claim that a certain group lived for centuries in the exact same spot, until the evil Zionists came along and dispossessed them. The dynamics of demography in pre-1948 Palestine amply shows otherwise.

More specifically, consider British policies during the Mandate in Palestine.⁴⁸ An excellent essay by Sheree Roth (2016), published at *Middle East Quarterly*, brings back to the public eye the work of William B. Ziff’s,⁴⁹ *Rape of Palestine* (1938 [2010]). As Roth clarifies, this relevant historical study is important because Ziff⁵⁰ was deeply resented by British authorities for denouncing their policies. More interestingly for us, it offered quite a different picture of immigration before and during the period. As such, Ziff’s work shows the different origins of the inhabitants of Palestine at the time, and their history in the area:

“Out of this human patch-work of Jews, Arabs, Armenians, Kalmucks, Persians, Crusaders, Tartars, Indians, Ethiopians, Egyptians, Sudanese, Turks, Mongols, Romans, Kharmazians, Greeks, pilgrims, wanderers, ne’er-do-wells and adventurers, invaders, slaves ... was formed that hodge-podge of blood and mentality we call today ‘Levantine.’ ...

“In the fourteenth century, drought caused the immigration into Palestine of eighteen thousand ‘tents’ of Yurate Tartars from the Euphrates. Soon followed twenty thousand Ashiri under Gaza, and four thousand Mongols under Moulai, who occupied the Jordan Valley and settled from Jerusalem south. Kaisaite and Yemenite tribes followed in their trail. ...

“In 1830 the Albanian conqueror Mehemet [Muhammad] Ali colonized Jaffa, Nablus, and Beisan with Egyptian soldiers and their Sudanese allies. Fourteen years later, Lynch estimated the thirteen thousand inhabitants of Jaffa to be composed of eight thousand Turco-Egyptians, four thousand Greeks and Armenians, and one thousand Jews and Maronites. *He did not consider that there were any Arabs at all in that city.*⁵¹

“...One hundred years ago, [Jaffa] had a population of four thousand. Today it holds seventy thousand, overwhelmingly Arab, who are largely descendants of the Egyptians and Ethiopians brought in by the conqueror Ibrahim Pasha [Muhammad Ali’s son]. The few

⁴⁸There is a theory that purports to explain Middle East problems by tracing their origin to Sykes-Picot (a 1916 treaty between the United Kingdom and France to delineate their future control of parts of the Ottoman Empire) due to the fact that state borders were drawn according to Western political interests, disregarding the deep differences between religious and ethnic groups in the area, and is one possible explanation of the current situation in the region. Yet, ideology and religion, in the form of Islamism and internal fights between Sunni and Shia are equally or even more important factors. For an analysis defending Sykes-Picot see Patel (2016). Also, with respect to the charge of “Colonialism” against the West as the source of Middle East problems see an interesting approach in Thornton (2015). With respect to the subject of the Middle East and “Colonialism”, “Imperialism” and the West in the work of Edward Said (1935–2003), particularly *Orientalism* (Said 1978) see Landes (2017) for a blistering critique.

⁴⁹(1898–1953).

⁵⁰Born in Chicago, co-founded the Ziff-Davis Publishing Company (Roth 2016).

⁵¹Ziff (1938 [2010], pp. 368–9), quoted in Roth (2016). Emphasis in the original.

thousand Jews who lived here fled during the 1936 riots, abandoning their shops and property.”⁵²

As can be seen from Ziff’s account, the relevant issue is that there was no such people in Palestine residing there continuously for thousands of years with a particular national identity. More importantly, on Jewish development as the source of Arab immigration,⁵³ Ziff (Roth 2016) contended:

“The amount of Jewish capital invested in this tiny land is estimated to total more than £120,000,000. Prior to the recent riots, Jews were bringing in money at the rate of two to five million dollars a month. In 1934 alone, they are estimated to have invested approximately £10,000,000 in Palestine. Today the productive output of the Jewish community is placed at £20,000,000 annually.”⁵⁴

“...Not until the Zionists had arrived in numbers did the Arab population begin to augment itself. The introduction of European standards of wage and life acted like a magnet on the entire Near East. [...] By 1922, after a quarter century of Jewish colonization, their numbers mushroomed to 488,000. Today they are over a million.

“If the English contention were accurate, we should expect to find an exodus of Arabs from areas where Jews are settled into purely Arab regions. But exactly the opposite is true: It is precisely in the vicinity of these Jewish villages that Arab development is most marked. Arab Haifa, profiting by the Zionist boom, grew from 1922 to 1936 by 130%, Jaffa by 80%, and Jerusalem by 55%. The Arab rural settlement in the Tel Aviv district increased by over 135%. The all-Arab city of Nablus, which held 33,000 before the war, has fallen to less than 12,000. Safed which had 20,000, dropped to less than 9,000.”⁵⁵

The reader may be wondering who was creating the jobs to sustain such net inflow of immigrants. The answer is, for the most part, the usual suspects, Zionists. All of this occurred while the British were heavily restricting Jewish immigration while on the other hand doing nothing along those lines with respect to Arabs. Ziff explicates:

“[...] Factories and enterprises of all kinds were started. The result was a critical scarcity of labor in which the entire economy of the country went lunatic. Workers were drained out of the farms to take the more lucrative position in the cities. [...] Employer competed desperately with employer for the available labor supply. [...]”

“The condition is partially glimpsed in a semi-official report of August 27, 1934, admitting that the entire Palestine export trade was at a standstill due to a shortage of labor. Two-thirds of the workers on Jewish land, says the report, are now Arabs, ‘and those Jews remaining will soon be displaced due to labor scarcity.’ The problem became so acute that populations of whole districts, including school children, had to be mobilized to keep crops from rotting in the fields. While anxious Jews were being turned away at the docks of Jaffa and Haifa, the Neshet Cement Works, engaged in a £150,000 expansion in Haifa, announced November 16, 1933, that it was unable to proceed due to ‘acute scarcity of labor.’ In Tel Aviv, £1,000,000 worth of building had to be held up for the same reason. The story repeated itself everywhere. ...”⁵⁶

⁵² Ziff (1938 [2010], pp. 185), quoted in Roth (2016).

⁵³ On Muslim settlements, see Frantzman and Kark (2012, 2013). Also see Frantzman (2010).

⁵⁴ Ziff (1938 [2010], pp. 178–9), quoted in Roth (2016).

⁵⁵ Ziff (1938 [2010], pp. 385–6), quoted in Roth (2016).

⁵⁶ Ziff, (1938 [2010], pp. 235–6), quoted in Roth (2016).

“[...] Whole villages in the Hauran have been emptied of their people, who are drifting into Palestine. Count De Martel, French high commissioner for Syria, asserted in the summer of 1934 that even Arab merchants were moving from Damascus to Palestine because of the prosperity there; and in 1936, the head of the Moslem Youth Association at Beirut, Jamil Bek Basham, wrote that ‘there is a penetration into Palestine of an army of Syrian laborers.’”⁵⁷

As we can see, the British were taking advantage of Jewish investments in order to promote welfare and job creation in the area under their control, that is, the Mandate. While at the same time they were undermining those who were doing the investment. Why? It was for the same reason they delivered two thirds of Palestine to create Jordan: in order to satisfy Arab demands.⁵⁸ What about the British “pro-Zionist” activities? None of the sort took place. Quite the opposite, Ziff recalls:

“Showing the extent of its preorganization, the campaign at once assumed the proportions of a large-scale pursuit of Jews over the length and breadth of Palestine. Ironically paid for out of Jewish tax moneys, a dragnet of airplane and motor boat patrols were detailed along the borders while British and Arab constables, assisted by organized groups of fellaheen, enjoyed themselves in scouring the coast-wise territory.

“At Beirut and other Syrian cities, British and Arab police questioned motorbus drivers, asking if Jews were among the passengers, carefully examining the passports of all suspected of being Jews while others were as scrupulously ignored.”⁵⁹

“Hunting ‘illegal’ Jews became a major game, with illegal Arab newcomers enlisting gleefully in the chase. Savage Bedouins joined in under promise of a reward for any Jewish man, woman, or child they could catch. Palestine was under a virtual reign of terror. Anyone who could not immediately prove his citizenship, or produce his or her certificate of entry, was tracked down, jailed, and brutally beaten...”

As we can see, there was no such a thing as any pro-Zionist British policy. In fact, by viewing this material, one can understand why the UNRWA defines Palestinian refugees as “persons whose normal place of residence was Palestine during the *period 1 June 1946 to 15 May 1948*, and who lost both home and means of livelihood as a result of the 1948 conflict”⁶⁰ (emphasis added). Could it be so because this interpretation allows for any recent newcomer to Palestine to *adduce*

⁵⁷ Ziff, (1938 [2010], pp. 248), quoted in Roth (2016).

⁵⁸ Also, as Ziff (1938 [2010], pp. 248, quoted in Roth 2016) claimed, “It is, of course, difficult to attain any adequate idea of the extent of this flood of non-Jewish immigration since officially it does not exist. In the absence of accurate canvass, its size must be pieced together and surmised. Such calculations as are available show an Arab immigration for the single year 1933 of at least sixty-four thousand souls. Added to the acknowledged Hauranese infiltration are some two thousand who arrived from Damascus alone. *Mokattan*, the leading Cairo daily, announced that ten thousand Druses had gone to the Holy Land, and according to *al-Jamia al-Islamia*, an Arab newspaper of Jaffa, seventeen thousand Egyptians had come from Sinai Peninsula alone. To these must be added considerable groups of Numidians and even Abyssinians, and a vast uncounted army from Transjordan about whose movement into Palestine not the slightest pretense of legality is maintained”.

⁵⁹ Ziff (1938 [2010], pp. 243–3), quoted in Roth (2016).

⁶⁰ See UNRWA <https://www.unrwa.org/palestine-refugees> (last visited May 2, 2020).

that it is part of a people going much further back in time? We leave it to the reader to reach his own conclusion.

Moreover, Roth (2016) avers that, along with Ziff's exposition, it must be clear that "the huge increase in Arab population numbers cannot be accounted for by natural growth". Why? Ziff (Roth 2016) continues:

"Though the government solemnly estimates in 1937 a total Moslem increase by immigration of only 22,535 since the time of the British occupation, evidence of a vast influx of desert tribesmen is obvious everywhere. As early as 1926, Colonial Secretary Amery cautiously conceded that despite the growth of the Jewish element 'the increase of the Arabs is actually greater than the Jews.' [...]

"[T]he government itself acknowledged in 1922 the immigration of whole tribes 'from the Hejaz and southern Transjordan into the Beersheba area,' a fact which in itself must make its estimates of Arab immigration far-fetched. Other approximate figures are available from scattered but credible sources. One of these is the statement of the French governor of the Hauran in Syria, that from his district alone, in the summer of 1933, thirty-five thousand people had left for Palestine as a consequence of bad crops.

"The increase in Arab population due to immigration was no secret. Another important testimony came from Robert Kennedy, the future U.S. attorney general, who traveled at age twenty-two in 1948 to Palestine and reported from there for the *Boston Post*. He also noted the influx of Arab immigration into Palestine:

"The Jews point with pride to the fact that over 500,000 Arabs in the 12 years between 1932 and 1944 came into Palestine to take advantage of living conditions existing in no other Arab state. This is the only country in the Near and Middle East where an Arab middle class is in existence."⁶¹

Note that we do not claim that there was no increase in the Arab population due to natural increase, nor that it may have been the case that this was a fundamental reason for such a surge. What we do say is that the very context for such increase (instead of emigration, prevalent in otherwise geographically similar areas in the Middle East) was the positive Zionist impact. Moreover, that immigration from this source was part and parcel of such an increase in the Arab population.

In addition, even unimpeachable sources from the beginning of the twentieth century recognized that there was no such a thing as a homogeneous Palestinian Arab population (nor particular people) in Palestine. Take, for instance, the *Encyclopædia Britannica*, 11th edition, dating from "1910–11, or antedating the British conquest of the area" (Pipes 2016). It thoroughly depicted the enormous diversity of peoples that inhabited the land of Palestine. Let us review some of the excerpts from the entry on Palestine by the archaeologist Robert Alexander Stewart Macalister,⁶² selected by Daniel Pipes (2016):

"There are two classes into which the population of Palestine can be divided—the nomadic and the sedentary. *The former is especially characteristic of Eastern Palestine, though Western Palestine also contains its full share.* The pure Arab origin of the Bedouins is recognized in common conversation in the country, the word 'Arab' being *almost restricted* to denote these wanders and seldom applied to the dwellers in towns and villages.

⁶¹ Robert Kennedy, "British Hated Both Sides," *The Boston Post*, June 3, 1948, quoted in Roth (2016).

⁶² (1870–1950).

“It should be mentioned that there is a third, entirely independent, nomad race, the despised Nowar [Nawar], who correspond to the gipsies or tinkers of European countries [...]

“.... The sedentary population of the country villages—the fellahin, or agriculturists—is, on the whole, comparatively unmixed; but traces of various intrusive strains assert themselves. It is by no means unreasonable to suppose that there is a fundamental Canaanite element in this population⁶³: the ‘hewers of wood and drawers of water’ often remain undisturbed through successive occupations of a land; and there is a remarkable correspondence of type between many of the modern fellahin and skeletons of ancient inhabitants which have been recovered in the course of excavation.

“.... Some of the larger villages—notably Bethlehem—which have always been leavened by Christianity, and with the development of industry have become comparatively prosperous, show tangible results of these happier circumstances in a higher standard of physique among the men and of personal appearance among the women [...]

“.... The population of the larger towns is of a much more complex nature. In each there is primarily a large Arab element, consisting for the greater part of members of important and wealthy families. Thus, in Jerusalem, much of the local influence is in the hands of the families of El-Khalidi, El-Husseini and one or two others, who derive their descent from the heroes of the early days of Islam. The Turkish element is small, consisting exclusively of officials sent individually from Constantinople. There are very large contingents from the Mediterranean countries, especially Armenia, Greece and Italy, principally engaged in trade. *The extraordinary development of Jewish colonization has since 1870 affected a revolution in the balance of population in some parts of the country, notably in Jerusalem.*

“.... There are few residents in the country from the more eastern parts of Asia—if we except the Turkoman settlements in the Jaulan, a number of Persians, and a fairly large Afghan colony that since 1905 has established itself in Jaffa. The Mutāwīleh (Motawila), who form the majority of the inhabitants of the villages north-west of Galilee, are probably long-settled immigrants from Persia. Some tribes of Kurds live in tents and huts near Lake Huleh.

“If the inmates of the countless monastic establishments be excluded, comparatively few from northern or western Europe will remain: the German ‘Templar’ colonies being perhaps the most important. There must also be mentioned a Bosnian colony established at Caesarea Palestina, and the Circassian settlements placed in certain centres of Eastern Palestine by the Turkish government in order to keep a restraint on the Bedouin: the latter are also found in Galilee. There was formerly a large Sudanese and Algerian element in the population of some of the large towns, but these have been much reduced in numbers since the beginning of the 20th century: the Algerians however still maintain themselves in parts of Galilee.

“The most interesting of all the non-Arab communities in the country, however, is without doubt the Samaritan sect in Nablus (Shechem); a gradually disappearing body, which has maintained an independent existence from the time when they were first settled by the Assyrians to occupy the land left waste by the captivity of the kingdom of Israel (p. 604)” (emphasis added) (Pipes 2016).

As we can see, no homogeneous people lived there at the time, and less so from ancient eras. Daniel Pipes (2016) therefore concludes: “This overview of Palestine mentions in *no less than 20 foreign ethnicities other than the native fellahin (farmers) and the Jews*: Assyrian, Persian, Roman, Arabian, Crusader, Nawar, Arabian, Turkic, Armenian, Greek, Italian, Turkoman, Motawila, Kurd, German, Bosnian,

⁶³We already contended in Chap. 1 that this is not the case. Yet, the rest of the entry is highly relevant.

Circassian, Sudanese, Algerian, and Samaritan. So, enough of this nonsense about the Palestinians all being an ancient people going back to the Jebusites. The Arab Palestinian identity dates to after this encyclopedia entry was written, to the year 1920” (emphasis added).

Enough of this nonsense, indeed.

3.4 The “Expulsion” Plan

In every war, atrocities take place. War, by itself, is atrocious, a crime. However, self-defense is justified. Classical liberals and libertarians recognize this, as pacifism is not a part of this tradition. Justice *demand*s self-defense in the case of unprovoked attacks or threats of force.

In the case of the War of Independence in 1948, it is true that instances of expulsion of Arabs did indeed happen in certain *isolated* cases (such as Lydda, but as we will see, even in this case there are controversies among historians). At the same time, expulsions and atrocities were perpetrated on Jews as well, in areas of Palestine (such as Jerusalem), and in the Middle East more generally (where Jews were massively expropriated and expelled).

However, did Arabs have a right to all of these areas in the first place? Not in our view, since many of these are historically and culturally connected to Jews. Many modern-day Jews can be identified as the proper descendants of the original homesteaders in many areas where Arabs allege expulsion, such as in the case of *Kohanim* and the Temple Mount. Claims of unjust expulsion of non-Jews are irrelevant when addressing areas in Israel that were obviously previously homesteaded by Jews, since this is not expulsion, but rather reclamation. Of course, we cannot make the same case with the Negev Desert, which anyone has a right to homestead, Jew or gentile. We readily acknowledge that if cases of forced expulsion from land not previously homesteaded by Jews can be proven, then that specific land must, in justice, be returned to its original non-Jewish owners. This, however, is dependent upon a case-by-case study.

However, in most cases of claimed unjust and forced expulsion, Arab villages were abandoned due to the fear of the war: a fear that their own leaders had inculcated. Also, at least some left voluntarily in an effort to clear the way for the invading Arab armies at the time. Often, Arab towns were used as staging grounds to launch attacks. In such cases, the accusation of land theft against Israel cannot be taken seriously. Moreover, Arabs who decided to stay in Israel are now an integral part of the country with full rights as Israeli citizens.⁶⁴ This, alone, ought to put paid to these oft-heard criticisms.

⁶⁴ Actually, they are even better treated, since as non-Jews they do not have a legal obligation to serve in the IDF.

The charge of theft or “ethnic cleansing” is highly problematic. In fact, if there was any population that was ethnically cleansed it was the Jews living in Arab countries (between 850,000 and 1,000,000⁶⁵), communities dating from hundreds or thousands of years, who were expelled and expropriated after the creation of the State of Israel. Critics tend to sweep this phenomenon under the rug (we will see more on this below in Sect. 3.8). Nor was there any departure of Jews from these Arab nations so as to “clear the way” for invading Israeli armies. Ditto for using these Jewish enclaves as “staging grounds to launch attacks” against Arabs. No, these Jews, in stark contrast, were clearly victims.

Should the people identified by the UN as “Palestinian Refugees”⁶⁶ be allowed to return to their homes as they demand? Not in the absence of any evidence of unwarranted encroachment by Jewish forces; we must remember that this takes place in the context of Arab armies telling them to leave for tactical reasons; and a history of anti-Jewish violence in the town. There is simply no precedent in history of a state accepting the return of a massive belligerent, hostile population to their country, acquired in the context of a war of self-defense. It could be contended that we should accept that in those cases where it is *clear* that the Arabs emigrated due to fear of violent aggression, then those who apply should be able to return. But this assumption requires that the qualifications we made previously do not apply. That is, we are now assuming, *arguendo*, that the Arabs had a legitimate property right in these lands from which they vacated in the first place, and that they did in fact not act in accordance with, so as to support, the Arab armies that were intended to commit genocide against Jews.

But even here, Israel has allowed tens of thousands to return through programs of family reunification. Ricki Hollander (2005c), clarifies that in total, approximately 215,000 Palestinian Arabs were allowed entry back to Israel, Judea and Samaria, and Gaza since 1948. Can any other nation even come close to making such a gesture of good will? To ask this is to answer it.

One of the present authors⁶⁷ is on record more than once in arguing that the black grandchildren of U.S. slaves should become the proper owners of the plantations that their grandparents worked on, but that this process of reparations should be done on an individual, *not a group*, basis. Can Block be justifiably accused of logical inconsistency for taking the very opposite position in the present dispute, namely

⁶⁵Or more, according to some figures. See below Sect. 3.8.

⁶⁶This declaration by the UN is both biased and absurd. Likewise, the actual number of refugees is controversial. As Hollander (2005c) explains: “Estimates of the total number of Arab refugees vary from 472,000 (1948 Progress Report of the United Nations Mediator on Palestine) to 726,000 (1949 U.N. Economic Survey Mission), with the most reliable estimate, 550,000, obtained by comparing pre-and post-1948 census figures.” In any case, Israel offered to repatriate 100,000 Palestinian refugees when the war ended; Hollander comments that this offer took place: “[...] during the 1949 Lausanne negotiations even prior to official discussion of the refugee question, but the Arab states rejected the offer because it would have *implicitly recognized Israel’s existence*” (emphasis added).

⁶⁷See Alston and Block (2007), Block (1993, 2001, 2002b), Block and Yeatts (1999–2000).

advocating group reparations rather than individual? He can, that is, unless we can demonstrate a relevant *difference*. Fortunately, for Block's sake, we can.

In the black-white reparations case, there were blacks in Africa who enslaved other blacks. So, mere skin color cannot be definitive. Ditto, there were black slave owners in the US. Also, not all white grandfathers were slave owners. As well, many blacks came to the US after 1865, as did many whites. So, the cases are relevantly different. None of these complications occurred in the Arab-Jewish dispute. Virtually all of those who claim the right to return are Arabs. All the people who now hold their (supposedly ex) lands are Jews. Things are much more cut and dried in the latter case, reducing, radically, the need for doing these things on an individual basis.⁶⁸

Therefore, the following proposal applies in this case. A swap of properties between Palestinian Arabs and Jewish Arabs may be the best plan from a pragmatic point of view to solve this issue. That is, allow the Palestinians arguably⁶⁹ dispossessed from their property in Israel to take over the holdings of the Jews forcibly ejected from the Arab countries, and those Jews dispossessed by Arab states in 1948 to possess lands vacated by the Palestinian Arabs.

However, the *entire idea* of the Arabs being massively and improperly expelled from Israel is a fiction. We do know for a fact⁷⁰ that Jews were expelled from Arab countries for *being* Jews and accused of being indirectly (or directly) related to Israel. On the other hand, in the case of Arab "expulsion" from Israel, the motives are not clear. The fact that over 20% of Israel's population is non-Jewish⁷¹ (mainly Druze and Arab), shows that the Israelis were not very effective at "ethnically cleansing" the territory. The Arab states, however, were very efficient at it. There are no significant Jewish populations in any Arab state that was ever at war with Israel. There were, prior to 1948.⁷²

In other words, what kind of expulsion is this? If expulsion is done on the basis of "ethnic cleansing", a partial expulsion does not sustain the hypothesis. "Ethnic

⁶⁸As libertarians, the ideal situation is based on individualism, not collectivism, in cases such as these. As followers of the Austrian school of economics, this is buttressed by its methodological individualism. However, the perfect is the enemy of the good. If we had a God's eye (perfect vision) of the historical facts, we would advocate weighing each claim on a case by case basis. But we do not. Suppose, however, that we were to entertain such Arab claims individually. The burden of proof rests with those who want to overturn present property titles. "Possession is nine tenths of the law," after all. It is our contention that an exceedingly small number of such cases would succeed. Doing this would make an important part of a peace proposal. But while Israel is still under duress from its many neighbors, this would be unlikely to occur.

⁶⁹Arguably, arguably, arguably. The suggestion in the text is predicated upon the notion that those Palestinian Arabs seeking to return to their properties in Israel were the proper owners of them in the first place, a claim we have offered overwhelming reasons to doubt. However, there can be no question about the inverse. No one even questions that those Jews ejected from the Arab nations were indeed the proper owners of the property thereby stolen from them.

⁷⁰See on this Sect. 3.8.

⁷¹Israel Central Bureau of Statistics (2010, 10).

⁷²See Sect. 3.8.

cleansing” makes no reservations, otherwise it is not ethnic cleansing. And in the case of Israel with respect to Arabs, it was not.⁷³

The theory of expulsion and ethnic cleansing of the Arab population was particularly developed by the “New Historians”. They dealt with the issue of expulsion, and some of them (most notably, Ilan Pappé), promoted the idea that there was an “expulsion plan”. Let us see if this was the case.

Historian Anita Shapira (1999) points out:

“According to Morris’s new version, just as the idea of transfer attended Zionism from its inception, so did Arab fears of precisely such a scheme. The inference from this line of reasoning is that the Arabs resisted Jewish settlement not because they regarded themselves as Palestine’s rightful owners and did not wish to share the land with a people whom they perceived as a foreign invader; nor because they were opposed to transforming Palestine from a land with a predominantly Muslim culture into a non-Muslim country steeped in Western culture. No, their motive was well-founded fear: they *knew* that the Jews intended in due time to expel them. As Morris writes, ‘the fear of territorial displacement and dispossession was to be the chief motor of Arab antagonism to Zionism down to 1948 (and indeed after 1967 as well).’ *In this way history is spun on its head, and the effect is made into the cause, and the result of war is promoted into the paradigm for the entire complex of relations between Arabs and Jews over several decades*” (emphasis added).

According to this view, the Arab idea of “Zionist expulsion” operated as a self-fulfilling prophecy.⁷⁴ Yet, the Zionists neither promulgated such ideas nor expelled the Arabs; quite the opposite: the Arab states *attacked* Israel in 1948, thereby creating the Palestinian Arab refugees (and expelling the Arab Jews). Hence, as Shapira explains, this theory comprehends the problem backwards. The Zionists intended to gain a demographical majority in Palestine by means of promoting Jewish immigration, not Arab displacement. This is why Arabs opposed Jewish immigration so much, and why authorities (the British particularly) continuously agreed to comply with their calls for stopping it. Shapira (1999) continues:

“The Israeli-Arab conflict was not born as a consequence of anxieties about expulsion. It was born as a consequence of Arab resistance to the settlement of a foreign element in their land. The feeling of power among the Palestinian Arabs, who believed they were the rightful proprietors of Palestine and were unwilling to enter into any sort of compromise agreement with the Jews, contradicts the argument based on their alleged fears about eviction. The Palestinians did not go to war in 1948 because they were afraid the Jews would oust them; they went to war because they were not prepared to make their peace with the idea of a Jewish state in Palestine.

“The Palestinian Arabs also believed that they would emerge the victors. The question of what they intended to do with the Jews in Palestine after a Jewish defeat on the battlefield

⁷³As MacEoin (2014) explains: “In all places where Arab inhabitants refused to fight against Israeli forces, everyone stayed put and, after the war, settled down as respected Arab citizens of Israel. There was no ethnic cleansing and no expulsion from Shafa Amr, Bu’eina, Uzayr, Ilut, Kafr Kanna, Kafr Manda, Rummana, ‘Ayn Mahil, Tur’an, Iksal, Dabburiyya, Reina, Sakhnin, Hurfaysh, Fasuta, Dayr Asad, Dayr Hanna, Sajur, Rama, Nahf, Jish, Majd Kurum. And even settlements where heavy fighting took place were left intact. Today, Israelis and tourists flock to Abu Ghosh for the Arab restaurants there, still run by Israeli Arabs who, for centuries, have been providing welcome hospitality to sojourners near Jerusalem.”

⁷⁴On this concept see Merton (1948).

is, of course, hypothetical. After the defeat, the flight, and the expulsion of the Palestinians, moreover, the subject is unmentionable: such questions are raised only about the victors. [...] in the meantime the issue can be examined only in terms of the historical facts that we possess. And those facts, alas, are unequivocal: in all areas where the Jews went down to defeat at the hands of the Arabs, not a single Jew was allowed to return.”

Indeed, if we take into account, for instance, the “Farhud”⁷⁵ pogrom in Iraq, and more generally the massive expulsion of Jews from Arab countries as the context and background of Israel’s War of Independence, the threat by Arab leaders of throwing the Jews into the Mediterranean Sea would be a factual reality. Yet, of course, what we do know as a fact is that Arabs in Israel do exist, whereas Jews in Arab countries are virtually nonexistent after 1948. In this respect, it is true that not only Arabs fled because of fear during the war, the Jews also escaped hostilities in certain areas for this reason. Shapira (1999) continues:

“On both sides, Arab and Jewish, there was a composite of flight and expulsion. Jews fled in fear from mixed neighborhoods such as the border areas between Jaffa and Tel Aviv, and even from Jaffa itself. There were some 10,000 Jewish refugees in the early stages of the war. Gush Etzion, on the road between Bethlehem and Hebron, was captured by the Arab Legion and local Palestinian forces: the inhabitants were killed or taken prisoner and carried across the Jordan. Their settlements were completely demolished. The settlements Neveh Ya’akov and Atarot north of Jerusalem, also captured, were totally obliterated. All the residents of the Jewish quarter in the Old City in Jerusalem, conquered by local forces with the aid of the Arab Legion, were taken captive. No Jew was allowed to return to settle in the Old City—not even the ultra-Orthodox who detested Zionism and were prepared to live under Arab rule” (emphasis added).

⁷⁵“The Farhud (meaning ‘violent dispossession’) [...] paved the way for the dissolution of the 2600-year-old Jewish community barely 10 years later. [...] Before the victims’ blood was dry, army and police warned the Jews not to testify against the murderers and looters. Even the official report on the massacre was not published until 1958. [...] Fear of a second Farhud was a major reason why 90 per cent of Iraq’s Jewish community fled to Israel after 1948. [...] The Nazi supporters who planned it had a more sinister objective: the round-up, deportation and extermination in desert camps of the Baghdadi Jews. The inspiration behind the short-lived pro-Nazi government led by Rashid Ali al-Gaylani in May 1941, and the Farhud itself, came not from Baghdad, but Jerusalem. The Grand Mufti, Haj Amin al-Husseini, sought refuge in Iraq in 1939 with 400 Palestinian émigrés. Together, they whipped up local anti-Jewish feeling. An illiterate populace imbibed bigotry through Nazi radio propaganda. Days before the Farhud broke out, the proto-Nazi youth movement, the Futuwwa, went around daubing Jewish homes with a red palm print. Yunis al-Sabawi, who, together with the Mufti and Rashid Ali, spent the rest of the war in Berlin broadcasting propaganda, instructed the Jews to stay in their homes so that they could more easily be rounded up. The Farhud and the coup which preceded it, a failed attempt to spark a pro-Nazi insurgency, cemented a wartime Arab-Nazi alliance designed to rid Palestine, and the world, of the Jews. The Mufti had secret plans to build crematoria near Nablus. The Mufti’s postwar legacy endured. Six months after the end of WWII (sic) and before Israel was established, vicious riots broke out in Egypt and Libya—the latter, incited by anti-Jewish hatred, claimed more than 130 lives. [...] The uprooting of the 140,000 Jews of Iraq followed a Nazi pattern of victimisation—dismantlement, dispossession and expulsion. Nuremberg-style laws criminalised Zionism, freezing Jewish bank accounts, instituting quotas and restrictions on jobs and movement. Every Arab state adopted all, or some, of these anti-Jewish measures. The result was the exodus of nearly a million Jews from the Arab world. [during the Farhud] More Jews died than on Kristallnacht”, Julius (2015).

Curiously (or not), instances of Jewish expulsion during the War of Independence are hardly ever mentioned. But they are important, because they do not concord with the history of overwhelming Israeli expansion and Arab expulsion told by anti-Zionists.

Benny Morris, the father of the “New Historians” and seen by many as the leader of the movement, thoroughly analyzed the idea of expulsion and “ethnic cleansing”. After a long study (which often involved changing his mind on several subjects) he came to the conclusion that ethnic cleansing as such was untenable as a description of what actually happened. Refuting the views of anti-Zionists Norman Finkelstein, Nur Masalha and Shabtai Teveth, Benny Morris (1991) clearly explained the several factors at play:

“With almost unflinching consistency, Palestinian historians, ideologues, and journalists since 1948 have asserted that the exodus of Palestine’s Arabs was the result of a pre-planned, systematic policy of expulsion by the Yishuv. Both Finkelstein and Masalha subscribe to this view (Finkelstein: ‘Palestine’s Arabs were expelled systematically and with premeditation ... Zionist policy throughout was one of expulsion’).

“In tracing and analyzing the Palestinian exodus between December 1947 and autumn 1949, I discovered a *whole range of factors at play*. These included the structural weaknesses of Palestinian society (military, political, social, and economic), the devolution of British rule and administration and the breakdown of law and order in the towns over December 1947-May 1948, Arab orders to leave addressed to particular communities or sections of communities (women, children, and old people), lack of food and other supplies, unemployment and high prices, Jewish threats, Jewish attack, Jewish atrocities, Jewish expulsion orders, and fear—a great deal of fear⁷⁶ (fear of Jewish attack, fear of Jewish atrocities, fear of life under Jewish rule, fear of the Arab irregular bands, fear of Husayni revenge). I found that different factors and combinations of factors affected different Arab communities in the course of the war. I ended up with a *multi-causal explanation* in which the primary precipitants of flight, in most places and at most times, were Jewish attack and Arab *fears* of Jewish attack.

“This multi-causal, multi-staged explanation (which is irrefutably supported by the documentation) sits poorly with those-like Finkelstein, Masalha, and Shabtai Teveth-who like their history simple. Teveth argues: Arab orders (at least until mid-May 1948) and Israeli expulsion policy thereafter were responsible for the exodus. And Finkelstein and Masalha argue: Israeli expulsions throughout” (emphasis added) (Morris 1991, 99).

Thus, Morris at 1991 (a long time before his current view, which we will examine below) disagreed with this “ethnic cleansing” and “expulsion” claim. Morris avers:

“Let us now turn to what I called the fourth stage of the exodus, October–November 1948. True, in the south, in Operation Yoav, Southern Front commander General Yigal Allon made sure that no, or almost no, Arab communities were left behind his line of advance. But what happened in the Galilee at this time, during Operation Hiram? Three to four IDF brigades

⁷⁶Even Mahmoud Abbas, leader of the PA, said: “‘The [Arab] Salvation Army withdrew from the city [Safed in 1948], causing the [Arab] people to begin emigrating. In Safed, just like Hebron, people were afraid that the Jews would take revenge for the [Arab] massacre in 1929 (Note: 65 Jews were murdered in Hebron, 18 in Safed) ... [In 1948] *the people were overcome with fear, and it caused them to leave the city in a disorderly way*’ [Official PA TV, Jan. 1, 2013]” (emphasis added), quoted in Palestinian Media Watch (2014b).

during 29–31 October 1948 quickly overwhelmed the Arab Salvation Army and local militia defenses and conquered the upper-central Galilee pocket, with its over 60,000 Arab inhabitants and dozens of villages. Atrocities were committed in a handful of villages; the inhabitants of a number of villages were expelled to Lebanon. Unlike the pre-June offensives of the Haganah, which had mostly been poorly-planned, ad hoc affairs, Operation Hiram had been thoroughly planned weeks in advance. The IDF had full control of the territory, the fog of battle thoroughly covered the whole area, and Israel/the IDF *could have done* in the conquered pocket, during and immediately after the conquest, whatever it wanted with ‘impunity,’ as Finkelstein would put it.

“Why is it, then-if a policy of expulsion was in place and being implemented-that *more than half of the pocket’s inhabitants, many of them Muslims, were left in place?* Even in (Muslim) villages where atrocities had been committed-Majd al Kurum, Bi’na, Deir al Assad-the inhabitants *were not driven out*. Why is it-if there was an ‘overt’ policy of expulsion, ‘executed with ruthless efficiency,’ according to Finkelstein-that Northern Front Command’s brigades *failed to order out onto the roads the (Muslim) villagers of Arrabe, Deir Khanam, Sakhnin, and so on?*” (emphasis added) (Morris 1991, 101).

The author categorically concludes:

“Norman Finkelstein and Nur Masalha, you can’t have it both ways: *You can’t assert that there was a ‘ruthlessly efficient,’ ‘systematic’ policy of expulsion and explain away the tens of thousands of (mostly Muslim) Arabs who remained in the Galilee-both after July 1948 and after October-November 1948-as oversights or exceptions or what have you.* You can’t have a ruthless and systematic blanket policy of expulsion and yet ignore the (mainly Muslim) villages of Khirbet Jisr az Zarka, Al Fureidis, and Abu Ghosh which were left in place, despite IDF pressures and lobbying, along Israel’s main strategic roads during and after the war. Why, if there was a systematic, efficient policy of expulsion, did the Israeli authorities leave troublesome or potentially troublesome minority Arab communities in Haifa, Jaffa, and Acre, not to mention smaller sites such as Lydda, Ramle, and Tarshiha, after the mass exodus-when, without doubt, the government/IDF, cloaked by the enveloping fog of battle, *could easily have expelled them?* Surely the expulsion of 5,000 or 10,000 or 15,000 more would have gone unnoticed in the midst of the flight of 700,000? If 700,000 fled/were driven out without much world fuss or protest, would the expulsion of a few more thousand have bothered anyone unduly?” (emphasis added) (Morris 1991, 102).

As can be seen, the reason why these Arabs were not expelled, as was the case with all the rest of Arabs who stayed in Israel and later became Israeli citizens, is because there was no such premeditated, coldly applied expulsion plan. But what if there was a dark interest behind Ben-Gurion’s failed expulsion plan? Morris answers:

“In short, if there was a general policy of expulsion, why, *at war’s end, were 100,000–160,000 Arabs, most of them Muslims, left in Israel (which at the time had about 700,000–750,000 Jews)?* “This Arab minority now numbers some 700,000 souls.⁷⁷ It is clear that Ben-Gurion (and other cabinet ministers) acted in July 1948 to prevent the expulsion of the Christian⁷⁸ inhabitants of Nazareth-mindful of the possible (public relations) repercussions in Antigonidom of an expulsion from the holy city. But was this (public relations, fear of antagonizing the West) the reason for *the non-expulsion of the Arabs who remained in Haifa, Jaffa, Acre, Lydda, Ramle, Tarshiha, etc.?* Finkelstein might argue that Ben-Gurion left these Arabs in place precisely as ‘proof’ that Israel had not implemented a policy of

⁷⁷ As of 2020, there are more than 1.5 million Arabs in Israel. And they *are* Israeli citizens.

⁷⁸ On Arab Christian’s relation with Zionism see Frantzman (2006).

expulsion. But, surely, a ruthless and perceptive leader like Ben-Gurion—who frequently expressed contempt for world public opinion, UN speeches and resolutions, and American pressures—understood at the end of 1948 that the cost to Israel of leaving a *large minority of hostile or potentially hostile Arabs in its midst would be far greater than the public relations cost of expelling the (remaining) lot*” (emphasis added) (Morris 1991, 102–3).

Observe here what Morris identifies regarding the anti-Zionist mentality in Finkelstein and Masalha: If Israel expelled the Arabs, it had an expulsion plan, but if it did *not* expel them, it was only done to confuse the world and falsely promote the idea that no such plan existed. In any case, no matter what Israel did, it had to have the plan. This view, apart from being unfalsifiable and unscientific, clearly shows the implicit idea behind anti-Zionist “scholarship”: Israel is always to be blamed, *a priori*. The verdict is always guilty; the indictment keeps changing. Morris continues:

“Certainly, Ben-Gurion wanted as few Arabs as possible to remain in Israel. Certainly the majority of the country’s political and military leaders were happy to see the Arabs go. Certainly, many officers and officials did what they could to facilitate departure, including occasional expulsions (though, as I pointed out in *Birth* [1987], in most towns and villages the Haganah/IDF *had no need to issue expulsion orders as the inhabitants fled before the Jewish troops reached the site; the inhabitants usually fled with the approach of the advancing Jewish column or when the first mortar bombs began to hit their homes*)” (emphasis added) (Morris 1991, 103).

Thus, there was no “plan of expulsion” nor anything like it, despite the fact that Zionist leaders often did not regret Arab departures. That is far from unreasonable, given that the war was being fought by Arabs and Arab states in the name of Arab nationalism. In fact, Morris (1991) presents another possible explanation for the widespread promotion of this false “expulsion” charge:

“Clearly, Palestinians for decades have described the exodus as one great, pre-planned, ruthless expulsion in order to besmirch the ‘robber state’ Israel. But I suspect that an interesting psychological-political mechanism among Palestinians (and their supporters) was also at play. A perverse hint of this mechanism was afforded by Ben-Gurion, when he told the People’s Council on 4 May 1948: The Arabs had abandoned ‘cities ... with great ease... it was revealed with overwhelming clarity which people is bound with strong bonds to this land.’

“The Palestinians during 1948 and more emphatically afterwards needed, for reasons of self-respect, honor, and guilt, to assert that external causes had compelled their flight. The simplest available explanation was ‘Jewish expulsion,’ though there were Palestinians who later remained glued to the alternative explanation, ‘Arab orders,’ for much the same reason. If the simple Palestinian town-dweller and villager was ordered out by the Egyptian or Syrian or Jordanian government and army commanders, what could he do? If he was ordered out or kicked out by brutal Jewish soldiers, what could he do? The Palestinian thus emerges blameless, which he clearly does not- at least in his own eyes-*if he fled without being compelled by Jewish attack or atrocity or order, or by Arab orders to this effect*. If he fled before smelling a whiff of grapeshot or before seeing the whites of the eyes of the first Palmahnik, then he displayed an insufficiency of basic patriotism, an insufficient attachment (*sumud*) to his land (and honor), an insufficiency of plain courage. If he fled under no direct compulsion, then the Palestinian refugee emerges as a coward and something of a fool- and one with a deservedly great burden of shame and guilt vis-à-vis his progeny for abandoning and losing their home and homeland” (emphasis added) (Morris 1991, 112–113).

This important insight by Morris also leads to another conclusion: if Palestinian Arabs were not interested in acknowledging their own fault during the War of Independence, then they *had* to promote the idea of expulsion and ethnic cleansing as a necessary replacement for the explanation of their fate:

“Hence the Palestinian need to assert, demonstrate, ‘prove’ that the refugees *did not flee but were pushed, brutally pushed, out by the Jews, or, at the very least, ‘ordered’ out by the Arab leaders*. Occasionally, too, the British-local generals, presiding politicians-are blamed, and for the same reason. (The British are usually held to blame in connection with Tiberias and Haifa.) Someone in authority had told them to go-what could the poor Palestinian peasant do? Can he be held to account or blamed? What applies to the individual Palestinian refugee applies to the Palestinian people as a whole: If they were led down the garden path into an unwinnable conflict with the militarily superior Jews by stupid leaders (Palestinian or external Arab), can they be blamed? If they fled as a result of calls to leave by Arab leaders, can they be blamed? If, as a people, they were overwhelmed, after a brave struggle, by superior Zionist forces, and brutally driven from their homes, with the help of Whitehall and local British troops or officials, can they be accused of cowardice or foolishness?”⁷⁹ (emphasis added) (Morris 1991, 113).

What is the meaning, in the context under examination here, of the term “expulsion”? According to the “New Historians” themselves, it can be understood in many different ways. Clearly, even among the “New Historians” there is no clear-cut definition they all agree upon. Let us also see what Morris (1991) says on this regard:

“In *Birth* [1987] and *1948* [1994b] I referred to an expulsion when a Haganah/IDF/IZL/LHI unit entered or conquered a town or village and then ordered its inhabitants to leave, usually within a given time period (one hour, three hours).⁸⁰ This is what happened to the majority of the inhabitants of Miska, Lydda and Ramle, Tarbikha and Suruh, the remaining inhabitants of Beisan, and so on.

“From the wider historical perspective, one may also regard Israel’s barring of a refugee return to villages and towns-hours, days, or weeks after flight- as an expulsory element, and one which was official Israeli government/IDF policy.⁸¹ One cannot, in my view, regard as an ‘expulsion’ the flight of a village’s or town’s inhabitants *when the Haganah/IDF approached or when Jewish units launched an assault on the site*, usually accompanied by a preliminary mortar barrage. Flight due to such assault I defined as flight due to Jewish military attack; flight due to the fear of such assault I defined as just that. The fact that Jewish commanders often hoped (because they didn’t like Arabs, because they preferred not to have to leave a garrison behind after conquest) that as a by-product of their attack and conquest the Arab inhabitants would flee is beside the main point. *The flight was caused by the attack, not an expulsion order*; and commanders’ ‘hopes’ (everyone harbors secret or not so secret hopes) is *not tantamount to government policy*. Similarly, I defined as flight due to Jewish psychological warfare the flight of inhabitants after Jewish intelligence agents ‘warned’ them that they had best decamp and move to Jordan because a Haganah assault was on its way, and they could expect some very nasty treatment at the hands of their con-

⁷⁹A similar approach is take by Doron (2009): “The conflict persists because the Arabs, and the Palestinians in particular, cannot forget their 1948 defeat by the Jews. It is a blot on their honor that *only the destruction of Israel can wipe out*” (emphasis added).

⁸⁰This is a “common sense” view of the concept.

⁸¹This is, at most, controversial. The context needs to be specified, since, for instance, if there is a hostile population that fled and the war is still in place, it makes no sense to allow their return. Or to conceive the return as just, if the population contributed to the aggressors in the first place.

querors. Admittedly, in certain cases, a mixture of such (and other) causes obtained. Admittedly, in a few specific cases, it is difficult to distinguish clearly between Jewish military assault and expulsion, because the evidence is not clear or because events at the site during the crucial hours were complex. *But generally, these distinctions are clear and pertinent, and, I believe, accurate and worth making*” (emphasis added) (Morris 1991, 112).

As we can see, there is no way to justify the contention that there was either a deliberate plan of “expulsion” or “ethnic cleansing” during Israel’s War of Independence. We demonstrate this not by resorting to the so called “Old Historians”, who defend the Jewish state, by and large, but on the basis of the very same contentions made by the leader of the “New Historians,” who can usually be relied upon to criticize this “entity.” To conclude, the large majority of Palestinian Arabs fled their homes due to the fear that war brought (a war their own leaders caused), some were instigated to do so by the Arab leaders both home and abroad, and a very small minority was expelled in the context of some of the IDF’s advances.

But there was neither a systematic plan executed to expel Arabs *per se* nor any “ethnic cleansing” whatsoever. The main cause? War. And Israel *did not start it*.

3.5 The “Massacres”

After briefly analyzing the charge of “ethnic cleansing” and “expulsion” against Israel, we must now turn to the subject of the “massacres”.

Here we cannot but confirm once again the double standard by which Israel is typically judged. It cannot be seriously contended that in the context of a war of self-defense, Israel should put itself in the position of being a pure angelical state without any moral failings at all. We as classical liberals and libertarians know that government as such is far from angelic. Critics pretend that the IDF should have behaved morally perfectly when the real fear of total annihilation of the Jewish community in Palestine was the order of the day. Of course, we do not justify (and, indeed disapprove) of those instances of excesses, but it is ridiculous to assume that war is dealt with by the precise hand of a surgeon. *Only* Israel is held to this standard.

Moreover, we rarely hear anyone (except Israelis and those sympathetic to the Zionist cause) complaining of Arab massacres or expulsions during the war. Less so with respect to the ethnic cleansing of Jews in Arab countries. Again, the double standard to which Israel is held cannot be clearer.

Benny Morris (Kramer et al. 2016), commenting on the massacres charge, divulged:

“... while there is a good deal of journalism and commentary from Palestinian Arabs, there is very little real historiography covering the conflict, and what exists is often quite distorted. For example, one Birzeit University professor has claimed that the massacres of 1948 were deliberately organized from the top down to induce Palestinians to flee. Yet no such connection exists: while massacres did occur, including at Lydda, there was no policy of massacres, *and Israeli authorities investigated and even condemned such incidents*. Arab historiography tends to understand events as part of a conspiracy, with no room for randomness or coincidence” (emphasis added).

This is also an approach taken by anti-Zionist commentators such as Norman Finkelstein. Quite to the contrary, they never mention the cases where Palestinian Arabs were involved in actual anti-Jewish conspiracies, such as the well-known intent of Jerusalem's Grand Mufti Haj Amin Al-Husseini to bring the Nazi "Final Solution" to Palestine.⁸² Even the actual massacres of Jews by Arab forces⁸³ are ignored.

Even as regards Lydda, there has been a recent controversy between Martin Kramer and Ari Shavit⁸⁴ with respect to a chapter on the "Lydda Massacre" in the latter's *My Promised Land* (Shavit 2013). Jonathan Marks (2016) notes:

"[...] Shavit constructs his case that what took place at Lydda was a massacre, including the brutal, vengeance-driven, execution of wounded civilians, from testimony he collected in

⁸²"It is a fact that the Palestinian leader Hajj Amin al-Husseini spent the war years in Berlin as an ally of Nazi Germany. This inevitably associated the Palestinian cause with the Nazi war effort. This is a matter of historical fact, though it is sometimes invoked carelessly in polemics" Kramer, Morris and Ibish (2016). For more on this see Cohen (2015). On the relation between the Mufti and the Nazis see Bernard (2017). See also Gensicke (2011); and Rubin and Schwanitz (2014), who in their book *Nazis, Islamists, and the Making of the Modern Middle East* say: "At their meeting [on November 28, 1941, Hitler and al-Husaini] concluded the pact of Jewish genocide in Europe and the Middle East, and immediately afterward, Hitler gave the order to prepare for the Holocaust. The next day invitations went out to thirteen Nazis for the Wannsee Conference to begin organizing the logistics of this mass murder." Moreover, "And since any European Jews let out of Europe might later go to Palestine, al-Husaini made it clear that if Hitler wanted Muslims and Arabs as allies he must close Europe's exits to Jews. At the same time, al-Husaini and Arab rulers also told Britain that if it wanted to keep Arabs and Muslims from being enemies, it must close entrance to Palestine to all Jews. By succeeding on both fronts, al-Husaini contributed to the Holocaust doubly, directly, and from the start" (quoted in *Middle East Forum*, 2015). A telegram (Fishman 2017a, b) sent by SS Commander Heinrich Himmler to the Mufti said:

"TO THE GRAND MUFTI AMIN EL HUSSEINI, BERLIN

FROM ITS BEGINNING THE NATIONAL SOCIALIST MOVEMENT OF GREATER GERMANY HAS INSCRIBED THE STRUGGLE AGAINST WORLD JEWRY ON ITS BANNER. THEREFORE IT HAS ALWAYS FOLLOWED WITH SPECIAL SYMPATHY THE STRUGGLE OF THE FREEDOM—LOVING ARABS, FOREMOST IN PALESTINE, AGAINST THE JEWISH INTRUDERS. THE RECOGNITION OF THIS ENEMY AND OUR COMMON STRUGGLE AGAINST HIM FORM THE FIRM FOUNDATION OF THE NATURAL ALLIANCE BETWEEN NATIONAL-SOCIALIST GREATER GERMANY AND THE FREEDOM-LOVING MUSLIMS OF THE WHOLE WORLD. ON THE ANNIVERSARY OF THE WRETCHED BALFOUR-DECLARATION I SEND YOU IN THIS SPIRIT MY HEARTFELT GREETINGS AND WISHES FOR THE SUCCESSFUL PURSUIT OF YOUR STRUGGLE UNTIL ITS ASSURED FINAL VICTORY.

SIGNED REICHSFUEHRER-SS HEINRICH HIMMLER"

On the Nazi Plan to bomb Jewish cities in Palestine see Miner (2016).

⁸³MacEoin (2014) comments on this regard: "[...] massacres committed in cold blood by Arab soldiers: the fighting on May 12–15 at the Etzion Bloc, when the Jewish defenders surrendered and 240 men and women were slaughtered; the Hebron massacre of 1929, when 67 Jews were murdered, or the infamous ambush of a convoy of lecturers, students, nurses and doctors travelling to Jerusalem's Hadassah Hospital, when 78 Jews were murdered, most of them roasted alive" (MacEoin 2014).

⁸⁴For a critical review of Shavit's approach see Kramer (2016).

the 1990s. Kramer convincingly shows that Shavit has ignored other, readily available, oral testimonies that Kramer was able to ‘uncover in just a few days of archival research.’ In at least one important case—one on which hangs the blood guilt of Israeli veterans—Shavit seems to have preferred hearsay to eyewitness testimony. The testimonies Kramer finds can be read to suggest that what took place at Lydda was a battle, albeit a lopsided one that resulted in civilian deaths, rather than a revenge-fueled massacre, as Shavit tells us it was. In one striking instance Shavit presents the unsourced story of the cold-blooded murder of an Arab detail assigned to bury the bodies. He does not mention—perhaps because he is unaware of it—the existence of an Arab inhabitant of Lydda who claimed to be part of the detail (which burned rather than buried the bodies) or of the man’s wife, who asserts that the detail was taken prisoner, rather than summarily executed, afterwards. While we have no reason, Kramer concedes, to assume that this testimony, offered 55 years after the fact, is true, Shavit offers no testimony at all to support the most serious of charges, one that, as Kramer points out, seems meant to remind us of the Holocaust.”

The relevant issue here is that when dealing with such terrible charges as massacres, it is of the utmost importance to sustain the claims with abundant evidence. However, on the subject of the War of Independence, the anti-Zionist approach is usually to assume that these massacres took place and only later look for confirmatory evidence. Talk of putting the cart before the horse.

One of the highest profile stories on the “Massacres” that supposedly took place during the war is that of Tantura. Yet, here again, the story is nothing more than a fabrication. The origin of this charge was Theodore Katz’s Master’s thesis at the University of Haifa. Ricki Hollander (2005a), a senior analyst at CAMERA (Committee for Accuracy in Middle East Reporting in America), surveys the full story:

“[The thesis] Purportedly based on testimonies he had gathered from 60 Tantura residents [...] claimed that over 200 Arab villagers had been lined up and slaughtered by the IDF’s 33rd battalion after surrendering on May 22–23, 1948.

“[...] On Jan. 21, 2000, the Israeli daily *Ma’ariv* carried a five-page story by journalist Amir Gilat promulgating Katz’s claims.

“Having discovered they were publicly accused of war crimes [...] veterans of the 33rd battalion of the Alexandroni Brigade were outraged. They maintained that the battle for Tantura was a strategic one, an attempt to stop the maritime smuggling of arms and food and to prevent the Haifa-Tel Aviv road from being cut off; and that throughout the fight for survival in a bloody war launched by the Arabs, they had maintained the strictest ethical standards. While the battle for Tantura was difficult—14 members of the IDF battalion and about 40 Arabs were killed in street fighting—the veterans insisted Katz had lied about a massacre.

“Indeed, they noted that by 10 a.m. on the morning of the alleged massacre, 99 percent of the villagers had already been transferred out of Tantura —the women to the nearby village of Faradis, and the fighters to the Zichron Ya’akov police station. In April 2000, attorney Giora Erdinast, a Peace Now activist and son-in-law of one of the battalion members, agreed to represent the veterans and filed a libel suit in Tel Aviv court against Teddy Katz. Katz reportedly received approximately \$8,000 from former Palestinian Authority minister Faisal Husseini to pay for his defense.

“During the December 2000 trial, attorney Erdinast discredited Katz’s so-called evidence. For example, in his thesis Katz had quoted a central witness called Abu Fahmi saying that the IDF had rounded up villagers, lined them up against the walls and murdered them. Erdinast, having obtained a court order forcing Katz to hand over the tapes of his

interviews, demonstrated that there were no such quotes. On the contrary, Abu Fahmi had repeatedly asserted that the IDF did not murder the villagers after they surrendered.

“Confronted with many such gross discrepancies between the quotes in his thesis and the recorded interviews, Katz insisted under oath that he had been misunderstood and that he had never believed there was a massacre. Under court order, he later signed an apology and agreed to publish ads at his own expense publicizing his disavowal of the massacre claim. [...]

“Meanwhile, University of Haifa appointed a committee to re-examine Katz’s thesis. The committee discovered fabrications and distortions of quotes in Katz’s work and disqualified the thesis, removing it from the university’s bookshelves. Katz accepted the offer to revise his thesis, and resubmitted it in 2002 to five new university-appointed examiners, but the new, lengthier thesis did not receive passing grades; Katz was awarded a ‘non-research’ degree.”

But a critic (and certainly an anti-Zionist) may suspect that the Israeli judiciary forced Katz to retract his account of the “massacre” to hide the truth. Let us see then what Benny Morris (2011), a “New Historian”, had to say both about this and on Pappé’s theory of the “Tantura Massacre”:

“In my own inquiry into what happened at Tantura, I, too, interviewed participants from both sides—and I found all equally persuasive and credible. None alleged a large-scale massacre, but some reinforced the smattering of documentary evidence about smaller atrocities. Pappé implicitly concedes the ineluctable weakness of oral testimony about something controversial that occurred decades earlier in the course of an ongoing conflict, and so he asserts at one point in *Out of the Frame* that ‘there is also a Palestinian document, the language of which is far from vague or ambivalent. It appears in the memoirs of a Haifa notable, Muhammad Nimr al-Khatib. A few days after the battle he recorded the testimony of a Palestinian who told of summary executions of dozens of Palestinians [in Tantura].’

“The problem with this passage is that it contains a number of falsehoods. No document ‘appears’ or is quoted in the al-Khatib memoir. One may consider the memoir itself—*Consequences of the Naqbah*—a document, but that is not what Pappé says. In any event, the memoir was published in Damascus apparently in the early 1950s (it is undated), and was written by a Muslim Brotherhood cleric and politician from Haifa who was living in Beirut, to which he was rushed for medical treatment and convalescence after being seriously wounded in Haifa in January 1948, four months before Tantura. Thereafter he lived as an exile in Lebanon. There is no evidence that he ever returned to Palestine, and it is highly unlikely that he ever went back. It is unclear whether he invented his Tantura story, or recorded it on the basis of rumors or things he heard from a Tantura refugee (who may or may not have invented his story—in 1948 the Arab world was rife with rumors and inventions about Jewish massacres that had never occurred). The memoir does not tell us when, if at all, he met the witness from Tantura. Al-Khatib’s memoir, which is full of untruths on a variety of subjects, cannot be regarded as a reliable ‘document’ about anything (though it contains colorful, and in part accurate, descriptions of the mass flight of Arabs from Haifa in April 1948, which al-Khatib probably heard from friends and relatives who reached Beirut). *It may well have served as the origin of the tale of the Tantura massacre that resurfaced in Damascus in the 1990s*” (emphasis added).

This is also the case with Deir Yassin,⁸⁵ probably the most well-known “massacre”, supposedly made by the *Etzel* (one of the Jewish Defense Organizations). Levin (1998) explains:

“In fact, counter-evidence in the Deir Yassin story has been offered repeatedly not only by Jewish but by *Arab sources*. For example, as the *Jerusalem Report* noted in an April 2, 1998 article:

“In a BBC television series, ‘Israel and the Arabs: the 50 Year Conflict,’ Hazem Nusseibeh, an editor of the Palestine Broadcasting Service’s Arabic news in 1948, describes an encounter at the Jaffa Gate of Jerusalem’s Old City with Deir Yassin survivors and Palestinian leaders, including Hussein Khalidi, the secretary of the Arab Higher Committee (the representative body of the Arabs of British Palestine).

“I asked Dr. Khalidi how we should cover the story,’ recalled Nusseibeh, now living in Amman. ‘He said, ‘We must make the most of this.’ So we wrote a press release stating that at Deir Yassin children were murdered, pregnant women were raped. All sorts of atrocities.’

“A Deir Yassin survivor identified as Abu Mahmud, said the villagers protested at the time. ‘We said, ‘There was no rape.’ [Khalidi] said, ‘*We have to say this, so the Arab armies will come to liberate Palestine from the Jews*’” (emphasis added).

Of course, we do not intend to say that there were no atrocities at all committed during the 1948 War of Independence on the Jewish side. War is hell, and atrocities occur. But, as Morris himself claims, although slaughters were committed in some cases, there was no *policy* in this regard. This was a war, and as in every war, it involved death and destruction. Innocents were killed, this cannot be denied. But the point is: who was the aggressor? Not Israel. The ultimate cause of blame for war lay on that party which initiates violence (the one which violates the NAP).

A case in point is Haifa.⁸⁶ This is so because it is a well-known example of how the Zionist Jews, in some cases, not only did not expel Arabs, but tried to convince them to stay. Nevertheless, some anti-Zionists continue to contend that it was yet another instance of expulsion and “ethnic cleansing”. Denis MacEoin (2014), Senior Fellow at the *Gatestone Institute*, illuminates that case:

“We now know that Arabs started fleeing from Haifa *even before* the 1947 partition plan, when wealthy Haifan Arabs, knowing that war was inevitable—as they planned to launch it—started to go to places they considered safe. [...]

“By November, more were fleeing, even though no Jews had threatened them. Things got worse by December of that year, when 15,000–20,000 Arabs, out of a population of almost 71,000, had already fled.

“By that time, Syrian, Lebanese and Iraqi volunteers had entered Haifa with the aim of driving out the Jews. There was general pandemonium and growing fear—a fear greatly exacerbated by scaremongering propaganda from the Arab radio and press. In January, *the National Committee, Haifa’s leading Arab body, started to recommend mass flight*. They followed this up in March by ordering the removal from the city of women and children. By early April, the population had dropped to about half its original size.

“It was April 21–22 when the Hagana troops were forced to engage in a battle with armed Arab irregular troops. The Jewish Zone Commander issued a guarantee that if the Arabs chose to remain, they would enjoy equality and peace. The city’s Jewish Mayor, the

⁸⁵ See on this subject Regev (2017), Milstein (2012), Groiss (2017), Tauber (2017), Gelber (2020), and Chap. 6, Sect. 6.4.

⁸⁶ For a thorough account of what happened in Haifa see Karsh (2000a).

elderly Shabtai Levy, pleaded with the Arab leadership to let his Arab citizens stay, but they turned him down. Those same Arab leaders were asked to sign an extremely fair truce, but they responded by declaring, ‘We will not sign. All is already lost, and it does not matter if everyone is killed so long as we do not sign the document.’ Within days, only 3,000 Arabs remained in the town.

“On the 27th of April, the Jewish force distributed a leaflet that urged fleeing Arabs to return. ‘Peace and order reign supreme across the town and every resident can return to his free life and resume his regular work in peace and security.’ There were radio broadcasts to this same effect, in all of which reassurance was given to the Arabs. This came after the Hagana had taken the town. The Hagana’s behavior was the exact opposite of ‘ethnic cleansing.’ Once order was restored, Arabs were appointed to key posts, and part of the supplies originally earmarked for the Jewish inhabitants were given freely to the Arabs.

“[...] In other places, as in Haifa, Arab inhabitants fled but were driven out in only one instance, after intense fighting between Israeli troops and foreign invading troops supplemented by local residents. This happened in the joint towns of Lydda (now Lod) and Ramla, taken by Israeli forces in July 1948. ‘This,’ writes Karsh, ‘was the first, indeed the *only*, instance in the war where a substantial urban population was driven out by Jewish or Israeli forces.’⁸⁷

“Let Benny Morris have the final word: ‘Neither Ben-Gurion nor the Zionist movement *‘planned’ the displacement of the 700,000-odd Arabs who moved or were removed from their homes in 1948.* There was no such plan or blanket policy. Transfer was never adopted by the Zionist movement as part of its platform; on the contrary, the movement always accepted that the Jewish state that arose would contain a sizeable Arab minority’”⁸⁸ (emphasis added).

To conclude, there was neither a *policy* of massacres nor expulsion. Atrocities (to the limited extent to which they occurred, we along with all decent people of course condemn) are part of *every* war, and in this case a war that was *imposed* on Israel.

3.6 The Historical Controversies

The “New Historians” have been involved in a series of controversies, not only because of their problematic claims or selective use of sources, but also due to their methodology. Benny Morris, who maintained in his *The Birth of the Palestinian Refugee Problem* (1987) that Israeli military attacks and fear of attacks were in a significant part responsible for the Arabs fleeing, republished his thesis in 2004, under the title *The Birth of the Palestinian Refugee Problem Revisited* (2004a). Here he unequivocally claims that Arab leaders are partly to blame for the refugee situation.

Gustavo Perednik (2010), former lecturer at the Hebrew University in Jerusalem and expert on Judeophobia, expounds:

⁸⁷ Karsh (2010, p. 216), quoted by MacEoin (2014).

⁸⁸ “Morris, unpublished letter to the *Independent*, reproduced in Tom Gross, ‘Benny Morris responds to ‘numerous historical errors’ in *The Independent*’, *Mideast Dispatch Archive*, 6 Dec., 2006” quoted in MacEoin (2014).

“Morris claims that the inflection point of his thinking was produced in the year 2000. After having taken part in the Israeli Left, of being in prison due to deserting, and having actively defended the so called ‘Palestinian Cause’, Morris fell to disappointment when Arafat rejected the proposals by Ehud Barak in July of 2000 and Clinton’s in December that year, proposals that generously responded to his territorial claims. Morris understood that ‘1967’ was just Arafat’s excuse, such as the European’s and Arabs’ in general, but that in fact had in mind ‘1948’: that is, he would never content with anything less than Israel’s destruction. Today, Morris sees in suicide attacks the reflex of the inner desire of Arab societies of destroying the ‘infidel’ and free societies, and in Islam a religion that promotes Imperialism and violence.”

Nevertheless, Morris did not previously think this way. As the father and virtual leader of the “New Historians”, during the 1980s and 1990s he developed a series of ideas that shaped the discussion surrounding Israel’s founding. Efraim Karsh, an Israeli-British historian and founding director and Emeritus Professor of Middle East and Mediterranean Studies at King’s College London, disparaged the “New Historians” in general, and Morris’s works in particular. In a series of publications, he rejected the validity of their methodology, as well as their conclusions. He contends that their “findings” were incorrect, and what in fact was correct was well-known decades before anyway. Commenting on Morris, Karsh (1996) claims:

“Morris’s foremost self-laudatory ‘revelation’ concerns the expulsion of Arabs from certain places by Israeli forces, at times through the use of violence. This was made known decades earlier in such works as Jon and David Kimche’s *Both Sides of the Hill*; Rony Gabbay’s *A Political Study of the Arab-Israeli Conflict*; and Nadav Safran’s *From War to War*.⁸⁹

Eager to debunk the perception of the 1947–49 war as a heroic struggle of the few against the many, the new historians have pointed to an approximate numerical parity on the battlefield.⁹⁰ Yet this too was well known: school-children could find it in historical atlases, university students in academic books.⁹¹ Ben-Gurion’s autobiographical account of Israel’s history, published nearly two decades before the new historians made their debut on the public stage, contains illuminating data on the Arab-Israeli military balance; his edited war diaries, published by the Ministry of Defense Press in 1983, give a detailed breakdown of the Israeli order of battle: no attempt at a cover-up here.”⁹²

⁸⁹“Kimche and Kimche, *Both Sides of the Hill*, pp. 227–28; Rony Gabbay, *A Political Study of the Arab-Israeli Conflict: The Arab Refugee Problem (A Case Study)* (Geneva: Libraire E. Droz 1959), pp. 108–11; and Nadav Safran, *From War to War: The Arab-Israeli Confrontation 1948–1967* (Indianapolis, Ind.: Pegasus, 1969), pp. 34–35”, cited in Karsh (1996, fn. 16).

⁹⁰“Morris, *1948 and After*, pp. 13–16; Shlaim, ‘The Debate about 1948,’ pp. 294–95”, cited in Karsh (1996, fn. 17).

⁹¹“See, for example, Moshe Lissak, Yehuda Wallach, and Eviatar Nur, eds., *Atlas Karta Le-toldot Medinat Israel: Shanim Rishonot, Tashah-Tashak* (Karta Atlas of Israel: the First Years, 1948–61), (Jerusalem: Karta, 1978); Safran, *From War to War*, p. 30”, cited in Karsh (1996, fn. 18).

⁹²“David Ben-Gurion, *Medinat Israel Ha’mehudeshet*, vol. 1 (Tel Aviv: Am Oved, 1969), pp. 70–71, 98, 102, 106, and 115; idem, *Israel: A Personal History* (London: New English Library, 1972), pp. 61, 90; G. Rivlin and E. Orren, eds., *Yoman Ha-milhama*, 3 vols. (Tel Aviv: Misrael Ha-bitahchom, Ha-hotsa’a La-or, 1983), particularly vol. 3, pp. 1013–19”, cited in Karsh (1996, fn. 19).

Karsh also objected to Morris' understanding of the period before Israel's Independence and the "plans" developed by the Yishuv's leaders (particularly Ben-Gurion). On the idea of the "Transfer Plan", he comments:

"Morris writes that 'from the mid-1930s most of the Yishuv's leaders, including Ben-Gurion, wanted to establish a Jewish state without an Arab minority, or with as small an Arab minority as possible, and supported a 'transfer solution' to this minority problem.'⁹³ He argues that the transfer idea 'had a basis in mainstream Jewish thinking, if not actual planning, from the late 1930s and 1940s.'⁹⁴ But Morris, the new historian who has made the greatest effort to prove this thesis, devotes a mere five pages to this subject. He fails to prove his claim.

"First, the lion's share of his 'evidence' comes from a mere three meetings of the Jewish Agency Executive (JAE) during June 7–12, 1938. Five days in the life of a national movement can scarcely provide proof of longstanding trends or ideologies, especially since these meetings were called to respond to specific ad hoc issues. Moreover, Morris has painted a totally false picture of the actual proceedings of these meetings. Contrary to his claim that the meetings 'debated at length various aspects of the transfer idea,'⁹⁵ the issue was discussed only in the last meeting, and even then as but one element in the overall balance of risks and opportunities attending Britain's suggested partition rather than as a concrete policy option. The other two meetings did not discuss the subject at all.

"Secondly, Morris virtually ignores that the idea of transfer was forced on the Zionist agenda by the British (in the recommendations of the 1937 Peel Royal Commission on Palestine) rather than being self-generated.⁹⁶ He downplays the commission's recommendation of transfer, creates the false impression that the Zionists thrust this idea on a reluctant British Mandatory power (rather than vice versa), and misleadingly suggests that Zionist interest in transfer long outlived the Peel Commission.⁹⁷

"Thirdly, and most important, Morris systematically falsifies evidence, to the point that there is scarcely a single document he relies on without twisting and misleading, either by a creative rewriting of the original text, by taking words out of context, or by truncating texts and thereby distorting their meaning. For example, Morris finds an alleged Zionist interest in the idea of transfer lasting up to the outbreak of the 1948 war. Yes, Morris concedes, Ben-Gurion in a July 1947 testimony to the United Nations Special Commission on Palestine (UNSCOP) 'went out of his way to reject the 1945 British Labour Party platform 'International Post-war Settlement' which supported the encouragement of the movement

⁹³ Morris (1994b, p. 17), quoted in Karsh (1996).

⁹⁴ Morris (1987, p. 24), quoted in Karsh (1996).

⁹⁵ Morris (1987, p. 25–26), quoted in Karsh (1996).

⁹⁶ "The Peel report suggested the partition of Mandatory Palestine into two states, Arab and Jewish; to reduce frictions between the two communities, the commission also suggested a land and population exchange, similar to that effected between Turkey and Greece after the First World War. See Palestine Royal Commission, Report, Presented by the Secretary of State for the Colonies to Parliament by Command of His Majesty, July 1937, Cmd. 5479 (London: HMSO, 1937), pp. 291–95.

"There being far more Arabs in the Jewish state-to-be than the other way around (225,000 vs. 1250), Ben-Gurion and some other Zionist proponents of partition viewed this exchange (or transfer, as it came to be known) as a partial compensation for the confinement of the prospective Jewish state to a tiny fraction of the Land of Israel. Yet they quickly dismissed this idea, as shown by the fact that not one of the 30-odd submissions the JAE [Jewish Agency Executive] made to the Palestine Partition Commission (the Woodhead Commission, 1938) suggested population exchange and transfer", Karsh (1996, fn. 35).

⁹⁷ Karsh (1996) refers to Morris (1987, pp. 27–28).

of the Palestine Arabs to the neighboring countries to make room for Jews.⁹⁸ But he insinuates that Ben-Gurion was insincere; *in his heart of hearts*, he subscribed to the transfer idea at the beginning of the 1947–49 war. Becoming a mind-reader, Morris discerns the transfer in a Ben-Gurion speech in December 1947:

“There was no explicit mention of the collective transfer idea” (emphasis added) (Karsh 1996).

Still, the problem of lacking a wide Jewish demographic majority in the Jewish State may allow some to think that the Zionist leader’s main solution was to execute a transfer or expulsion policy of the Arabs. However, the approach taken by Zionist leaders was in fact the same as they always had: to attain a Jewish demographic majority by massive immigration. Karsh (1996) quotes Ben-Gurion:

“As for the position of the Arabs in the Jewish State, Ben-Gurion could not be clearer:

“We must think in terms of a state, in terms of independence, in terms of full responsibility for ourselves—and for others. In our state there will be non-Jews as well—and all of them will be equal citizens; *equal in everything without any exception; that is: the state will be their state as well*”⁹⁹ (emphasis added) (Karsh 1996).

So, while it is possible to infer from parts of this speech that Ben Gurion might have been referring to forced transfer of a non-Jewish minority, his *explicit* statements eschew that notion entirely. Karsh (1999), by analyzing Morris’ account of the cabinet meeting of 16 June 1948, also contends that the latter does not deal with quotes properly:

“[The...] problem concerns a faulty account of the contents of documents. Morris tells of statements never made, decisions never taken, events that never happened. Consider, for example, the Israeli cabinet meeting of June 16, 1948, about which Morris commits a double misrepresentation: he misattributes a decision to bar the return of the Palestinian refugees to this meeting; then he charges the Israeli establishment with concealing this nonexistent decision!” (Karsh 1999).

Note that while it could be said that Ben Gurion (and other Zionist leaders) preferred not to allow Arab refugees back, this had nothing to do with a deliberate policy of ethnic cleansing before and during the War of Independence. This is especially true in the context of repeated Jewish requests, invitations, that Arabs who were otherwise planning to leave, remain. The war ended with refugees on both sides. What would have happened with Jewish refugees, and Jews in general, had the State of Israel lost the war? We have evidence from the Arab states themselves: complete ethnic cleansing, expulsion and massive expropriation.¹⁰⁰

Moreover, irrespective of what happened at the cabinet meeting of 16 June 1948,¹⁰¹ lest the reader misconstrue cabinet discussions as veiled attempts to ethnic cleansing after the fact, we can ask the following series of questions. Should the cabinet rather have ignored the issue of refugees and never spoken about it? What if

⁹⁸ Morris (1987, p. 28), quoted in Karsh (1996).

⁹⁹ Ben-Gurion, *Ba-ma’araha*, vol. IV, part 2 (Tel Aviv: Hotsa’at Mifleget Poalei Eretz Yisra’el, 1959), p. 260, quoted in Karsh (1996).

¹⁰⁰ See Sect. 3.8 below.

¹⁰¹ For an analysis of this event, see Karsh (1999).

it had been ignored entirely? Would the young State of Israel have been spared accusations of ethnic cleansing had these discussions never occurred?

Obviously, the issue had to be discussed. That it was can in no way constitute evidence that there was a policy of ethnic cleansing. However, had the issue of Arab refugees been ignored, the very same accusation could have been leveled just as easily. By strategically ignoring discussion of the refugee issue, a critic could charge, the State of Israel was thereby instituting ethnic cleansing just the same through the back door.

There is no way out of such accusations, other than to state the facts. The vast majority of Arabs left for a variety of reasons, some certainly including Jewish attacks but mainly *fears* of Jewish attacks, and as a *result* of the war the Arab states *started*, and those who did choose to stay, still live in Israel now. Many departed in cooperation with the Arab attackers, who wanted a clearer target at Jews. To bar those refugees who chose to leave from returning does not constitute ethnic cleansing.

In any case, what was the approach taken by the cabinet with respect to the Arabs who fled to other places inside Israel? Was there an intention to apply a plan of expulsion or bar their return? Karsh (1999), criticizing Morris,¹⁰² explains:

“Morris also hides from his readers the *widespread consensus* among participants at this August [18] 1948 meeting to allow Arabs who had fled to other parts of Israel from their places of residence to return to their original dwellings. In the words of Minister of Police and Minorities Bechor Shalom Shitrit: ‘The Arabs of *Israel* who had left their places but remained inside—those should be returned.’¹⁰³ Under a section of the discussion titled ‘The return of Arabs who had fled their places but remained inside Israel?’ Sharett put the idea in far more elaborate form:

“*These should be returned to their places*, with full ownership of their lands etc., and with full [citizenship] rights. We should not, as a matter of principle, discriminate against an Arab who had stayed inside [Israel] and thereby accepted its rule. He should enjoy full rights, including his property [rights]—unless there are decisive emergency considerations, security-wise. This should be the instruction to governors, commanders, etc.¹⁰⁴” (emphasis added) (Karsh 1999).

In another case, Karsh (1999) points out that the selection of quotes distorts the context, and thereby undermines the original meaning of the claim:

“Consider, for example, the following partial quote, about the same meeting [June 16, 1948] and from a book by Ben-Gurion, in which he discusses the departed Palestinians. The original text reads as follows:

“And we must prevent at all costs their return meanwhile [i.e., until the end of the war]. We, as well as world public opinion cannot ignore the horrible fact that 700,000 [Jewish] people are confronted here with 27 million [Arabs], one against forty. Humanity’s conscience was not shocked when 27 million attacked 700,000—after six million Jews had

¹⁰²For Morris’s view of Karsh’s critique of his work, see Morris (1996).

¹⁰³Shimoni (1948, p. 2), quoted in Karsh (1999).

¹⁰⁴Shimoni (1948, p. 3), quoted in Karsh (1999).

been slaughtered in Europe. It will not be just if they demand of us to allow back to Abu Kabir and Jaffa those who tried to destroy us¹⁰⁵.

“Morris provides only this truncated text:

“‘And we must prevent at all costs their return meanwhile It will not be just if they demand of us to allow back to Abu Kabir and Jaffa those who tried to destroy us.’¹⁰⁶

“[...] Here is the complete text of a paragraph from a book Ben-Gurion published in 1951:

“‘Jaffa will become a Jewish city. War is war; it is not us who wanted war. Tel-Aviv did not wage war on Jaffa, Jaffa waged war on Tel-Aviv. And this should not happen again. We will not be ‘foolish hasidim.’ Bringing back the Arabs to Jaffa is not just but rather is foolish. Those who had gone to war against us—let them carry the responsibility after having lost’.¹⁰⁷

As quoted by Morris, this paragraph reads:

“‘Jaffa will become a Jewish city ... Bringing back the Arabs to Jaffa is not just but rather is foolish. Those who had gone to war against us—let them carry the responsibility after having lost’.¹⁰⁸

“By dropping the middle part of this passage, Morris withholds from his readers Ben-Gurion’s elaborate reasoning for barring an Arab return to Jaffa. [...]” (Karsh 1999).

Let us note that, by the anti-Zionist reasoning, every state that did not allow all refugees to return to their homes following a war, is guilty of ethnic cleansing. That includes virtually every state on the planet. If that is the case, Israel cannot be singled out for committing this policy. If everyone commits ethnic cleansing in every war, nobody does. Of course, ethnic cleansing has a specific meaning, and does not apply to the case of Israel. Moreover, by discussing the idea of respecting individual rights for the Arab citizens of Israel, according to Karsh (1999), Ben-Gurion clarifies the context of his thinking on refugees:

“[...] Ben-Gurion had the following to say about Arab rights, according to the original protocol of a meeting:

“‘We must start working in Jaffa. Jaffa must employ Arab workers. And there is a question of their wages. I believe that they should receive the same wage as a Jewish worker. An Arab has also the right to be elected president of the state, should he be elected by all. If in America a Jew or a black cannot become president of the state—I do not believe in the quality of its civil rights. Indeed, despite the democracy there, I know that there are plots that are not sold to Jews, and the law tolerates this; and a person can sell his plot to a dealer on condition that it not be bought by a Jew ... Should we have such a regime—then we would have missed the purpose of the Jewish State. And I would add that we would have denied the most precious thing in Jewish tradition. But war is war. We did not start the war. They made the war. Jaffa waged war on us, Haifa waged war on us, Bet She’an waged war on us. And I do not want them again to make war. That would be not just but foolish. This would be a ‘foolish hasid.’ Do we have to bring back the enemy, so that he again fights us in Bet She’an? No! *You made war [and] you lost!*¹⁰⁹” (emphasis added) (Karsh 1999).

¹⁰⁵ “Ben-Gurion, Be-hilahem Israel, p. 131. See also “Partikol—Yeshivat Ha-memshala Ha-zmanit,” June 16, 1948, p. 36”, quoted in Karsh (1999, fn. 21).

¹⁰⁶ Morris (1995, p. 57), quoted in Karsh (1999).

¹⁰⁷ “Ben-Gurion, Be-hilahem Israel, pp. 130–131”, quoted in Karsh (1999, fn. 23).

¹⁰⁸ Morris (1995, p. 57), quoted in Karsh (1999).

¹⁰⁹ Partikol—Yeshivat Ha-memshala Ha-zmanit, June 16, 1948, pp. 34–35, quoted in Karsh (1999).

Given his change of opinion, anti-Zionists no longer prefer to quote Benny Morris.¹¹⁰ The most important anti-Zionist “New Historian” as of 2020 is Ilan Pappé. It is interesting to see that there were several historical disputes between him and Morris. The latter contends that, not only Pappé, but many others who try to use his work in order to criticize Israel in fact *distort* his views in order to better fit their purposes of demonizing the Jewish State. What does Morris think of Pappé? Reviewing Pappé (2010a, b) he declared: “At best, Ilan Pappé must be one of the world’s sloppiest historians; at worst, one of the most dishonest. In truth, he probably merits a place somewhere between the two” (Morris 2011).

Why did Morris articulate such vociferous and clear-cut opinions on Pappé? Let Morris speak for himself:

“Here is a clear and typical example—in detail, which is where the devil resides—of Pappé’s handiwork. I take this example from *The Ethnic Cleansing of Palestine*. On February 2, 1948, a young Jewish scientist named Aharon Katzir came to see David Ben-Gurion, the chairman of the Jewish Agency Executive and the leader of the Jewish community in Palestine. Two months earlier, the General Assembly of the United Nations had recommended the partition of the country into two states. The Zionist establishment had accepted Resolution 181, but the Palestinian Arab leadership, and the surrounding Arab states, had rejected it—and Palestinian militiamen began to shoot at Jewish traffic, pedestrians, and settlements. The first Arab-Israeli war had begun.

“Katzir had come to report to the man managing the Jewish war effort (Ben-Gurion also held the defense portfolio in the Jewish Agency Executive) about an experiment that he and his team in the Haganah’s ‘science branch’ had been conducting. As was his wont, Ben-Gurion jotted down in his diary what his visitor told him. (Ben-Gurion’s diary, a major source on Israeli and Middle East history, consists almost entirely of his summaries of reports by people coming to see him; very few entries actually enlighten the reader about what Ben-Gurion thought or said.) The entry reads:

“‘*Aharon*: ‘Shimshon’ [the operation’s codename], an experiment was conducted on animals. The researchers were clothed in gas masks and suit. The suit costs 20 grush, the mask about 20 grush (all must be bought immediately). The operation [or experiment] went well. No animal died, the [animals] remained dazzled [as when a car’s headlights dazzle an oncoming driver] for 24 hours. There are some 50 kilos [of the gas]. [They] were moved to Tel Aviv. The [production] equipment is being moved here. On the laboratory level, some 20 kilos can be produced per day.’

“This is the only accessible source that exists, to the best of my knowledge, about the meeting and the gas experiment, and it is the sole source cited by Pappé for his description of the meeting and the ‘Shimshon’ project. *But this is how Pappé gives the passage in English*:

“‘Katzir reported to Ben-Gurion: ‘We are experimenting with animals. Our researchers were wearing gas masks and adequate outfit. Good results. The animals did not die (they were just blinded). We can produce 20 kilos a day of this stuff.’

“The translation is flecked with inaccuracies, but the outrage is in Pappé’s perversion of ‘dazzled,’ or *sunveru*, to “blinded”—in Hebrew “blinded” would be *uvru*, the verb *not* used by Ben-Gurion—coupled with the willful omission of the qualifier ‘for 24 hours.’ Pappé’s version of this text is driven by something other than linguistic and historiographical accuracy. Published in English for the English-speaking world, where animal-lovers are legion and *deliberately blinding animals would be regarded as a barbaric act, the passage, as published by Pappé, cannot fail to provoke a strong aversion to Ben-Gurion and to Israel.*

¹¹⁰On his controversy with Israeli Historian Daniel Blatman, see Ben-Meir (2017).

“Such distortions, large and small, characterize almost every page of *The Ethnic Cleansing of Palestine*. So I should add, to make the historical context perfectly clear, that no gas was ever used in the war of 1948 by any of the participants. Pappé never tells the reader this. Raising the subject of gas is historical irrelevance. *But the paragraph will dangle in the reader’s imagination as a dark possibility, or worse, a dark reality: the Jews, gassed by the Nazis three years before, were about to gas, or were gassing, Arabs.* I note also, for accuracy’s sake, that, apart from the 1917 battle for Gaza in World War I, the only people in the Middle East who have used poison gas against their enemies in the past century have been Arabs—the Egyptians in Yemen in the 1960s, the Iraqis in Kurdistan in the 1980s. So there can be no escaping the conclusion that Pappé introduced the subject, and perverted the text, for one purpose only: to blacken the image of Israel and its leaders in 1948. This is also among the purposes of *The Rise and Fall of a Palestinian Dynasty* [2010] and *Out of the Frame* [2010]” (emphasis added) (Morris 2011).

The use of comparisons between Israel and the Nazis (often implicit) in order to demonize the Jewish State (and also indirectly to trivialize the Holocaust) is a frequently heard argument of the anti-Zionists. Of course, it is far beyond incongruous. Yet, another, more sinister outcome is achieved by doing this: not only comparing the Jews to their executioners, but also, since these supposed Israeli “crimes” are not real, to indirectly contending that the Nazis were not that bad, certainly not as evil as the Jews had lived during that horror recall.

The fury created in the reader’s mind also has another consequence: it takes part of the blame away from several European countries for the actual massacres that took place there. No wonder that in Europe the notion that “Jews are now doing what was done to them by the Nazis, *or worse*”, is widespread. This argument has also an implicit feedback effect: the Europeans shirk their part of the blame for the anti-Semitism that allowed the Nazis to commit their crimes, and they are able to even hold culpable the Jews for emulating this.

Basically, the argument goes like this: “Who are the Jews to blame us for the Holocaust *now*, when they are doing *exactly the same thing to the Palestinians?*” This is not only patently false, but pernicious. Ask any self-proclaimed Palestinian if he would rather be treated as the Jews deal with the Palestinians, or suffer what the Jews received at the hands of the Nazis.

But Morris’ account of the pitfalls of Pappé’s work does not end here. He deals also with the sources used by Pappé:

“Indeed, almost all of Pappé’s references direct the reader to books and articles in English, Hebrew, and Arabic by other scholars, or to the memoirs of various Arab politicians, which are not the most reliable of sources. Occasionally there is a reference to an Arab or Western travelogue or genealogy, or to a diplomat’s memoir; but there is barely an allusion to documents in the relevant British, American, and Zionist/Israeli archives. When referring to the content of American consular reports about Arab riots in the 1920s, for example, Pappé invariably directs the reader to an article in Hebrew by Gideon Biger—‘The American Consulate in Jerusalem and the Events of 1920–1921,’ in *Cathedra*, September 1988—and not to the documents themselves, which are easily accessible in the United States National Archive” (Morris 2011).

Also, Morris rejects the simplistic interpretations that Pappé offers of certain documents, as the case of the Palin Report (July 1, 1920):

“The bottom line of the Palin report of July 1, 1920, was that the Arabs ‘not entirely’ unreasonably feared Jewish immigration and eventual political and economic domination, and that the Zionists had occasionally acted with ‘indiscretion’ and political aggressiveness. At the same time, the report continued, in its complex account of the causes of the crisis, the British, too, through their ‘nonfulfillment’ of promises, had contributed to Arab ‘alienation and exasperation,’ as had deliberate incitement by various Arab leaders and journalists. Taken together, these were the wellsprings of the Arabs’ ‘panic’ and rage. But it was the Arabs—the report concluded—who had resorted to murderous violence and attacked the Jews in ‘treacherous and cowardly’ fashion. The picture painted by the Palin inquiry, despite its clear anti-Zionist bias, was far more complicated, nuanced, and balanced than that conveyed in Pappe’s ‘history’” (Morris 2011).

The same goes for the massacres of Jews during the British Mandate:

“About the 1929 ‘Temple Mount’ riots, which included two large-scale massacres of Jews, in Hebron and in Safed, Pappe writes: ‘The opposite camp, Zionist and British, was no less ruthless [than the Arabs]. In Jaffa a Jewish mob murdered seven Palestinians.’ Actually, *there were no massacres of Arabs by Jews, though a number of Arabs were killed when Jews defended themselves or retaliated after Arab violence*. Pappe adds that the British ‘Shaw Commission,’ so-called because it was chaired by Sir Walter Shaw (a former chief justice of the Straits Settlements), which investigated the riots, ‘upheld the basic Arab claim that Jewish provocations had caused the violent outbreak. ‘The principal cause ... was twelve years of pro-Zionist [British] policy.’

“It is unclear what Pappe is quoting from. I did not find this sentence in the commission’s report. Pappe’s bibliography refers, under ‘Primary Sources,’ simply to ‘The Shaw Commission.’ The report? The deliberations? Memoranda by or about? Who can tell? The footnote attached to the quote, presumably to give its source, says, simply, ‘Ibid.’ The one before it says, “Ibid., p. 103.’ The one before that says, ‘The Shaw Commission, session 46, p. 92.’ But the quoted passage does not appear on page 103 of the report. In the text of *Palestinian Dynasty*, Pappe states that ‘Shaw wrote [this] after leaving the country [Palestine].’ But if it is not in the report, where did Shaw ‘write’ it?

“Actually, the thrust of the ‘Report of the Commission on the Palestine Disturbances of August, 1929,’ which appeared in 1930, *is completely contrary to what Pappe asserts* (though it does list some non-lethal Jewish provocations—peaceful demonstrations, a newspaper article—as among the immediate triggers of the eruption of the Arab violence). The report states: ‘The fundamental cause, without which in our opinion disturbances either would not have occurred or would have been little more than a local riot, is the Arab feeling of animosity and hostility towards the Jews consequent upon the disappointment of their political and national aspirations and fear for their economic future.’ As to the riots themselves, the report states: ‘The outbreak in Jerusalem on the 23rd of August [the start of the riots] was from the beginning an attack by Arabs on Jews for which no excuse in the form of earlier murders by Jews has been established.’ The disturbances ‘took the form, for the most part, of a vicious attack by Arabs on Jews accompanied by wanton destruction of Jewish property.... In a few instances, Jews attacked Arabs and destroyed Arab property. These attacks, though inexcusable, were in most cases in retaliation for wrongs already committed by Arabs in the neighborhood in which the Jewish attacks occurred.’

“Pappe repeatedly asserts, in order to demonstrate an Arab readiness for conciliation, that the Palestinian leadership in 1920–1922, including Hajj Amin, was ‘ambiguous’ about Zionism and ‘was willing to compromise.’ *This is nonsense. Indeed, Hajj Amin was tried and convicted in absentia by a British court for helping to incite the murderous riots of April 1920*” (emphasis added) (Morris 2011).

Morris's brilliant account by no means ends there. He accuses Pappé of "ignorance of basic facts" concerning several subjects relevant to the historical context he analyzes:

"To the *deliberate slanting* of history Pappé adds a profound ignorance of basic facts. Together these sins and deficiencies render his 'histories' worthless as representations of the past, though they are important as documents in the current political and historiographic disputations about the Arab-Israeli conflict. Pappé's grasp of the facts of World War I, for example, is *weak in the extreme*. He writes that the 'Ottoman entry into the war was triggered by an incident in the Black Sea in December 1914.' In fact, the Ottoman Empire joined World War I with Russia's declaration of war on Constantinople on November 1, following the bombardment of Sevastopol on October 29 by the Turkish cruiser 'Yavuz Sultan Selim,' which was really the German cruiser *Goeben* manned by fez-wearing German sailors. Pappé tells us that Hajj Amin was commissioned as an officer in the Ottoman 46th division, at first serving as 'assistant division commander to the governor of Smyrna,' thereby betraying *his ignorance of the relevant Ottoman administrative and military structures* (lieutenants are not 'assistant division commanders'). Pappé maintains that Jamal Pasha's Fourth Army 'had failed to cross the Sinai Peninsula' in World War I—but the Turks *crossed the peninsula and fought the British* on the banks of the Suez Canal on February 2–4, 1915, and in their second invasion of Egypt, in August 1916, they reached Romani, just short of the canal. Pappé maintains that Allenby's conquest of Jerusalem in December 1917 'concluded the [British] campaign in the Levant,' but of course *it didn't*: Allenby's army went on, in 1918, to conquer the rest of Palestine and Syria. Pappé notes that 'the text of the Balfour Declaration¹¹¹ remained unpublished' until February 1920, but *it was published already in 1917*. He refers to Raghīb Nashashibi in 1923 as 'a member of parliament'—*what parliament?*

"Some of Pappé's 'historical' assertions are, *quite obviously, politically motivated, but they are mistakes nonetheless*. He refers to "statements made by Jewish and Zionist leaders about the need to build the 'Third Temple.' Husaynis often leveled that charge against the Jews, in order to incite the Muslim masses. But which important Zionist leader in the 1920s advocated the construction of a Third Temple? *None whom I can name*. Later Pappé reinforces this *lie* by remarking that 'Palestinian historiography, including recent work that draws on newly revealed materials, suggests that the mufti's concern was not baseless, and that there really was a Jewish plan to seize the entire Haram [Temple Mount].' *Pappé offers no evidence for this extraordinary assertion*.

"Pappé repeatedly refers to 'Harry Lock' of the British Mandate government secretariat in the 1920s—but the chief secretary's name was Harry Luke. Pappé obviously encountered the name in Hebrew or Arabic and transliterated it, with *no prior knowledge of Luke against which to check it*: if he had consulted British documents, he would have known the correct spelling. Pappé refers to 'the Hope Simpson Commission'—*there was no such commission*, only an investigation by an official named John Hope Simpson. He refers to 'twenty-two Muslim ... states' in the world in 1931, but by my count *there were only about half a dozen*. He refers to 'the Jewish Intelligence Service'—presumably the Haganah Intelligence

¹¹¹ In 2017, the Balfour Declaration turned 100 years old, and there has been an international campaign by Palestinian organizations demanding an apology from Britain for it, and a massive wave of attempted delegitimization of this document. This, in turn, shows that Palestinian Arabs are not just against "the settlements" but Israel as such (Horovitz 2016). However, the Declaration only recognized the fact that the Jews had a right to settle in the land of Israel, homestead it again and create a home therein. Also, in the light of what happened later (British opposition to the Zionist project), irrespective of the League of Nations ratifying it in the beginning of the 1920s, the Declaration was never fully respected. On these subjects see Baker (2017a); Joffe (2017b); Hacohen (2017); Kramer (2017a); Kemp (2016); and Gold (2017).

Service—and then adds, ‘whose archive has been opened to Israeli historians but not to Palestinians.’ To the best of my knowledge, this is an *outright lie*. *All public archives in Israel, including the Haganah Archive in Tel Aviv, which contains the papers of its intelligence service, are open to all researchers.*

“Pappe writes, regarding 1939, of ‘Colonial Secretary Ramsay MacDonald’ when it should be Malcolm MacDonald, the official responsible for the famous White Paper of May 1939. (Ramsay MacDonald *died two years earlier.*) He speaks of ‘Rommel’s advance towards Alexandria’ in ‘the summer of 1940,’ but Rommel *reached Africa only the following year.* He writes that in 1947 the Haganah immigration ship *Exodus* ‘was refused entry [into Palestine] and made its way back to Germany.’ Actually, the ramshackle *Exodus from Europe-1947* was intercepted by British naval craft and *forcibly boarded.* The disabled ship was towed into Haifa harbor, where most of its passengers were transferred to a seaworthy ship and sent back to Europe, most disembarking in Hamburg. *I could go on. Suffice it to say that Pappe’s contempt for historical truth and factual accuracy is almost boundless*” (emphasis added) (Morris 2011).

Why do we quote at length from Morris on this regard? First, to show the divergence of opinions among the “New Historians” themselves, and second to show how Pappé’s scholarship compares with that of Morris.

On the same wavelength, Efraim Karsh (1996; in the same essay in which he criticized Morris) also analyzed Pappé’s writings. His findings are not far from Morris’s sad account¹¹²:

“Ilan Pappé has gone so far as to argue that the outcome of the 1947–49 war had been predetermined in the political and diplomatic corridors of power ‘long before even one shot had been fired.’¹¹³ To which, one can only say that the State of Israel paid a high price indeed to effect this predetermined outcome: the war’s six thousand fatalities *represented 1 percent of Israel’s total Jewish population, a higher human toll than that suffered by Great Britain in World War II.* Further, Israel’s battlefield losses during the war were about the same as those of the Palestinians; and given that its population was roughly half the latter’s size, *Israel lost proportionately twice the percentage of the Palestinians*” (emphasis added) (Karsh 1996).

¹¹²At another occasion, Morris also said: “[...] according to Pappe, the Stern Gang and the Palmach existed ‘before the revolt’ of 1936 (they were established in 1940–1941); that the Palmach ‘between 1946 and 1948’ fought against the British (in 1947–1948 it did not); that Ben-Gurion in 1929 was chairman of the Jewish Agency Executive (he was chairman from 1935 to 1948); that the Arab Higher Committee was established ‘by 1934’ (it was set up in 1936); that the Arab Legion did not withdraw from Palestine, along with the British, in May, 1948 (most of its units did); that the United Nations’ partition proposal of November 29, 1947 had ‘an equal number of supporters and detractors’ (the vote was thirty-three for, thirteen against, and ten abstentions); that the ‘Jewish forces [were] better equipped’ than the invading Arab armies in May, 1948 (they were not, by any stretch of the imagination); that the first truce was ‘signed’ on June 10, 1948 (it was never ‘signed,’ and it began on June 11); that in August, 1948 ‘the successful Israeli campaigns continued, leading to their complete control of Palestine, apart from the West Bank and the Gaza Strip’ (the Second Truce prevailed during August and September, and warfare was resumed only in mid-October); that the Grand Mufti fled Palestine in 1938 (he left in October, 1937); that the Hebrew University of Jerusalem was ‘built ... in 1920’ (it was founded in 1925 and constructed during the following decades); that Tel Aviv was ‘founded ... on a Saturday morning in July 1907’ (it was 1909); that the late nineteenth-century Zionist pioneers known as the Biluim established ‘the first Zionist settlements in Palestine’ (they did not), and that they ‘were led’ by Moshe Lilienblum and Leon Pinsker (they were not)...’ [the list goes on]”, quoted in Hollander and Sternthal (2007).

¹¹³Pappé (1992, p. 271), quoted in Karsh (1996).

As we can see, the main authority of the anti-Zionists does not earn a passing grade. Should these accounts of Pappé's work surprise the reader? Not if we let him speak for himself:

"I admit that my *ideology influences my historical writings* [...]"¹¹⁴

"Indeed the struggle is about ideology, *not about facts*. Who knows what facts are? We try to convince as many people as we can that our interpretation of the facts is the correct one, and we do it because of *ideological reasons, not because we are truthseekers*."¹¹⁵

"The debate between us is on one level between historians who believe they are purely objective reconstructors of the past, like [Benny] Morris, and those who claim that they are *subjective human beings striving to tell their own version of the past, like myself*."¹¹⁶

"[Historical] Narratives... when written by historians involved deeply in the subject matter they write about, such as in the case of Israeli historians who write about the Palestine conflict, is motivated also... by a deep involvement and a *wish to make a point*. This point is called *ideology or politics*."¹¹⁷

"Yes, I use Palestinian sources for the Intifada: they seem to me to be *more reliable*, I admit"¹¹⁸ (emphasis added) (Hollander 2005b).

"My *bias* is apparent despite the desire of my peers that I stick to facts and the 'truth' when reconstructing past realities. I view any such construction as vain and presumptuous. This book is written by one who admits compassion for the colonized not the colonizer; who sympathizes with the occupied not the occupiers; and sides with the workers not the bosses. He feels for women in distress, and has little admiration for men in command. He cannot remain indifferent towards mistreated children, or refrain from condemning their elders. In short, *mine is a subjective approach*, often but not always standing for the defeated over the victorious" (emphasis added) (Pappé 2004, 11–12).

If this sort of subjectivism is Pappé's approach to history, what makes his work any different than historical fiction written for entertainment purposes only? Not much, we contend. Except in this case the goal is not entertainment, but demonizing Israel.

In sharp contrast with Pappé, on another occasion (Wilson 2007), Morris¹¹⁹ concluded: "The problem that existed here in 1947 remains today—*the Arabs don't accept Israel's presence* [...] A major switch in mind-set must occur for peace to come. That is the sine qua non of any peace agreement. All the rest—the road map, the peace process—is just footwork" (emphasis added). As we can see, the current vision held by Morris, at least in part, is not far from what we present in our own analysis.¹²⁰

¹¹⁴ "An Interview of Ilan Pappé," Baudouin Loos, *Le Soir [Bruxelles]*, Nov. 29, 1999, quoted in Hollander (2005b).

¹¹⁵ Ibid, quoted in Hollander (2005b).

¹¹⁶ "'Benny Morris's Lies About My Book,' Ilan Pappé, Response to Morris' critique of Pappé's book, 'A History of Palestine' published in the *New Republic*, March 22, 2004, *History News Network*, April 5, 2004", quoted in Hollander (2005b).

¹¹⁷ Ibid, quoted in Hollander (2005b).

¹¹⁸ Ibid, quoted in Hollander (2005b).

¹¹⁹ For more on Morris on this regard see Morris (2004b).

¹²⁰ On the relation of anti-Zionism, Post-Zionism and Postmodernism see Chap. 5.

But the inaccurate scholarship of Pappé's *The Ethnic Cleansing of Palestine* (2006) is not the only example of the author's failings. In reviewing Pappé's *A History of Modern Palestine: One Land, Two Peoples* (2004), Efraim Karsh (2006) claims:

"It contains *countless factual errors and inaccuracies*. Yasir Arafat's birthplace is Cairo and not Jerusalem. The U.N. Special Commission on Palestine (UNSCOP) presented its report on August 31, 1947, not on November 29. Deir Yasin is a village near Jerusalem, and not in Haifa. Lawrence of Arabia had nothing to do with the Anglo-Hashemite correspondence that led to the 'Great Arab Revolt' of World War I. Further, this correspondence was initiated by the Hashemites, not by the British. Pappé even misspells the official English transliteration of President Weizmann's first name (Chaim, not Haim).

"More serious is the book's *consistent resort to factual misrepresentation, distortion, and outright falsehood*. Readers are told of events that never happened, such as *the nonexistent May 1948 Tantura 'massacre' or the expulsion of Arabs within twelve days of the partition resolution*. They learn of political decisions that *were never made*, such as the Anglo-French 1912 plan for the occupation of Palestine or the contriving of 'a master plan to rid the future Jewish state of as many Palestinians as possible.'

"[...] A final example of Pappé's distortion concerns the *tidal wave of Arab violence that immediately followed the U.N. partition vote in November 1947*. On the day after the vote, a spate of Arab attacks left seven Jews dead and scores more wounded. Shooting, stoning, and rioting continued apace in the following days. The consulates of Poland and Sweden, both of whose governments had voted for partition, were attacked. Bombs were thrown into cafes, Molotov cocktails were hurled at shops, a synagogue was set on fire. On December 3, at the instigation of the Palestinian leadership, a large mob ransacked the new Jewish commercial center in Jerusalem, looting and burning shops and stabbing and stoning whomever they happened upon. The next day, some 120–150 armed Arabs attacked Kibbutz Efal, on the outskirts of Tel Aviv, in the first large-scale attempt to storm a Jewish village" (emphasis added) (Karsh 2006).

Even with respect to Pappé's own contentions on Arab intentions and *actions*, he is wrong. Seth Frantzman (2008) clarifies:

"Pappé would have his readers believe that in the years before the Israeli declaration of statehood, the Arabs living in Mandatory Palestine were lacking in the hostility to Jews that made Jewish war-planning necessary. To take just one time period, between the U.N. General Assembly vote to partition Palestine on November 29, 1947, and Israeli independence almost six months later, *Arab irregulars killed 1,256 Jews in Palestine*¹²¹—almost *all of whom were civilians*. Pappé might be onto something if Plan D had been drafted in the absence of Arab violence against Jews, or if the Arab states surrounding Palestine were not so serious about answering the declaration of a Jewish state with a war of annihilation. But inconveniently for Pappé, those were the realities of the time—realities that undermine the thesis of his book" (emphasis added).

Another well-known anti-Zionist is Norman Finkelstein. Benny Morris (CAMERA 2007) contends:

"Norman Finkelstein is a *notorious distorter of facts and of my work, not a serious or honest historian*.

"Israel is not an apartheid state—rather the opposite, it is easily the most democratic and politically egalitarian state in the Middle East, in which Arab Israelis enjoy far more free-

¹²¹ See *The Palestine Post* (Jerusalem), May 6, 1948, quoted in Frantzman (2008).

dom, better social services, etc. than in all the Arab states surrounding it. Indeed, Arab representatives in the Knesset, who continuously call for dismantling the Jewish state, support the Hezbollah, etc., enjoy more freedom than many Western democracies give their internal oppositions. (*The U.S. would prosecute and jail Congressmen calling for the overthrow of the U.S. Govt. or the demise of the U.S.*) The best comparison would be the treatment of Japanese Americans by the US Govt ... and the British Govt. [incarceration] of German emigres in Britain during WWII ... Israel's Arabs by and large identify with Israel's enemies, the Palestinians. *But Israel hasn't jailed or curtailed their freedoms en masse* (since 1966 [when Israel lifted its state of martial law]).

“*[Morris later added: “Israel ... has not jailed tens of thousands of Arabs indiscriminately out of fear that they might support the Arab states warring with Israel; it did not do so in 1948, 1956, 1967, 1973 or 1982—despite the Israeli Arabs’ support for the enemy Arab states.*”¹²²]

“As to the occupied territories, Israeli policy is fueled by *security considerations* (whether one agrees with them or not, or with all the specific measures adopted at any given time) *rather than racism* (though, to be sure, there are Israelis who are motivated by racism in their attitude and actions towards Arabs)—and indeed the Arab population suffers as a result. But Gaza’s and the West Bank’s population (Arabs) are not Israeli citizens and cannot expect to benefit from the same rights as Israeli citizens so long as the occupation or semi-occupation (more accurately) continues, *which itself is a function of the continued state of war between the Hamas-led Palestinians (and their Syrian and other Arab allies) and Israel*” (emphasis added) (CAMERA 2007).

The present authors are mainly interested in analyzing the case for Israel from a classical liberal and libertarian perspective.¹²³ Since history is a fundamental feature of this endeavor, and in the context of many controversies surrounding the views of the “Old” and “New” historians, we do well to quote in length the main characters themselves. As the reader can see, although Morris and Karsh have been involved in disagreements, differences, and tough controversies, they both agree that Pappé’s views on the subject are not reliable. The charges of “ethnic cleansing” and a policy of massacres come primarily from the latter author. In turn, this is also the main source of the modern anti-Zionists.¹²⁴

To conclude, Morris (while reviewing Karsh’s *Palestine Betrayed*, 2010) claims, despite his fundamental differences with Karsh, that:

“But most historians probably won’t bother to work out these interminable referential puzzles if only because they will have been put off, long before, by the palpable one-sidedness of Karsh’s narrative. All too often it gives off the smell of shop-soiled propaganda. And, let me quickly note, I say this despite the fact that I am in almost complete agreement with Karsh’s political conclusions (which in some way emerge naturally and, I feel, irrefutably from the history) and in some measure with his history as well” (Morris 2010).

¹²²For an analysis of today’s Israeli Arab parties and politicians see Karsh and Hacohen (2020).

¹²³Or against. We both authors happen to be Jewish, but we are first and foremost classical liberals and libertarians. If the Israeli state were more guilty of anything, compared to others of this ilk, we would be the first to condemn it. For example, we maintain that this government’s policies, among others, on taxation and the draft, are incompatible with classical liberalism and libertarianism. But this takes us far afield from our present concerns: the property titles to the territories under dispute.

¹²⁴For an analysis of the work of Palestinian American historian Rashid Khalidi (2020), see Morris (2020).

3.7 A Final Comment on the “New Historians”

Although the controversies promoted by the “New Historians” indeed created the atmosphere for a huge work of research with respect to Israel’s founding, it did not unearth many major new discoveries. At least, not with respect to the main contentions that were the essence of the movement and which were the reason why it transcended the academic world (even falling into the hands of anti-Zionists who used it, and still do, as a weapon against Israel’s legitimacy).

Several anti-Zionists changed their minds about previously held beliefs. For instance, Nathan Weinstock, (another author who claimed Arabs were dispossessed) retracted his statement that the Arab peasants have been dispossessed by Jews:

“The eviction of a fraction of the Arab peasantry *did not result* from the implantation of Jewish agriculture: this despoliation is prior to Zionism. The main acquisitions made by the Zionist organizations merely revealed the dispossession that had already happened. One may add [...] that an official British inquiry established in 1931 that, in quantitative terms, this dispossession that has been so decried was in fact quite marginal” (emphasis in original)¹²⁵ (Gil-White¹²⁶ 2006).

Moreover, Schwartz (2014) explains how Weinstock understood the anti-Zionist approach, as a well-known anti-Zionist in France:

“In 1969, Weinstock published ‘Zionism: False Messiah,’ an anti-Zionist pamphlet (in French; an English translation came out a decade later) that quickly became the bible of anti-Israeli propaganda in France. Gradually, however, he says, he became aware of ‘the anti-Semitic nature of the blind assault on Israel. First, ‘the Zionists’ are condemned, then the ‘Zionist takeover’ of the media, and finally ‘Zionist world domination.’ When I was quoted, my criticism of the Palestinians, however minor, was always omitted. In the end, I understood that I had been used. My listeners took no interest whatsoever in me. For them, I was a Jewish alibi for their anti-Jewish posture.’

“The straw that broke the camel’s back for Weinstock was the failure of the Camp David summit in 2000.¹²⁷ ‘Once again the Palestinian leadership avoided taking responsibility,’ he says. ‘The Palestinian leadership was cowardly, declining to tell their nation that one has to know when to conclude the struggle, because the central goal has been achieved’” (Schwartz 2014).

In this respect, Avi Beker, in his article “Return to the fold”, published in *Haaretz* (October 26, 2009), claims:

“[...] the era of the new historians, or what is known as the post-Zionist era, *has come to an end.*

“[...] The person who laid the foundation for historical post-Zionism, Benny Morris, is also the one who undermined it and brought about its demise with his own hands. Morris founded the New Historians’ school and created the infrastructure for post-Zionist ideology that took over a substantial part of academic writing on the Israeli-Arab conflict. But he gradually refuted the essence of his arguments and in effect closed the book on the entire

¹²⁵Weinstock (2004, p. 64), quoted in Gil-White (2006).

¹²⁶Translated by the original in French by Gil-White.

¹²⁷Something similar happened with Benny Morris.

revisionist writing that tried to present a ‘different’ Zionist history” (emphasis added) (Beker 2009).

The “New Historians” were not only relevant with respect to the academic controversies throughout the 1980s and 1990s, but they also shaped the nature of anti-Zionist propaganda campaigns, which in turn had an impact on the negotiating strategy of Palestinian Arabs. Beker (2009) continues:

“[...] The narrative built by the New Historians changed the parameters of political negotiations: A peace agreement is not meant to correct the 1967 ‘occupation’ and create a framework for territories in exchange for peace, *but to atone for the atrocities of the nakba*. It became apparent to all that the main obstacle is the problem of the *right of return to all parts of the State of Israel*” (emphasis added) (Beker 2009).

However, Benny Morris later went so far as to say that, in effect, given the genocidal nature and intentions of the Arab regimes, if Ben Gurion was in fact engaged in Arab expulsion (although it was not the case, as we have seen¹²⁸), to a certain extent he had a right to do so.¹²⁹ Beker continues:

“[...] The Jewish refugees, originally from Arab countries, explains Morris, are a clear product of the war, after pogroms and persecutions (including threats of destruction) on the part of the Arab regimes.

“As for the responsibility of the Jewish side, Morris makes a correction: *Many of the Arab refugees left of their own accord and the others were not expelled but ‘moved to flee’ amidst the chaos of the war and the threats of jihad, and in effect he defends the right of David Ben-Gurion to expel even more given the threats of jihad*” (emphasis added) (Beker 2009).

How, then, can anti-Zionists still make the claims they do about “ethnic cleansing” and “expulsion”, among other charges against Israel? Alan Dershowitz, a well-known pro-Israel Harvard professor, elucidates how he was attacked by other known anti-Zionists such as Noam Chomsky, Norman Finkelstein and Alexander Cockburn when he published *The Case for Israel* (2003):

“The story of this unholy alliance among Chomsky, Finkelstein, and Cockburn begins nearly 20 years ago with the publication of a book entitled *From Time Immemorial*, by a woman named Joan Peters [1984]. The book, an unlikely bestseller, was largely a demographic study of the population of the area that eventually became Israel. Peters’ conclusion was that the Arab political claim that the Palestinians who left or were expelled from Israel during the war of Independence (1947–1948) had lived in the area from time immemorial was exaggerated.

¹²⁸ See Sect. 3.5.

¹²⁹ In interview with Ari Shavit (2004), Morris said: “If he [Ben Gurion] was already engaged in expulsion, maybe he should have done a complete job. I know that this stuns the Arabs and the liberals and the politically correct types. But my feeling is that this place would be quieter and know less suffering if the matter had been resolved once and for all. If Ben-Gurion had carried out a large expulsion and cleansed the whole country—the whole Land of Israel, as far as the Jordan River. It may yet turn out that this was his fatal mistake. If he had carried out a full expulsion—rather than a partial one—he would have stabilized the State of Israel for generations”. For more on Morris’ approach on the nature of the 1948 war against Israel by Arab countries see Middle East Quarterly (2010).

“When Noam Chomsky learned of the Peters book, he became outraged because its thesis undercut his ideological opposition to Israel. He raised questions about whether Peters had actually written the book, claiming in print that it was ‘signed by Joan Peters’¹³⁰ but ‘probably it had been put together by some intelligence agency...’¹³¹ In describing the book, Chomsky totally distorted its content, alleging that it ‘purported to show that the Palestinians were *all* recent immigrants,’¹³² that ‘there were really *no* Palestinians,’¹³³ and that ‘if Israel kicks them *all* out there’s no moral issue...’¹³⁴ Nowhere in Peters’ 622-page book does she make any of these claims. Chomsky telephoned Finkelstein, then a graduate student already notorious for the virulence of his anti-Zionism, and directed him to expose Peters’ book as ‘a fraud.’ According to Finkelstein’s own account, Chomsky told him ‘that if I go through the book more carefully, [I’d] probably discover that the whole thing is a fraud.’¹³⁵ Any legitimate academic would have rejected Chomsky’s unscholarly directive out of hand, but not Finkelstein. Here is how he responded: ‘Well, you know, I’m a person of the left, and when you get a call from Professor Chomsky, his wish is your command.’¹³⁶ And, of course, Finkelstein granted Chomsky this wish: he ‘discovered’ that Peters had concocted a ‘spectacular hoax,’ a ‘fraud from start to finish.’¹³⁷ Exactly what Chomsky had directed him to find! Finkelstein also accused Peters of ‘plagiarism.’¹³⁸

“Having arranged for the hatchet job, Chomsky, who had not himself done any of the research, went even further than Finkelstein in publicizing Finkelstein’s alleged conclusions. He said that *the entire* Peters book ‘was completely faked’ and that ‘the whole thing was a hoax’¹³⁹ claims that Finkelstein had not come close to proving.

“The third member of this nasty attack team, Alexander Cockburn, made similar claims. Cockburn wrote articles publicizing Finkelstein’s unfair attack against Peters. He characterized her conclusions as ‘fraudulent,’ ‘mad,’¹⁴⁰ and immoral.

“The Chomsky-Finkelstein-Cockburn mode of ad hominem attack proved particularly successful against Peters because the words ‘hoax,’ ‘fraud,’ ‘fake,’ and ‘plagiarism’ are so dramatic and unforgettable, as is the charge that Peters did not actually write the book, but merely signed a KGB-style forgery concocted by ‘some intelligence agency.’ It did not seem to matter that none of these charges made by Chomsky, Finkelstein and Cockburn were even close to the truth. All Finkelstein had managed to show was that in a relatively small number of instances, Peters may have misinterpreted some data, ignored counter-data, and exaggerated some findings—common problems in demographic research that often appear in anti-Israel books as well” (emphasis in the original) (Dershowitz 2009).

¹³⁰ “Eds. Mitchell and Schoeffel, *Understanding Power: The Indispensable Chomsky*, p. 244 (emphasis original)”, quoted in Dershowitz (2009).

¹³¹ “Ibid., p. 245”, quoted in Dershowitz (2009).

¹³² “Ibid., p. 244 (emphasis added),” quoted in Dershowitz (2009).

¹³³ “Ibid. (emphasis added),” quoted in Dershowitz (2009).

¹³⁴ “Ibid. (emphasis added),” quoted in Dershowitz (2009).

¹³⁵ “May 15, 2004, public forum at the Vancouver Public Library, ‘Is Criticism of Israel Anti-Semitic?’ (accessible at <http://www.workingtv.com/finkelstein.html>),” Quoted in Dershowitz (2009).

¹³⁶ Ibid, quoted in Dershowitz (2009).

¹³⁷ Ibid, quoted in Dershowitz (2009).

¹³⁸ Ibid, quoted in Dershowitz (2009).

¹³⁹ “Mitchell and Schoeffel, *Understanding Power: The Indispensable Chomsky*, p. 245,” quoted in Dershowitz (2009).

¹⁴⁰ “Alexander Cockburn, ‘My Life as an ‘Anti-Semite,’ from eds. Alexander Cockburn and Jeffrey St. Clair, *The Politics of Anti-Semitism* (Oakland, Calif.: AK Press, 2003), p. 25,” quoted in Dershowitz (2009).

The fundamental anti-Zionist methodology on this regard usually is, mainly, *to substitute fundamental issues for matters of style or secondary considerations. Ad hominem* attacks are particularly used, to plant the seed of doubt in the reader. To the unwary, this gets converted into the thought that it's just a *matter of opinion*: the anti-Zionist thinks *A*, and the Zionist thinks *B*, the argument seems to go. Well, as we have seen, this is not the case: what is relevant in this discussion are historical facts. Dershowitz's account demonstrates that this is a typical methodology employed by anti-Zionists.

3.8 The Ethnic Cleansing of Jews from Arab Countries

A sadly often ignored fact is that, during and after the 1948 War of Independence, when Jordan invaded and conquered Jerusalem, all Jewish religious properties, including 58 synagogues and the Mount of Olives, were desecrated. Jews were expelled and banned from their religious sites, along with the Western Wall. This was a clear case of ethnic and religious cleansing, the wanton destruction of property belonging to a particular ethnic group. When Israel liberated the city in 1967, it became a guarantor for religious freedom for all its inhabitants, Muslim, Jew and Christian alike. No religious sites of other groups were desecrated. Yet these facts on the ground are all too often overlooked.

But Jerusalem is only a small example of the real tragedy that was inflicted to the Jewish communities of Arab countries at the hands of these regimes. Some of these communities, dating from hundreds or thousands of years in those countries, were destroyed as the Jews were massively expelled and expropriated. Jews were literally ethnically cleansed everywhere, and between 850,000 to 1,000,000 were expelled. Historian Bernard Lewis (2005) discloses:

“All the Arab governments involved announced two things. First, they would not recognize Israel. They were entitled to do that. Second, they would not admit Israelis of any religion to their territories,¹⁴¹ which meant that not only Israeli Jews but also *Israeli Muslims and Christians* were not allowed into East Jerusalem. Catholic and Protestant Christians were permitted to enter once a year on Christmas Day for a *few hours*, but otherwise there was no admittance to the holy places in Jerusalem for Jews or Christians. Worse than that, *Muslims* in Israel were unable to go on the pilgrimage to Mecca and Medina. For Christians, pilgrimage is optional. For Muslims it is a basic obligation of the faith. A Muslim is required to go on pilgrimage to Mecca and Medina at least once in a lifetime. The Saudi government of the time ruled that Muslims who were Israeli citizens could not go. Some years later, they modified this rule.

¹⁴¹ By 2017, and most to this day (we write in 2020), the following countries did not accept Israelis as visitors or immigrants: Syria, Iran, Iraq, Yemen, Libya, Algeria, Bangladesh, Brunei, Kuwait, Lebanon, Malaysia, Oman, Pakistan, Sudan, Saudi Arabia, and United Arab Emirates (Qazvini 2017). Fortunately, recently since the Abraham Accords (2020), some of these countries as the UAE are changing direction. The present authors do not know of any international outrage because of this “Travel Ban”. See Kramer (2017b).

“At the same time, virtually all the Arab governments announced that they would not give visas to *Jews of any nationality*. This was not furtive—it was public, proclaimed on the visa forms and in the tourist literature. They made it quite clear that people of the *Jewish religion, no matter what their citizenship*, would not be given visas or be permitted to enter any independent Arab country. Again, not a *word* of protest from anywhere. One can imagine the outrage if Israel had announced that it would not give visas to Muslims, still more if the United States were to do so.¹⁴² As directed against Jews, this ban was seen as perfectly *natural and normal*. In some countries it continues to this day, although in practice most Arab countries have given it up.

“Neither the United Nations nor the public protested any of this in any way, so it is hardly surprising that Arab governments concluded that they had license for this sort of action and worse. One other example: unlike the other Arab countries, the Jordanians were at that time willing to accept Palestinian refugees as citizens, and the Jordanian nationality law of February 4, 1954, offered Jordanian citizenship to Palestinians, defined as natives and residents of the mandated territory of Palestine—‘*except Jews*.’ This was clearly stated. Not a murmur of protest from anyone, anywhere” (emphasis added).

As we can see, the Arab countries were not just virulently opposed to Israel: there was a widespread rejection of *Jews* in particular, which in turn led to a massive expulsion and expropriation that few in the world seemed to care about. Moreover, extreme acts of violence immediately took place along with literal “pogroms” against Jews in Arab countries. For example, at the time of Israel’s founding, in Yemen (Aden) Muslims attacked Jews and left 87 dead (Aderet 2016).

The expulsion of Jews from Arab countries happened in many cases even before the fleeing of Palestinian Arabs from Israel (Meron 1995). The brutally honest Heykal Pasha was an Egyptian delegate who expressed concern for the safety of Jews living in Arab countries if a Jewish State were to be declared. He said before the Political Committee of the UN General Assembly on November 14, 1947:

“The United Nations ... should not lose sight of the fact that the proposed solution might endanger a million Jews living in the Moslem countries. Partition of Palestine might create in those countries an anti-Semitism even more difficult to root out than the anti-Semitism which the Allies were trying to eradicate in Germany... *If the United Nations decides to partition Palestine, it might be responsible for the massacre of a large number of Jews*” (emphasis added) (Meron 1995).

The Arab leaders knew full well what they wanted to do with the Jews in their countries.¹⁴³ Some 40,000 of them had to escape from Lybia in order to avoid attacks. Roughly 135,000 Iraqi followers of this religion were expelled and

¹⁴²We have recently seen (2018) global outrage because of the “Travel Ban” by the Trump administration, which targeted only certain countries, and not Muslims in general. We can imagine what would happen if the latter were the case; however, Jews are, as always, treated differently, by Arab and Muslim countries. There was no global outrage then or now. Trump’s reason was of course to reduce terrorism contributed to, on a disproportional basis, by members of these countries. When was the last time a Jew rammed his truck into dozens of passersby on a crowded street and shouted “God is great”? On the subject of Terrorism, see Netanyahu (1981, 1987, 1995).

¹⁴³For a brief account of Arab Jews after 1948 see also Lagnado (2017).

expropriated. By repeating the Edict of Expulsion from Spain of 1492,¹⁴⁴ the Iraqi government authorized emigration only *after* expropriation. Iraqi Jews were finally saved by Israel through “Operation Ezra and Nehemia” (1951–1952), the airlift of an estimated 120,000 Jews from Iraq to Israel via Cyprus and Iran.

Israel saved many Jews from Arab countries through several other operations. About 49,000 Yemenite, Eritrean and Djiboutian Jews were saved between 1949–1950 during “Operation Magic Carpet” (see Ivker 2008). The forced exodus of Jews from Yemen continued until 1959.

“Operation Yachin” took place between 1961 and 1964, where an estimated 97,000 Moroccan Jews were also rescued¹⁴⁵ by Israel. David Ben Gurion agreed to pay \$500,000 plus \$100 (for 50,000 people, and later \$250 for each additional) per Jew to King Hassan II of Morocco. The Hebrew Immigrant Aid Society (HIAS) contributed \$50 million dollars for this endeavor.¹⁴⁶ The communities destroyed had existed for thousands of years.

Jews from Arab countries and their descendants currently make up half of Israel’s Jewish population (Basri 2002).¹⁴⁷ This is largely accounted for by the expulsion of Jews from those countries. Meron (1995) explains the case of Yemen:

[...] Yemeni persecution of Jews prompted a trickle of Jewish emigration to Palestine from the third quarter of the nineteenth century on. Heykal Pasha’s speech merely added momentum to the longstanding Yemeni policy of discrimination against and degradation of Jews, based on a particularly pedantic interpretation of the Islamic law. A bribe from the American Joint Distribution Committee to Yemen’s ruler, Imam Ahmad ibn Yahya, led to his agreeing to the mass exodus of Jews to Israel in 1949–50 by airplane via Aden, an operation known as ‘On Eagle’s Wings’ (or, in journalistic lore, ‘Magic Carpet’). The Jews of Yemen, relying on their own means, suffering losses of life and deprivations, traversed the desert to Aden by foot and on donkeys. There, the Jewish Agency lodged them in camps and eventually boarded them onto planes that took them to Israel. In this way, some 50,000 Yemeni Jews reached Israel during the two-year period” (Meron 1995).

As we have seen, even before 1948 the Jews were being attacked throughout the Arab world. Meron (1995) comments on these episodes:

¹⁴⁴ “[...] And we likewise give license and faculty to those said Jews and Jewesses that they be able to export their goods and estates out of these our said kingdoms and lordships by sea or land as long as they do not export gold or silver or coined money or other things prohibited by the laws of our kingdoms, excepting merchandise and things that are not prohibited,” “Edict of the Expulsion of the Jews” (1492), translated from the Castilian by Edward Peters.

¹⁴⁵ In the U.S. “black lives matter,” certainly to members of the black community, and, also, to many others. As these initiatives on the part of the IDF in behalf of brethren living in Arab countries attest, so do “Jewish lives matter” at least to members of this community. Why do not in effect “Arab lives matter” even to their fellows? If they did, the Arab countries would have long ago welcomed the immigration of the much put upon (in their view) Palestinians. Instead, they have been left to wallow as a political pawn for decades.

¹⁴⁶ More recently, “Operation Moses” (1984) and “Operation Solomon” (1991) saved thousands of Ethiopian Jews.

¹⁴⁷ For a full analysis of the case of Iraqi Jews see Basri (2002); and for the Arab Jews in general see Fischbach (2008).

"[...] In Libya, as in Yemen, the exodus of the Jews began even before Heykal Pahsa's declaration at the United Nations. Attacks on Jewish quarters in Tripoli and other cities occurred in 1945, leading to a death toll the British put at 130 Jews [...] As in Iraq, *internal policy* appears to be the reason both for the Jews' expulsion and for later rhetoric inviting them back.

"[...] In Syria, too, the majority of Jews departed before independence in 1946 [...] As in Yemen and Libya, crude pressure on the Jews of Syria—such as the 1947 pogrom in Aleppo and the rape and murder of four Jewish girls who allegedly tried to smuggle themselves out of Syria—caused a substantial emigration.

"[...] The *government* seized control of Jewish property in Syria on the basis of emergency legislation and gave it to Arab refugees. Thus, Palestinians were settled in Damascus's Jewish ghetto, while the Alliance Israélite Universelle School, finished in 1939, became a school for Palestinian children. [...]" (emphasis added) (Meron 1995).

The expulsion and expropriation of Arab Jews continued progressively after 1948. Meron (1995) continues:

"[...] In Egypt, the expulsion reached its climax only after the overthrow of the monarchy by disgruntled army officers back from the Palestinian battlefield. In Algeria, which did not attain independence until 1962, the expulsion took place later yet.

"[...] in Egypt [...] Rioting against Jews occurred in November 1945, then resumed in June–November 1948, the latter time inspired by the war with Israel. An amendment to the *Egyptian Companies Law* dated July 29, 1947, required that 40 percent of a company's directors and 75 percent of its employees be Egyptian nationals, causing the dismissal and livelihood of many Jews, 85 percent of whom did not possess Egyptian nationality.

"[...] only during and after the Suez Crisis of 1956 did Egyptian Jews leave in substantial numbers. At that time, the Egyptian Nationality Law was amended to prohibit 'Zionists' from holding Egyptian nationality, Army Order no. 4 then confiscated property of individuals and associations; and supervision, imprisonment, or expulsion followed. The amendment to the *Nationality Law* of 1956 defined the term Zionism as "not a religion but the spiritual and material bond between those defined as Zionists and Israel." A further ministerial decree in 1958 indicates that all Jews between the ages of ten and sixty-five leaving Egypt would be added to the list of persons prohibited from reentering the country [...]"

"[...] In Algeria, no significant Jewish emigration occurred until the summer of 1961, and then nearly the entire population was gone within the year. Algeria's independence from France was the key event here; Jews were no longer welcome after the French departure. The *Algerian Nationality Code* of 1963 made this clear by granting Algerian nationality as a right only to those inhabitants whose fathers and paternal grandfathers had Muslim personal status in Algeria" (emphasis added) (Meron 1995).

Moreover, legal discrimination against and exclusion of Jews was common in Arab countries (and with British knowledge and consent):

"[...] No Jews lived in Transjordan in 1946 (when it became an independent state), as a result of Winston Churchill's 1921 decision in favor of 'preserving [the] Arab character' of Transjordan and the resulting *British policy* forbidding Jews from settling there. Legislation passed in 1954 declared that only non-Jews coming from the former British Mandate of Palestine were entitled to Jordanian citizenship.

"[...] *Laws* in 1950 and 1951 the (sic) deprived Jews of their Iraqi nationality and their property in Iraq, respectively" (emphasis added) (Meron 1995).

As we can see all these behaviors towards Jews was either promoted or sanctioned by Arab governments. Although the War of Independence was presented as the reason for the expulsion of Jews, in some Arab countries the plan for expelling and expropriating them existed long beforehand. The war of 1948 was only an excuse. Meron (1995) continues:

“[...] while the Iraqi government sought to present the expulsion of Jews as a crowd-driven retaliatory act for the exodus of the Arab refugees from Palestine, it in fact had a full-fledged plan in place *before* the Arab refugee problem even came into existence.

“This interpretation resolves a number of historical questions. It explains the origins of the otherwise mysterious *legislation* in 1950 depriving Jews of their Iraqi nationality.

“[...] The Iraqi plan of expulsion also explains the bombing of the Mas’uda Shem Tob Synagogue in Baghdad on January 14, 1951, as Jews were registering there to emigrate to Israel. Zionists have been accused of causing the violence in the hopes of spurring the Jews to leave Iraq, an accusation whose truth so eminent an authority as Elie Kedourie has said ‘must remain an open question.’ But knowing of the authorities’ expulsion plan suggests that not Zionists but Muslim Iraqis were behind the incident (sic). That an Iraqi army officer arrested for throwing the bomb belonged to the opposition Istiqlal Party points to that faction’s responsibility” (emphasis added) (Meron 1995).

The question is: Why does no one else seem to care about Jews being expelled from Arab countries? Anti-Zionists talk non-stop about the evils of Israeli “ethnic cleansing” and “expulsion”, the “Naqba”¹⁴⁸ (“Catastrophe”) and “Zionist Imperialism”. Yet, they never mention the expulsion of Jews throughout the Arab world at the time. This crime, committed by the use of legislation, expropriation, expulsion and physical attacks and threats, was perpetrated across the entire Arab world, in more than just several countries, not only in one particular place. Could it be that, instead of denouncing and purporting to help refugees and the displaced of the world, anti-Zionists are only concerned with demonizing Israel? We let the reader reach his own conclusion on this vital matter.

If anyone says that Jewish refugees no longer matter because they have been resettled long ago, the question is: Why is it that Palestinian Arabs did not also resettle? Why are Arab countries not held accountable for failing to help their brethren? By now, we are sure the reader knows the answer. The plight of Palestinian Arab refugees has nothing to do with refugees in general and solving injustice. Arab Jews were also refugees, and *Arab* refugees for that matter, and no one cared. Because they were Arab *Jews*.

In any case, the real agenda is to perpetuate the demonization of Israel. The Arab “refugees” are simply pawns to continue a conflict in order to cast Jews in a bad light. No Arab country actually cares about the refugees in whose behalf they supposedly fight.

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¹⁴⁸ On the concept of the “Naqba”, see Bouchnik-Chen (2019).

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Chapter 4

Peace Process ≠ Peace



“Whomever the Gods want to teach humility they first tempt to resolve the Middle East conflict” Irving Kristol (Quoted by Daniel Doron (2009)).

The “Peace Process” has been mentioned over and over again for the past 30 years as a magical formula pretending to present *the* solution to the wars against Israel. This is otherwise known as the “Middle East Conflict”, though there are conflicts all over the Middle East resulting in myriad more death and destruction than the low-intensity Arab/Jewish conflict.¹

Nevertheless, after treaties signed, “Peace” summits, congresses and conferences held throughout the world, negotiations all over the place and many speeches (both by Israeli and Palestinian politicians), the results have been zero. Why? This is because the Peace Process as such is paradoxically not a key to peace. As Daniel Pipes (2009b) explicates, rather than a Peace Process, it is a *War Process*.

Let us briefly recount its history. In the 1970s, Victor Shem-Tov and Aharon Yariv, both Israeli left-wing politicians, had developed what was known later as the “Shem-Tov – Yariv formula”. The idea was that Israel should negotiate with any of its enemies who would be willing to sit down to talk and abandon their weapons.² This is regardless of who that enemy is.

The first major step in order to promote an understanding between Israelis and Palestinian Arabs was the Madrid Peace Conference in 1991. Fruitless as it was, it created the basis for what subsequent peace talks were going to be, i.e. Israel was willing to negotiate, and Palestinian Arabs appeared to be on the same track.

¹ See Graph 5.1 in Chap. 5.

² These politicians presented their idea in the seventies: “In 1974 (sic) presented the Yariv-Shem Tov formula to the government of Golda Meir, along with transportation minister Aharon Yariv. The document determines the elements Israel would want to negotiate peace with: Jordan and ‘any Palestinian element’ on condition that *it will recognize Israel’s right to exist*, accept UN Security Council Resolution 242 and not engage in terror” (emphasis added) (Knesset, n.d.-a). See also Eiben et al. (2009).

Around that date, a backchannel was opened with Norwegian mediation in order to arrange negotiations between Israel and the PLO. As it was understood, the PLO was both the largest anti-Israel organization, ruled by Egyptian-born Yasser Arafat,³ and the most important representative of Palestinian Arabs. In this context, Yitzhak Rabin, elected Prime Minister of Israel in 1992, breached his campaign promise of not negotiating with the PLO and continued the back channel of negotiations when he learned of it.

The mistaken reasoning, that even some Israeli left-wing politicians follow up to this day, goes as the following classical syllogism⁴:

p Peace must be made with the enemy
q The PLO is our enemy

Peace must be made with the PLO
 But this is nothing more than a *reductio ad absurdum*, since this is identical in form to yet another syllogism:

p All dogs are mortals
q Socrates is mortal

∴ Socrates is a dog

Clearly, this constitutes fallacious reasoning. Yet, the reader may ask: what is the problem with the former? Mainly, that peace is made *with* the enemy, i.e. if he really wants peace. The correct premise *p*, therefore, is not that “Peace must be made with the enemy”, but “Peace must be made but only with a *willing* enemy”. The PLO, as we will see, had other plans.

The road of negotiations finally ended with the Oslo Accords, and the Declaration of Principles signed at the White House on September 13th, 1993.⁵ This was against the will of a large percentage of Israelis (Leon 1995) who warned that the PLO only aimed to attain legitimacy as an international player by becoming the representative of Palestinian Arabs, but did not intend to achieve any peace. Nevertheless, the government of Israel decided to continue down this garden path.

The Oslo Accords demanded, among other things, the recognition by the PLO of Israel as a Jewish State. In other words, they would acquiesce as to the right of Jews to live as free citizens in the land of Israel, under a sovereign state identified by Jews as their homeland. The PLO, to this day, never acknowledged any such thing. This

³Arafat was responsible for numerous attacks and murders against Israelis, especially as head of the PLO. As former Israeli Prime Minister Ariel Sharon said, “Arafat is responsible for the killing of hundreds, if not thousands, of Jews” (The Associated Press 2003).

⁴A *modus ponens*, of the form $p \rightarrow q$.

⁵That stated: “The Government of the State of Israel and the PLO team (in the Jordanian-Palestinian delegation to the Middle East Peace Conference) (the ‘Palestinian Delegation’), representing the Palestinian people, agree that it is time to put an end to decades of confrontation and conflict, recognise their mutual legitimate and political rights, and strive to live in peaceful coexistence and mutual dignity and security and achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process”, *Declaration of Principles on Interim Self-Government Arrangements* (Oslo Accords), 1993.

is shown in that it failed to change its National Charter calling for the destruction of Israel as a Jewish state.⁶ It recognized Israel as a *state*, but without any acceptance of Zionism as a legitimate project.

This allowed the PLO, which became the Palestinian Authority, to advocate both the existence of Israel as a state (that could be *bi-national*), and at the same time the destruction of Israel as a *Jewish State*. Although it could be claimed that Israel has peace treaties with both Egypt⁷ and Jordan and this clause has not been established, the context is different. The PLO Charter demonized Zionism, and since it never changed, to this day the PA continues to say that it wants peace, while *at the same time* contending that their “peace partner” is a fascist illegitimate counterpart. Thus, not recognizing the Jewish nature of Israel amounts to saying: “I recognize Israel, as long as it is not Israel”. Which translates to: Israel with 5 million Palestinian “refugees”, with no Jewish national symbols, etc. That is certainly not accepting any concept of Israel according to its Jewish roots.

But this is nothing new. The PLO National Charter (1964) provided:

“Article 2. Palestine with its boundaries at the time of the British Mandate is a regional indivisible unit.

“...Article 4. The people of Palestine determine their destiny when they complete the liberation of their homeland in accordance with their own wishes and free will and choice.

“...Article 17. The partitioning of Palestine in 1947 and the establishment of Israel are illegal and false regardless of the lapse of time, because they were contrary to the wish of the Palestine people and its natural right to its homeland, and in violation of the basic principles embodied in the Charter of the United Nations, foremost among which is the right to self-determination.

“Article 18. The Balfour Declaration, the Mandate system and all that has been based upon them are considered a fraud. The claims of historic and spiritual ties between Jews and Palestine are not in agreement with the facts of history or with the true basis of sound statehood. Judaism, because it is a divine religion, is not a nationality with independent existence. Furthermore, the Jews are not one people with an independent personality because they are the citizens of the countries to which they belong.

“...Article 19. Zionism is a colonialist movement in its inception, aggressive and expansionist in its goal, racist and segregationist in its configurations and Fascist in its means and aims. Israel, in its capacity as the spearhead of this destructive movement and the pillar of colonialism, is a permanent source of tension and turmoil in the Middle East in particular and to the international community in general. Because of this the people of Palestine is worthy of the support and sustenance of the community of nations.

“Article 20. The causes of peace and security and the needs of right and justice demand from all nations, in order to safeguard true relationships among peoples and to maintain the loyalty of citizens to their homelands, that they consider Zionism an illegal movement and outlaw its presence and activities.”

And the 1968 version reads:

“Article 15: The liberation of Palestine, from an Arab viewpoint, is a national (qawmi) duty and it attempts to repel the Zionist and imperialist aggression against the Arab homeland, and aims at the elimination of Zionism in Palestine. Absolute responsibility for this falls upon the Arab nation - peoples and governments - with the Arab people of Palestine in the

⁶It is demonstrated, too, in many other ways. See below for examples of the curriculum of its educational wing.

⁷On current Israel-Egypt relations see Hassanein (2016).

vanguard. Accordingly, the Arab nation must mobilize all its military, human, moral, and spiritual capabilities to participate actively with the Palestinian people in the liberation of Palestine. It must, particularly in the phase of the armed Palestinian revolution, offer and furnish the Palestinian people with all possible help, and material and human support, and make available to them the means and opportunities that will enable them to continue to carry out their leading role in the armed revolution, until they liberate their homeland.”⁸

Although these brief quotes out of the PLO’s National Charter already show its intentions, its spirit, and that of the PA to this day, are encapsulated in Article 7 of the same document:

“That there is a Palestinian community and that it has material, spiritual, and *historical* connection with Palestine are indisputable facts. It is a national *duty* to bring up *individual* Palestinians in an Arab *revolutionary* manner. All means of *information* and *education* must be adopted in order to acquaint the Palestinian with his country in the most profound manner, both spiritual and material, that is possible. He must be prepared for the *armed* struggle and ready to *sacrifice* his wealth and his life in order to win back his homeland and bring about its liberation” (emphasis added).

Truly, there is no better statement of the PLO and the PA’s real beliefs and policies. Distorting history, promoting myths and lies, promoting collectivist self-sacrifice, indoctrination and violence.

The Charter was never officially amended.⁹ The key to this point, the non-recognition of Israel as a Jewish State, is that it opens the door to the fundamental PLO demand: the “return of the refugees”. As we have seen, apart from the lack of justice of the claim, it would turn Israel into another Arab state and therefore devoid of its nature as a Jewish state with a demographic Jewish majority.

This Palestinian Arab demand is not only based on the idea of “return”, but also on the Islamic religious viewpoint that the territories that once were under Muslim control must return to Muslim hands.¹⁰ This is the religious component of the rejection of Israel in the Arab/Muslim world.

⁸ *The Palestinian National Charter: Resolutions of the Palestine National Council July 1–17, 1968.*

⁹ According to William K. Langfan (2012), there are several proofs for this suspicion: “1. There is not one document that has ever surfaced to support the claim any change in the Charter has ever occurred. 2. PNC Chairman’s Zanoun’s pre-vote speech specifically stated that no amendment was contemplated and that there was to be a redrafting of the new charter. There is no evidence that a redrafted charter is in existence. 3. There is no evidence that a legal committee was ever formed pursuant to clause 2 of the April 1996 PNC resolution and no evidence of a new charter [...] 4. Three Dec. 1998 reaffirmations of Arafat’s January 1998 letter to President Clinton which stated that the consequence of the April 1996 resolution, for which a vast majority of the PNC voted, was an annulment of the specifically enumerated clauses and partial annulments of the other enumerated clauses was an Arafat allegation that never happened. An affirmation of something that never happened does not convert an event that never occurred into an event that happened. Thus, all of those reaffirmations of Arafat’s letter to President Clinton were reaffirmations of nothing. [...] If there were a real intention on the part of the Palestinian leadership to annul any part of the Charter, all they had to do was to have the Palestinian National Council vote specifically to annul each clause as Arafat alleged in his letter.”

¹⁰ Daniel Pipes (2007) explains this approach: “The Islamic religion contains within it a deep assumption that a land conquered and settled by Muslim becomes part of an inalienable Islamic patrimony, a waqf; should it then fall under non-Muslim rule, that is an unnatural and intolerable circumstance that eventually must be reversed”. In this respect, Pipes (2007) also quotes Osama

Table 4.1 Number of Israelis Murdered by Palestinian Attacks

Year	Deaths
1993	45
1994	65
1995	29
1996	56
1997	41
1998	16
1999	8
2000	43
2001	207
2002	457
2003	213
2004	124
2005	53
Total	1357

Source: Jewish Virtual Library, [n.d.-c](#)

Another point in the Oslo Accords was Arafat’s commitment in stopping attacks on Israeli civilians. Of course, this was never respected. As we can see in Table 4.1, the number of attacks with Israeli casualties continued after 1993, and intensified during the Second Intifada in the period 2000–2005:

The PA averred it was not able to control the actions of other groups, such as Islamic Jihad and Hamas. However, even if true, this was a failure to honor their commitment. And it was not just another promise, but a fundamental basis for the continuation of negotiations. In any case, they never had the intention to stop these attacks, since to this day the families of the suicide bombers receive payments from the PA,¹¹ and even Jihadis inside Israeli prisons obtain salaries from this source, which means that the PA incentivizes and rewards attacks against Israelis. Thus in practice, Palestinian Arab terrorists are employees of the Palestinian Authority, otherwise why would they be receiving a *salary*? The money that the PA devotes to murderers and the families of suicide bombers (and other “martyrs”) amounts to (by 2016) \$300 million per year, an average of 7% of its budget and 22% of “foreign aid” received (including US “aid”¹²) (Kuperwasser 2016).

Bin Laden saying, “All in all, we request of Allah ... that the umma should regain its honor and prestige, should raise again the unique flag of Allah on all *stolen* Islamic land, from Palestine to Andalus” (emphasis added). Moreover, “*Muhammad Mahdi Akef*, leader of the Muslim Brethren in Egypt, mentions the fall of Andalus *in parallel* with the loss of Palestine, Iraq, and Afghanistan” (emphasis added) (Pipes 2007). And, “*Hamas* has called on Palestinian *children* to help restore the city of Seville in Spain to Muslim rule” (emphasis added) (Pipes 2007).

¹¹ For a full report see Marcus and Zilberdik (2013b). See also Aslan-Levy (2017a) and Feith and Gerber (2017). For this reason, Israel passed a law cutting funding to the PA (Woolliff 2018). On how the PA tries to hide these payments today, see Hirsch, Marcus and Zilberdik (2020).

¹² The “aid” sent by the US to Israel is not, if analyzed within the full context, as beneficiary to Israel as it is said to be: “To be sure, Israel is a major recipient of military aid—to the tune of \$3–4 billion a year—but most of this money is spent in the US. It is a symbol of *US corporate welfare*

The incentivizing of attacks was also promoted through the continuous brainwashing of the Palestinian population through the media, the school system and the press. The Jews were demonized, and schools (Palestinian Media Watch 2016b), parks and squares were named after suicide bombers. The worst murderers were elevated as heroes in the Palestinian narrative promoted by the PLO (PA) and its official channels. A hero is a man who perfectly embodies a code of ethics or philosophy. What kind of person does the PA consider a hero? Palestinian Media Watch (2017b) explains:

“The terrorists honored most highly amongst Palestinian society are those who have killed *the greatest number*. Abd Al-Baset Udeh, killer of 30 at the Passover Seder massacre, had a soccer tournament for 14-year-olds named for him. His brother was honored with distributing the trophies. [...] Thaer Hammad, who as a lone gunman murdered 10 Israelis in 2002, was glorified by the official PA daily as ‘the hero of the Intifada’” (emphasis added) (Palestinian Media Watch 2017b).

Elliott Abrams (2017), writing for *Mosaic*, mentions another case:

“In the Palestinian Authority, two girls’ high schools, a computer center, a soccer championship, two summer camps, and a public square are named after Dalal Mughrabi, the terrorist who led the 1978 ‘Coastal Road massacre’ that killed 38 Israelis, including 13 children.”

In this regard, *Palestinian Media Watch* reports: “Palestinian newspapers also frequently glorify Mughrabi, as in the Al-Ayyam article which described Mughrabi

rather than Israel taking advantage of America. It’s also costing the Israeli weapons industry dearly as it limits commercial relationships with countries the US is not fond of or wants to keep for itself” (emphasis added) (Alper 2015). See also Dagoni (2011). In addition, as analyst Evelyn Gordon (2017a) expounds: “Moreover, while the price tag may sound astronomical—aid to Israel currently totals \$3.1 billion a year, and is slated to rise to \$3.8 billion in 2019—it’s cheap *compared* to the cost of U.S. troop deployments to protect other American allies. For instance, maintaining U.S. bases in Japan costs America about \$5.5 billion a year, and that’s in a country where troops haven’t had to fire a shot in decades. The costs rise sharply when America actually has to send soldiers into action. The 1991 Gulf War, for instance, was fought to liberate one ally, Kuwait, from Iraqi invasion and protect another, Saudi Arabia, from falling to Iraq as well. Even with allies picking up most of the estimated \$61 billion tab, it cost the U.S. about \$9 billion, and that’s just the money spent on the war itself. It doesn’t include the incalculable human cost of the 383 U.S. soldiers who were killed and the 467 who were wounded or the costs of treating the latter. Yet the Gulf War was a short, low-casualty war; most U.S. wars have been far more expensive and had much higher casualty tolls.” The anti-Zionist will of course say that such wars are fought for Israel, but that is just another excuse to hate the Jews. What war is being fought for Israel, for instance, in Japan? Rather, the US defends Japan, in the same way that it defended Kuwait in 1991. Israel has nothing to do with it. But the anti-Zionist reasons backwards: if something’s wrong, Israel *must* be behind it.

Gordon continues: “Nor can Israel be accused of failing to contribute financially to its own defense. It’s pathetic that 23 of NATO’s 28 members spend less than 2 percent of GDP on defense when that’s the alliance’s own agreed-upon floor, and most member states could easily afford it. But Israel can hardly be faulted on that score: Its defense spending constitutes 5.2 percent of GDP, well above America’s 3.5 percent, and is the largest single item in Israel’s budget by a large margin. By comparison, America’s defense spending comes in well below its spending on both healthcare and social security.”

We must also not lose sight of the fact that the total U.S. aid to the Arab countries is a multiple of that to Israel. See on this Block (2007a, 2011e). On the US Israel alliance, see also Musmar (2020).

as writing ‘the most glorious page of heroism in the history of the Palestinian struggle’. [Aug. 2, 2009]” (Palestinian Media Watch 2017b).

So, stopping the demonization of Israel, reducing or better yet eliminating attacks, reforming their school system, etc. was never done. Let us consider just a few examples¹³:

4.1 Cartoons (Picture 4.1)



Picture 4.1 Anti-Israel Cartoon
Source: Text and cartoon posted on the Facebook page of the PA National Security Forces, Palestinian Media Watch (2016a)

¹³For a full analysis of the Palestinian media and its persistent use of anti-Semitism, Israel demonization, promotion of martyrdom, etc. see *Palestinian Media Watch*, www.palwatch.org

4.2 Music Videos

Official PA TV Live, July 9, 2014.

“My enemy, oh my enemy, stop your crimes. Treaty breaker! Treacherous! If you pull out my eyes, my heart will still see. If you cut off my hands, my chest is knives and swords. My enemy, oh imperialism, this homeland is ours. This land will be tilled only by our hoes. My enemy, oh my enemy, stop your crimes. My enemy, oh snake, you are coiled around the land. We, noble and courageous, on the day of battle shall stand. You have no choice, oh enemy, but to leave my country” (Source: Marcus and Zilberdik 2012).

4.3 TV Shows and Brainwashing of Children

Official PA TV, May 29, 2015.

“Girl: ‘I do not fear the rifle
because your throngs are in delusion and are ignorant herds
Jerusalem is my land, Jerusalem is my honor
Jerusalem is my days and my wildest dreams
Oh, you who murdered Allah’s pious prophets (i.e., Jews in Islamic tradition)
Oh, you who *were brought up on spilling blood*
Oh Sons of Zion, oh *most evil among creations*
Oh *barbaric monkeys*
Jerusalem opposes your throngs
Jerusalem *vomits* from within it your impurity
Because Jerusalem, you impure ones, is pious, immaculate
And Jerusalem, you who are *filth*, is clean and pure
I do not fear barbarity
As long as my heart is my Quran and my city
As long as I have my arm and my *stones*
As long as I am free and do not barter my cause
I will not fear your throngs, *I will not fear the rifle*’
“PA TV host: ‘Bravo! Jerusalem is the eternal capital of Palestine, we will never
forget it’” (emphasis added) (Marcus and Zilberdik 2015a¹⁴).

¹⁴See also Marcus and Zilberdik (2013a).

4.4 Sermons

Official PA TV, Jan. 30, 2015.

“In Friday’s sermon on official Palestinian Authority TV, the cleric demonized Jews as ‘apes and pigs.’

“Many Muslims are being harmed these days by a group whose hearts were sealed by Allah. ‘He made of them [Jews] apes and pigs and slaves of deities’ (Quran, 5:60). They are harming the livelihood of the believers [Muslims]... They withhold their [the Palestinians’] money and collect interest on it” (Source: Marcus 2015).

4.5 Demonizing Israel

Official PA TV, March 12, 2017.

“The international community is becoming more and more convinced that the occupation of the Palestinian state by Israel is the reason for *all* the disasters that the region and the world are suffering from...” Palestinian Authority Chairman Mahmoud Abbas (emphasis added) (Marcus and Zilberdik 2017).

“Al-Asima, bi-weekly distributed with official PA daily - Dec. 2, 2014

“Op-ed by Maan Bashour from Beirut:

“*Most* of the bloody conflicts and sectarian, religious and ethnic wars we have witnessed in our great Arab homeland are the result of the Zionist-imperialist theft project which has turned Palestine into a platform for turning the lives of all Arabs into hell, through reliance on its allies and their proxies in the region. Therefore, we must consider the Palestinian Intifadas, resistance and victims as [part of] an operation to uproot the *cancerous* growth and create a new atmosphere in the relations between the [Arab] nation and the region, as part of the only legitimate conflict at the current time – the conflict with the Zionist enemy, its protectors and accomplices” (emphasis added) (Palestinian Media Watch 2014a).

4.6 Promotion of Martyrdom (Picture 4.2)



Picture 4.2 Promotion of Martyrdom by the PLO
Source: Palestinian Media Watch

“Text and pictures posted on the Facebook page of the PLO *Zayzafuna* magazine for children

“In the top picture, a picture of Yasser Arafat and the Dome of the Rock hangs on the wall on the right, and next to Arafat is written ‘Martyr (*Shahid*), Martyr, Martyr,’ referring to Arafat’s well-known statement: ‘They want me as a prisoner, a refugee, or dead. I say to them: ‘*Martyr, Martyr, Martyr*’” (emphasis added) (Palestinian Media Watch 2017a).

Schools:

“In one of many examples, such as in the poem ‘Palestine,’ by Ali Mahmoud Taha, jihad is justified: ‘O brother, the oppressors have exceeded all bounds and *jihad* and *sacrifice* are necessary’ (*Reading and Texts*, Grade 8, Part 1, 2015, p. 44). A seventh-grade textbook, *Our Beautiful Language*, refers to pre-1967 Israel as occupied and speaks of the *return* to it” (emphasis added) (Sheff 2016).¹⁵

This is not all: even the logos of Palestinian Organizations reputed as moderate, such as in Fatah’s flag, include the entire map of Israel, not only Judea, Samaria and Gaza. Not surprisingly, “‘Fatah’ is a reverse acronym of the Arabic Harekat at-Tahrir al-Wataniyyeh al-Falastiniyyeh, meaning ‘conquest by means of jihad [Islamic holy war]’” (Jewish Virtual Library, n.d.-a) (Picture 4.3).

The reader must remember that these are only a few examples, a very small sample, of several thousands we could mention. The amount of hatred being promoted by the PA is hardly equaled by any other organization today. It has certainly established a factory of hate operating from their media and education (indoctrination) system. And let us also take into account that the PA is supposed to be the

Picture 4.3 Fatah’s Flag
Source: Jewish Virtual Library, n.d.-a



¹⁵ See also Ahimeir (2018).

moderate party on the Palestinian Arab side. Hamas propaganda, for instance, is several times worse.

The result of this massive anti-Israel, Judeophobic propaganda¹⁶ is illustrated by a poll in 2008: “According to the poll, of 1270 Palestinians in face-to-face interviews, 84 percent supported the March 6 attack on the Mercaz Harav yeshiva¹⁷ [...]” (Bronner 2008¹⁸).

A relevant example that shows the farce that the Oslo Accords were for the PLO in general, and for Arafat in particular, is that even when the Accords had just been signed, Jordanian TV presented him saying that this was nothing less than the first step of the “Phased Plan”¹⁹ to destroy Israel. Arafat said²⁰:

“Do not forget that our Palestine National Council accepted the decision in 1974. It called for the establishment of a national authority on any part of Palestinian land that is liberated or from which the Israelis withdrew. This is the fruit of your struggle, your sacrifices, and your jihad ... This is the moment of return, the moment of gaining a foothold on the first liberated Palestinian land ... Long live Palestine, liberated and Arab.”

As researcher Joel Fishman (2017) notes, the “Phased Plan” may have had its origin in the strategy upheld by the Vietnamese²¹ in the 1970s: “During the early 1970s Salah Khalaf, known as Abu Iyad, led a PLO delegation to Hanoi to learn from the North Vietnamese. There, they met the legendary General Vo Nguyen Giap and political advisors who coached them on presenting their case and changing their image of being terrorists in world public opinion. Abu Iyad described this important visit in his book, *My Home, My Land* [...]”

Fishman (2017) continues: “Abu Iyad recounted that the North Vietnamese advised the Palestinians to devote attention to the intermediate stages of their war and to accept the need for ‘provisional sacrifices.’ ‘Without ever referring explicitly to Fatah or the PLO, the Politbureau members gave a long exposé of the various stages in the Vietnamese People’s struggle, explaining why they had had to resign themselves to various concessions, sometimes important ones such as the division of the country into two separate, independent states.’ Independently, in 1997 Yossef Bodansky, an intelligence analyst, published more information on this meeting. ‘The Vietnamese suggested that seemingly accepting ‘the division of the land

¹⁶ See also Joffe (2012).

¹⁷ On March 6, 2008, a Palestinian Arab murdered eight students and wounded eleven more at the *Mercaz HaRav Yeshiva* in Jerusalem.

¹⁸ For a full report on this subject see Marcus and et al. (2010).

¹⁹ For a full analysis see Karsh (2004), where the author explains: “This strategy, dating from June 1974, has served as the PLO’s guiding principle ever since. It stipulates that the Palestinians should seize whatever territory Israel *is prepared or compelled to cede* to them and use it as a springboard for further territorial gains until achieving the ‘complete liberation of Palestine.’ [Karsh (2004, fn. 2): ‘Political Program for the Present Stage Drawn up by the 12th PNC, Cairo, June 9, 1974,’ *Journal of Palestine Studies*, Summer 1974, pp. 224–5]” (emphasis added).

²⁰ Quoted in Karsh (2004).

²¹ The PLO also had a close relation with both Cuba and the Soviet Union (Ishaan, 2016). See also Tobin (2016b).

between two independent states,' *without stressing that this was only an interim phase*, would neutralize the PLO's opponents in the West'" (emphasis added). In other words, a "Two State Solution"²² (good intentions by some notwithstanding) was nothing more than a façade for the PLO. History proves this hypothesis correct.

Later, in May 10th 1994, Arafat visited a Mosque in Johannesburg, where he said that the Accords were like the Hudaybiyyah Treaty, signed by Mohammed with the Qureish Tribe, which he himself violated when he had enough power to do so. He said:

"This agreement, I am not considering it more than the agreement which had been signed between our Prophet Muhammad and Quraish, and you remember the Caliph Omar had refused this agreement and considered it 'Sulha Dania' [a despicable truce]. But Muhammad had accepted it and we are accepting now this [Oslo] peace accord" (Palestinian Media Watch, n.d.).

Arafat's real intentions were clear. But it does not end there. No terrorist group (including of course Hamas, which after the Disengagement Plan²³ in 2005, attained control over the Gaza Strip in 2007²⁴) was dismantled by the PA Police.²⁵ Nearly no extradition took place and no violent attacker was tried (except those who were accused of "collaborating with Israel", or disputed Fatah's power). On the other hand, Israel divided Judea and Samaria into three areas, thereby creating the first Interim Palestinian Government.²⁶

Thus, both those inside and outside of Israel who blame Yitzhak Rabin's murder in 1995 for the absence of a final peace agreement with Palestinian Arabs (Collard 2015) are wrong. With Rabin *alive*, Arafat continued deceiving the public, while demanding more concessions from Israel. In the light of what Ehud Barak offered him in 2000 (a proposal that included things that Rabin did *not* intend to give away, such as Jerusalem's division) it is more than obvious that to blame the failure of the "Peace Process" on Rabin's murder is just another excuse to avoid recognizing the truth: the PA *never* wanted to reach any deal in the first place.

The wave of demonization of Israel's right-wing that followed Rabin's assassination at the hands of a Jewish assassin did not preclude the fact that in 1996 Benjamin Netanyahu (of the right-wing Likud party) was elected as Prime Minister. The voters saw that the Labour peace policy was not going anywhere, with or without Rabin. Under the Likud party, Netanyahu decided to promote a policy of reciprocity: "*Itnu, Ikablu; lo Itnu, lo Ikablu*" ("If they give, they shall receive; If they don't

²²For more on the idea of a "two state solution", see Medad (2020).

²³On the possible consequences of repeating the same Gaza policy of disengagement, but from Judea and Samaria, see Hacohen (2019).

²⁴This in turn created the context for subsequent fighting between the IDF and Hamas. As an example of the IDF behavior and the influence of Hamas with respect to civilian casualties see Gordon (2017b).

²⁵The battle between Hamas and Fatah in 2007 was a power struggle, not a PA fight to dismantle Hamas for being an Islamist anti-Zionist terrorist group. That is, every time the PA fought another group, it was for the purpose of retaining power, not fighting terrorism.

²⁶See DellaPergola (2001, 3).

give, they don't receive"). After the sign of the Wye River Memorandum²⁷ and the Sharm El-Sheik Memorandum,²⁸ Israelis had enough of constantly giving while not seeing any reciprocity from the PA. Attacks continued, and the true face of the PA was seen more accurately. The Oslo Accords substituted a Peace Process by the *signing of Peace treaties*.²⁹

The PLO won several benefits from Oslo. After the first Iraq War, where Arafat supported Saddam Hussein, the PLO lost one of its main sources of revenue from the Palestinian communities in Kuwait,³⁰ and other Arab countries. Why? Retaliating against Arafat's failed choice to side with Iraq, Kuwait expelled more than 400,000 Palestinian Arabs.³¹ Thus, they were no longer able to send money to their families, and to the PLO. According to Steven Rosen (2012), director of the Washington Project of the *Middle East Forum*, "In the end, the U.N. Compensation Commission processed 43,975 Palestinian claims, of which 35,878—or 82 percent—were rejected. Total compensation for property lost in Kuwait claimed by evicted Palestinians was \$33 billion of which \$149 million were finally awarded [...]"

Also, since the Soviet Union fell in the beginning of the 1990s, the PLO lost one of its main allies both politically and financially. This Arab organization lost political ground, since the strength of the first Intifada was vanishing and its international isolation was growing. For instance, the "Declaration of Independence of Palestine" by Arafat on November 15th³² 1988, in Algiers, was widely deemed irrelevant.

In Israel, the Labour Party thought that the weak position of the PLO would force it to negotiate so as to avoid extinction. To the contrary, what Israel achieved was to globally legitimize the PLO as the representative of the Palestinian Arabs, and to turn it into a pseudo-state under the PA, give them weapons, and political authority. In practice, Israel resurrected the dead corpse of the PLO. It is, perhaps, the real tragedy of Israel and the "Peace Process".

What would have happened if the Oslo Accords were never signed? It is impossible to know for sure; contrary to fact history is highly problematic. However, we can speculate: perhaps the PLO would have disappeared in the fight with other competing factions, and some sort of Palestinian moderate leadership (perhaps arising from its middle class) could have become a legitimate counterpart. In any case, a strong Israel would have not given its main enemy, Yasser Arafat, legitimacy and the disastrous consequences of the "land for peace" formula. No Nobel Peace Prize, such as the one awarded jointly to Yasser Arafat, Shimon Peres and Yitzhak Rabin in 1994, was going to change the fact that, *the weaker Israel is, the farther removed*

²⁷ *The Wye River Memorandum*, October 23, 1998.

²⁸ *Israel-Palestinian Peace Process: The Sharm el-Sheikh Memorandum*, September 4, 1999.

²⁹ As Dr. Gustavo Perednik clarifies, this is a fundamental difference that is often ignored.

³⁰ See Rosen (2012), and Yann Le Troquer and Rozenn Hommery al-Oudat (1999).

³¹ Rosen (2012). Observe that there was no international outrage for this event of "ethnic cleansing", no BDS Movement for these countries and no UN resolutions. The present authors suspect that the reason is that *Israel* was not behind it.

³² Arafat declared: "The Palestine National Council announces in the name of God, in the name of the people, of the Arab Palestinian people, the establishment of the state of Palestine in our Palestinian nation, with holy Jerusalem as its capital" (Ibrahim 1988).

*is peace.*³³ Every concession not only undermined its own rights before the eyes of the world, but primarily before Palestinian Arabs, who saw its good will as a sign of weakness.

The zenith of the process was in 2000, when Prime Minister Ehud Barak offered Arafat everything he demanded. Dennis Ross, chief negotiator for the US, explained the plan that Arafat rejected, as detailed by Shyovitz (n.d.):

“[...] The U.S. plan offered by Clinton and endorsed by Barak would have given the Palestinians 97 percent of the West Bank (either 96 percent of the West Bank and 1 percent from Israel proper or 94 percent from the West Bank and 3 percent from Israel proper), with no cantons, and full control of the Gaza Strip, with a land-link between the two; Israel would have withdrawn from 63 settlements as a result. In exchange for the three percent annexation of the West Bank, Israel would increase the size of the Gaza territory by roughly a third. Arab neighborhoods of East Jerusalem would become the capital of the new state, and refugees would have the right of return to the Palestinian state, and would receive reparations from a \$30 billion international fund collected to compensate them. The Palestinians would maintain control over their holy places, and would be given desalination plants to ensure them adequate water. The only concessions Arafat had to make was Israeli sovereignty over the parts of the Western Wall religiously significant to Jews (i.e., not the entire Temple Mount), and three early warning stations in the Jordan valley, which Israel would withdraw from after six years”³⁴ (emphasis added).

What was Arafat’s reply and strategy? Shyovitz continues:

“The offer, it is true, was never written down. The reason for this, according to Ross, was the recognition by both the U.S. and Israel of Arafat’s fundamental negotiating tactic of using *all concessions as a starting point for future negotiations*. Afraid that the leader might once again revert to violence, and expect future settlement offers to be based on the generous concessions offered to him now, President Clinton gave him no written version. Instead, he read it to the Palestinian delegation at dictation speed, ‘to be sure that it couldn’t be a floor for [future] negotiations... It couldn’t be a ceiling. It was the roof.’ The Palestinian negotiators wanted to accept the deal, and Arafat initially said that he would accept it as well. But, on January 2, ‘he added reservations that basically meant he rejected every single one of the things he was supposed to give.’³⁵ He could not countenance *Israeli control over Jewish holy spots, nor would he agree to the security arrangements; he wouldn’t even allow the Israelis to fly through Palestinian airspace. He rejected the refugee formula as well.*

“The reason for Arafat’s rejection of the settlement, according to Ross, was the critical clause in the agreement specifying that the agreement meant the *end* of the conflict. Arafat, whose life has been governed by that conflict, simply could not end it. ‘For him to end the conflict is to *end himself*,’³⁶ said Ross” (emphasis added) (Shyovitz, n.d.).

³³This is true, but only up to a point. If the Israelis had no power at all, they would all be murdered, or “pushed into the sea,” or ethnically cleansed (as it happened with Jews from Arab countries). In that case, the result would be the *peace of the cemeteries*. This is likely the kind of peace Israel’s enemies have in mind.

³⁴“‘Myths of the Intifada,’ by Fred Barnes, *The Daily Standard*. 4/25/02; Dennis Ross, speech at Georgetown University, March 3, 2003 in *Near East Report*, (March 17, 2003)”, Shyovitz (n.d.-).

³⁵“Ross interview; Dennis Ross, ‘Yasir Arafat,’ *Foreign Policy*, (July/August 2002).” Quoted in Shyovitz (n.d.-).

³⁶“Ross interview; Dennis Ross, ‘Yasir Arafat,’ *Foreign Policy*, (July/August 2002).” Quoted in Shyovitz (n.d.-).

And so, Arafat declined, and no counter offer was made.³⁷ Then President Bill Clinton, whose administration pushed Israel to proffer whatever the PA demanded, was quoted as saying to Arafat: “I’m a colossal failure, and you made me one.”³⁸ The ‘Peace Process’ was a complete disaster. Later, the Bush Administration pushed to continue in that direction, despite the fact that Israel had nothing else to offer, except mass suicide.

The PA strategy clearly was to establish themselves worldwide as victims, which these negotiations thanks to ample media coverage, amplified, and later to reject each and every Israeli concession. In so doing, at the eyes of the world, they were not being unreasonable, but it was Israel that did not offer enough to compensate for the injustice of the “Naqba”. By so doing, they achieved two things: to increase their public perception as a legitimate, moderate, Palestinian leadership, and to perpetuate and exacerbate the demonization of the Jewish state. This was, although evil, an entirely reasonable stance on their part, given that their goal was not accommodation, but annihilation of their sworn enemy.

Other proposals like the “Road Map” promoted by the Bush Administration, were nothing more than a recycling of the Oslo Accords. The same applies to Prime Minister Ehud Olmert’s offer to Mahmoud Abbas.³⁹ Actually, Olmert went even further than Barak:

“Olmert promised to withdraw all presence of the Israel Defense Forces from Judea and Samaria; he conceded sovereignty over east Jerusalem and the Old City – including the Western Wall! He offered 94% of the territory of Judea and Samaria, and the remaining 6% would be given to the Palestinians with land swaps in central Israeli areas, including a tunnel that would connect Gaza to the West Bank. Olmert implored Abu Mazen: ‘The Palestinians won’t get an offer like this even in another 50 years!’” (Baratz 2017).

The mantra of the “Two State Solution”⁴⁰ was promoted as a magic spell that would solve the fundamental problem: Palestinian Arab rejection of Jews and Israel

³⁷Ran Baratz (2017) explained: “Foreign Minister Shlomo Ben-Ami said to journalist Ari Shavit after the Camp David failure:

Ben-Ami: After a while Clinton became very angry and yelled horrifically. He said to Abu Ala...that the Palestinians have to present their own positive proposals....

Shavit: The Palestinians didn’t offer a counter proposal?

Ben-Ami: No. That’s the heart of the matter. There is never a Palestinian counter offer. There never was one and there never will be. Therefore the Israeli side always finds itself in a dilemma: either I get up and go...or I make another concession, another squeeze. But at the end, even the most moderate person reaches the point where he says to himself: wait a minute, the people on the other side have no end goal. Another squeeze and another squeeze, but it’s never enough for them. *It never ends*” (emphasis added). We can speculate what the real end is: Israel’s destruction.

³⁸MSNBC, March 26, 2002, quoted in Shyovitz (n.d.-).

³⁹Isacharoff (2013) comments: “Olmert essentially agreed to *forgo sovereignty of the Temple Mount in Jerusalem, Judaism’s holiest site*, and proposed that in the framework of a peace agreement, the area containing the religious sites in Jerusalem would be managed by a special committee consisting of representatives from five nations: Saudia (sic) Arabia, Jordan, Palestine, the United States and Israel” (emphasis added).

⁴⁰The PLO’s strategy is similar to that of Communist North Vietnam: “During the war in Vietnam, the North Vietnamese originally launched the ‘Two-State’ formula in order to hide their strategic

as a Jewish State. The only thing certain was that more than 1000 Israelis were murdered by Palestinian Arabs from the date of Oslo, in 1993, to 2005 (see Table 4.1).

After every “peace” treaty signed, Israeli deaths followed. On September 14, 1993, only a day after the Oslo Accords were officially recorded, an attack murdered two Jews, Igal Vaknin and Amitai Kapach (Perednik, 2008). But it did not end there. As Dr. Gustavo Perednik recounts:

“...on October 13, Israel and the PLO inaugurated in Taba (Egypt), the negotiations on Israeli evacuation from Gaza and Jericho. The next *week*, terrorists murdered Ehud Roth and Ilan Levi...On February 9, 1994, Israel signed with the PLO another accord in Cairo, that applied Palestinian self-government. The Next *day* Naftali Sohar and Ilan Sodari were murdered....A *few days* later, Palestinians murdered Noam Cohen and Zipora Sasson...On April 3, the Hebrew Army evacuated Jericho, and three *days* later a suicide terrorist murdered Maya Alharar, Vered Mordechai, Fadia Shalabi, Asher Atia, Ayelet Vahava, Ahuva Unala-Cohen, Ilana Schreiber, and Meirav Ben-Moshe in Afula...On May 4, Rabin and Arafat signed the Cairo accords, and a few *days* later Arafat's people murdered Margalit Shochat and Rafael Yaeri...” (emphasis added) (Perednik, 2008).

As Dr. Perednik expounds, for every Israeli concession, the Palestinian side answered with murder. Yet, neither Israeli nor Palestinian policy changed: the idea was that the “Two State Solution” was the *only* answer and it was not possible to oppose it. To *oppose Oslo*, it was implied, was to oppose *peace*.

So-called peace accords or treaties between states can be, and often are, very dangerous things. Looking back at the history of the twentieth century, the bloodiest 100 years in recorded human history where state action around the world killed an estimated 200 million people,⁴¹ part of that bloodshed can be traced to very ill-advised peace treaties. For example, the Treaty of Versailles had the explicit aim of “Squeeze[ing] Germany until the pips squeak.” This is a quote ascribed to then British Prime Minister David Lloyd George, but it is thought to have actually been spoken by Sir Eric Geddes, First Lord of the Admiralty from 1917–1919. Squeeze Germany it certainly did, obligating a war reparations payment of \$33 billion in total.

These draconian terms ultimately led at least indirectly to the German hyperinflation of 1923 and the collapse of the Weimar Republic. This of course ushered in Hitler and the Nazis, leading to the Second World War. Reparations were eventually cancelled, and the Treaty of Versailles was widely seen as a complete failure.

Many commentators, including classical liberals and libertarians regard the Oslo Accords as basically just and think they should be followed by both sides. The problem with this approach is that they are based on egregious violations of the

goal. They adopted a strategy of phases which, by devoting attention to the intermediate stages of their struggle, would enable them to reach their goal by gradual steps. Their real intention was that North Vietnam would conquer South Vietnam, but they spoke of the ‘Two-State Solution,’ a tactic whose purpose was to disguise their aims and *manipulate world public opinion*” (emphasis added) Fishman (2017).

⁴¹ Block (2006b), Conquest (1986, 1990), Courtois et al. (1999), Ebeling (2015c), Rummel (1992, 1994, 1997).

non-aggression principle. Mainly, the idea of “land for peace” is predicated on the assumption that states have the ultimate right to dispose of their subjects’ properties however they wish. In other words, the Oslo Accords completely eschew the idea of private property. Also, they buy into the notion that the Jews were not the proper owners of much of the territory under dispute based on homesteading, in some cases centuries before.

The Oslo Accords are basically centered around the idea that the private property of Jews in Judea, Samara, and Gaza, built on previously unhomesteaded land, will ultimately be forcibly stolen and given to the Palestinian Authority government, itself set up and armed by the Accords. One cannot fault a property owner under threat for campaigning against such a proposal. The only way to justify such a threat is to acquiesce in the notion that no Jew has any right to any land whatsoever in any territory beyond a political armistice line invented in 1949.

Judging by the vociferous and passionate battle waged by many, including libertarians and classical liberals against Jewish settlements in these territories, this is a widely accepted default position. Otherwise, how could anyone, particularly a libertarian be opposed to a Jew building on virgin land?⁴² This is understandable if the opposition stemmed from Jews occupying land that was once legitimately homesteaded, owned and lived in by Arabs who abandoned the property in the midst of the War of Independence in 1948. Though we have addressed this and hold as a general principle that said land belongs to the Jews now living there because it was won in a defensive war,⁴³ we are not opposed in principle to individual claims being adjudicated in an Israeli court to settle claims on a case by case basis. But this type of solution to conflict does not seem to even be on the radar of Israel’s most bitter self-styled libertarian (and non-libertarian) critics. Any Jewish presence in these territories is considered illegitimate *prima facie*.

Based on what? Whether they realize it or not, it is predicated on their defense of the laws of land ownership by a long-extinct state, the Ottoman Empire. Most claims of land theft against Jewish settlers in these areas are based on intricate interpretations of this defunct law code that certainly does not have any libertarian foundation.⁴⁴

A 2010 report by B’Tselem, an organization dedicated to the deligitimization of Jewish building in Judea and Samaria, is a case in point. It attempts to detail the type of land that was supposedly confiscated by the Israeli government, and why its moves were considered confiscatory. The analysis of this report clearly shows why both the basis and application of the “lands for peace” formula is wrong. B’Tselem (2010, 25) explains:

“After the judgment in *Elon Moreh* and the government’s decision to expand settlements in the early 1980s [...] land-ownership records in the Jordanian regional land-registration offices were inspected. At the same time, the Civil Administration took aerial photos to map

⁴²Not all of this contested territory is virgin land. Much of it is being reclaimed by settlers, since Jewish ancestors had already brought these plots into legitimate ownership via homesteading.

⁴³Or owned by Jews eons ago.

⁴⁴Although it is true that it was perpetuated by the British Mandate, and then Israel had to adapt to some of it, the Ottoman Empire’s legal system is nevertheless the source of those claims.

uncultivated farmland. The photos were necessary as, according to the State Attorney's Office's interpretation of the Ottoman Land Law, the IDF commander, as sovereign in the territory, is allowed to take possession of *uncultivated land* that falls into one of the following categories:

1. Miri land (land that surrounds a built-up community at a distance of up to 2.5 kilometers), which has not been cultivated for at least three consecutive years;
2. Miri land that has been cultivated for less than ten years, meaning that the farmer working the plot has not acquired ownership of it. Such land was classified by Ottoman Land Law as Miri with no owner;
3. Mawat land (land located more than half an hour's walk – about 2.5 kilometers – from a built-up community, or at a distance at which 'the loudest human voice sounded from the most settled location would not be heard there'), which is abandoned, uncultivated, and has not been allotted to any person or authority.

The West Bank has almost no Mawat ('dead') land, except in the Eastern Strip areas, the Judean Desert, and parts of the Jordan Valley. Most of the populated land in the West Bank was classified during the British Mandate as Miri because of the relatively short distances between the boundaries of the built-up, cultivated areas of the villages."

Before any of its complaints, B'Tselem already admits that practically all land "confiscated" by Israel was uncultivated farmland. May some of this land have been technically owned by Ottoman standards? Of course, but that is totally irrelevant. The question is not whether the Ottoman state considered uncultivated land owned. The issue is whether the land *is* owned or not. By libertarian standards, uncultivated parcels *cannot* be owned, since no homesteading took place there.

The entire foundation of the 2010 B'Tselem report is based on the assumption that Ottoman Law regarding ownership is legitimate, and that Israel blurred ownership definitions established by the Ottoman Turks in a massive land grab. But why should we grant Ottoman law the final judgment on legitimate land claims? Why is it at all relevant on libertarian and classical liberal grounds?

If Israel wants to legislate in order to give legal backing to a Jew who wants to build on empty land, it is certainly justified in doing so. This is one of the more benign things a state can do with its power, given the world's scrutinization of the legality of Jewish settlements.

The B'Tselem argument on "land theft" by Israel in the disputed territories boils down to a stunningly minor issue, certainly insofar as human rights are concerned. That is, is land that *may or not* have once been previously cultivated though not registered as such with any government, but is obviously now no longer cultivated at all, still to be considered properly in Arab hands? The libertarian answer to that question is that the land is simply unowned, free for homesteading by anyone.⁴⁵ But according to B'Tselem, such land is still considered private somehow, even if nobody actually claims it, because an extinct British Mandatory court, in its interpretation of extinct Ottoman law, said so:

⁴⁵Since no *proof* of previous homesteading exists. For a libertarian analysis of abandonment see Block (2004a; 2015), Block and Nelson (2015), Kinsella (2003b, 2009d, 2009e, 2009f, 2011), Long (1993), Wisniewski (2010). In discussing whether Arabs abandoned these territories we are engaging in the *arguendo* motif. We do not for a moment grant the premise that Palestinian Arabs were there first, centuries ago. No valid evidence has been put forth for such a claim.

“The interpretation by the Israeli authorities also ignored other provisions of the Ottoman Land Law. The British Mandate Supreme Court held that anyone who held Miri land and worked it for ten consecutive years, without anyone objecting, acquired possession of the land even if, at the end of the ten-year period, he ceased working the land and *even if he did not record it at the Land Registration Office*.⁴⁶ According to Israel’s contrary interpretation, when cultivation of non-registered land ceases, it may be declared ‘state land’” (emphasis added) B’Tselem (2010, 26).

Is that really all it amounts to? It posits supposed massive theft by Jewish settlers disenfranchising Arabs from land that is no longer cultivated⁴⁷ nor registered as such by anyone. Sadly, yes. One of the most popular, polarizing and controversial conflicts in the world amounts to whether abandoned land with nothing currently on it nor registered as property is still considered privately owned by Arabs. The simple logical answer is no, it is not.

If B’Tselem and its supporters want to play the game of applying extinct law codes to modern areas, then we can certainly follow them down this garden path. We first deny the notion that investigation of land ownership claims should stop at Ottoman law. What renders this legislation so primal? If Ottoman property law is at all applicable even in principle, then any long-deceased state using any law code that ever had any jurisdiction over the area is equally applicable. Therefore, we can just as easily argue, and more validly, that the laws of the Commonwealth of Judea, recorded in the *Mishna* and its Rabbinic exegesis in the Palestinian and Babylonian Talmuds still studied by Jewish scholars today, certainly apply across the board.

Today’s Turkey has no dog on this fight and that state makes no claims to any land of modern day Israel or Judea and Samaria. Applying Ottoman law therefore is an exercise in futility. But Jews certainly do make active claims, and they have a millennia-old continuously applied legal system for determining what constitutes ownership by Talmudic standards. As the literal descendents of the people who owned much of the land before the Roman expulsion, to apply that code of law rather than the Ottoman would certainly be just and logical. If that law is applied, then every ancient confirmed Jewish settlement that ever existed in this area should be returned to world Jewry by shares of stock, regardless of whether Palestinians happen to be currently living there or not. This includes the cities of Hebron and Shechem (Nablus), Jericho, and any others mentioned in the Jewish law code that once contained Jewish property.

Of course, it is extremely difficult that a legal case could be accepted on this ground (given the way international law and bodies work), but it would certainly make more sense to apply a living law code such as the *halakha*, a Hebrew system which is still being actively studied, developed, and commented on, to Judea and Samaria, rather than Ottoman law, which no longer has anything to do with the territory at all.

Returning to the Oslo Accords, their incompatibility with the libertarian non-aggression principle extends beyond their end goal, which is the confiscation of

⁴⁶“Sect. 78 of the Ottoman Land Law” (B’Tselem 2010, 26, fn. 80).

⁴⁷And, this assuming it ever was.

bona fide presently homesteaded Jewish property in exchange for peace. Their basic premises also fly in the face of what typically leads to peaceful interaction between human societies.

Libertarians generally favor a bottom up approach to peace, favoring free trade and movement of populations across borders. They generally agree, along with most of the civilized worlds, that trade fosters peaceful cooperation and vice versa. As the quote attributed to Frédéric Bastiat says, “When goods do not cross borders, armies do.” Human populations with little in common culturally or religiously, tend to get along better if they trade freely. The Oslo Accords (and several agreements thereafter based on them) have greatly restricted business interactions between the two populations. They do this by specifically forbidding any Jew from entering areas under the control of the Palestinian Authority, when previously Jews were allowed to conduct business there to the mutual benefit of everyone.

Unauthorized entry of Jewish civilians into land defined as Area A under the Oslo Accords is a crime, whereas before 1993, commerce between Jews and Arabs in these areas was common. What has been the result of this separation of populations and the restriction of trade between them? From the signing of the Oslo Accords in 1993 and the mandatory separation of the Jewish and Arab populations in Judea and Samaria, until 2020, more than 1500 Israelis (Israel Ministry of Foreign Affairs 2000; n.d.-b) have been killed in attacks. This compares to the 1555 that were murdered between 1948 and 1993 (Israel Ministry of Foreign Affairs 2000). In other words, the annual rate of killing on average increased by more than 50% between the signing of the treaty and 2020.⁴⁸ A peace treaty which prohibits business between private people on both sides or much more strictly regulates⁴⁹ it, cannot be supported on libertarian or even pragmatic grounds. If commerce is the foundation of peace, then a peace treaty based on the suspension or restriction of commerce is counter productive. Of course, attacks are not based exclusively on the lack of trade, but fundamentally on the rejection of Jews as such. This commercial separation, however, among other Oslo provisions, certainly set the ground for this outcome. It exacerbated it.

There are many other aspects of the agreements that are illegitimate on libertarian and classical liberal grounds. One serious one is that the *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip* (Washington, D.C., September 28, 1995) mandates similar levels of taxation on both sides of the border. This limits economic competition between Israelis and Arabs under the PA and gives Israelis an unfair edge. Israel’s population can handle much higher levels of taxation than the PA Arab population simply because Israelis have much more capital due to their greater productivity. Yet, the agreement mandates that the Palestinian Authority charge a value-added tax that is no more than 2 percentage points less than the Israeli level:

⁴⁸Although Israeli casualties were dramatically reduced during the last decade, under the Likud administration, these numbers are still correct.

⁴⁹Although many Palestinian Arabs work in Jewish owned companies in these areas.

“While the prevailing concepts and principles of VAT will continue to be applied by both sides in a compatible way, the Palestinian VAT rate shall not be lower than 2% below the Israeli VAT rate (the present Israeli VAT rate is 17%)” (Annex 5, Appendix 2, Article VI.3).

Although Israelis can indeed tolerate a higher rate of taxation than Palestinian Arabs and therefore have a comparative advantage on this regard, this Oslo provision need not have been deliberately designed to help Israel without the PLO’s support. It may have been included with the PLO’s approval because of its expected effect of increasing their tax revenue.⁵⁰ As in other matters, there is no reason to believe that they would care about actual Palestinian Arab individuals or businesses.

Further, demand for imported goods and services under the *Gaza-Jericho Agreement* (Paris, April 29, 1994)⁵¹ for the Palestinian Arab side is estimated by a “sub-committee of experts” rather than decentralized market demand as guided by profit and loss:

“For the purposes of para 2(a) above, the Palestinian market needs for 1994 will be estimated by a sub-committee of experts. These estimates will be based on the best available data regarding past consumption, production, investment and external trade of the Areas. The sub-committee will submit its estimate within three months from the signing of the Agreement. These estimates will be reviewed and updated every six months by the sub-committee, on the basis of the best data available regarding the latest period for which relevant data are available, taking into consideration all relevant economic and social indicators. Pending an agreement on the Palestinian market needs, the previous period’s estimates adjusted for population growth and rise in per-capita GNP in the previous period, will serve as provisional estimate” (Annex IV, Article III.3).

Obviously, there is no need for this committee-planning claptrap. Goods and services can and should be imported according to consumer need, and if an entrepreneur misinterprets the market, he suffers. The superfluous and onerous central planning structure of the Oslo Accords simply invites corruption and abuse into the system where those on a committee artificially restrict supply in order to pad their own pockets.

The accords also make provisions for a Palestinian quasi-central bank that serves as a lender of last resort⁵² to their banking system, opening up the Arab population to inflation even more pernicious than had they only been subject to that level promulgated by the Bank of Israel alone.

Very much like the Treaty of Versailles that ended World War I and led to World War II, the Oslo Accords were doomed to failure from the very start. They do not respect private property, neither that of Jews nor of Arabs, and they set up central planning committees that can only fail from the problem of economic calculation (Mises, 1922). Most importantly, they prevent commerce between Jews and Arabs by the forced separation of the two populations through legal stratification of the land in Judea and Samaria into different jurisdictions, areas A, B, and C. What has been the result of these Accords? Since Oslo was signed, almost the same number

⁵⁰This assumes that tax rates are already at a certain point of the Laffer (2004) curve.

⁵¹*Gaza-Jericho Agreement Annex IV-Economic Protocol.*

⁵²*Gaza-Jericho Agreement, Annex IV, Article IV.*

of Jews have been killed than in the period since the founding of the State of Israel and the signing of the accords. Clearly, the scheme is not working and must be ended.

The only viable solution to the problem of Judea and Samaria is to allow anyone, Jew or Arab, homestead any virgin territory in the area without restriction, and deal with individual conflicts on a case by case basis in courts.⁵³ Unless one's goal is indeed the actual ethnic cleansing of Jews from the area, such a solution should be seen as equitable for those interested in actually resolving this conflict (Picture 4.4).

Although many of its provisions (as well as its consequences) are still in place, how did the Oslo process end? With the "Second Intifada". The BBC (2000) reported the lynching of IDF reservists in Ramallah by a crowd of Palestinian Arabs:

"In video footage that will remain etched on memories for a long time to come, Israeli TV broadcast the lynching of Israeli soldiers by a furious Palestinian mob in the West Bank town of Ramallah.

"The film, shot by an Italian television crew, showed dozens of enraged Palestinians storming the police station where the soldiers were being held after they had been *captured* by Palestinian police.



Picture 4.4 Lynching in Ramallah
 "Blood on their hands: One of the killers gestures to the crowd". Source: BBC (2000)

⁵³ We follow fellow anarcho-capitalist Rothbard, and favor private courts. But since these disputes will take place in the territory of the sovereign country of Israel, it is to those courts that the classical liberals must look.

“Gruesome scenes were visible through an open window as the mob savagely beat and stabbed two or possibly three of the soldiers to death.

“Then a body was thrown from an upstairs window. The frenzied crowd *clapped and cheered* as more blows were rained down on the lifeless figure by the crowd outside” (emphasis added).

On October 7, 2000, Israel delivered Joseph’s Tomb in Nablus to Palestinian Police. A few hours later Palestinian Arabs destroyed the Tomb (Sher 2006, 165), set it on fire and later a Mosque was planned to be built on it. Peace, if it ever came because of Oslo, was at that moment invisible.

Singling out Israel as responsible for the failure of the Peace Process was not unusual. This occurred under the Obama administration.⁵⁴ Israel was held directly accountable for its lack of agreement with the PA, when the latter did not only violate the Oslo Accords, but also even rejected negotiations.

The new (actually, old) excuse offered by both the Obama Administration and the PA was: the “settlements expansion” (Lubell and Heinrich 2017). Israeli construction and homesteading in Judea and Samaria was turned into a sin for both the president of the US and the international media. As always, it was another excuse for the PA to refuse negotiations. However, paradoxically, overall there was no such large expansion of settlements. Bennett Ruda (2017), writing for *Tablet*, divulges:

“Looking at housing built for Jews in the West Bank from 2009 to 2014, *Haaretz*⁵⁵ concluded that fewer houses were built by Netanyahu than by his predecessors:

“According to data from the Housing and Construction Ministry, an average of 1,554 houses a year were built in the settlements from 2009 to 2014 — fewer than under any of his recent predecessors.

“By comparison, the annual average was 1,881 under Ariel Sharon and 1,774 under Ehud Olmert. As for Ehud Barak, during his single full year as prime minister, in 2000, he built a whopping 5,000 homes in the settlements.

“[...] Using data from Israel’s Central Bureau of Statistics, it becomes clear that regardless of the population increase, since 2010, the settlements’ share of housing completions declined [(JoeSettler 2014)] under Netanyahu:

- From 2010 to 2013, a total of only 6,062 homes were built to fill the needs of an increase of 50,000 people, less than the actual need.

- During that same time, while settlers averaged 4.19% of the national population, they represented only 3.23% of national housing starts and 4.1% of national housing completions.

- In 2013 alone, the settlers represented 4.28% of the Israeli population, yet only 3.37% of national construction was completed in Judea and Samaria.”

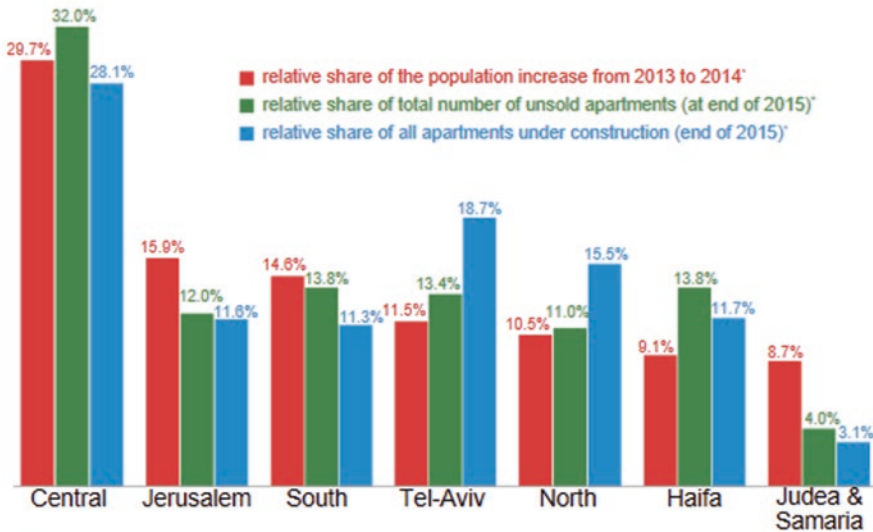
⁵⁴Obama, who blamed Israeli “settlements” in Judea and Samaria for the lack of peace, said: “Bibi says that he believes in the two-state solution and yet his actions consistently have shown that if he is getting pressured to approve more settlements he will do so regardless of what he says about the importance of the two-state solution” (Lubell and Heinrich 2017). Observe that the argument is based on the idea that, essentially, peace depends *exclusively* on Israel, and therefore implicitly *it* is to blame for the state of war.

⁵⁵Levinson (2015), quoted in Ruda (2017).

Moreover, the housing crisis (caused by a dramatic shortage in supply) in Israel, that could be dramatically reduced by allowing construction in Judea and Samaria, shows that the so called “settlement expansion” emanated from internal economic considerations, not an attempt to undermine the peace process. Matt Phillips (2014) reports for *QZ* “...building in settlements is only a small fraction compared to what happens in Israel proper. West Bank construction (not including East Jerusalem, though the rest of the world considers that part of the West Bank too) accounted for just 3.3% of the roughly 42,000 new dwellings completed in 2013”. As can be seen in Graphs 4.1, 4.2 and 4.3, there was no considerable settlement expansion during these years.

At the same time, and until President Trump took office, US aid⁵⁶ to the PA continued steadily while there was no reform on the part of this Judeophobic, violent and warmongering regime. Not surprisingly, every new concession to the PA not

Distribution of population changes, unsold apartments and apartments under construction, by district



* Summing to 100%.

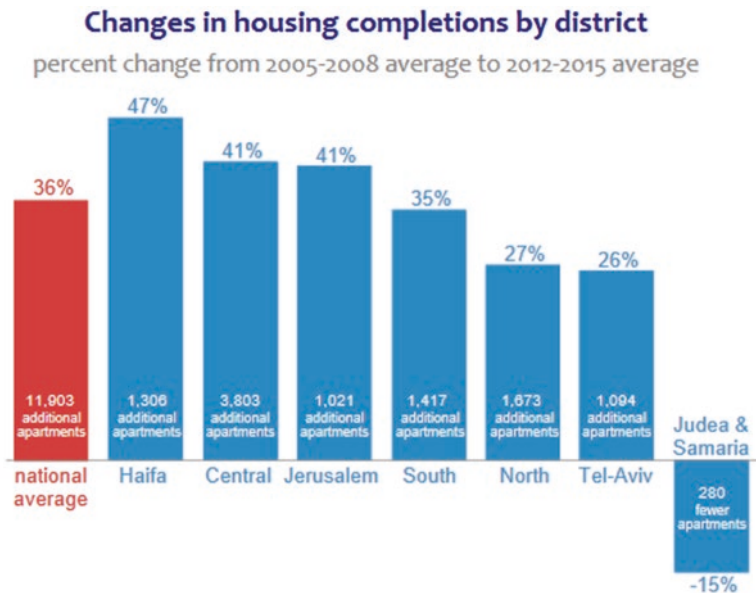
Source: Noam Gruber, Shores Institution for Socioeconomic Research

Data: Central Bureau of Statistics

Graph 4.1 Relevant Housing Data

Source: Gruber (2016, 12), Shores Institution for Socioeconomic Research

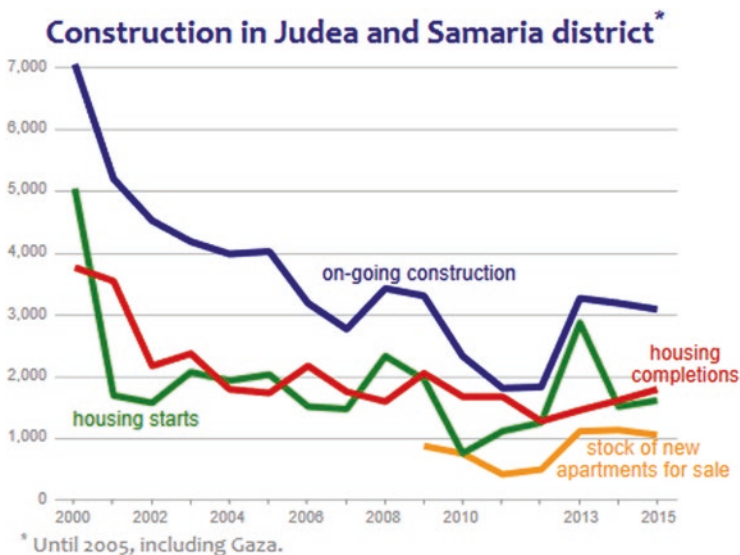
⁵⁶For an analysis of how US Charities that fund Anti-Israel organizations receive tax-payer’s money see Westrop (2017).



Source: Noam Gruber, Shores Institute for Socioeconomic Research
 Data: Central Bureau of Statistics

Graph 4.2 Changes in Housing Completions

Source: Gruber (2016, 12), Shores Institute for Socioeconomic Research



Source: Noam Gruber, Shores Institute for Socioeconomic Research
 Data: Central Bureau of Statistics

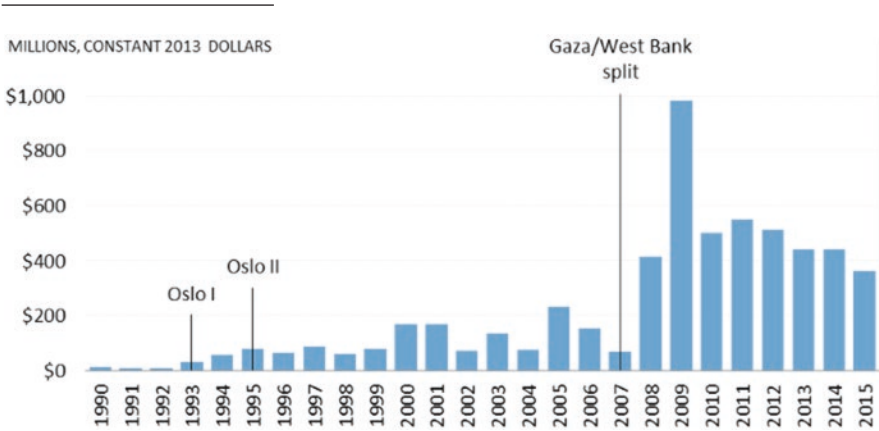
Graph 4.3 Construction in Judea and Samaria

Source: Gruber (2016, 18), Shores Institute for Socioeconomic Research

only is seen as a sign of weakness and as legitimizing its unwarranted demands but has also a positive feedback effect on its murderous activities.

Not only does US aid never get into the hands of the needy, but it undermines donor intensions. Jean-Paul Azam, from the University of Toulouse (ARQADE and IDEI) and Institut Universitaire de France, and Alexandra Delacroix (SGAM, Paris), report in studying violent attacks and foreign aid that “A positive empirical relationship is found between the level of foreign aid received by a country and the number of terrorist attacks originating from it” (Azam and Delacroix 2006).

The following chart shows US aid⁵⁷ to Palestinian Arabs from 1990 until 2015:



Graph 4.4 US Aid to Palestinian Arabs

Sources: U.S. State Department and USAID, adapted by CRS, in Zanotti (2016, 2) (“Notes: Oslo I (the Declaration of Principles) and II (the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip) refer to agreements between Israel and the Palestine Liberation Organization (PLO). Oslo I paved the way for limited Palestinian self-rule in the West Bank and Gaza, and Oslo II established the framework for it. The Gaza/West Bank split of June 2007 occurred when Hamas forcibly seized control in Gaza. In response, PA President Mahmoud Abbas dissolved the PA cabinet that was nominally led by Hamas figures, and appointed a new government with supposed sway over both territories, but de facto limited self-rule only in the West Bank. The large amount of aid for FY2009 is partly due to post-conflict recovery needs from the 2008–2009 Israel-Gaza conflict (Israeli codename Operation Cast Lead)” (emphasis added) Zanotti (2016, 2–3).)

⁵⁷The key when analyzing aid is not absolute numbers, but relative ones. Comparatively, Palestinian Arabs received more money than Europeans under the Marshall Plan. As Dr. Patrick Clawson (2002) explained: “The Marshall Plan distributed \$60 billion (at today’s prices), which worked out to \$272 per European in the main participating countries. By contrast, by the end of last year, according to the World Bank, the Palestinians had received \$4 billion since Oslo, which translates into \$1330 per Palestinian. In other words, the Palestinians have already gotten more than four times as much as the Europeans got from the Marshall Plan. Or if done on an annual basis, the Palestinians have gotten \$161 per person per year compared to \$68 per person annually under the four-year Marshall Plan, meaning the Palestinians have gotten more than twice as much aid for twice as long as Europe got under the Marshall Plan”. And these remarks are from 2002. A lot more has been flowing to the PA since then (see Graph 4.4).

As libertarians, we oppose the concept of “Foreign Aid”⁵⁸ itself (including, of course, to Israel⁵⁹). But even more yet when this involves funding of violence, such as is the case with the PA. Economics aside, many people think (even in the pro-Israel community in the US⁶⁰) that a total cessation of all US aid to the PA is politically impossible. But the Taylor Force Act, named after an American killed by a Palestinian terrorist in Jaffa in 2016, points in this direction (Tobin 2017). Passed in March 2018, it was based on cutting and withholding funding from the PA⁶¹ until it

⁵⁸For the case against these government to government transfers, not foreign “aid” which is a pejorative, in that the very name assumes benefits, see Alesina and Weder (2002), Bauer (1981, 1982, 1984, 1991), Bauer and Yamey (1957), Castle (1957), Easterly (2007), Loeber (1961), McNeill (1981), Moyo (2009), Osterfeld (1992), Riddell (1987), Rothbard (1958), Thornton (2002), Tucker (1997), Vance (2000). For a critique of Easterly (2007), see Block (2011g)

⁵⁹Moreover, foreign aid gives certain US administrations leverage to pressure Israel. Consider how former President Barack Obama treated Prime Minister Benjamin Netanyahu: not like a friend, not like an equal, more like a vassal. Yes, matters are quite different, and vastly improved, with President Donald Trump. But if former Vice President Joe Biden takes this office in 2021, he is likely to deal with Israel in much the same manner as did his former boss (at the very minimum, since the Democratic party, under the influence of Bernie Sanders and the “squad” has moved much further to the left, and Biden would be beholden to them). There are those who would reject this more independent strategy. They aver there are certain blockbuster weapons that only the US can supply to Israel. This may well have been somewhat true in the early days of this country, when under a Labor government oranges were the main stock in trade and economic growth was in the doldrums. But now, and ever since the Likud took over, Israel’s specialty switched to Apples, the high tech variety (see Chap. 8). In many ways Israel has equaled and surpassed the US in terms of technology, sophisticated military hardware, etc.

Moreover, if Israel were to cease receiving US aid, an event such as the one former Israeli Prime Minister Menachem Begin faced with Joe Biden in the summer of 1982, would not happen ever again. “During that committee hearing, at the height of the Lebanon War, Sen. John Biden (Delaware) had attacked Israeli settlements in Judea and Samaria and threatened that if Israel did not immediately cease this activity, the US would have to cut economic aid to Israel. When the senator raised his voice and banged twice on the table with his fist, Begin commented to him: ‘This desk is designed for writing, not for fists. Don’t threaten us with slashing aid. Do you think that because the US lends us money it *is entitled to impose on us what we must do?* We are grateful for the assistance we have received, but we are not to be threatened. I am a proud Jew. Three thousand years of culture are behind me, and you will not frighten me with threats. Take note: *we do not want a single soldier of yours to die for us.*’ After the meeting, Sen. Moynihan approached Begin and praised him for his cutting reply. To which Begin answered with thanks, defining his stand against threats” (emphasis added), quoted in Podhoretz (2008).

⁶⁰For Christian Zionism see Hummel (2017) and Nicholson (2013). For a rebuttal of Mearsheimer and Walt (2006, 2007) and similar critics of Israel and the so called “Israel Lobby” see Morris (2006), Bard (n.d.-A), and Dershowitz (2008). On the other hand, about the very influential Arab Lobby, see Bard (2011).

⁶¹Whose inefficiency, corruption and waste of resources is widespread. As Daniel Doron (2016) illuminates: “The Palestinian Authority is the *largest employer* in the West Bank and Gaza, employing 220,000 workers, 160,000 in the civil sector and the remainder in 17 different ‘security services.’ (Then again, ‘workers’ may not be the right word: According to a 2010 World Bank report, some 13,000 were ‘ghost employees.’) The security services include a naval security force for a nonexistent navy. But they’re no joke: These services spy on the population—and on each other. They terrorize Palestinians, especially those who might dissent, with arbitrary arrests, beatings, and torture, all without trial” (emphasis added).

stops paying attackers and their families. From 2013 to 2017 the PA paid over a billion dollars to these people (Kuperwasser 2017). Most of that money came from US aid. The US cut aid to UNRWA, and USAID later reduced funding to Gaza and the West Bank.

Anti-Israel forces were fortunately hurt by these initiatives enacted by the Trump administration. Moreover, it also set a precedent worldwide. After the Taylor Force Act adopted in March 2018, Australia followed by passing similar acts (JPost Editorial 2018).

Again, being an ally does not mean that the US should financially help Israel. If the US withdrew all aid to all countries in the Middle East, Israel would gain, certainly relatively speaking, which is all-important in this context. Israel commonly spends more to keep its military balance with Egypt than Egypt receives in military aid from the US (Bandow 2012). Further, US funding for all Arab countries amounts to a multiple of the amount given to Israel. Since private finance from the U.S. from the Jewish community and other supporters is a significant multiple of that emanating from Arab Americans to the enemies of Israel, a cessation of all U.S. finance to the region would again benefit Israel, relatively speaking. In contrast, promoting the “Peace Process” has only ended up weakening Israel as well as perpetuating war.

The absence of financial aid does not mean Israel cannot regard the US as an ally (and vice versa). Moreover, it is not the case that the US relationship with Israel is based on modern political considerations, *realpolitik*, *only*. There is a long history in the U.S. of philo-Judaic views that go back as far the Founding Fathers (deeply influenced by the Bible). As Lewis Glinert (2017), writing for *Mosaic*, explains:

“At Harvard, Yale, Princeton, and the seven other colleges created to train these educated ministers and God-fearing gentlemen, all students had to devote substantial time (not always willingly) to Hebrew—a distinction reserved in Europe for Latin. They were also encouraged, in a practice borrowed from the teaching of Latin and Greek, to produce Hebrew compositions and orations. Harvard theses regularly addressed such issues as ‘Aleph with the function of a point has the sound of all vowels.’ Harvard’s first two presidents were Hebrew scholars, as were the first president of King’s College (later Columbia) and Ezra Stiles, the first president of Yale. A world-renowned intellectual, Stiles was the leading American Hebraist of the era, and also a prominent supporter of the American Revolution. This epitomizes the fact that the study of Hebrew marched hand in hand with the Enlightenment principles of the American founding—a tradition going back to Milton and Selden.”

Relevant to this point, and not surprisingly given the above, “A month after the Continental Congress had drafted the Declaration of Independence, one of that document’s architects, Benjamin Franklin, sketched out a brief description of his design for the Great Seal of the new nation. Franklin wanted the Great Seal of the United States to feature, ‘Moses in the Dress of a High Priest standing on the Shore, and Extending his Hand Over the Sea, Thereby Causing the Same to Overwhelm Pharaoh.’ He wrote that the seal should depict ‘Rays From a Pillar of Fire in the Clouds Reaching to Moses, to Express That He Acts by Command of the Deity’” (Simon 2016).

In fact, *Jewish support*⁶² for Israel in the US amounts to a small percentage of the *total backing*, by US citizens in general and Christians (especially evangelicals) in particular (Goldman 2019). As Walter Russell Mead (2008) explained:

“Over time, moreover, the pro-Israel sentiment in the United States has increased, especially among non-Jews. The years of the George W. Bush administration have seen support for Israel in U.S. public opinion reach the highest level ever, and it has remained there throughout Bush’s two terms. The increase has occurred even as the demographic importance of Jews has diminished. In 1948, Jews constituted an estimated 3.8 percent of the U.S. population. Assuming that almost every American Jew favored a pro-Israel foreign policy that year, a little more than ten percent of U.S. supporters of Israel were of Jewish origin. By 2007, Jews were only 1.8 percent of the population of the United States, accounting at most for *three percent of Israel’s supporters in the United States*” (emphasis added).

Hence, although foreign aid indeed cannot be justified, the US is not interested in Israel just because of foreign policy, but also because there is long historical interest of American *citizens* for both Jews and Israel. This explains why the anti-Zionist myth that Israel somehow controls the US government just because Israel is an ally of the US is absurd.

What was the situation like before Oslo? Again, a peace treaty does not equal peace. As Daniel Doron (2016), Director of the Israel Center for Social and Economic Progress clarified:

“One of Arafat’s first actions was to destroy the *economic* ‘peace process’ begun in 1967, when Israel occupied the West Bank and Gaza, a process of informal reconciliation through economic cooperation that lasted 20 years.

“Initially, Israel followed a *laissez-faire social, economic, and to some extent even political policy* in the territories. It kept open bridges with Jordan that enabled the Palestinians to trade with most Arab countries and to travel with few restrictions. Israel did not interfere in Palestinian internal affairs and even left Jordanian law in effect. Israelis ate and shopped in Arab towns and markets, their spending accounting for a quarter of the West Bank’s economy. In 20 years Palestinian GNP *quadrupled*. Enhanced wealth created social mobility, loosening the grip of clan and family. Health and education improved. Child mortality dropped. Palestinian women and children were the beneficiaries of these dramatic improvements.

“There were remarkably few terrorist attacks during this period. The few that occurred were mostly *perpetrated by PLO hirelings*. Not that the Palestinians were enamored of Israeli occupation: No one likes to live under occupation, even a relatively benign one. But, realizing the economic and social benefits it brought them, many Palestinians found the occupation a lesser evil and learned to live with it.⁶³ When offered a choice after Oslo between receiving Palestinian passports or Israeli identity cards, *over 90 percent of Arabs in Jerusalem*—a hotbed of Muslim fervor and Arab nationalism—*chose the Israeli option*” (emphasis added).

⁶²And it is currently having problems, see Gordis (2017b).

⁶³Interestingly, according to Frisch (2019): “In an academic ranking of countries according to happiness level, the ‘Palestinian Territories’ are far from the bottom of the list – something of a surprise, as the never-ending lamentations about the ‘Israeli occupation’ would suggest a different outcome. The real tragedy is Tunisia, which achieved democracy but has not registered expected economic dividends. Its citizens are more discontented than the Palestinians.” Of course, this is not to say that they are content with the situation, but it is far from the hell anti-Zionists denounce.

Here we have another fact on the ground that belies the universal assumption that “Palestinians” want a Palestinian state. When given the choice, 90% of self-described Palestinians in Jerusalem chose Israeli ID cards over Palestinian passports,⁶⁴ which also proves beyond a doubt that living under a state ruled by Arabs today is of no interest to the Arabs of Israel. The degree of coercion is proportional to the state’s power. Arabs given the choice, chose to be under the power of a Jewish rather than an Arab state, for obvious reasons. We are willing to bet that the vast majority of people on this planet, if given the choice, would choose to be the subject of a Jewish state power rather than any modern Arab one.

After blaming Israel for years,⁶⁵ the PA with its systematic demonization of both Jews and Israel achieved the very opposite of promoting peace. In a recent essay, written by Daniel Polisar (2017a), the author examined, among others, “400 surveys carried out by five Palestinian research centers, each of which has conducted regular polls in the West Bank and Gaza for many years and has made the results available online in English and Arabic.” In it, the author found that “Fourteen of the sixteen times the [peace deal] was presented to respondents between December 2003 and December 2015, there were *more opponents than supporters*. On average, Palestinians rejected the deal by a margin of 54 to 44 percent. Moreover, support *decreased* over time; the last two times the package was presented, in December 2014 and December 2015, an average of 61 percent were opposed.... More surprising, perhaps, is that on all sixteen occasions, Palestinians overwhelmingly repudiated the idea of East Jerusalem becoming the capital of their state and incorporating its Arab neighborhoods, including most of the Old City and al-Haram al-Sharif. (Presumably, the obstacle was that, in parallel, Israel would exercise sovereignty over the Jewish neighborhoods, the Jewish quarter of the Old City, and the Western Wall.) The level of opposition to this plank averaged 64 percent” (emphasis added) (Polisar 2017a).

As we can see, there were few if any “peace partners” in the population in general either. Worse yet, Polisar (2017a) continues:

“A few years later, in June 2014, the Washington Institute’s David Pollock commissioned and supervised a survey of West Bank and Gaza residents. In the poll, respondents were presented with three choices for the main Palestinian national goal over the next five years. Working for ‘a one-state solution in all of the land: a state in which Arabs and Jews will have equal rights in one country, from the river to the sea’ garnered 10-percent support. ‘End the occupation of the West Bank and Gaza to achieve a two-state solution’ was backed by 27 percent of respondents. The runaway first choice, selected by 60 percent of respondents, was ‘to work toward reclaiming all of historic Palestine from the river to the sea’” (emphasis added).

But it does not end there. Finally,

“Pollock got at this issue even more directly in 2015 by asking: ‘There are also different views about who has any rights to be in historic Palestine. Do you think that Jews have

⁶⁴ See Doron (2016).

⁶⁵ Of course, the first Intifada in the 1980s, promoted by Palestinian leadership, implied an escalation in violence in Judea, Samaria and Gaza.

some rights to the land along with the Palestinians, or that this is *all* Palestinian land and the Jews have no rights to it?" A tiny minority, 12 percent, said 'Both Jews and Palestinians have rights to the land.' An overwhelming *majority*, including 81 percent of West Bankers and 88 percent of Gazans, answered unequivocally that 'This is all Palestinian land and Jews have no rights to it'" (emphasis added) (Polisar 2017a).

With these numbers, it is easy to imagine that even if Mahmoud Abbas or Yasser Arafat would have been wanted peace, the population would have toppled them. It is first and foremost the Palestinian Arabs rejection of Jews that is the cause of war.

Clearly, if politicians in the West in general do not promote any reform (not even the minimum, since it could cost them their electoral base⁶⁶), how can we expect that in the case of a virtual dictatorship as per the PA, its representative will go against the will of the people?⁶⁷ If close to 90% of the Arabs in Judea, Samaria, and Gaza deny Jewish rights to any part of the land of Israel,⁶⁸ how can anyone expect a peace agreement based on the premise of recognition of Jewish rights to the land of Israel, to succeed? Peace is not even on the table. No wonder Mahmoud Abbas rejects negotiations. Yet, the US and the world push and condemn only *one* party: Israel.⁶⁹ In contrast, Israelis even to this day are willing to pursue an agreement. Yadlin and Kobi (2017) explain:

"Findings from a public opinion survey on national security matters conducted recently by the Institute for National Security Studies indicate that the majority of the Israeli public opposes a continuation of the existing situation or annexation of territory. Only 10 percent support annexation of all of Judea and Samaria, and 17 percent favor the continuation of the existing situation. Sixty-one percent of the public favor a settlement, be it a permanent agreement or an interim agreement in advance of a permanent agreement."

What kind of state, if it existed, would the Palestinian one be? Let us extrapolate from Gaza (unilaterally delivered to the PA by Israel in 2005). It is currently controlled by the Islamist totalitarian⁷⁰ movement called Hamas, friend of Lebanon's Hezbollah and partly financed by Iran. Thus, the prospect for a new country,

⁶⁶ For a brief exposition of the Public Choice School, which studies this phenomenon, see Shughart II (2008). For a critique, see DiLorenzo and Block (2017).

⁶⁷ The text at this point sounds counterintuitive. The popular view is that democracies are responsive to the desires of the populace, not dictatorships. Yet, both the PA in Judea and Samaria and Hamas in Gaza are an instance of the latter, and we are contending that the dictator will indeed be responsive to the populace (if not, he will likely be assassinated).

⁶⁸ Polisar (2017a).

⁶⁹ We acknowledge that a large percentage of both Egyptian and Jordanian populations do not approve of Israel either. Yet, the Peace treaties signed with those countries were achieved by means of the leadership of both countries taking into account the wider regional context, and a subsequent improvement of relations with Europe and the US (in fact, the US was behind both treaties with Egypt and Jordan). Thus, it was foreign policy, pure and simple. Also, the fundamental difference with the Palestinian Arabs, is that Egypt and Jordan have a national identity separate from animosity with Israel, by *itself*. On the other hand, the Palestinian Arabs' core identity is expressed in a denial: of Israel. As per Dennis Ross, for Arafat to end the conflict was to *end himself* (Shyovitz, n.d.-). For more on this see Polisar (2017b).

⁷⁰ For some features of the Hamas regime, see Abu Toameh (2019a) and Tawil (2020a).

“Palestine” is not good. Who will guarantee Israelis that there will be no massive launching of rockets from Judea and Samaria (e.g., “Palestine”) as has been the case since Hamas took over Gaza? Clearly not Mahmoud Abbas, who governed Gaza until Hamas engaged in a civil war that ended up with Fatah forces running for their lives. Today Christians are being persecuted and slaughtered throughout the Middle East by Islamists. Is it reasonable to believe that “Palestine” will be willing and able to secure the holy places for all three religions and allow freedom of worship? Can the reader imagine Hamas controlling the Old City of Jerusalem? What would happen both to Christians and Christian holy sites is obvious, let alone to the Jews under a Hamas regime.

If they had to choose, most Jerusalem Arabs would prefer Israeli ID cards over a Palestinian passport. Arabs have already virtually repudiated a Palestinian state with Jerusalem as its capital by voting with their feet.⁷¹ Aside from Christian and Jewish rights in Jerusalem, what about those of Muslims who already voted against being part of a Palestinian state?

Daniel Doron (2009) comments:

“The creation of yet another dysfunctional Palestinian Arab state will not only mortally threaten Israel, its irredentist nature will inflame the region. As importantly, it will continue making the personal and communal life of Palestinian Arabs unbearable. Remember what happened in Gaza after Israel vacated it: the wanton destruction of the hot houses Israel left behind to enable the Gazans to make a better living from agriculture; the rule of oppression and mayhem Hamas has instituted in Gaza; the continued impoverishment and immiseration of their hapless citizens. Is this the kind of government America wants extended to the West Bank?

“... As in Gaza, a Hamas West Bank government, an Iranian proxy, will quickly launch missile attacks against Israel. From the West Bank, however, the missiles will not hit a sparsely inhabited Negev but the densely populated heartland of Israel, the greater Tel Aviv metropolitan area. They will hit Israel’s only links to the world, Ben Gurion International Airport and the ports of Haifa and Ashdod.

“Worse, Israel’s military staging areas, its airfields and its most strategic assets will come within the range of such missiles, making Israel indefensible. For eight years, Israel, the U.S. and others failed to stop Hamas from shelling Israel from Gaza; why should they be more successful when Hamas governs the West Bank?

“Eventually Israel will be forced to go to war and re-occupy the West Bank. Such a campaign, as the recent Israeli Gaza operation demonstrated, will involve bloody fighting in densely populated areas, many casualties and great destruction. It won’t spare the civilian population. As in the past, masses of Palestinian Arabs will flee the battle areas to Jordan. The human and political costs of such a new wave of refugees are too horrible to contemplate. They may threaten Jordan’s survival. This is surely not what the ‘realists’ want, but can they honestly dismiss the probability that this may happen?”

So, do we oppose the creation of a new country, tentatively called “Palestine” to be composed entirely of Arab citizens? Not a bit of it. Very much to the contrary, we are on record, *supra*, as maintaining that any one single person,⁷² certainly a group

⁷¹ Moreover, as to the 250,000 Arab Israelis who live in the Triangle area and are against becoming part of a Palestinian state, see Abu Toameh (2020a).

⁷² For anarcho-capitalists, the goal is some 7.5 billion different nations, one to a customer. Each person, ideally, should be sovereign. For readings on this philosophy, see fn. 1 in Chap. 6.

of like-minded individuals, may properly secede from their present country, and set up one of their own, provided they do so with, and confine themselves to, their own legitimately owned property.⁷³ Of course, if such a state resembled the current Hamas-controlled Gaza strip, it would be ridiculous to think that Israel will not righteously defend itself from attacks.⁷⁴ And, more importantly, there is no reason, currently, to believe that “Palestine” would behave differently than Gaza. There is a right to secession, to be sure, but there is no right to establish a murderous dictatorship.⁷⁵

Moreover, Israel has the right to pursue criminals launching attacks against its civilians from anywhere. If the Arabs of Judea and Samaria wanted autonomy, they could have it very quickly.⁷⁶ All they would have to do would be peacefully protest Arab attacks against Israeli civilians. This never happens in practice. Never. Not once. Ever.⁷⁷ But what they really want is to attack the surrounding Jewish population, which engenders Israeli military security measures they despise to continue.

If neither the PA nor the Palestinian Arabs want a “Two State Solution”, what is their goal? Apart from their international campaign of delegitimization of Israel (a step forward toward its final destruction), they wish to isolate Israel and encourage the “international community” to help them achieve this objective. Moreover, as Israeli Arab journalist Khaled Abu Toameh (2017) clearly expounds, they also reject a regional approach to solving the situation:

“In any event, any ‘regional solution’ involving Arab countries would be doomed to fail because the Palestinians and their Arab brethren *hate each other*. Moreover, even if Abbas were to accept terms dictated to him by such an alliance, his own people would reject them. Any solution offered by the Arab governments will always be regarded as an ‘American-Zionist dictate.’

“Here is what Palestinians really want: to *use the Europeans to impose* a ‘solution’ on Israel” (emphasis added).

What of the charge of “settlements” as the primary obstacle to peace? This is a complete falsehood. The claim that settlements breach the Oslo Accords is also a myth, since this was a subject to be treated only in the permanent status negotiations (*Declaration of Principles on Interim Self-Government Arrangements*, Art. V. 3):

⁷³ But suppose that the new Palestinian government engaged in lobbing missiles over in Israel’s direction? Presumably, Israel would treat this as an act of war, and conquer this upstart nation, something for some all too explicable reason, they failed to do, over and over, regarding similar behavior emanating from Gaza.

⁷⁴ Is this really true? Would that it were. If Monaco were doing to France what the Gazans are doing to Israel, France would declare war on Monaco, bomb them heavily, invade, take over, trial and/or execute the leaders, and that would be the end of the problem. Why does Israel not do that? This is due to its inordinate fear of critical world opinion

⁷⁵ See on this regard Teson (2015).

⁷⁶ In fact, had they approved virtually any of the many peace offers we have reviewed, they would already have their state.

⁷⁷ In sharp contrast, numerous Israelis protest against what they regard as their government’s “mis-treatment” of Arabs (as per the B’Tselem report we have seen above).

“It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, *settlements*, security arrangements, borders, relations and co-operation with other neighbours, and other issues of common interest” (emphasis added).

Another problem with Oslo was that instead of focusing on the relevant issues (such as Menachem Begin did when negotiating with Anwar Sadat the peace treaty with Egypt in the late 1970s), these were left for a *final* negotiation. Thus, all the irrelevant or dependant issues were treated *first*. To substitute the fundamental for that which is secondary meant to postpone the real problems. As a result, neither was achieved. Left unsolved were both the primary and the secondary issues.⁷⁸

Moreover, with respect to “settlements”, these grew as a consequence of natural increase. Of course, new settlements were approved, but we as libertarians and classical liberals should not be at all concerned about them since they were created in virgin territory. This is the central point. Palestinian Arabs are using the growth of settlements, meaning Jewish homesteading of virgin land, as an excuse to continue attacks. That proves that they do not want Jews homesteading virgin land in Israel, because they believe that all the territory, even virgin land, is somehow theirs. Remember, these new holdings were placed in empty terrain in Judea and Samaria and were homesteaded by Jews. On the rare occasions when Palestinian individual rights were assumed to be violated the new buildings were demolished by the IDF itself.⁷⁹ The fuss over the settlements leads people to believe that they constitute an overwhelming majority of Judea and Samaria: in fact, they occupy roughly 4% of the terrain under dispute.⁸⁰ To elevate “the settlements” as the major cause of conflict is nothing more than an excuse. The “settlements” do not violate International Law either.⁸¹

What are the “settlements”? Primarily, they are (in a certain sense) the outcome of the “Allon Plan” (though never officially executed). This Plan, designed by one of Israel’s Founding Fathers, appeared:

⁷⁸Which was which? Which are the primary and which the secondary issues? Primary were Jerusalem, Palestinian Arab refugees, Jewish “settlements” in Judea and Samaria, borders, etc. Secondary were Palestinian Arab movements in Judea and Samaria, autonomous areas for Palestinian Arab control, etc.

⁷⁹Take, for example, the controversial case of Amona: “The Jewish outpost of Amona in the central West Bank, home to 42 families, is currently the subject of fiery controversy both in Israel and in the international arena. In 2006, *the High Court of Israel ruled that the outpost is illegal under Israeli law because it lies on private Palestinian land*. In 2014, the High Court ordered the government to evacuate and demolish the entire outpost within two years. In Israel, as Amona demonstrates, *no one is above the law*. Israel boasts an independent judiciary system that is second to none” (emphasis added) Tawil (2016). On the subject of Amona, and the controversies surrounding it see also Gordis (2017a).

⁸⁰As Daniel Doron (2009) explains: “The claim that ‘Illegal settlements’ are an obstacle to peace is absurd too. Jewish settlements occupy less than 4% of the West Bank territory, mostly constructed on deserted government land. The reason the Arabs want them removed (but not Arab settlements in Israel) is that their radical leadership cannot tolerate any Jews living among them. All Arab lands were ethnically cleansed after 1948, forcing more than one million Jews to flee countries in which they had lived long before the Muslim occupation.”

⁸¹See on this below.

“... in the midst of the Six Day War ... addressing the changed reality and proposing territorial compromise based on demographic facts: conceding areas densely populated with Palestinians, and bringing Israeli sovereignty and mass settlement to areas crucial for defense and relatively sparsely populated with Palestinians.... Although the plan was never officially adopted, the settlement plan of Israeli governments between the Six-Day War and the rise of Likud to power was based on it. The Allon Plan was also Rabin’s path even when he signed the Oslo Accords, as he made clear in his final speech to the Knesset (although accepting the PLO as a partner was contrary to Allon’s principles and Rabin’s path until the agreement). This was the path of the Labor party until the Barak era in 2000” (Heitner 2016).

The fundamental idea of Allon’s was to secure the coastal Israeli cities and Jerusalem.⁸² But the “settlements” themselves were not only the outcome of an idea by the Israeli government, but more importantly a genuine intent of Jews to re-homestead once more the land of their forefathers.

On the legality of the “settlements” for International Law, Ricki Hollander (2001a) enlightens us:

“[...] there is *no international law that prohibits Israel from building settlements*.⁸³

“Those who maintain that the settlements are illegal rely on Article 49 of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War,⁸⁴ August 12, 1949, which states:

“‘Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying power or to that of any other country...are prohibited...’

“and in the sixth paragraph:

“‘The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.’

“They interpret this to be applicable to Israel’s settlement of the West Bank and Gaza, understanding Israel to have become a ‘belligerent occupant’ of this territory through entry by its armed forces.

“Those who argue that the settlements are legal point out that the Geneva Convention does not apply to the West Bank or Gaza, for, under its Article 2, the Convention pertains only to ‘cases of...occupation of the territory of a High Contracting Party’ by another such party. The West Bank and Gaza were never the territory of a High Contracting Party; the occupation after 1948 by Jordan and Egypt was illegal and neither country ever had lawful

⁸²Haviv Rettig Gur (2017) explains in detail: “And so, while a handful of religious nationalists turned their eye toward Hebron and the Etzion Bloc, it was the ruling left-wing coalition that launched the first systematic settlement program in the West Bank. The new settlements ran roughly along the contours of the ‘Allon Plan,’ developed by the very same Allon who had urged the conquest of the West Bank in 1948. The plan sought to strike a balance between the two incompatible aims with which the Israeli cabinet had wrestled 20 years earlier: to claim areas that would mitigate the perpetual threat to Israel’s narrow north-south corridor while leaving intact and unclaimed a large, contiguous Arab-majority territory that could someday become a Palestinian state.

“In practice, that meant relatively modest steps, such as establishing well-defended hamlets along the Jordan River whose reservists-turned-farmers could hold an enemy army at bay in an emergency, or expanding the most vulnerable and precious of Israel’s cities, Jerusalem, to encompass the hills that before the war had threatened it on all sides. Even today, most of the settlers live in a circle around Jerusalem or in towns placed as buffers around the main highways leading to the capital.”

⁸³On the *UNSC Resolution 2334* (December 23, 2016) see below.

⁸⁴For more on this subject see Baker (2011).

or recognized sovereignty. The last legal sovereignty over the territories was that of the League of Nations Palestine Mandate, which stipulated the right of the Jewish people to settle in the whole of the Mandated territory. According to Article 6 of the Mandate, ‘close settlement by Jews on the land, including State lands not required for public use’ was to be encouraged. (Article 25 allowed the League Council to temporarily postpone the Jewish right to settle in what is now Jordan, if conditions were not amenable.) Article 80 of the U.N. Charter preserved this Jewish right to settlement by specifying that:

“nothing in the [U.N. Charter's chapter on the administration of Mandate territory] shall be construed ... to alter in any manner the rights whatsoever of any states or peoples or the terms of existing international instruments.’ (This updated version of the quote corrects an earlier typographical error.)

“Furthermore, even if the Geneva Convention would apply, it would not outlaw Israeli settlements, since the relevant Article 49 was intended to outlaw the Nazi practice of forcibly transporting populations into or out of occupied territories to death and work camps, and cannot be applied to Israel because Arab residents were not forcibly transferred. *More than a year after Israel gained control of the territories as the result of an act of self-defense in 1967, Jews moved there of their own volition because of the historical and religious connection they felt, in some places reestablishing Jewish communities that had been destroyed in 1948 by Arab aggression.* Arabs continue to live in these territories and their population continues to grow rapidly” (emphasis added) (Hollander 2001a).

What after all is the objection to Jewish settlement in Judea, Samaria, or Gaza? Why is there any controversy at all? Are any Jewish settlements built on top of previously homesteaded Arab land? Certainly not, and in the tiny minority of cases where an Arab has proven previous ownership, land has been returned.⁸⁵ Peaceful demonstration against IDF presence on Arab property is legitimate, and treated so.

Unfortunately, though, the conflict is not about military occupation. It is about Jewish presence in certain areas, whether Judea and Samaria or Tel Aviv. If Israel were to drive Jews out of their legitimate property in the former two places, the rejection of Jewish presence in Israel would only strengthen, and the conflict would deteriorate into even worse fighting.

An objection to settlements as such is untenable. It is essentially the rejection of the right of a certain people to the fruits of their labor. When anti-Zionists claim that settlements are the problem, they mean that Jewish presence in a specific area of the planet is a problem. If that is a problem, then their arguments are inherently anti Semitic.

Moreover, Kontorovich and Bell (2016)⁸⁶ claim that, given the context of the provisions by the Palestine Mandate by the League of Nations, the 1948 War, based on the Arab rejection of the birth of Israel, and the doctrine of *Uti possidetis juris*,⁸⁷ Israel has a right over the entire terrain of the Mandate:

“Israel’s borders and territorial scope are a source of seemingly endless debate. Remarkably, despite the intensity of the debates, little attention has been paid to relevance of the doctrine of *uti possidetis juris* to resolving legal aspects of the border dispute. *Uti possidetis juris* is

⁸⁵ See fn. 79.

⁸⁶ See also Kontorovich (2018).

⁸⁷ Translation: “as you possess under law” (https://en.wikipedia.org/wiki/Uti_possidetis_juris). The meaning may be found in the paper cited in Kontorovich and Bell (2016).

widely acknowledged as the doctrine of customary international law that is central to determining territorial sovereignty in the era of decolonization. The doctrine provides that emerging states presumptively inherit their pre-independence administrative boundaries.

“Applied to the case of Israel, *uti possidetis juris* would dictate that Israel inherit the boundaries of the Mandate of Palestine as they existed in May, 1948. The doctrine would thus support Israeli claims to any or all of the currently hotly disputed areas of Jerusalem (including East Jerusalem), the West Bank, and even potentially the Gaza Strip (though not the Golan Heights⁸⁸)” (Kontorovich and Bell 2016).

Yet, the PA did everything it could to undermine both Israel and the Jewish presence in Judea and Samaria. As a result, the United Nations Security Council approved a resolution delegitimizing the “settlements”. To be sure, *UNSC Resolution 2334* approved in late 2016 and promoted by the Obama Administration, is certainly an attack on Israelis’ right to homestead and build in Judea and Samaria.⁸⁹ As Eric Cortellessa (2016) reports in *The Times of Israel*, “Speaking at the Security Council after the vote, US Ambassador Samantha Power said the decision underlined the Council’s long-standing position that ‘the settlements have no legal validity.’ She claimed the US position was ‘fully in line with the bipartisan history’ of how US presidents have approached the issue for decades. The US did not agree with every word of the resolution, she said, and therefore had not voted in favor. But ‘we cannot stand in the way of this resolution,’ she said, in the quest for ‘two states living side by side in peace and security.’ ‘The settlement problem has gotten so much worse,’

⁸⁸This area was acquired during the self-defensive war of 1967, and is a strategic area that makes it less likely that Israel will be attacked from Syria. The heights have a strategic advantage in protecting northern Israeli cities. Israel has been criticized for years because of its decision to keep the Golan Heights. Now that Syria is in the middle of a civil war with hundreds of thousands of deaths, we can see that if Israel would not have remained its control over the land in question, it could have been easily targeted. For more on this, see Mor (2019).

⁸⁹Observe the irony of countries that accuse Israel of doing what they themselves did. Here we are talking about Western countries, not only Arab ones. New Zealand is particularly hypocritical, as Liel Leibovitz (2016) explains in *Tablet*: “The story of New Zealand’s *continuing illegal occupation* of Maori land is best told by numbers: in 1831, there were fewer than 1000 Europeans living in New Zealand, a population dwarfed by that of the local Maori tribes. By 1881, that number had mushroomed to 500,000, largely the result of British policy that shipped off settlers to the new continent and encouraged them to stay. It goes without saying that these Europeans had neither historical attachment nor any legal claim to the land. While the Maoris were happy at first to trade with the newcomers, they eventually realized that the Pākehā, their name for the white settlers, would not be satisfied until they seized all of the land and eliminated the Maori way of life. Wars broke out, and treaties were signed, which finally divided sovereignty in the land between the European colonialists and the aboriginal inhabitants.

“But dividing the land in half between the Maori and the European colonialists wasn’t enough to satisfy the ancestors of today’s New Zealanders. In 1863, the colonial government ordered all Maori to lay down their arms. Those who did not, according to the newly passed land confiscation clauses contained in the New Zealand Settlements Act, would ‘forfeit the right to possession of their lands.’ Four million acres of Maori lands were subsequently seized by the government in Wellington without the slightest pretense of due process and handed out as prizes to European colonialists, and Maori sovereignty in their ancestral homeland was effectively eliminated” (emphasis added).

she said, that it was now endangering that solution. ‘One has to make a choice between settlements and separation,’ she said.”

According to US Ambassador Power, the “problem” blocking “two states” from “living side by side in peace and security” is *Jews* homesteading and building in *Judea*.⁹⁰ If the issue were military occupation, Power might have a point. It would be one with which we would disagree but at least it would be a theoretically valid point, as military occupation does in fact prevent a state from existing. But to her the problem is *Jewish* civilian presence in a certain area of previously unhomesteaded territory. That argument can only be anti-Semitic.

Why, in principle, is territory acquired in a war of self-defense (as in 1967) an “occupation” when referring to civilian areas?⁹¹ The answer to this question is even more pointed if, as in the case of Judea and Samaria, there is no independent political entity or state being occupied. After the Mexican-American War (1846–1848), the US ended up acquiring “more than 500,000 square miles (1,300,000 square km) of Mexican territory extending westward from the Rio Grande to the Pacific Ocean” (Encyclopædia Britannica 2015). Is this, too, an “occupation”? If so (and this is just

⁹⁰In fact, even the aforementioned remarks by the US Ambassador to the UN with respect to former US Administrations is not true. As Isi Leibler (2016) recalls: “...the carefully drafted U.N. Security Council Resolution 242, unanimously adopted on November 22, 1967, which intimated that Israel would never be expected to revert to indefensible borders. The armistice lines imposed at the end of the War of Independence *were never considered formal borders*. They left Israel only 9 miles wide at its narrowest point and were described by then Foreign Minister Abba Eban as the ‘Auschwitz borders.’ In explaining the language of U.N. Resolution 242, U.S. Ambassador to the U.N. Arthur Goldberg was specific. In order to achieve ‘secure and recognized boundaries’ there would be a necessity for both parties to make ‘territorial adjustments in their peace settlement, encompassing less than a complete withdrawal of Israeli forces from the occupied territories, inasmuch as Israel’s prior frontiers had proved to be notably insecure.’... In September 1968, President Lyndon Johnson stated that ‘it is clear ... that a return to the situation of 4 June 1967 will not bring peace. There must be secure and there must be recognized borders.’ President Ronald Reagan in September 1982 stated, ‘In the pre-1967 borders, Israel was barely 10 miles wide at its narrowest point. The bulk of Israel’s population lived within artillery range of hostile armies. I am not about to ask Israel to live that way again.’ Secretary of State George Shultz in September 1988 declared, ‘Israel will never negotiate from, or return to, the lines of partition or to the 1967 borders.’ President Bill Clinton in his final January 2001 attempt to promote a solution continued to emphasize the importance to Israel of ‘secure and recognized boundaries.’ Even the Palestinians who initially bitterly opposed Resolution 242 ultimately accepted it when the PLO signed the Declaration of Principles with Israel in September 1993. In an April 14, 2004 letter to Prime Minister Ariel Sharon responding to Israel’s announcement of the unilateral Gaza withdrawal, U.S. President George W. Bush wrote that ‘the United States reiterates its steadfast commitment to Israel’s security, including secure, defensible borders.’ More explicitly, Bush stated that ‘in light of new realities on the ground, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949, and all previous efforts to negotiate a two-state solution have reached the same conclusion. It is realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities.’ The U.S. Congress endorsed the letter in joint resolutions by the Senate (95–3) and the House (407–9)” (emphasis added).

⁹¹ See Baker (2013).

one example out of hundreds in which states victorious in wars gained territory from the loser; e.g. China's occupation of Tibet), why is only Israel being attacked on this regard?⁹² How can we talk of an occupation when most Palestinian Arabs are under PA administration (or Hamas in Gaza)?

A critic could answer that most Palestinian Arabs are under the administration of the PA or Hamas but, although there is no legal entity as a state being occupied, it is a people who are being so treated. But the plight of these people is due to their own government. If Hamas and the PA would only cease and desist from their depredations, Palestinian Arabs would already have a state of their own. Arab movement is indeed restricted due to the ongoing Israeli military presence in the area; however, these constraints are not the same as a full military "occupation". Despite the problems that this creates, there is no reason to think that Israeli security concerns are erroneous. From whence do they spring in the first place? From a large history of unwarranted attacks against Jews.

Since the cause of this situation is Arab rejection of Jewish presence in Israel, IDF incursion to stop attacks and preempt them is eminently understandable, at least to disinterested commentators, of which there are all too few. One needs to see the full context in order to understand this subject. Focusing, for instance, only on movement restrictions without taking into account Palestinian violence and attacks is mistaken. The latter is the very cause of the former. If Arab violence is removed from the equation, there would be no restrictions, nor security fences, nor check-points. None.

Perhaps the massive brainwashing of population that the PA does so well may have something to do with the absence of peace, rather than Jews building on unowned land? The promotion of martyrdom and hatred by the PA? No, *only* Israel is to blame.

We concede that the US did not actively vote on the *UNSC Resolution 2334*, but *abstained and did not veto it*. Although a US abstention is *per se* a neutral policy (which libertarians ought to support as a general form of foreign policy), the wider context shows exactly the opposite. The resolution was fully promoted by Obama's administration (and then correctly condemned by Donald Trump), supported by the US behind the scenes, and pushed by the US⁹³ (The Times of Israel Staff 2016a). Abstention was chosen precisely in order to say to the world "we cannot oppose settlements and veto the resolution at the same time," pretending to show "consistency" in the US approach. The reality is the exact opposite: they did it because abstaining assured that the resolution *would pass*, since the rest of the UN Security Council (UNSC) was strongly on the 'Yes' side. Also, just a few days later US Secretary John Kerry (2016) gave a speech where he explained some points in order to promote a final "peace" settlement, i.e. the interventionism of the US government

⁹²The Arabs may not win any wars against the Israelis, but we must credit them with winning all the "peaces" that followed them. Our hats are off to them in this regard.

⁹³See also Abramowitz (2017).

against *Israel*. Although abstaining is typically the (non-interventionist) libertarian policy, in the full context this was far from being the case.

Should a proper minarchist government always abstain from voting in such an international organization without focusing on the context⁹⁴? There are two possible viewpoints here.

First, if there is no violation of individual rights (such as in the case of voting under this scenario in an institution like the UN, instead of ‘foreign aid’ or military operations), it could be contended that such a government should side with the party which is in the right according to libertarian standards.

Briefly, the land being discussed (the “settlements” that expand in Judea and Samaria) is unowned, and therefore it may properly be built on. The presence of Jews on unowned land cannot be an obstacle to peace, because people have a right to build. So do the Arabs, of course. What, then, is their complaint? They do not want any Jews to remain in Israel. UN legalities are irrelevant.

The “settlement” policy allows free homesteading,⁹⁵ fully comtable with libertarianism. Since we believe that Israel has a proper right to those areas, why would any country oppose it? A valid libertarian vote should have been to veto the UN resolution, since abstaining would promote an injustice: not only to declare the settlements illegal as such, but also to allow the possibility of foreign governments to prosecute Israeli citizens merely for living in previously unowned areas as “occupiers”. Plus, since the US is a member of the UNSC,⁹⁶ why not vote for what is right⁹⁷? In the context that the US pushed for the resolution and promoted it, the abstention should have been seen as in effect a “Yes”. Moreover, given that the US pushed for it, a veto would have been the libertarian way since it would have canceled the previous interventionist stance.

Hence, this UN resolution is anathema to classical liberalism and libertarianism as it declares the homesteading of unowned land illegal. Any libertarian who supports such a resolution is denying the basic tenet of this philosophy, and supports the ownership of virgin land by fiat, which is what the Palestinian Arabs claim.

Here is a second view: the libertarian position ought to be plain and simple: to abstain (Block, 2017). Why? Since a policy of country *A*’s is none of country *B*’s business (as long as the citizens of the latter are not improperly harmed⁹⁸ by *A*). Thus, *B* should not butt in to someone else’s affairs.

⁹⁴The present authors wish to say that, on this issue, there was disagreement among ourselves with respect to defining or not this abstention as libertarian. Yet, we wanted to present both approaches in the present work, so the reader could judge for himself. See also Block (2017a).

⁹⁵This is not even fully the case since during the years 2009–2017 the Israeli government (pressured by the US and the “international community”) placed enormous restrictions on building and the approval of new settlements or expansion of current ones.

⁹⁶The present authors support the US abandoning the UN.

⁹⁷Neuer (2016).

⁹⁸In the libertarian philosophy, we are entitled to harm each other in a myriad of ways; compete for customers, mates, etc. We are not allowed, only, to violate the rights of others.

In any case, what cannot be ignored is that, apart from the vote itself, the US promoted the resolution, thereby condemning Jewish homesteading and perpetuating a lie: the absence of peace is Israel's fault, because Jews are building property in land that Palestinians claim to own by fiat.

The opposition to some neighborhoods in Jerusalem, regarded as "settlements", is also highly problematic. To assume that Israel cannot choose its capital, nor its citizens build in it, is to deny its sovereignty (Gold 2011). To posit that because the majority of the population of East Jerusalem happens to be Arab then it should be the capital of a Palestinian Arab state is as logical as arguing that Chinatown in New York City must be delivered to Chinese sovereignty because it has a majority population of Chinese origin. Consider this example with respect to the neighborhood of Gilo mentioned in a *The Jerusalem Post* (2016) editorial:

"Housing construction in a long-established Jerusalem neighborhood – Gilo was founded in 1973 – cannot by definition be located in a 'settlement.' But the meaning of words doesn't matter to the European Union as well, which said the decision to build in 'the settlement of Gilo, built on occupied Palestinian land in east Jerusalem, undermines the viability of a two-state solution."

We interject – what renders Gilo occupied Palestinian land? There was nothing there, it was empty, prior to Israel's development of it.

Further, as pointed out earlier, when Arabs of Jerusalem are given the choice between Palestinian passports or Israeli ID cards, they overwhelmingly choose the latter, which means that the vast majority of them would prefer be ruled by the Jewish rather than an Arab state. If they voluntarily choose this, how can they possibly be *forcibly* occupied? True, wherever there is a government, it occupies people's lives to some extent. But if East Jerusalem were given to the PA, they would still be occupied, only now by an Arab government they reject rather than a Jewish one they prefer. *The Jerusalem Post* editorial continues:

"Almost half a century since Israel reunited its bitterly divided capital city – divided, like Berlin once was, by war – the media ignorantly parrot the Palestinian narrative that claims east Jerusalem as its future capital, as if the section of the city that the invading Arab Legion captured and which Jordan occupied for 19 years had been an historic entity. Consistent with this warped view, the foreign media insistently refer to Jews living in the heart of their historic capital as 'settlers.'

"They capitalize the term 'East Jerusalem' as if it were a *historical* fact, like the erstwhile East Berlin. In simple truth, it is an ideology-driven, but geographically impossible term, especially with regard to Gilo. The capital's southernmost neighborhood is on the other side of town from the area misnomered as 'East' Jerusalem. *Purchased* by Dov Joseph for the Jewish National Fund during the 1930s, Gilo was once indeed occupied territory: it was Jordanian-occupied Israeli territory from 1949 to 1967, after which its Israeli sovereignty was restored.

"One country stands out in its defense of truth from those who seek to delegitimize Israel: Australia. Its attorney-general told the Senate last week that Australia will no longer refer to east Jerusalem as 'occupied' territory. 'The description of east Jerusalem as 'Occupied East Jerusalem' is a term freighted with pejorative implications, which is neither appropriate nor useful,' George Brandis said" (emphasis added).

In this regard, also consider the following: Israel is the only country that ever guaranteed freedom of worship in Jerusalem and respect for individual rights. What would be the result of delivering half of the city to the PA? Who could guarantee that a Hamas takeover would not take place? Even if it did not, why would the PA offer religious freedom to Jews and Christians in its territory? Does anyone think it actually would, or does nobody really care about that? The world denies Israel its right to choose its capital by not placing their embassies and diplomatic missions in Jerusalem⁹⁹; they do so with the excuse of “not interfering” in the “conflict.” Yet, that did not stop some of them from establishing diplomatic missions that deal with the Palestinian Authority, in Jerusalem itself (Aslan-Levy 2017b). In fact, what they constantly do is to interfere with Israel, in addition to condemning its actions at the UN and other international forums.

US President Donald Trump has recently changed this policy, officially recognizing Jerusalem as the capital of Israel by placing the US embassy there. As far as we are concerned, this does not change much practically, but can be cheered from a non-interventionist standpoint, one typically championed by classical liberals and libertarians. This is simply because Israel claims Jerusalem as its capital, and to contest that would constitute interference in the internal affairs of another nation. Placing an embassy in a city that a country does not consider its capital is by itself an unjustified intervention. Rather than cheer this move on from a messianic standpoint as some do, we see no significance in this other than to applaud it on grounds of practicality and non-intervention. The decision distances foreign powers from a conflict that should not be involved in at all. Whatever any state wants to call its capital should be respected by all others.¹⁰⁰

In any case, as Israeli diplomat Dore Gold (2002) notes, the expression “occupied territories”¹⁰¹ is almost exclusively applied to Israel’s control of Judea and Samaria: “For example, the U.S. Department of State refers to Kashmir as ‘disputed areas.’ Similarly in its *Country Reports on Human Rights Practices*, the State Department¹⁰² describes the patch of Azerbaijan claimed as an independent republic by indigenous Armenian separatists as ‘the disputed area of Nagorno-Karabakh.’”

Gold (2002) continues:

“Despite the 1975 advisory opinion of the International Court of Justice establishing that Western Sahara was not under Moroccan territorial sovereignty, it is *not* commonly accepted to describe the Moroccan military incursion in the former Spanish colony as an act of ‘occupation.’ In a more recent decision of the International Court of Justice from March

⁹⁹Apart from a few others such as Paraguay and Guatemala, and, now, happily, the US with the Trump administration. The former countries followed the decision of the latter.

¹⁰⁰Suppose Israel moved its Canadian embassy from Ottawa to Regina. Would this not be an insult to that country?

¹⁰¹On *UNSC Resolution 242* see Rosenne (2014) and Lapidoth (2011).

¹⁰²Following this path, another State Department Report devoted more pages analyzing the Human Rights situation in Israel than any other country in the world, except China (which gets the same attention). See Tibor (2017).

2001, the Persian Gulf island of Zubarah, claimed by both Qatar and Bahrain, was *described* by the Court as ‘disputed territory,’ until it was finally allocated to Qatar” (emphasis added).

As we can see, if it is not about Israel, there is no international pressure to designate such territories as “occupied.” With respect to the legality of territories acquired as a result of self-defense, Gold (2002) maintains: “International jurists generally draw a distinction between situations of ‘aggressive conquest’ and territorial disputes that arise after a war of self-defense. Former State Department Legal Advisor Stephen Schwebel, who later headed the International Court of Justice in the Hague, wrote in 1970 regarding Israel’s case: ‘Where the prior holder of territory had seized that territory unlawfully, the state which subsequently takes that territory in the lawful exercise of self-defense has, against that prior holder, better title.’”

What happened in 1967, according to Gold (2002), follows this path:

“...Here the historical sequence of events on June 5, 1967, is critical, for Israel only entered the West Bank *after* repeated Jordanian artillery fire and ground movements across the previous armistice lines.¹⁰³ Jordanian attacks began at 10:00 a.m.; an Israeli warning to Jordan was passed through the UN at 11:00 a.m.; Jordanian attacks nonetheless persisted, so that Israeli military action only began at 12:45 p.m. Additionally, Iraqi forces had crossed Jordanian territory and were poised to enter the West Bank. Under such circumstances, the temporary armistice boundaries of 1949 lost all validity the moment Jordanian forces revoked the armistice and attacked. Israel thus took control of the West Bank as a result of a *defensive war*. ...Under UN Security Council Resolution 242 from November 22, 1967 -- that has served as the basis of the 1991 Madrid Conference and the 1993 Declaration of Principles -- Israel is only expected to withdraw ‘from territories’ to ‘secure and recognized boundaries’ and not from ‘*the territories*’ or ‘*all the territories*’ captured in the Six-Day War. This deliberate language resulted from months of painstaking diplomacy. For example, the Soviet Union attempted to introduce the word ‘all’ before the word ‘territories’ in the British draft resolution that became Resolution 242. Lord Caradon, the British UN ambassador, resisted these efforts. Since *the Soviets tried to add the language of full withdrawal but failed*, there is no ambiguity about the meaning of the withdrawal clause contained in Resolution 242, which was unanimously adopted by the UN Security Council” (emphasis in the original).

The obsession against Israel is not the exclusive property of any one party: it is widespread throughout the world with just a few exceptions. Of course, this mania is even greater among the Palestinian Arabs. Israel is blamed for the problems in the Arab world in general (and, why not, the world as a whole, as we saw in the aforementioned quote by Mahmoud Abbas¹⁰⁴), and for Palestinian affairs in particular. This is true even in those cases where Israel had no involvement whatsoever. As Daniel Polisar (2015) expounds:

“Who is responsible for the problems plaguing the Palestinians? During the last two decades, the four institutes whose surveys I examined have asked numerous questions on this subject, and on 53 occasions have offered Israel as one of the possible answers. In all but one case, *Israel was the answer most widely chosen*, usually by a statistically significant

¹⁰³ Moreover, recently unclassified documents of the Six Day War prove that Jerusalem was conquered as a result of the war imposed by Jordan on Israel, and not as the result of any plan; see Lozowick (2017). For more on the reasons for the war see Karsh (2017).

¹⁰⁴ Marcus and Zilberdik (2017).

margin—including when it came to problems that at least at first glance seemed largely internal. Among these were clashes between PA police and Hamas that left thirteen dead (1994), Palestinian economic problems (2000), the hindering of political reform in the PA (2001), Mahmoud Abbas’s decision to resign as prime minister (2003), lack of law and order in PA-held territories (2004), the blocking of reform in the PA (2004), the Hamas coup that wrested control of Gaza from Fatah (2007), a water crisis in the West Bank and Gaza (2010), a fuel shortage in Gaza (2012), the inability of the PA to pay its employees (2013), and the ongoing inability of Hamas and Fatah to reconcile (2015)” (emphasis added).

It seems as if the verdict is in (everything is Israel’s fault), while the indictment keeps changing. Why any intellectual would credit such goings-on is a mystery. Even more enigmatic is that most of them do exactly that.

Polisar (2015) continues,

“In matters that necessarily involved both Israel and the Palestinians, massive majorities blamed Israel and denied any responsibility on their side. Cases in point include the suspension of negotiations between Israel and the PLO (1997), the failure of talks at Camp David (2000), the breakdown of a ceasefire during the second intifada (2003), the collapse of the peace process (2004), the outbreak of the first Gaza war (2008), the non-implementation of the Oslo accords (2012), the outbreak of the second Gaza war (2012), and the breakdown of negotiations between the sides and the third Gaza war (2014).”

What about the PA and its territorial demands? It wants to expand its scope of control over larger areas in Judea and Samaria by means of creating illegal settlements. If Jewish “settlements” are illegal, then why not those of Arabs? Either anyone can legitimately homestead virgin land or not. But for the international community the only barrier to peace are Jewish “settlements”.

Josh Hasten (2017), international director for the Think Tank *Regavim*, explained that:

“...strategically placed mini-towns set up by the Palestinian Authority and *financed by the European Union* to the tune of hundreds of millions of euros, with the explicit goal of taking over strategic lands in Area C with the aim of creating a de facto Palestinian state.

“This plot is clearly outlined in a lengthy 2009 policy paper by then Palestinian prime minister Salam Fayyad. Known as the Fayyad Plan, the logic was that by creating substantial facts on the ground, the PA with the support of the international community would lay claim to those areas, and demand that they be part of ‘Palestine’ in any future negotiations with Israel. And that’s where the EU comes in – to serve as the key financier of the project. Over 1,000 illegal structures – including houses, bathrooms, storage spaces, etc., with more being erected nearly daily throughout Judea and Samaria, now proudly bear the EU flag. The EU’s false claim is that it is involved in these building endeavors for ‘humanitarian purposes’ to provide for the Beduin in these areas. Ironic though, that the EU symbol can only be seen on structures in Area C; none can be found in areas A or B, nor can they be found in Beduin communities throughout the rest of the Middle East.”

Moreover, why are the PA intentions so clear? Tawil (2017) notes:

“The Palestinian building is taking place mostly in what is called Area C of the West Bank, which, under the terms of the Oslo Accords, is supposed to be under exclusive Israeli control. The building has also been mushrooming in many neighborhoods -- even in entire villages -- surrounding Jerusalem from the north, east and south, leaving the city with only one option: to expand towards the west, thereby building a giant collar of cement effectively to surround and choke off Jerusalem from the Jews.

“[...] The new neighborhoods are located in Kufr Akab, Samiramis, Kalandya, Beit Hanina, Shufat, Ras Khamis and Anata in the north of Jerusalem.

“[...] Palestinians estimate that in the past few years they have managed to build more than 15,000 illegal housing units in areas surrounding Jerusalem as part of a plan to encircle the city. The construction continues to this moment, unabated. Partial funding comes from the Palestinian Authority (PA) and some Arab and Islamic countries (sic) These countries include *Qatar, Saudi Arabia, the United Arab Emirates, Kuwait and other oil-rich countries in the Gulf.* [...]”

“In Area C, a stretch of land accounting for 60% of the West Bank, the European Union, which bitterly condemns construction in Jewish settlements as illegal, *openly funds illegal construction carried out by Palestinians.* The EU argues that its support for Palestinian construction falls under the category of ‘humanitarian relief’ and is *permissible* under international law.

“The EU’s real goal is to help the Palestinians create these irreversible facts on the ground ahead of any possible future peace deal between the Palestinians and Israel. It is aimed at facilitating the mission of the Palestinians to seize as much land as possible, even if that means funding illegal construction or providing mobile homes to Palestinian communities in this area” (emphasis added) (Tawil 2016).

Of course, there is nothing wrong with homesteading virgin territory, whether by Jews or by Arabs. What is unjust, however, is to denounce only one of such homesteading projects as illegal. Either *both* are legitimate, or neither is.¹⁰⁵ European, as well as other countries not only condemn Israel for doing this, but also fund Palestinian Arabs to do the same. The premise is, of course, that this is properly Palestinian territory, without any basis in reality.

Nevertheless, if the “Two State Solution” is, as history has shown until now, no solution at all, what are the alternatives (which John Kerry regarded as non-relevant¹⁰⁶)? In an article in *The New York Times*, Yishay Fleisher (2017), International Spokesman for the Jewish Community of Hebron, mentions some of them (Table 4.2).

A Palestinian-Jordanian confederation could be another possible option.¹⁰⁷ At this point in the book, however, we are in condition to identify the fundamental premise for peace to be finally achieved. Given that the core of the situation is the Arab rejection of Jewish presence in the area, the key to its solution is for them to *finally accept that the Jews are here to stay.* Daniel Pipes (2009b) wrote about, “the need to break [the] Palestinian will to fight”.¹⁰⁸ This is in line with Jabotinsky’s (1923) thought, and ours. Once the Arabs accept that Israel will remain permanently, they

¹⁰⁵ We can also contemplate a more radical position. Jewish, but *not* Arab settlements are justified. Why? Jews were there two millennia ago, Arabs were not.

¹⁰⁶ In a speech on Middle East “peace”, that former US Secretary John Kerry delivered at the State Department in Washington, DC (December 28, 2016), he said: “So the settler agenda is defining the future of Israel”. See Kerry (2016). Kerry also insisted on the demographic subject in order to promote fear about a supposed increase in the Arab population that would devoid Israel of a Jewish majority (if it chooses to annex Judea and Samaria). On this see Roman (2016) and Glick (2014, 122–135).

¹⁰⁷ See Frisch and Sokoloff (2017). For the demographic and territorial approach, and possible land swaps, see Makovsky et al. (2011).

¹⁰⁸ Similar to this approach, see Danon (2019).

Table 4.2 Possible Alternatives to the “Two State Solution”

Idea	Author	Plan
Jordan is Palestine	Aryeh Eldad and Benny Alon	Israel annexes Judea and Samaria, while Arabs living there get Jordanian citizenship and Israeli residency.
Annexation of Area C, and Arab Self-Rule in Areas A and B	Naftali Bennett	Israel annexes Area C in Judea and Samaria (where Jewish towns are concentrated) and Arabs in that area are offered Israeli citizenship.
Palestinian Autonomy in Seven Non-Contiguous Emirates, and Israeli Annexion of the remaining Judea and Samaria	Prof. Mordechai Kedar (Bar-Ilan University)	Part of the stability of Gulf Emirates in the Middle East is based on it being formed by traditional groups or tribes. Palestinian Arabs are also comprised of groups, and city-based clans. Hence, Palestinian Arabs would have autonomy in seven non-contiguous emirates (Gaza would be one) based in Arab cities. The rest of Judea and Samaria would be annexed by Israel and Arabs outside those emirates would be offered Israeli citizenship.
One State Solution	Caroline Glick	Israel would annex Judea and Samaria and offer Arabs Israeli citizenship ^a .
Annexation	Tzipi Hotovely	Israel would annex Judea and Samaria, and give Arabs residency rights, and citizenship to those that pledge allegiance to it ^b .
Zehut Plan	Moshe Feiglin and Martin Sherman	Populations exchange with Arab countries (considering the 800,000 Jews expelled from them). Large compensation packages would be offered to Palestinian Arabs in Judea and Samaria to emigrate.

Source: Fleisher (2017)

^aFleisher (2017) comments on the demographic challenge of this proposal: “New demographic research shows that thanks to falling Palestinian birth rates and emigration, combined with opposite trends among Jews, a stable Jewish majority of above 60 percent exists between the Jordan River and the Mediterranean (excluding Gaza); and this is projected to grow to about 70 percent by 2059”

^bFleisher (2017) comments on this: “Others prefer an arrangement more like that of Puerto Rico, a United States territory whose residents cannot vote in federal elections. Some Palestinians, like the Jabari clan in Hebron, want Israeli residency and oppose the Palestinian Authority, which they view as illegitimate and corrupt”

will proceed to pursue a peace agreement. In fact, this happened with Jordan and Egypt once they understood that wars could *not* destroy Israel.

Pipes (2009b) comments that, instead of pursuing true victory, Israelis tried to design several alternatives (Table 4.3).

Moshe Yaalon, former Defense Minister of Israel (2013–2016), appears to support Shimon Peres’ approach, again, focused on the economy. Given that the Palestinian Arab economy is heavily connected to Israel, he maintains that to promote economic growth and development would increase understanding and finally arrive at peace. Yaalon (2017) claims:

“No Palestinian entity could survive, for example, without a close connection to the Israeli economy. The center of gravity of the Palestinian economy is not Ramallah; it is Tel Aviv. About 100,000 Palestinians are employed inside pre-1967 Israel, both legally and in the

Table 4.3 Former Proposed (and failed) Solutions

Idea	Proponent
Territorial compromise	Yitzhak Rabin (and the Oslo process)
Develop the Palestinian economy	Shimon Peres (and the Oslo process)
Unilateralism (build a wall, withdraw from Gaza)	Ariel Sharon, Ehud Olmert, and the Kadima party
Lease the land under Israeli towns on the West Bank for 99 years	Amir Peretz and the Labor Party
Encourage the Palestinian Arabs to develop good government	Natan Sharansky (and George W. Bush)
Territorial retreat	Israel's Left
Exclude disloyal Palestinian Arabs from Israeli citizenship	Avigdor Lieberman
Offer Jordan as Palestine	Elements of Israel's Right
Expel Palestinian Arabs from lands controlled by Israel	Meir Kahane

Source: Pipes (2009b)

gray economy. Another 60,000 are employed inside the West Bank in the settlements and in Israeli industrial zones. Thousands more are employed in the territories by Palestinian sub-contractors of Israeli enterprises. More than 80 percent of Palestinian exports go to the Israeli market.

“...So what is to be done? I favor a policy of bottom-up change and incremental progress, trying to build a durable structure of peace on solid foundations rather than sand...”

“The first component of such an approach would be the *promotion of Palestinian economic growth and infrastructure development*. More Palestinian workers should be allowed into industrial zones and settlements in the West Bank, and more Israeli-Palestinian joint ventures should be encouraged. More Palestinian industrial zones should be developed, and Israeli natural gas should be *delivered* to the West Bank and Gaza. A Palestinian power station should be *constructed* near Jenin, the capacity of the power station in Gaza should be *increased*, and there should be a solar field *installed* adjacent to the Gaza Strip. There should be a desalination facility *built* in Gaza, and the agricultural sector should be *promoted* across the territories. And the success of Rawabi, the new planned city, should be replicated in other regions of the West Bank.

“At the same time, Israel should do what it can—both directly and by enabling the efforts of others—to *help improve Palestinian governance*, anticorruption efforts, and institution building in general. At all times, however, Israel should be mindful to avoid patronizing the Palestinians; it is not Israel’s business to impose its way of governing on the PA or to choose leaders for it; rather, the goal is to provide opportunities for the Palestinians to determine their own future.

“All of this should be done against the backdrop of Israeli-Palestinian security cooperation under the heading of ‘One authority, one law, one weapon.’ This means that the pa, with Israel, needs to work to prevent the emergence of any independent armed groups and to maintain a monopoly on the use of force in the areas under its control. Within this framework, Israel should do everything in its power to *train* Palestinian police and security personnel to meet the PA’s daunting security challenges. As long as it is necessary, however, Israel will need to retain its current freedom of operation for its own military and security forces throughout the West Bank.

“Such a *bottom-up approach* should have a diplomatic component as well, ideally a regional initiative that would bring in *Arab states* interested in helping to manage and

eventually *solve* the Israeli-Palestinian conflict—whether or not those states have formal relations with Israel” (emphasis added).

But this view has already run into problems. It is a recycling of previous proposals. From a libertarian standpoint, using taxpayer money to artificially support an economy is both theft and promotes malinvestment. Just as an economy grows best with a limited or even lack of government intervention, other countries would do well to cut off all aid to the Palestinian Arabs as well as to Israel, and Oslo-era restrictions against trade between the two people should be rescinded. The concept of Area A forbids any Israelis from entering. Business cannot be conducted this way.

It is also generally known that government support increases poverty. Israel’s financial support of the Palestinians increased their growth artificially but did not enhance their organic productivity. Israel built universities, schools, sewers, provided gas, water and electricity, and trained medical personnel which to this very day eradicated diseases such as smallpox. Life expectancy has increased by 50% and infant mortality has fallen by two-thirds in those areas (Gordon 2016b). But it is institutions such as the free market and the rule of law that the Palestinian Arabs lack. Did they but have them, this would put them on the path to progress. The PA, however, is focused in destroying, rather than building.

After the Gaza Disengagement Plan in 2005, Israel even left the greenhouses of the Israelis who lived there.¹⁰⁹ They could have been destroyed, in a fit of pique. They were not. In a testament to how little Arab rulers care about the well-being of their subjects, these valuable greenhouses were simply destroyed by Palestinian Arabs (Isseroff 2005b),¹¹⁰ and the synagogues desecrated and demolished (The Telegraph 2005). Peace was not “given a chance.” The exit of Israel was celebrated with more than 10,000 rockets fired by the Gazans northward and eastward. The fundamental problem with Yaalon’s approach is that its premise is that it is ultimately Israel’s responsibility, and *only* Israel’s, to achieve peace. “Israel should” is the focus. What about the PA’s and Palestinian Arab’s “should”? They are nowhere in sight.

Palestinians do not trust other Arab states (Abu Toameh 2017) either. To assume that Israel can get closer to an understanding by training the PA Police or “improve Palestinian governance” is to forget Oslo and repeat it all over again. This is so because the PA is part of the problem, not the solution. The only reason the PA is looked upon as “moderate” by the international community is because it is compared to even more maniacal Islamist movements such as Hamas. Yet, it is nevertheless not afraid to join with them in unity governments (BBC 2014). We indeed support the idea that a bottom-up process is the only one that could work. But it does not have anything to do with what Israel does or does not do. It depends essentially on the Palestinian Arabs’ cessation of rejection of Israel and the Jews.

¹⁰⁹For more on the support to the Palestinian Arab Economy by Israel see Leadership Action Network (2012).

¹¹⁰Talk about cutting off your nose to spite your face.

It is illuminating to examine the reaction of world leaders, media and the Israeli left to the foregoing phenomenon. Whenever negotiations for a Palestinian state fail, the blame is placed on the “Israeli right”.¹¹¹ If by this phrase we are to understand the opposition to a “Two State Solution”, then there is no relevant Israeli right (at least not with enough political power), since this “solution” was the mainstream approach ever since Oslo was signed in 1993.

Is there really no peace because of the “Israeli right”? If this group is so strong, how is it that Oslo happened? It is not that strong, it would appear. If it is so strong, why did Israel retreat from a security area in southern Lebanon in 2000, which allowed Hizballah to rearm itself, and go to war in 2006 against Israel? That does not bespeak any great influence. If it is so strong, how is it that Arafat denied Barak’s offer in 2000? This had nothing to do with the “Israeli right”. If it is so strong, why the Gaza Disengagement Plan? It was implemented by Ariel Sharon, who was hated by the left and treated as a “hawk”. Where and how was the “Israeli right” involved in the failure of the “Two State Solution”, if this was almost universally accepted by Israel’s political mainstream?

As Nobel Prize recipient Robert Aumann (2010) explained, aided by game theory, negotiating with an irrational agent (such as the PLO) will only work to the expense of the rational side, and will bring about no peace. This author clarifies his point by means of the “Blackmailer’s Paradox”. Here, the irrational side presents unbreachable and impossible conditions for a settlement, while the rational side resorts to the “irrationality” of *conceding everything in the hope of getting something*, but finally getting little or nothing. In other words, Oslo, once again.

On the Palestinian side, the mechanics of “negotiation” go like this: In English, the Palestinian representative explicates that he has no counterpart for negotiations. Israel is pressed by the EU, the US¹¹² and the UN to keep making concessions that are met with no reciprocation by the Palestinian side. In the Arab language, the Palestinian representative says that his group supports Israel’s destruction, promotes hate, and indoctrinates its children to hate Jews. Then he goes to the UN and says, again in English¹¹³ that he wants to negotiate a “Two State Solution”. Of course, Israel must accept that its capital (Jerusalem) will belong to the new Palestinian state, ethnically cleanse Judea and Samaria of Jews, and receive 4.5 million Palestinian Arab “refugees”. Israel rightfully refuses to accept these ridiculous demands that would result in national suicide, and the Palestinian again declaims that “I have no counterpart for peace”, when it is *he* who refuses to make any

¹¹¹ It cannot be denied that a large part of the communitariat typically blames, all Jews, all Israelis, and often throws in “Jew-lovers” for good measure.

¹¹² Comedian Dave Barry (2001, 38) refers to the futility of pressuring Israel to sign accords with unwilling enemies by humorously writing a new section for the US Constitution saying: “Every six months, the President shall get delegates from Israel and one of Israel’s neighboring nations to meet in some unknown dirtball little burg in Maryland or West Virginia that has no decent restaurants, and he shall make them stay there until they sign a Historic Peace Accord, which shall have the life span of a duck in a trash compactor.”

¹¹³ Directly, or in translation.

concessions. In contrast, when Israel offers a compromise it is labeled as hypocritical and its motives are questioned. When it refuses to embrace national immolation, it is characterized as a “fascist” regime. The “Two State Solution” is not a peace formula, but a recipe for eternal war.

The PA has done nothing, nor cares to do anything, to improve the economic situation of the Palestinian Arabs.¹¹⁴ As Evelyn Gordon (2016b) claims, with respect to their refugee camps:

“...Granted, Israel left the camps intact mainly because its one attempt to provide refugees with better housing back in the 1970s elicited such brutal opposition from the PLO—which threatened to kill refugees who accepted the offer—that it backed down. But regardless of the reason, the refugee camps are precisely the kind of open sore that Palestinian statehood is theoretically supposed to solve.”

Here again we have welfare on a massive scale, not solving anything, rather making matters worse. This should not be surprising. Gordon continues:

“In reality, however, the PA has done nothing for the refugees. More than two decades after the PA’s establishment, the refugees’ schooling, healthcare and welfare allowances are still provided and funded wholly by UNRWA, the UN agency created especially for this purpose. Or, to be more precise, by the Western countries that *fund* most of UNRWA’s budget. Nor has the PA moved a single refugee into better housing. And this isn’t because Israel has somehow prevented it from doing so; most of the refugee camps are located in Area A, *the part of the West Bank under full Palestinian control...*

“Moreover, this neglect is quite deliberate: The PA doesn’t see the refugees as citizens to be served, *but as a weapon aimed at Israel*. They are kept in miserable conditions for the express purpose of creating sympathy for the Palestinian demand that they all be relocated to Israel, thereby eradicating its Jewish majority...” (emphasis added).

In another article, Gordon (2016a) comments:

“[...] Abdullah Abdullah, the chairman of the Palestinian Legislative Council’s political committee and a member of the Fatah Revolutionary Council, one of the ruling Fatah party’s main governing organs.... [said in 2011] while serving as the PLO’s ambassador to Lebanon [...] in an interview with the Lebanese *Daily Star*:

“‘The ambassador unequivocally says that Palestinian refugees would not become citizens of the sought for U.N.-recognized Palestinian state...’

“‘This would not only apply to refugees in countries such as Lebanon, Egypt, Syria and Jordan or the other 132 countries where Abdullah says Palestinians reside. Abdullah said that ‘even Palestinian refugees who are living in [refugee camps] inside the [Palestinian] state, they are still refugees. They will not be considered citizens.’

“‘Moreover, Abdullah continued, *the United States would be responsible for their education, healthcare and welfare*” (emphasis added).

¹¹⁴On the difference between the PA economy and that of Israel see Tanner (2012).

The Arab majority rejects Israel, Zionism and Jews; however, there was and still exists a minority¹¹⁵ that supports them (Gordon 2017e).¹¹⁶ As Daniel Doron (2015) comments:

“When the Arabs received, in the post-World War I peace conference, 93 percent of the vast territories of the Ottoman Empire, their representative, the Emir Faisal, the ruler of Arabia, willingly relinquished any claim to the territory on which the British were to receive a mandate designated, by international sanction and with the Arabs consent, as a Jewish national home.”

Of course, the Mufti Haj Amin Al-Husseini won over public opinion, and Jew-hatred turned common in the Middle East in general and Palestinian Arab society in particular.¹¹⁷ However, in the modern era nearly 20% of Palestinian Arabs are willing to live in peace with Israelis (Pipes 2003b, 2005¹¹⁸). Yet, this minority is still, unfortunately, *politically* irrelevant.¹¹⁹

How, then, could it be possible to promote the increase of this peaceful minority at the expense of the rejectionist camp? First and foremost, by standing for what is right: Jews have a right to form their state, Israel, and to stop making unwarranted concessions; they are not widely understood as a gesture towards peace, but as a sign of weakness. They are interpreted as appeasement. The key is to “break the Palestinian will to fight” (Pipes 2009b). Only when they understand that Israel is here to stay, will they be willing to abandon their weapons and continual war. As Vladimir Jabotinsky (1923) explained long ago:

“In the second place, this does not mean that there cannot be any agreement with the Palestine Arabs. What is impossible is a voluntary agreement. *As long as the Arabs feel that there is the least hope of getting rid of us, they will refuse to give up this hope in return for*

¹¹⁵As Daniel Doron (2009) explains: “International law too does not support Arab claims to a state in former Palestine. The last international adjudication of the rights to this territory took place in the post-World War I peace conference in San Remo, Italy. The victors generously granted the vast former Ottoman territories to newly formed Arab states (like Arabia, Syria, Lebanon, Jordan and Iraq). Less than 1% of these vast territories were to be given in trust to the British to establish ‘a Jewish national home.’ The League of Nations decided that the Jews had a stronger legal claim to Palestine, their historic and national homeland. *The Arabs, represented by Emir Faisal, agreed. They were happy to receive huge areas of land for such a small price. Fiasal (sic) welcomed the Jews back to their homeland. Only later British colonial machinations incited the Arabs to renege on this fantastic (for them) deal*” (emphasis added). For the subject of current Arab voices for coexistence see Friedman (2015). For a regional approach with respect to new relations between Israel and the Arab world see Pollock (2016).

¹¹⁶For an analysis of the earlier period before the establishment of Israel on this regard (with records on pro-Zionist Arab activity), see Cohen (2008), Pipes (2009c) and Shragai (2019).

¹¹⁷Did not the Arabs always hate the Jews? Not always and not in the same white-hot degree, but widespread hatred exploded when Israel was created, which also explains the excuse for the massive expulsion of hundreds of thousands of Jews from Arab countries at that time. They had lived there, relatively peacefully, for centuries.

¹¹⁸For more on this subject, see Pipes (2008).

¹¹⁹Hopefully, this can change. A recent visit to Auschwitz by a delegation of leading Muslim Arabs, in the context of the 75th anniversary of the liberation of the Nazi extermination camp, may be a step in that direction (Cohen 2020).

either kind words or for bread and butter, because they are not a rabble, but a living people. And when a living people yields in matters of such a vital character it is only when there is no longer any *hope* of getting rid of us, because they can make no breach in the iron wall. Not till then will they drop their extremist leaders, whose watchword is ‘Never!’ And (sic) is ‘Never!’ And the leadership will pass to the moderate groups, who will approach us with a proposal that we should both agree to mutual concessions. Then we may expect them to discuss honestly practical questions, such as a guarantee against Arab displacement, or equal rights for Arab citizen, or Arab national integrity.

“And when that happens, I am convinced that we Jews will be found ready to give them satisfactory guarantees, so that both peoples can live together in peace, like good neighbours.

“But the only way to obtain such an agreement, is the iron wall, which is to say a strong power in Palestine that is not amenable to any Arab pressure. In other words, the only way to reach an agreement in the future is to abandon all idea of seeking an agreement at present” (emphasis added).

Or, as Daniel Doron (2016) discloses:

“Peace can evolve between Israelis and Palestinians, but only once the Palestinians have been freed from the rule of the Palestinian Authority and Hamas. It will require time and patience, but it is achievable. It will come when people realize that peace improves their lives, that peace brings prosperity. Alas, the Oslo Accords put an end to what was an informal economic peace process that could have evolved into a political settlement, perhaps in the form, as in Switzerland, of a loose Arab-Israeli federation of independent cantons. The corrupt government begun by Arafat—imposed on the Palestinians by a clueless Israeli leadership—put an end to this promising evolution.”

Similarly, Harvard Professor Ruth Wisse (2019) observes:

“Self-proclaimed idealists in the late-19th and early-20th centuries had attributed pogroms and anti-Semitism to Jewish deficiencies that were presumably correctable by Jewish reforms. Russian Jewish revolutionaries promoted the renunciation of ‘capitalist’ occupations in favor of Communist or socialist commitment; their modern Israeli counterparts advocated renunciation of land won in a defensive war.

“About all this I wrote: ‘Since Israel’s acquisition of the disputed territories was the *result* of the Arab war against Israel, it could not retroactively have become its *cause*.’ The unilateral aggression would stop, and peace might come, only when Arab leaders agreed to coexistence. Until then, and beyond, Israel would need to prove stronger than those seeking to destroy it” (emphasis in the original).

What is the *ideal* classical liberal solution? It is the same as for almost everything on the face of the Earth. Get government out of the equation. Oslo was a mistake because it relied on states to exchange the property of private individuals by force. The solution, we believe, is to allow free homesteading on any unowned land anywhere in Judea, Samaria, and Gaza, by Jews and Arabs alike. End the Oslo regulations that forbid business from being conducted between Jews and Arabs. Allow world Jewry, privately, not state-sponsored, to come up with a plan to compensate Arabs to leave the area if that is what is desired. The Arabs are also free to try to pay Jews to leave if they think that will work. Let it be a war of dollars rather than bullets. The PA or Hamas, of course, would never agree to any such thing.

The only area in which the state should be involved on any level in this conflict is to blunt it. Meaning, as per minarchy, it should prevent open conflict between

Jewish and Arab homesteaders, and transfer the property of anyone who attacks any civilians, to the victims, while the criminals are subject to the law under the control of the state. There should be no difference between Jews and Arabs in this regard.

It becomes a contest of who can finance and build more. If Arab forces attempt to threaten those who want to take money to leave or sell their businesses or property to Jews, those forces should also be subject to the full extent of the law for threatening violence.

This approach turns the current destructive conflict into a bidding war, which, would save lives. Of course, we also believe the Jews would win such a bidding war, as we do not think that Arabs in the area actually feel such special connection to the land under contention, and even if they do, it is nowhere near as strong as is the Jewish one, from a cultural and historical standpoint. There are many wealthy Arabs, and Jews, too. But, we expect the latter will be more likely to “put their money where their mouth is” than the former.

However, this *ideal* solution omits taking cognizant of the fact that private property rights are not the problem that needs to be solved. Rather, it is the total and unequivocal rejection of Jewish presence in the area. The reality is that the PA already exists, and its goal (as well as that of Hamas) is Israel’s destruction, and not the correct definition of property rights. No free homesteading can take place if Jews are attacked, and Arabs cannot freely exchange with them.

The real solution is for Israel to secure that which is its reason to exist: to allow Jewish homesteading and development in *Judea*. A part of this, of course, involves applying Israeli law¹²⁰ to the Jewish towns in Judea and Samaria. By so doing, it will reaffirm its rights.

In this respect, President Trump’s peace plan¹²¹ (2020) is in the right track, since not only recognizes Israel’s right to Jewish towns in Judea and Samaria, but essentially Israel’s *victory*. The latter does not imply a loss for Palestinian Arabs, but *the end of the war*, and the chance for them to start building instead of destroying. As Alex Selsky, former adviser to Prime Minister Benjamin Netanyahu, explains at *The Jerusalem Post*: “[...] victory has been placed within Israel’s grasp by this plan, not because of the details and percentage of lands it apportions but because it recognizes that *Israel cannot be defeated*, seeks to express that permanently, and front-loads Palestinian acceptance of this.”

¹²⁰Gold (2020a) explains why “annexation” is not the correct way of describing that policy, but rather the “application of Israeli law” to those areas of Judea and Samaria. There is no logic in “annexing” that which is *already owned*. Not applying Israeli law to Jewish towns in Judea and Samaria generated problems for their citizens (and Israel). For an analysis on this subject see Dann (2018). Moreover, although the “international community” will most likely repudiate Israel’s application of Israeli law to Jewish towns in Judea and Samaria, that is the *right* thing to do. These are Jews in Judea. Although Arab countries such as Jordan will probably be the most vociferous critics of this policy, they will eventually understand (Shragai 2020). The Jews are here to stay.

¹²¹See <https://www.whitehouse.gov/peacetoprosperty/> (last visited May 27, 2020).

To return to the syllogism that we presented at the beginning of this chapter, peace is achieved with the enemy. However, the enemy must *want* it. Unfortunately, he does not yet wish anything of the sort.

Let us digress a bit here. To uphold an idea as an absolute irrespective of any evidence (or, sometimes, against evidence) is a form of unreason. In this respect, world opinion and that of the Israeli Left (and some non-Left politicians too), follow this path when they continue to pursue both negotiations with the PA and a “Two State Solution” as the only way towards peace. When confronted with the evidence of their failure, they become angry at the *evidence* that is pointed out to them. They blame the messenger, not themselves.

Postmodernism and socialism, in a particular respect, go hand in hand, according to philosopher Stephen Hicks. Why? Because as this author claims in his *Explaining Postmodernism* (2004), “The failure of epistemology made postmodernism possible, and the failure of socialism made postmodernism necessary”. In other words, when facing the alternative of (in the face of overwhelming evidence against it) abandoning socialism and upholding reason, left wing academics chose to abandon reason in order to give more oxygen to socialism. In this respect, also, they believe “The Two State Solution” *cannot* fail. Thus, contrary to the evidence of its perpetual failure, reason is abandoned and the mantra of the “Two State Solution” is repeated non-stop.

The real solution, is “peace through strength.” And to employ that strategy, Israel must once and for all fully embrace and adamantly defend one of the important building blocks of its very existence: Jewish re-homesteading and development of the land of its forefathers.

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Chapter 5

The True Nature of Anti-Zionism and the BDS Movement



There is a global Israelization of anti-Semitic discourse. The articulation of traditional anti-Semitic stereotypes by projecting them onto Israel is by now the most dominant manifestation of modern Jew hatred

Monika Schwarz-Friesel. (Quoted in Neugroschel (2016))

When people criticize Zionists, they mean Jews. You're talking anti-Semitism!

Martin Luther King. (Quoted in Kramer (2016, 263)).

A reliable way to make people believe in falsehoods is frequent repetition, because familiarity is not easily distinguished from truth. Authoritarian institutions and marketers have always known this fact. But it was psychologists who discovered that you do not have to repeat the entire statement of a fact or idea to make it appear true

Daniel Kahneman (2011, 62).

Anti-Zionism is the ideology behind the hatred of Israel. Armed with the series of myths we have tackled in the previous chapters, it intends to undermine Israel's right to exist, and the right of Jews to homestead land and live in Israel. As an ideology that is increasingly widespread on campuses in America and Europe, and is the intellectual and moral fuel of Israel's enemies, it is of the utmost importance to show its true face and expose it. This is precisely what we are set to do in this chapter.

Every attack against Israeli civilians is justified by anti-Zionists, in one way or another, by using one or more of the following expressions¹ (speaking about the attacker):

“Yes, he is a killer, but *only* of Zionists”; as if deliberately murdering babies could have a justification.

¹Non-exhaustive list, paraphrasing.

“If it was an attack on Zionists, then it is actually an act in favor of *freedom!*”; freedom as when living under the Hamas regime?

“It only wants imperialism and capitalism, of which Israel is an expression, to leave *its* country! End the occupation!”; but the PA already controls most of the Palestinian population, and Hamas, the Gaza Strip.

“It only has a different culture, which should be equally respected as ours, even if on our terms that would be savagery. We must respect *cultural* diversity and *human rights!*”; but are Jews not humans deserving of rights?

“It is the only way for *them* to fight!”; but using human shields is an abomination.

“The concept of Global Jihad is just an *excuse* by the American and Zionist empire in order to steal Arab oil!”; but there is no oil in Israel.

For the mentalities that justify or “understand” attacks against Israeli civilians and create a moral equivalence between the victim and the aggressor, the proper way to respond to such medieval murderers as suicide bombers is to sit down with them and have a decent chat, while drinking tea and eating cookies. They are not able to see that in every such abomination there is an aggressor and a victim, despite the military power that each party may have independent of the attack.

Every action of the aggressor is justified, whereas every attempt of self-defense by the victim is scrutinized with a fine lens, and found wanting. As the case of car attacks (Gross 2017) Israel suffered in 2017 shows, for anti-Zionists no aggression is clear enough to justify stopping it as an act of self-defense. “But the Palestinian was shot!” they scream, while omitting that, 5 minutes beforehand, the same person was driving his car into a crowd of people. Exposing him *in fraganti* means nothing for these cultural relativists. In their mind, everything is allowed to the aggressor, while the victim has just one right: to die, and stop complaining about it.

Of course, not every criticism against Israel amounts to anti-Zionism nor anti-Semitism.² Yet, it is not unusual to disguise the one as a form of the other. As an example, observe that all the old Judeophobic myths that were once ascribed to Jews are now launched against Israel:

1. Before, “the Jews used the blood of young Christians in order to make Matzoh for Passover”; now “the IDF trades organs of Palestinian children” (Sofer 2009).
2. Before, “the Jews controlled the banks and the media”, as in *The Protocols of the Elders of Zion*; now “Israel controls the US Government” (Levy 2014).³
3. Before, “the Jews were responsible for all evil in the world”; now Israel is the most attacked country by the UN, and Human Rights organizations (Neuer 2007).

²We, too, criticize Israel; for not embracing full free enterprise, and not being strong enough in its own defense.

³We readily acknowledge that Jews did and still do disproportionately affect banks, and the same holds for the U.S government. Many Jews work for or manage banks and hold important positions in governments. It is not anti-Semitism to agree with these accurate descriptions of reality. The problem is over-generalization. The view that *the* Jews, as a collective super powerful entity, control pretty much everything under the sun is anti-Semitic.

4. Before, “the Jews killed Jesus”; now Israel is killing Palestinians, and “Jesus was the first Palestinian ‘martyr’” (Mazzig 2019).⁴
5. Before, “the Jews promoted diseases as in the Black Plague”; now “Israel is poisoning Palestinians” (Hadid 2016). Wait, are Zionists not yet implicated in COVID-19? Yes, of course (Patrikarakos 2020; Nelson 2020).

Before, it was the *Jews*, now it is the *Jewish State*. It is the same narrative all over again, but with a twist: not the Jews, but Israel.

On the nature of anti-Semitism, Ludwig Von Mises (1944, 184–185) has written:

“Nearly all writers dealing with the problem of anti-Semitism have tried to demonstrate that the Jews have in some way or other, through their behavior or attitudes, excited anti-Semitism. Even Jewish authors and non-Jewish opponents of anti-Semitism share this opinion; they too search for Jewish faults driving non-Jews toward anti-Semitism. But if the cause of anti-Semitism were really to be found in distinctive features of the Jews, these properties would have to be extraordinary virtues and merits which would qualify the Jews as the elite of mankind. If the Jews themselves are to blame for the fact that those whose ideal is perpetual war and bloodshed, who worship violence and are eager to destroy freedom, consider them the most dangerous opponents of their endeavors, it must be because the Jews are foremost among the champions of freedom, justice, and peaceful cooperation among nations. If the Jews have incurred the Nazis’ hatred through their own conduct, it is no doubt because what was great and noble in the German nation, all the immortal achievements of Germany’s past, were either accomplished by the Jews or congenial to the Jewish mind. As the parties seeking to destroy modern civilization and return to barbarism have put anti-Semitism at the top of their programs, this civilization is apparently a creation of the Jews. Nothing more flattering could be said of an individual or a group than that the deadly foes of civilization have well-founded reasons to persecute them”.

Nowadays, it is not the Jews but Israel that is singled out as the evil “Zionist entity”, guilty of the worst crimes and recipient of the greatest hatred. It is not anti-Semitism but anti-Zionism, its modern politically correct face.

As an expert on this kind of hatred, Monika Schwarz-Friesel (Neugroschel 2016) recently explained, after reviewing more than 15,000 letters sent to Israeli embassies and Jewish institutions throughout Europe (and related to the dramatic rise in online Judeophobia during the last years):

“Many of these letters employ *classical* anti-Semitic stereotypes in order to abuse their addressees, while *demonizing* the state of Israel and Jews. Jews in general are blamed for alleged crimes by the State of Israel that is slurred as ‘a hypocritical terror regime, living of the *blood* of Palestinians,’ or a nation of ‘child-eaters.’ Zionism is being equated with racism and Israel is being called an ‘apartheid regime,’ posing the *greatest* danger to world peace. Such ideas have nothing to do with the reality on the ground. Instead they reflect classic anti-Semitic stereotypes that have been with us for 2,000 years and that brand Jews as murderers and an omnipresent evil force in the world” (emphasis added).

The subject of Israel, apart from being popular, is also “cool” for the politically correct. As a topic dealing with history, politics, and international relations, and other fields in the social sciences, people in general think that they can opine lightly without having any real knowledge of the matter. On the other hand, it would be

⁴See also Palestinian Media Watch (2016c).

difficult to find anyone who, with the same confidence as when talking about Israel and Palestinian Arabs, would discourse on quantum physics or general relativity.⁵ And, when the person is stopped with an “Excuse me, Sir, but can you even mention five Palestinian Arab cities? Or Israeli cities perhaps?”, the other person may respond “Well, excuse me, but this is a democracy and I have a right to free speech!”. Absolutely, we may say, everyone has a right to express his opinion, but no one has a right to his own facts.⁶ Rewriting Murray Rothbard’s famous quote,⁷ originally on the subject of economics, we may say:

“It is no crime to be ignorant of [Israel and its history], which is, after all, a specialized discipline and one that most people consider to be a [‘Burning issue’]. But it is totally irresponsible to have a loud and vociferous opinion on [Israel] subjects while remaining in this state of ignorance.”

The anti-Zionist is unperturbed by facts. He declares “Israel is the representative of US Imperialism in the Middle East”, while at the same time failing to mention that Israel receives far less aid than that given to Arab countries as a whole. Also, Saudi Arabia and Egypt are fundamental “allies”⁸ of the US in the region that the anti-Zionist usually ignores.⁹

But does the contention that Israel is a US colony stand up to scrutiny? For instance, the US forced Israel to retreat¹⁰ from Sinai in 1956 without any guarantees that Egypt would not attack. The Egyptians finally did prepare to attack in 1967 and also engaged in hostilities in 1973. And what about the case of Jonathan Pollard, the

⁵We often hear “I’m not an economist, but...” followed by a soliloquy about minimum wages or business cycles. Rare is this statement ever made: “I’m not a physicist, but here is my view on string theory”.

⁶We speak a bit poetically in the text here. As far as libertarianism is concerned, people do indeed have a right to their own facts, insofar as it is not per se a criminal act to err in this regard. We now opine that water runs uphill, and that $2 + 2 = 5$. Do we have a right to do so? Yes, since it is not a crime to make these false assertions. But with regard to the truth of those statements, that is another matter altogether.

⁷“It is no crime to be ignorant of economics, which is, after all, a specialized discipline and one that most people consider to be a ‘dismal science.’ But it is totally irresponsible to have a loud and vociferous opinion on economic subjects while remaining in this state of ignorance” Rothbard quoted in McCaffrey (2015).

⁸On these “allies” of the US, see Kagan (2019).

⁹Of course, as classical liberals we oppose Israel accepting any foreign aid by the US, as well as for any other country. In any case, this does not make Israel a sort of “US imperial enclave”. However, isn’t this much more apropos of Saudi Arabia, which perpetuates dollar domination of the whole financial world by only accepting dollars in exchange for OPEC oil, as payment for US military aid? We would argue that this could be labeled a much more economically relevant relation with the US than the few billion dollars of US aid given to the State of Israel. We would expect libertarians agree with this. We suspect that singling out Israel as a representative of “US imperialism” is motivated by anti-Semitism.

¹⁰US reactions to Israeli military operations is widely documented, for example see Rosenberg (2014).

US intelligence officer who gave restricted information to Israel? He was (and still is) one of the most heavily punished spies in the entire history of the United States.¹¹

Another aspect of today's anti-Semitism¹² is related to the fact that anti-Zionists love to quote Jews in order to sustain their views. For them, it is amazing that a Jew agrees with them, and also, they think they can achieve the classical argumentative shield in order to counter any accusation of anti-Semitism¹³ on their part: "How could I be an anti-Semite, if Mr. [Jewish person] agrees with me?". This is why authors such as Noam Chomsky, Ilan Pappé, Murray N. Rothbard and Norman Finkelstein are constantly quoted by them.

There are difficulties with this defense. First of all, Jewish identity is a complex and controversial subject. What is it that makes the anti-Zionist Jew a *Jew*? Is it that he was born and raised in a Jewish home? His surname, perhaps? Pretty often the only connection between an anti-Zionist Jew and Judaism is Israel; or to be more precise, their hatred of Israel is the last link of interest they have with any Jewish subject. Except for the case of Neturei Karta, one of the Ultra-Orthodox anti-Zionists groups,¹⁴ the anti-Zionist Jew is usually a left-wing Jew that follows this path.^{15,16}

¹¹The Rosenbergs were put to death, not Pollard. However, the former gave information to a then enemy, the USSR, while the latter did so for an ally, Israel.

¹²For more on anti-Semitism see Wistrich (1991). On the relation between anti-Semitism and anti-Zionism see Wistrich (2013).

¹³What is the libertarian stance on anti-Semitism? Remember, this philosophy asks but one question, and gives but one answer. The question? Does a given act, or behavior, constitute an initiation of violence against an innocent person, or a threat thereof? The answer, then it should be declared a crime, and the perpetrator punished. If not, then not. So, should anti-Semitism be considered criminal? It all depends upon the specifics. If the act consists of burning an Israeli flag owned by the anti-Semite, or painting a swastika on his own property, this is anti-Semitic, alright, but not a crime. On the other hand, if this is the violation of the property rights of a Jew, then, yes, it is.

¹⁴On this perspective, see Magid (2020).

¹⁵Murray Rothbard is an atypical exception to this general rule, no leftist he. Motive mongering is always dangerous, but we suspect his hatred of the State of Israel, specifically, was an extension of his hatred for states in general, perhaps applied to Israel particularly because he was a Jew and identified as one. Perhaps the founding of a specifically Jewish state embarrassed him as a libertarian anarchist and he went into a tirade against it, sometimes misapplying his own libertarian principles in the course of his invective against this one particular state. For our criticisms of his views on Israel, see the next chapter.

¹⁶Are we in error in this paragraph? Murray Rothbard is an anti-Zionist Jew. But he is certainly Jewish. Born of a Jewish mother, is the usual criterion. In this paragraph we are seemingly casting doubt on his Jewishness, since he is a staunch Anti-Zionist; that would be a grave error on our part (oy vey!). Instead, what we are saying is that it is hypocritical to claim that because a Jew is against Israel that in and of itself, as some of these critics maintain, makes the argument legitimate. "Even a Jew criticizes Israel, therefore the criticism is correct." Moreover, except for ultra-orthodox sects like Neturei Karta (which, by the way, are very few in number, approximately 5000, mainly concentrated in Jerusalem; see Jewish Virtual Library, UndatedD) most anti-Zionist Jews are extreme left wingers who often know nothing of Judaism apart from their hatred of Israel (Rothbard is an exception). If *X* is a Jew, and he happens to be against Israel, but that position is the only connection *X* has with a Jewish matter, then *why* does it matter if he is Jewish or not in the first place? The

There are other cases, where Jews of several communities (particularly in organizations such as “Jewish Voice for Peace”) are both active in their Jewish communities and yet remain militant anti-Zionists.¹⁷

But what is the relevant issue for our inquiry? It is that for the non-Jewish anti-Zionist, hiding behind the Jewish anti-Zionist is the best way to disguise his Jew-hatred as: a) The hatred of Israel, “not Jews”; and b) That if a Jew says something, then it cannot be automatically anti-Semitic.

However, as we will see, both premises are false. If, of all countries, someone is particularly obsessed with the flaws in the Jewish state, the one where the majority of the Jewish People in the world currently live, where Hebrew, the ancient language of the Jews is spoken, where most Jews identify with as their ancient home, where the Jewish calendar is followed, where Jewish books are studied, where religious Jews face when in prayer, where half of Jewish history happened, where Jews have expected to return for 2000 years, it is difficult to say that the person in question has no problem with Jews.¹⁸ Secondly, even if a Jew agrees with him, that will not make it any less anti-Semitic.

Taking the approach of a *reductio ad absurdum*, if a Jew were to advocate the murder of every Jew on the planet, this would not magically render such a view philo-Semitic. It would still be an anti-Semitic viewpoint.

The phenomena of the self-hating Jew has been widely studied.¹⁹ Let us examine the extreme example of Arthur Trebitsch, who not only was a self-hating Jew, but also an enthusiast of Nazism:

[...] Unlike Otto Weininger, who in 1903 took his own life because he found no escape from his self-defined hatred of Jewishness, men like Arthur Trebitsch (1879–1927) invented at least partial solutions to the racial dilemma. Trebitsch – son of a Viennese Jewish silk-merchant and brother of Siegfried Trebitsch, the distinguished German translator of George Bernard Shaw – was, according to one Jewish commentator, the *fürher* of Austrian National Socialism for a short period during its infancy. While this is not certain, Trebitsch’s theories certainly conformed to most Nazi notions.

“He developed his racist ideas during the war, but they were first published in 1919 under the title *Geist und Judentum*. Jews, Trebitsch argued, were the fundamental menace to Europe’s well-being. The choice was clear. German *Geist* stood poised to resist its antithesis, Jewish *Ungeist*. Europe’s recovery was dependent upon the rapid development of an antitoxin to the fatal Jewish poison. Since the best antitoxins were derived from toxins, the most sensitive and effective fighters for *Deutschtum* would come from among Jews who had ‘overcome’ their Jewishness. Trebitsch himself was the ideal leader for the fight against *Judentum*.

point is that a Jewish critic of Israel gains not a scintilla of additional credibility because of that fact. To deny this is to commit the *ad hominem* fallacy.

¹⁷For the case of Bernie Sanders, see Kerstein (2020).

¹⁸Only “difficult” but not impossible. After all, there is such a thing as specialization and the division of labor, and this applies to intellectual pursuits as it does to all others.

¹⁹See on this Jewish Virtual Library (UndatedB). We do *not* take the position that all anti-Zionist Jews are self haters. Only that some of them are.

“Of course, for Trebitsch the real center of Jewish *Ungeist* lay in the East. As a result of Eastern Jewish invasion the whole of Europe had been infected with ‘*morbus judaicus*’. As the title of his 1921 work *German Geist - or Judaism: The Road to Liberation* indicated, this was an either-or, life-and-death struggle. The Aryan race would have to exert iron pressure on the poisonous creatures from the East and expel all but a select few whose sons would be put to work in compulsory labor battalions. Three generations of physical labor would extract their Judaic poisons, after which purification they would be welcomed as honorable Aryans. [...]” (Aschheim 1982, 226).

The subject of Jewish self-hatred, investigated by Theodor Lessing²⁰ consists in the following:

“[...] The most important early analysis of the phenomenon among Jews appeared in Berlin, 1930, in Theodor Lessing’s *Juedischer Selbsthass* (Berlin, 1930). To the self-hating Jew, all misfortune derives from the fact that one *is* Jewish. *The Jews*, moreover, are held responsible for their own fate and are therefore ‘to blame for all their misfortunes.’ Clinical reports by Lessing include Jews who urge the Aryans to exterminate the Jews like vermin, and others who remained childless or even committed suicide so as ‘to remove the stain of Jewishness from mankind.’ Lessing therefore describes Jewish self-hatred as an acute pathology of psychosis”²¹ (emphasis added).

The fact that a Jew may think *A*, does not necessarily make *A* true nor, needless to say, legitimate.²² If the only consideration for a legitimate argument in this regard is that the person *is* Jewish, then it would have to be taken into account whether *he opines A or non-A*. Therefore, to anti-Zionists who love to quote Jews in order to show a legitimate basis for their claims, they would also have to quote Zionists for the same reason. If an argument is treated on its own merits, it would be irrelevant to quote Jews or not. But that is not the main objective: the idea is to disguise anti-Semitic opinions behind the alleged legitimacy that a Jewish voice demonstrates on Jewish subjects. But, as we have seen, a Jew can also be an anti-Semite. Certainly, he can be in error.

An excuse often used by Arab²³ anti-Semites and anti-Zionists is that they cannot be “anti-Semites since they are also Semites”. Even ignoring that there are no Semites, and a proper name for Jew hatred is Judeophobia,²⁴ this is an absurd argument. The term “anti-Semitism” was born after the publication of a Judeophobic pamphlet by Wilhelm Marr in 1879. It referred specifically to Jews. This has always been the usual meaning. Moreover, when today hatred against Islam is denounced, the term “Islamophobia” is used; never anti-Semitism. In addition, this excuse “it is akin to arguing that one cannot possibly be homophobic because one belongs to the *Homo sapiens* species” (Neuer 2007, 39).

²⁰(February 8, 1872 - August 31, 1933).

²¹“Self-Hatred, Jewish” (Jewish Virtual Library, UndatedB).

²²Nor false either.

²³Anti-Semitism in the Arab world is widespread.

²⁴See a full analysis on this in Perednik (Undated).

Let us now ponder the BDS²⁵ (Boycott, Divestment and Sanctions) movement, one of the most infamous anti-Zionist groups these days. As its name indicates, it promotes boycott, divestment and sanctions against Israel, by targeting Israeli companies, academics (Nelson 2019) and cultural endeavors. This is all legitimate by itself, provided that the group encourages only voluntary boycotts. But BDS goes further than that in encouraging governments to forcibly interfere with voluntary relationships with Israel or its citizens. BDS also presses academics or artists to refrain from visiting Israel. Fundamentally, its goal is to encourage governments as well as private parties to boycott Israel and its citizens. BDS is but another step in the direction of delegitimizing Israel at the national and international arena. As such, it is a step further in the plan of destroying this country. What is BDS? William Jacobson expounds the full story and roots behind this movement:

“BDS is a direct and provable continuation of the Arab anti-Jewish boycotts in the 1920s and 1930s and subsequent Arab League Boycott,²⁶ restructured through non-governmental entities to evade U.S. anti-boycott legislation and repackaged in the language of ‘social justice’ to appeal to Western liberals” (Jacobson 2016a, b).

Thus, there is nothing new under the sun in this regard. In a similar light, the Arab League Summit issued a platform on September 1, 1967, known as the *Khartoum Resolution*, calling for continual war against Israel in the form of the “Three No’s”: No Peace, No Negotiations, No Recognition. To this day, this is the formula of most Arab states (as well as that of the PA). This initiative has metastasized into a different form. The BDS Movement is a continuation of these type of international delegitimization movements. NGOs that are part of this effort press governments in order to boycott Israeli products,²⁷ authors and politicians, and are often funded²⁸ by Western governments themselves (such as the European Union²⁹).

²⁵ See Futerman, Block and Farber (2020). For works by BDS activists, see among others, Barghouti (2011) and Maira (2017).

²⁶ For more on this, see May (2020).

²⁷ Following this path, the UN recently published a list of 112 companies doing business with Jewish towns in Judea and Samaria (Cumming-Bruce 2020). Similarly, “The European Court of Justice issued a controversial ruling on November 12, 2019, and declared:

“‘Foodstuffs originating in the territories occupied by the State of Israel must bear the indication of their territory of origin, accompanied, where those foodstuffs come from an Israeli settlement within that territory, by the indication of that provenance.’

“Any reaction to the EU policy of labeling products manufactured in Israeli settlements should consider the following [...]

“The EU-directed policy requiring member states to label products made in Israeli settlements is intended to harm Israel and Israel *only*, as a distinct political action and as a means of pressuring Israel politically” (emphasis added) (Baker 2019). If these are not actions of demonization, then nothing is. And these are focused, of the 200 countries in the world, only in the Jewish state.

²⁸ Also by organizations like the Rockefeller Brothers Fund (Rosen 2017).

²⁹ See NGO Monitor (2017).

BDS has also succeeded³⁰ in persecuting not only Zionist voices at university campuses³¹ (Front Page Magazine 2016) in the West, but also Jewish voices (this, in turn, is explained by the close relation between anti-Zionism and anti-Semitism³²). As Maajid Nawaz (2017), writing at *The Times of Israel*, disclosed: “Last month the government’s first higher education adjudicator, cross-bench peer Baroness Ruth Deech, warned that certain UK universities³³ are becoming *no-go zones* for Jews” (emphasis added).

In the same way as Palestinian Arabs try to appropriate Jewish history,³⁴ anti-Zionists often use historical episodes of Jewish suffering to illustrate the dramatic nature of the events *they* want to denounce. While at the same time they attack Jews for allegedly mentioning those same events of their own history “too much”. Hence, they resort to calling the situation of Palestinian Arabs as the “Holocaust”, and Gaza as “Auschwitz”. James Kirchick (2017), writing for *Tablet*, notes:

“The strategy is a familiar one. In left-wing milieus across the Western world, Jews are simultaneously told that the (often violent) bigotry directed against them is but a figment of their hysterical, oversensitive imaginations. The most recent attempt to exterminate them *en masse*, in the form of the Holocaust, was not a uniquely insidious event, as Jews were merely one among many victim groups. And today, because they are ‘white,’ Jews cannot be victims of the ‘systemic’ oppression endured by women, Muslims, ethnic minorities, queer people *et cetera* and *ad infinitum*. Paradoxically, the existence and nature of Jewish historical suffering is fully acknowledged only when it can be used to further *other* causes and concerns (‘the African Holocaust,’ ‘Syria’s Anne Frank,’ etc.). As for when Jews mention actual Jewish suffering in defense of other Jews, they are painted as extremists who *exploit the Shoah*. Yet the people making these accusations are always willing to *retail* Jewish pain and victimhood whenever it suits them—namely, when the victims in question *aren’t* Jews³⁵” (emphasis added).

³⁰ Fortunately, BDS loses many of its fights against Israel. For instance, the American Historical Association voted several times to defeat resolutions denouncing Israel (Herf 2020).

³¹ On the concept of “intersectionality” and anti-Semitism see Ahmari (2018).

³² On how anti-Zionism on campus leads to anti-Semitism see Amcha (2017).

³³ Anti-Zionism is also widespread among American universities. Where does the funding for anti-Zionist activities come from? A recent study by The Institute for the Study of Global Antisemitism and Policy (ISGAP, 2020) has found that “Autocratic Middle Eastern regimes, organizations, foundations and affiliated private corporations, have funneled billions of dollars of unreported funding to American universities in order to demonize Israel on campus [...] With the bulk of all Middle Eastern donations emanating from Qatari donors (75 percent), and the Qatar Foundation accounting for virtually all of the donations from Qatar, these funds significantly impact attitudes, antisemitic culture and BDS activities.

“Our researcher found a direct correlation between the funding of universities by Qatar and the Gulf States with the presence of groups such as Students for Justice in Palestine (SJP) and a deteriorating environment that fosters an antisemitic and aggressive atmosphere.”

³⁴ As we saw in Chap. 1.

³⁵ For example, on March 25, 2002, after communist Nobel prize winner José Saramago visited Ramallah, he later declared: “What is happening in Palestine... is a crime we can put *on the same plane* as what happened at *Auschwitz*... A sense of impunity characterises the Israeli *people* and its army. They have turned into *rentiers* of the Holocaust” (emphasis added) (Evans 2002).

On the close relation between anti-Zionism and anti-Semitism, we can see a recent example by a well known anti-Zionist organization that is established throughout US campuses, called *Students for Justice in Palestine* (SJP). The story goes that an anti-Zionist group, formed by Jewish ultra-Orthodox (of an extreme variant) called *Lev Tahor*, relocated to Guatemala after encountering legal problems in the US, Canada and Israel. Once in Guatemala, they ran into conflicts with the local community *Xe' Kuku' Aab'aj* ("San Juan La Laguna") (Marks 2017). But this is only by way of background. The group *National Students for Justice in Palestine* promoted a campaign in order to "sign [a petition] to support the community of Xe' Kuku' Aab'aj as they resist colonial/Zionist land occupation & exploitation!" (emphasis added) (Marks 2017).

Observe the apparent paradox of, a) Focusing on an issue between a local community in Guatemala and ultra-Orthodox Jews; b) This is not the focus of SJP³⁶ (in theory); and c) That the ultra-Orthodox group is a self-proclaimed anti-Zionist organization, that an Israeli court has deemed a 'dangerous cult' (Magid 2017). Conclusion: their focus is *Jews*, not Zionists.

But there is no paradox here, because for these groups (as SJP) the modern day 'Zionists', are the older days' 'Jews'. The former is politically correct, while the latter is not. The key though is that this example shows their true anti-Semitic face. In order to promote Judeophobia, they use the *context* of Israel in order to attack any Jew, wherever they see fit (Kline 2017). To attack Jews, instead of using the politically incorrect "Jew", they employ the politically correct "Zionist". Moreover, it is a logical outcome of anti-Zionism to create anti-Semitism,³⁷ since the former often is a form of the latter³⁸ (Hirsch and Davidson 2020).

Or see, for instance, an attempt to torch a Synagogue in Germany in 2014. This was mislabeled as a form of "criticizing" Israel by a regional court (Weinthal 2017). Then there is the omission of Israel from Airline route maps (Vaaler and Waldfogel 2019). Why, other than anti-Semitism?

The problem with today's universities, as BDS exemplifies, is that the faculty which invariably identifies *itself* as pruralistic, tolerant, respectful, etc. is in fact actively muting dissident voices. It does so by means of demonizing its opponents, promoting unrest on campus, presenting dissident students and other faculty as

³⁶The *National Students for Justice in Palestine* is the central organization of the SJP: "National Students for Justice in Palestine (NSJP) was established in 2010 when an informal network of Students for Justice in Palestine (SJP) activists from across the country began organizing around a growing need to coordinate campus efforts and host a central gathering event for our young, intersectional social justice movement" (National Students for Justice in Palestine, Undated).

³⁷This may get to extremely absurd levels, as in the case of a Danish Bible Society's translation of the *Bible*, omitting several references to *Israel* to "prevent confusion with the modern-day country" (Liphshiz 2020). Moreover, during the COVID-19 pandemic, the old myth of the Jews being responsible for plagues (widely popular in the Middle Ages) was rebirthed again (Patrikarakos 2020), and Israel, of course, was *also* targeted (Nelson 2020). At bottom, it is about the *Jews*, not the Zionists.

³⁸This explains why BDS and *Antifa* activists shouted "Go back to the ovens, go back to Europe!" at a conference by former Israeli soldiers at York University in Toronto, Canada (Greenfield 2019).

“fascists”, etc. In sum, this kind of academic performance is what Dr. Gustavo Perednik defines as “preemptive projection”, i.e. to project in the other person the qualities that define oneself, in order to deny validity for the other person to use such qualities in response. In other words, if a fascist calls a democrat a fascist, and the democrat then responds that the fascist *is* the fascist, the term has been trivialized and emptied of content. Now, “everyone is a fascist”, and it depends on the *perspective*.

This approach, an expression of Postmodernism (since definitions and concepts are distorted according to the will of the person who uses them), is as widespread in America as in Europe. Features of Postmodernism, such as epistemological relativism, skepticism, denial of the cognitive validity of science, are usually subscribed to by the same person, only to tell us five minutes later that Israel is evil, taxes are just and socialism is the best social system. By placing this false dichotomy, where their opinions are democratic and tolerant, it must necessarily be the case that every opinion different from those they espouse is to be defined as malevolent. Anything is relative apart from the undoubted evil of capitalism,³⁹ and, of course, Israel. This country, the “Little Satan,” is rendered as an expression of “Western Imperialism” and “Capitalism” in the Middle East. Anyone who doubts this has his mind trapped in “Western Logic”.

Michael Weingard (2017), reviewing Bruno Chaouat’s (2017) book *Is Theory Good for the Jews?: French Thought and the Challenge of the New Antisemitism*, explicates:

“Chaouat shows how various postcolonial theorists justify or ignore Muslim anti-Semitism, seen as a *legitimate* response to European colonialism. [...]

“Chaouat traces some part of these inversions to Theory’s abstraction of Jews and Jewishness into symbols, fungible moral tokens easily transferred into other bank accounts. It is little surprise that intellectuals who see Jews only as de-territorialized outsiders have little use for actual flesh-and-blood Jews, let alone those with a nation-state.

[...] postmodern theorists prefer to support projects of resistance and political *violence* on behalf of what they see as downtrodden groups.

[...] anti-Semitism and anti-Zionism of postmodern intellectuals, their *fetishization* of the Palestinians and of violent jihadists, have less to do with new readings of Derrida than with longstanding features of left-wing political ideology” (emphasis added).

In other words, everything is relative except for what they themselves define as objective absolutes. What does this imply? That it is not that relativists are pluralistic, democratic, etc. but they only present themselves as such. They define themselves as the voices or incarnation of pluralism and democracy. Therefore, to be against their views is to be *ipso facto* intolerant, un-democratic, evil, fascistic. Israel, in this respect, is a burning issue. This is so because BDS is so violent in its

³⁹Never once do any scholars of this ilk distinguish between laissez faire capitalism, on the one hand, and corporate state monopoly “capitalism,” or fascism, on the other. For them, capitalism is capitalism, and it is all innately evil.

methodology, both against pro-Israel students and faculty, that the farce of presenting themselves as just is simply absurd.

As an example of the kind of “debate” and “conferences” which occur at universities dealing with Israel, Dennis MacEoin (2017) describes the case of one at the University College Cork (Ireland):

“[...] Titled, ‘International Law and the State of Israel: Legitimacy, Responsibility and Exceptionalism’, it is a thoroughly international gathering of, for the greatest part, academics who are also anti-Israel activists. Speakers will come from around the world: 18 from the United Kingdom, 8 from the United States, 8 from Israel and the West Bank, one each from Qatar, Lebanon, Austria, the Netherlands, Australia, Singapore, and Canada, and just two from Ireland itself.

“This will not be an academic conference in any real sense of the word. It is, from the outset, a hate-fest of international anti-Zionist, anti-Israel and anti-Semitic rhetoric and distortion. It is totally without balance. Out of a list of 47 participants, only two (Professors Alan Johnson and Geoffrey Alderman from the UK) have a record of support for Israel and the Jewish people. That makes 45 to two. Some of those 45 will be more vehement than others in their criticism of Israel, but none, so far as is known, is wholly without some degree of association with bias. How do we know this? First, because a significant majority of the participants have made no secret of their support for the boycott of Israeli academics. A boycott that in itself strips from the conference any semblance of academic neutrality.”

The approach taken by this kind of academic is to assume a monopoly of truth and pluralism. That is, at least partially, what gives a sense of legitimacy and righteousness to the emotional outrage⁴⁰ and violent reactions of crowds of students indoctrinated by these one-sided ideas. In other words, when *ad hominem* attacks against opponents eschew reason, only emotion remains. This is why Israel is rarely treated coherently on campus. A different opinion is understood by these voices of “pluralism” as a personal attack. Therefore, a violent reaction by the anti-Zionist is seen as justified and to be expected.

The situation with respect to Israel is not debated from a historical or political perspective, but primarily from an irrational *moral* one. That is, certain positions are presented *a priori* as the ethical ones, and therefore any subsequent debate is implicitly developed based on this premise.⁴¹ To question this basic premise is to be considered “offensive.” As such, Israel first and foremost is the embodiment of the immoral side. With this perverted logic, very often even pro-Zionists approach any debate from a defensive perspective. They implicitly *accept* the premise that they are in the wrong; otherwise attacks on Israel would not be approached primarily from the perspective of explaining Israel’s situation, when it is the defenders of attacks (for instance, suicide bombings) who should be targeted for moral outrage. Not the reverse. Anti-Zionists, of course, are the opposite of tolerant, but they present themselves as such in order to self-legitimize their intolerance. This constitutes nothing less than a rationalization.

⁴⁰On modern universities and the policies that severely restrict debate see Lukianoff and Haidt (2015). On the problems of modern universities, see Deresiewicz (2008).

⁴¹GIGO. Garbage in, garbage out.

This also resembles an Orwellian “newspeak”, where free speech is attacked in the name of free speech. Relativism is particularly strange when it comes to the cultural realm. What is regarded in the West (by relativists themselves) as monstrosities, such as beheading homosexuals, enslaving women,⁴² and stoning adulterers, when it comes to Middle Eastern societies it suddenly turns into another culture of *equal* value.

It is common nowadays to assert that, since a person has a right to free speech (a right properly guaranteed by the First Amendment),⁴³ such a person is also entitled to a platform in order to express its ideas. In fact, one has a right to speak, but one must find the resources to do it oneself. To force another person to share his property in order to spread ideas opposed to the owner is a perversion of the right to free speech. Free speech is a right, but there is no obligation by anyone to provide the means for any specific individual in order to speak. Anti-Semitism and anti-Zionism, of course, are ideas and as such bigots have a right to express them. Yet, there is no right to force others to provide the means to do so.

How does all this work out in practice? Not too well. For Jewish students, also, pay taxes; at least their parents do. Some of these funds are allotted to public universities. The professoriate is very leftish oriented, and anti-Israel sentiment is popular in this quarter. So, in part with money mulcted from Jews and Zionists, they are marginalized at the college level, with their own money. Thus, they are forced, in effect, to finance the speech of others, and to see their own squelched.

In very much the same way that socialism has long been refuted (Mises 1922), but it continues to be presented as a valid political philosophy and economic system, anti-Israel myths disproven long ago are still widely presented as true on campus.

Of course, the media in general is part of the same phenomena. The enormous disproportion of negative coverage of Israel in relation to other issues in the world (Sudan, Syria,⁴⁴ Tibet, etc.) could be explained, apart from the ratings associated with attacking Israel (a “cool” liberal cause), in that journalists in Israel enjoy all the benefits of a liberal nation, and world interest of their coverage, while at the same time avoid the risks to life and censorship of dictatorships as occurs in Africa or Asia in general, and in the rest of the Middle East in particular.⁴⁵

Even platforms completely unrelated to politics or international relations have been used against Israel. An example of this is the British medical journal *The*

⁴²On an example of “honor killing”, see Cohen (2019): “No fewer than 18 women have been murdered in ‘honor killings’ in the Palestinian Authority since the beginning of the year [2019], according to women’s organizations.”

⁴³We are radical free speech supporters, with and on one’s own property, of course, but we are not absolutists in this regard. There is one, but only one type of speech that should be outlawed: threats of physical violence. “Give me your money or I’ll shoot you” is “merely” a verbal act. But stating it in the context in which it constitutes a threat should be considered a crime. For a defense of yelling “fire” in the proverbial crowded theater, see Block (1976).

⁴⁴See Palmer (2016).

⁴⁵For the case of the French agency AFP see Tawil (2017).

Lancet, which was widely used as a platform for anti-Zionism (although it recently changed this path). Gerald Steinberg (2017), president of *NGO Monitor*, notes:

“Between 2001 and 2014, 264 articles on Palestinian and Israeli issues were published, a majority consisting of political opinion or commentary with little medical content. Many included distorted or unsupported claims that Israel was *responsible* for premature births, deaths of Palestinians at checkpoints, cancer deaths, psychological disorders, and more. In addition, *The Lancet*’s editor Richard Horton repeatedly condemned Israel, repeating the false allegations, for example, that ‘Tens of documented deaths, including of children, have been attributed to checkpoint delays’” (emphasis added).

When the media entitles its notes on Israel, it often does so in a way that distorts the facts. For example, after a Palestinian Arab stabbed two Israelis to death in Jerusalem’s Old City (The Times of Israel Staff 2015b), the *BBC* entitled a note on the subject “Palestinian shot dead after Jerusalem attack kills two” (Pileggi and Beck 2015).⁴⁶ Cause and effect are inverted. The same thing has happened by the thousands throughout the years.⁴⁷

Another example, this time in social media, can be seen with the case of *The New York Times*. On May 8, 2020 it tweeted: “The Israeli Defense Ministry’s research-and-development arm is best known for pioneering cutting-edge ways to kill people and blow things up. Now it is turning to saving lives”.⁴⁸ A few days later, on May 12, 2020, the same account tweeted⁴⁹: “A 21-year-old Israeli soldier was killed when he was struck in the head by a heavy rock as his unit was completing a nighttime arrest mission in a Palestinian village near Jenin, in the northern West Bank, the army said”. There was no mention of the Palestinian Arab who threw the rock. Did *The New York Times* ever refer to Hamas as being “best known for pioneering cutting-edge ways to kill people and blow things up”? This kind of media “coverage” is repeated non-stop. No wonder why Israel’s image as the aggressor is so widespread.

In sharp contrast, the massive violations of human rights throughout the Arab world are scarcely reported in the media. The same happens with the case of Hamas in Gaza. Matti Friedman (2017),⁵⁰ writing for *Tablet*, says:

“The most relevant example from my own experience as an AP correspondent in Jerusalem between 2006 and 2011 is Gaza, which is controlled by Hamas, and where the AP has a sub-bureau. Running that sub-bureau requires both passive and active cooperation with Hamas. To give one example of many, during the Israel-Hamas war that erupted at the end of 2008, our local Palestinian reporter in Gaza informed the news desk in Jerusalem that

⁴⁶This reminds us of an anti-Semitic joke. A little girl, visiting the zoo, falls into the lion’s den. This king of beasts pounces on her and is about to eat her, when she is saved by a Jew. Headline in the newspaper: “Jew steals immigrant’s lunch.”

⁴⁷For more on the media distortions when reporting on Israel see *Honest Reporting*, <http://honest-reporting.com>

⁴⁸<https://twitter.com/nytimes/status/1258688092195733504> (last visited May 27, 2020).

⁴⁹<https://twitter.com/nytimes/status/1260178677951840257> (last visited May 27, 2020).

⁵⁰This article is an excellent exposition of how the media covering totalitarian regimes and dictatorships make compromises in order to continue working there while distorting or not reporting information.

Hamis fighters were dressed as *civilians* and were being *counted* as civilians in the death toll—a crucial detail. A few hours later, he called again and asked me to *strike* the detail from the story, which I did personally; *someone* had clearly spoken to him, and the implication was that he was at risk” (emphasis added).

Relevant to this episode, let us remember Thomas Sowell’s (2008) thoughts: “Journalists cannot serve two masters. To the extent that they take on the task of *suppressing* information or *biting their tongue* for the sake of some political agenda, they are betraying the trust of the public and corrupting their own profession” (emphasis added).

As with the media, a similar thing occurs with human rights organizations. Some are obsessed with Israel to an unprecedented degree, including the most prestigious ones such as *Amnesty International*⁵¹ (NGO Monitor 2015) and *Human Rights Watch* (NGO Monitor 2013). Their focus is always Israel, in a negative light.

The anti-Zionist may present himself not as against Israel *per se*, but as opposing a particular “administration” or “policy”. The problem is that usually he cannot mention *any* Israeli administration or policy with which he can agree. Often, though, Rabin’s administration is mentioned as the epitome of peace. Yet, Rabin opposed many of the things that today’s mainstream anti-Israel organizations demand: Jerusalem divided, for example.⁵² It is also common to hear that although it is true that Rabin’s administration left the most important issues to a final negotiation (Jerusalem, “settlements”, etc.), he did make peace with Arafat, and wanted peace, whereas the Israeli right destroyed it. But the truth is the very opposite: the Israeli right, in a different form, followed the same Oslo formula; and the PA never fulfilled any of its promises. In fact, the only outcome of these treaties was more than 1000 Israelis murdered by Palestinian attacks.⁵³ Even before Rabin’s murder, dozens⁵⁴ of Israelis had been murdered.

The anti-Zionist resorts to historical claims: Palestinians have been ethnically cleansed and exploited. Apart from the fact that such ethnic cleansing campaign never occurred, as we have demonstrated, there has never been any such widespread *Palestinian* national identity until after 1967.⁵⁵ Nobody denies that there were non-Jews in the contested area (although it was almost unpopulated), but the Arabs certainly never attained complete control of the land with a previous national identity, capital city, borders, currency, flag, etc.

⁵¹ An *Amnesty International* researcher recently went so far as to help Hamas getting a peace activist in Gaza *arrested* (Neuer 2020). For Hamas and *Human Rights Watch*, see Tawil (2020b).

⁵² Rabin said: “Our position is very clear. Jerusalem is united, will never be divided again”, CNN Larry King Live (1995).

⁵³ See Table 4.1.

⁵⁴ See Table 4.1. Rabin was murdered on November 4, 1995.

⁵⁵ Although it is true that some kind of Arab Palestinian national identity existed in the 1920s, it is only after the Six Day War that the Palestinian Arabs were regarded as a national community (as evidence, observe that the *UNSCR 242* talk about “refugee[s]”, not *Palestinians*). Until then, the Arab countries were only interested in destroying Israel. After 1967, they used the cause of Palestinian Arabs as another tool to achieve that end.

Another claim is that Palestinians were there before Jews. But it is not true, since as we have seen, the Jewish presence in Judea was almost uninterrupted for two millennia. In contrast, the Arab population grew only in the twentieth century,⁵⁶ thanks in large part to the concurrent inflow of capital that came with Jewish immigration and the rising standard of living for everyone in the area. Arab immigration coincided with Zionist *alyiah*.

If Zionists were so few in number, and the Arabs had such a large population, how did they allow Zionists to invade them, conquer them, and “ethnically cleanse” them? “The British helped”, the anti-Zionist may reply. How so? The White Papers,⁵⁷ the creation of Jordan (thereby giving 2/3 of the Mandate’s territory to the Hashemite Kingdom) and blocking Jewish immigration cannot seriously be considered as “help”. The Ottomans also helped Zionism, the anti-Zionist now claims. But, again, we ask, precisely how? The Ottomans were so opposed to Zionism that even Zionist organizations such as NILI⁵⁸ (Feith 2017) worked against the Ottomans in WWI.

Another anti-Zionist claim is that the problem consists of extremists on both sides,⁵⁹ and then points *only* to those of Israel. When asked who are the extremists on the Palestinian side, one ploy is to omit them entirely, since mentioning one would require the disqualification of *both* Hamas and the PA (controlled by Fatah) as real peace partners (since they, at times, have joined in unity governments). How is this attained? Simply by refusing to answer the objection.

A second strategy is to admit that there are indeed Palestinian extremists, but to justify them on the grounds that they exist *because* of Israel: It is claimed that if it were not for the “occupation”, Hamas either would not exist, or, if it did, it would be far more moderate. For the anti-Zionist all evil comes from one place, and one place only: the Jewish state. If that is so, *any* attack on such evil could be theoretically justified. Anti-Zionists have a problem calling the bombing of busses filled with Jewish civilians, plain and simple murder, done by murderers who hate Jews. We suspect this is because they hate Jews as well and are not too bothered by the murder of Jewish civilians.

The anti-Zionist pretends to be fair by stating that there are “extremists on both sides”, but he is in fact trivializing the issue by equating Israel with a totalitarian

⁵⁶And that in response to Jewish economic development.

⁵⁷This, of course, dramatically affected the chances of millions of Jews to find refuge from extermination in Europe. See Zipperstein (2020).

⁵⁸*Netzach Yisrael Lo Yishaker* (“the eternal of Israel will not be false”).

⁵⁹For instance, Mario Vargas Llosa said: “Undoubtedly the abduction of the soldier is an unacceptable move, and the firing of Qassam rockets proves that there are radicals *on both sides*, but the Israeli response is out of *proportion*. Paradoxically, the extremists on both sides have a shared agenda and its purpose is to prevent any chance for negotiations and *mutual concessions*” (emphasis added) (Levy 2006). Observe the argument here: the “radicals” that abduct a soldier or launch Qassam rockets at Israeli civilians, thereby generating an Israeli response, are mentioned secondarily, whereas Israel is the one to be scutinized with a lens. And then both parties are equated by using the “extremists in both sides” argument.

Islamist⁶⁰ group like Hamas. If not, he would have to concede that, yes, Gaza is controlled by a dictatorship under Hamas, and, yes, Israel has a right to defend itself from attacks. But of course, he would not concede any such thing.

The Fatah controlled PA even accepted unity governments with Hamas in the past. Therefore, if the Palestinian side as a whole would be recognized as “extremist”, then the anti-Zionist would have to accept that Israel actually has *no* partner for peace. Better to focus on Israel, then. If someone is going to label Hamas as extremist, then it would have to use the same label for the PA. Each is tarred with the brush of the other. They are brothers.

The “moderate” PA’s leader is Mahmoud Abbas, whose “democratic” term ended a decade ago. Who is he? Dr. Edy Cohen (2020) explains:

“In the 1980s, while a student at Patrice Lumumba University in Moscow, Abbas wrote his doctoral dissertation on the Holocaust. What resulted was less a dissertation than a piece of Soviet propaganda aimed at maligning Israel.

“The title of Abbas’s grotesque dissertation is ‘The Other Side: The Secret Relationship Between Nazism and Zionism.’ In it, Abbas claims that the Holocaust was a *Jewish* conspiracy that began when Israel’s first PM, David Ben-Gurion, collaborated with Hitler to kill as many Jews as he could in order to justify the establishment of a Jewish state in the Land of Israel. He then proceeds to belittle the number of Jewish fatalities to less than a million and claims they died not as a result of a Nazi-inflicted Holocaust but as a normal corollary of war (i.e., through disease, starvation, etc.)” (emphasis added).

Even if we ignore Mahmoud Abbas’ record in Fatah, the above cannot count as a “moderate” stance either. Can Israel really make peace with this type of organizations as the PA?

It is very common to hear that the solution to the conflict is the creation of a Palestinian state. Yet, if “conflict” refers to “Arab-Israeli conflict”, this is a

⁶⁰Islam is not the same as *Islamism*. Philpott (2017) explains: “In Islam, this form of the denial of religious freedom is carried out by a political theology of Islamism. While ‘Islamism’ is a popular term in our culture war, it is definable as a bona fide ideology with a political program. Its program is to promote a highly traditional, rigid form of Islam in all spheres of life—family life, economy, culture, religious practice, education, dress, and many others. Islamism originated in the early to mid-twentieth century in the writings of intellectuals who thought that Islam had fallen into a condition of *jahilliya*, the darkness that characterized the world prior to the Prophet Muhammad.

“Turkey’s abolition of the caliphate in 1924 could not have better embodied the problem: Islam, colonized and fractured by the West, had reached a nadir. Intellectuals who argued thus were Egypt’s Hassan al-Banna, founder of transnational Muslim Brotherhood; Abu Ala Al-Mawdudi, who founded a similar movement, Jamat-e-Islami; and Egypt’s Sayyid Qutb, who took a turn toward a more violent jihadi position and inspired a generation of militants, including Al Qaeda. Everywhere, Islamists believe, the solution to *jahiliyya* is a return to the first community of believers, who interpreted *Tawhid*, the oneness of God, as well as the sovereignty of God to require that Islamic law pervade *all of life*. Islamists want to see secular orders *replaced* by ones in which *sharia* is the sole and encompassing source of law and in which religion is *not* separated from the legal and political spheres. While Islamists view the modern sovereign state as a divider of the *umma*, the Muslim community, they advocate using the state to spread Islamic revolution until it one day disappears. Resonant are the dreams of Marx and Lenin” (emphasis added).

misnomer. The reality, instead, is “Arab wars against Israel.”⁶¹ This being the case, the “conflict” could have been solved long ago. Why? Because Palestinian Arabs had more than five opportunities to build a state of their own: in the 1930s (British Commissions), 1940s (UN Partition), 1960s, 1970s, 1990s (Oslo), early 2000s (especially)⁶² and late 2000s (Olmert). Israel offered a “Two State Solution” several times to Palestinian Arabs. Nothing happened. We must conclude that it is not “the absence of a Palestinian state” that is to be blamed for the lack of peace. Thus, the “Two State Solution” cannot possibly be a solution.

Even with a state of their own, the conflict would still have continued; because the Palestinian Arabs want not one but two things: a state of their own, and an end to Israel, and not necessarily in that precise order.⁶³ Thus, the absence of a Palestinian state can hardly be the reason for the absence of peace.

Let us dig deeper. We ask, what is a conflict? It is a situation in which two or more parties are in disagreement or in violent opposition. In this present case, it is a state of war, sometimes active, sometimes not, ever since 1948. It is not a conflict in the sense that the parties can make mutual concessions in order to reach an agreement. One party, the Arabs, want the other, Israel, to cease to exist. That is not a conflict, but a war of aggression.

Since in every war there is an aggressor and a victim, one needs to analyze which side fits which status. The anti-Zionist will of course blame Israel. However, this is clearly not the case, because it is the Arabs who always initiated violence against Israel, not the other way around. If Israel ceased and desisted from lobbing munitions at the Arabs, the hostilities would continue. If the Arabs ceased and desisted from lobbing munitions at the Israelis, the hostilities would cease; full stop.⁶⁴

The truth of the matter is that the victim is Israel, attacked since its very inception by seven Arab armies (Egypt, Transjordan, Syria, Lebanon, Iraq and contingents from Saudi Arabia and Yemen), and more recently by Palestinian suicide bombers, and rockets launched by Hamas.⁶⁵ Be it a commercial airplane or ship in the seventies or eighties, or a pizza shop in 2005, Israelis are the unjustified target.⁶⁶ The reason: the rejection of a Jewish state and Jewish presence in the area. Why?

⁶¹ It takes “two to tango.” There is no “conflict” between the rapist and his victim. There is, rather, an invasion of the latter by the former. There is no way to resolve that “conflict” because it is really not a “conflict.” It is, instead, criminal behavior. The only way to resolve this supposed “conflict” is to stop the perpetrator.

⁶² See Shyovitz (Undated).

⁶³ Who says the Palestinians are not flexible?

⁶⁴ The objection to this undeniable statement is that the Israelis are now in possession of territory properly belonging to the Arabs, and thus the latter are justified in engaging in war. The main thesis of the present book is to deny this very claim.

⁶⁵ These typically emanate from schools and hospitals in Gaza.

⁶⁶ It cannot be denied that the IDF often responds, and with deadly force. But these are *responses*, not initiations. In the verbiage of schoolyard altercations, “He started” is usually definitive in terms of blameworthiness.

Because if the existence of Israel were accepted, then the remaining issues would be discussed and, eventually, settled.

The anti-Zionist may claim that “negotiations” will lead nowhere until the “occupation” ceases. This means practically that all Arab demands must be satisfied *before* negotiations take place, and by the “occupation” he really means *all* of Israel, which also implies that the right of return⁶⁷ of everyone claiming to be a Palestinian refugee must be acceded to before negotiations *start*. If so, what is the purpose of discussions? Observe, for instance, that no settlement took place after the Gaza “Disengagement Plan” either, to this present day. The formula called “land for peace” has already failed. Further, the “extremists” on the Israeli side cannot be blamed, since at the time of the Oslo Accords a majority of Israelis accepted the “Two State Solution” (Leon 1995). It is the Palestinians, as we have seen through the work of Polisar (2015), who are opposed. Moreover, as required by the agreement, the PLO did not even fulfill its promise to modify its Charter accepting the existence of Israel as a Jewish state.

This hypothetical discussion we are having with anti-Zionists also involves going back and forth over different historical periods. When the anti-Zionist claims, for instance, that Israel is attacking Gaza, and one answers that Israel is defending from chronologically prior continual rocket attacks, the anti-Zionist resorts to saying that “Israel really started first, since it occupies territory belonging to the Palestinian victims”. The response is that Israel left Gaza in 2005, to which the anti-Zionist replies Israel blockades Gaza. When one explains that Israel is not blocking goods from entering Gaza, but only weapons, the anti-Zionist repeats the original claim: “Israel is attacking Gaza”. Round and round we go, like a Merry Go Round at an amusement park. Today’s situation is intertwined with the past. Our debating partners, so to speak, attempt to prove what they assume (this is sometimes called “begging the question”). In their minds Israel is to be blamed for pretty much everything, which makes complete sense if you assume that Jews have no right to any territory in Israel in the first place.

Another common complaint is that “Israel built a wall”. Here is the counter-argument: 97% of the Security Fence is basically made of wire, and the 3% that is a wall is constructed in that manner because it is located in areas from which attacks have been repeatedly carried against Israeli citizens.⁶⁸ The security fence was built bordering Judea and Samaria. When the Israeli Supreme Court ruled that parts of it violated Palestinian private property, those were moved (see Bard, UndatedB).

⁶⁷ For an analysis on the Palestinian Arab idea of the “right of return”, see Schwartz and Wilf (2020).

⁶⁸ “Finally, only a tiny fraction of the total length of the barrier (less than 3% or about 10 miles) is actually a 30 foot high concrete wall, and that is being built in three areas where it will prevent Palestinian snipers from around the terrorist hotbeds of Kalkilya and Tul Karm from shooting at cars as they have done for the last three years along the Trans-Israel Highway, one of the country’s main roads. The wall also takes up less space than the other barriers, only about seven feet, so it did not have a great impact on the area where it was built” Bard (UndatedB).

The anti-Zionist claims that Palestinian Arabs suffer and their “freedom of movement is thwarted”.⁶⁹ Israelis also suffer when they are attacked, and often lose their lives. Freedom of movement is indeed restricted in some areas, but that is the consequence of a cause: Palestinian Arab attacks. If the cause were removed, so would be this consequence. But observe the blatant hypocrisy of world forums: Lebanon was building a wall around the Ain al-Hilweh Palestinian camp, where more than 60,000 people live, and no one seemed to care (AFP 2016).

Again, causality is not recognized. If it were not for the numerous and deadly attacks against Israeli civilians, there would be no Security Fence in the first place. The thousands of Palestinian Arabs who work in Israel must pass through checkpoints every day, the anti-Zionist contends. But from whence sprang the checkpoints? Are Israeli teenagers of 18 years old happy to be drafted in the army to “make Palestinian Arabs’ lives miserable”? No, checkpoints are the consequence of violent anti-Israel attacks on civilians, including women and children.

Are such measures legitimate from a classical liberal and libertarian standpoint? Certainly, yes, from a minarchist perspective. The government is responsible for defending its citizens against raiders. This is not warfare across oceans in countries that have little or nothing to do with each other. Checkpoints are a direct defense against attacks on Jewish civilians right next door, innocent people who built on previously unowned acreage.

Must Palestinian Arabs wait at the checkpoints until they get clearance to pass? Yes. This is how assaults are stopped. Were marauders to cease and desist, the checkpoints, too, would disappear. All too many Israelis are murdered by suicide bombers when they go to a coffee shop or disco in Tel Aviv. Unlike Palestinian Arabs at checkpoints, these victims cannot wait any longer, *ever again*. If there were no anti-Israel violence, there would be no checkpoints nor security fences. Is there any other country on the planet that would deal so timidly with such massive cowardly attacks as to limit itself to checkpoints and security fences, forsooth? No, the armed forces of most nations would go in and deal very severely with all the criminals responsible; eliminate them root and branch.⁷⁰

If there is no rejection of Israel, there is no more war. If there is no war, there can be trade, free movement, etc. Everything that peace brings about, i.e. civilization. Or, to be more precise, this is roughly the situation that *now* prevails between Israeli Jews and Israeli Arabs. True enough, there is no particular love between both

⁶⁹“Movement, schmovement,” is our response. Their complaint is akin to the man who murders his parents and then calls for mercy since he is now an orphan. The Israelis do not build walls for the fun of it. News flash: they do so to protect themselves from marauders. If they Arabs were not murdering the Jews, there would be no walls. It is the former, not the latter, who are (indirectly) responsible for those walls.

⁷⁰Most of this book constitutes a defense of Israel. Here is yet another criticism. We do not go so far as to say that the enemies of this country deserve to be murdered in this manner. No, that would be going too far. But we do say that if the IDF took stronger measures against these incursions, much stronger ones, they would radically decrease.

communities, but there are at least civilised relations, the foundation of peace, trade and human flourishing.

Any major conflict must be examined in terms of essentials. The situation in Israel is not due to the security fence, to the “settlements”, or the checkpoints. The major cause is the Palestinian and other Arab rejection of the existence of a Jewish national home in Israel. The fact that pro-Israel discourse generally consists nowadays primarily of responding to particular anti-Zionist myths and false claims does not mean that the case for Israel (in this case, the libertarian and classical liberal case) is uncertain.

It is not the same to adopt a defensive position in order to explain why Israel acted as it did, than to explicate why Israel had the *right* to act in such a way. This is the fundamental difference, and the one that we want to emphasize in this work. Although we devote much space in this book to refuting myths against Israel, there is always in the background a positive case to be made for its existence, essentially, righteousness: based upon Jewish entitlement to the land based on homesteading and history in the area.

It all comes down to one basic point. Anyone in the world has the right to homestead virgin land. How said land is defined politically is completely irrelevant to the libertarian. There is no ontological difference between land in “Green Line Israel” and that in the “West Bank” (properly called Judea and Samaria) for the libertarian, because arbitrary political borders are irrelevant to such philosophy. If land is homesteaded by Jews, it is Jewish property by natural law. If it was previously homesteaded by Jews, it is still Jewish property by natural law of inheritance. The fact that Jews homesteaded and re-homesteaded land *en masse* starting in the nineteenth century, enabling them to band together and declare a State on this territory, is also legitimate from a minarchist perspective. The Arabs have the right to do the same, if they so choose, but not at the expense of Jews and their legitimate property.

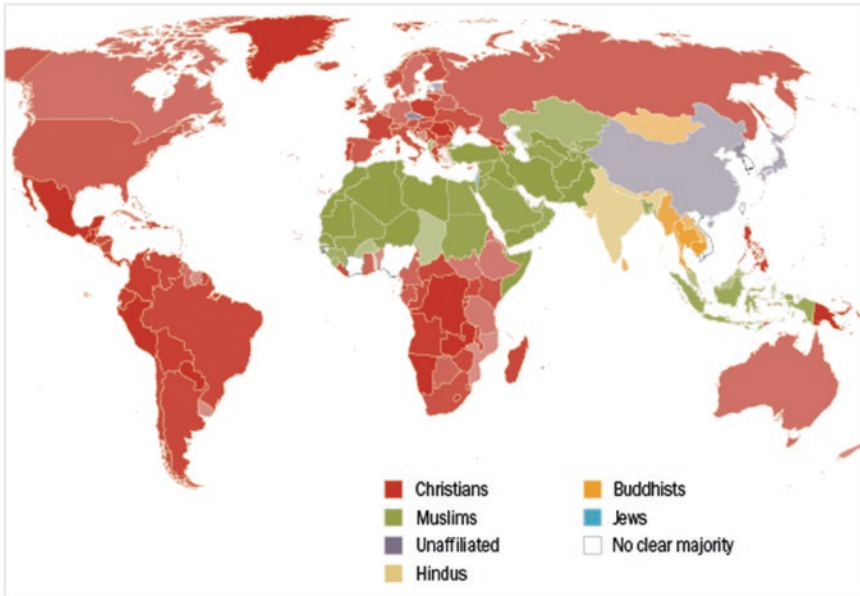
Let us sum up the case for why the Palestinian Arabs, as well as any well-intentioned person, should accept Israel.

Israel is the only Jewish state in the world. If you observe Picture 5.1, you will easily see that most countries have Christian majorities, followed by Muslims, and Hindus.⁷¹ The rights of these states to exist is hardly ever questioned. In fact, it would sound downright bizarre to question any other state’s right to exist. Could the reader imagine the strange look on people’s faces if, say, China’s right to exist were denied? There are certainly ample grounds for this position, given that the modern Chinese state, founded in 1949, has murdered millions of its own people since its inception. But even China’s right to exist is never denied as such. At most, reforms are urged, but nobody challenges its right to exist. Nevertheless, Israel’s right to exist is constantly denied, despite (or perhaps because of) the fact that the connection of Jews to the land of Israel is blatantly obvious to the entire Western world, which only exists as a culture *because* of Jews and Israel.

⁷¹ If you utilize your microscope on this picture, and focus in the correct area, you will see the State of Israel, loud and clear.

Majority Religion, by Country

Countries are colored according to the majority religion. Darker shading represents a greater prevalence of the majority religion.



Nine countries have no clear religious majority: Guinea Bissau, Ivory Coast, Macau, Nigeria, Singapore, South Korea, Taiwan, Togo and Vietnam. There are no countries in which adherents of folk religions make up a clear majority. There are also no countries in which followers of other religions (such as Bahai's, Jains, Sikhs, Shintoists, Taoists, followers of Tenrikyo, Wiccans or Zoroastrians) make up a clear majority.

Pew Research Center's Forum on Religion & Public Life • Global Religious Landscape, December 2012

Picture 5.1 Majority Religion by Country. (Source: Pew Research Center's Forum on Religion and Public Life (2012))

Why would a Jewish state not much larger than New Jersey be denied the right to exist? No other people, apart from the Jews, have claimed the land of Israel as theirs for thousands of years, have homesteaded it several times over, traded there, developed schools of thought, created currencies, culture, indeed were the foundation for the existence of Christianity and Islam and pretty much all of Western society.

Jews have long waited for their return to the territory and finally took matters into their own hands beginning in the nineteenth century with the advent of Zionism. This philosophy is really nothing more than Jewish national aspirations finally realized. Anti-Zionists deny that Jews are a nation, and therefore have no right to a state. Prayers pointing to Jerusalem, songs and histories passing from fathers to children for generations, were not invented in a vacuum. Jews did not want to leave Judea in the first place. They were forcibly expelled by the Romans.⁷² Jews did not harm the societies in which they settled, and yet they were harried from one place to another.

⁷² See Chap. 1.

Israel was no exception to this rule, as the economic impact of Zionism in the early twentieth century or the current situation of Israeli Arabs compared to Arabs elsewhere in the Middle East, amply demonstrates. Jews do not intend to harm others, but only *live* and prosper in peace.

Jews bought rights to the terrain they homesteaded, even though such purchases were unnecessary from a libertarian standpoint in most cases. They homesteaded it, built schools, universities, businesses, made the desert bloom. They did this in the midst of the biggest slaughter of Jews in world history in Europe, and under the threat of nothing less than extinction by the Arab armies that attacked them over and over again after 1948.

The hypocrisy of the typical anti-Zionist is noteworthy when he defines himself as a democrat in favor of Palestinian human rights, but nevertheless focuses exclusively on Israel. He ignores the totalitarian Hamas regime and its medieval treatment of homosexuals, women, religious minorities, and draconian criminal laws (including “hand amputation, crucifixion, corporal punishment and execution”; see Marcus and Crook 2008). He ignores the rejectionist treatment of Palestinian Arabs, at the hands of Arab countries. Sometimes, the “extremist” Hamas is opposed in this quarter, but the PA is considered a “moderate peace partner.” What then do we make of its death penalty for those Palestinian Arabs who dare sell land to Jews?

This in itself exposes the anti-Jewish nature of anti-Zionists, and its assumption that Jews, as such, have no right to any land in Israel even if purchased or homesteaded legitimately. We suspect the reason there is rarely if ever a word condemning the policy of murder of Arabs by the PA for selling land to Jews is that at heart, anti-Zionists support this policy, though this cannot be explicitly stated by them. The fact that the issue is virtually ignored means at least that they are not unduly disturbed by it.

About the massive ethnic cleansing of Palestinian Arabs from the Gulf states in the 1990s after the first Iraq War, where were those human rights organizations to defend these innocent victims and march on the streets on their behalf? Where were the massive burnings of Kuwaiti and Saudi Arabian flags? Nowhere. The same occurred, or, rather, did not take place, when Jordan’s King Hussein killed thousands of Palestinians in “Black September” during 1970 (Karsh 2014). The truth is that the anti-Zionist is not primarily (nor even secondarily) concerned with Palestinian human rights at all, but rather with Israel’s destruction. When is the last time anyone heard anything about Palestinian rights being violated by anyone or any state other than Israel?

Contradictions are widespread in the mythology used by the anti-Zionist. Israel has both the most powerful army⁷³ in the Middle East and commits genocide⁷⁴ against the Palestinian Arabs in Gaza,⁷⁵ while at the same time it allows the

⁷³ See Katz and Bohbot (2017).

⁷⁴ Interestingly, the term “Genocide” was created by Raphael Lemkin to apply it to the *Shoa*. He was himself a Zionist (Loeffler 2017).

⁷⁵ See on this charge Palmer (2017).

Palestinian Arabs in Gaza to constitute one of the highest demographical concentrations on earth.⁷⁶ While there are no logical contradictions here, these disparate facts are difficult to reconcile. Israel is said to control the UN and the USA, but the former keeps passing resolution after resolution against this country, while the latter presses Israel on settlements and negotiations. This, too, is not a logical contradiction, but it is difficult to reconcile these occurrences.

The anti-Zionist complains that in military operations Israel uses “disproportionate” force, while Palestinian Arabs only launch rockets. Must war be proportionate to be legitimate? For the civilized person, a just war is not a proportionate war, but a *defensive* war. Moreover, they forget that millions of Israelis find safety in Israel’s infrastructure and bunkers and are protected by its defense systems such as the “Iron Dome”. Should justice and fairness in war be measured by equality in casualties? This is beyond absurd, since any military operation in self-defense primarily focuses on stopping the threat to its citizens, not on being proportionate. When was any other country on the face of the planet condemned for “disproportionate” warfare? The U.S.? England? France? No country nor economy benefits from war,⁷⁷ and Israel is no exception. The anti-Zionist, perhaps, would like to see more Israeli casualties, in order to achieve *equality* in the conflict.

Anti-Zionists also say that Israel is founded on the myth of the “Chosen People”. But the Jewish conception of “Chosen People” does not refer to any superiority of Jews over others. This is a long refuted anti-Semitic myth in order to infuriate people against Jews, and now, Israelis.⁷⁸ It is a message of *obligation*, not superiority.

On racism, we can quote the following Jewish source, *Mishna Sanhedrin* 4:5 dealing with the deliberations of judges on a case, and why men⁷⁹ must all be treated equally:

“[The first man was created alone] for the sake of *peace* between men, so that one man cannot say to another ‘My father is better than yours,’ and so that apostates cannot say, ‘there are many gods in heaven.’ And also to relate the greatness of the Holy One Blessed Be He, in that man can forge many rings with one mould and they are all identical, but the Holy One Blessed Be He formed *all* men in the mould of the first man, and *none* of them are *identical*” (emphasis added).

There cannot be any clearer rejection of racial superiority than that. This also constitutes an extraordinary defense of individualism.

For Judaism, Jews were chosen to receive the *Torah* and follow the commandments, not to rule others. As to the charge that Zionism is racism, Jews are not a “race”, and neither is Zionism focused on race. There are Asian Jews, black Jews,

⁷⁶On the demographic question in Gaza, see Taylor (2014).

⁷⁷This is a correct empirical generalization which admits of possible exceptions. For example, it might not totally unreasonably be claimed that the Jewish people gained from the war of 1948, nor the Americans from their revolutionary war of 1776.

⁷⁸On the other hand, it cannot be denied that the Jews, as in the case of all other groupings of people, do have specific excellences. See on this Murray (2007).

⁷⁹We renounce political correctness. “Men” is to be understood here as including people of both genders.

white Jews, Arab Jews, etc. For Judaism itself racism is irrational, as according to the Torah we *all* descend from Adam.

So, Israel is not a “racist” country, nor Zionism a racist ideology (as *UNGAR 3379* claimed, finally revoked by *United Nations General Assembly Resolution [UNGAR] 46/86*; see on this Lewis 1991). Nor are there any policies implemented in Israel on the basis of racial discrimination.

Attacking Israel is so common that, as an example of extreme absurdities, the ex Vice President of FIFA (Fédération Internationale de Football Association), Jack Warner, blamed Zionism for the accusations of bribery against *himself*. He declared, “I will talk about the racism that is within FIFA. I will talk about the levels of religious discrimination which I sought to correct. I will talk about the Zionism, which probably is the most important reason why this acrid attack on Bin Hammam and me was mounted” (AFP and The Times of Israel 2015). As we can see, anti-Zionism can be used as an excuse for anything, even bribery in a soccer organization.

Why is this hatred against Israel so evident in many groups, particularly on the Left⁸⁰? One explanation is that it is the outcome of a large historical process, starting when the Soviet Union⁸¹ decided to support the Arabs in their fight against Israel, also promoting anti-Zionist propaganda and international campaigns of delegitimization (such as the UN promoting the equation between Zionism and Racism in the 1970s).⁸² This anti-Zionist propaganda continues to influence that of the left today (Tabarovsky 2019a).

Allan Arkush (2017), reviewing Jeffrey Herf’s (2016) *Undeclared Wars with Israel: East Germany and the West German Far Left 1967–1989* for the *Jewish Review of Books*, expounds:

“In the quarter of a century following the Six-Day War, the East German government and the West German far left demonized Israel time and again, often vilely equating it with the

⁸⁰On this subject, see Hirsh (2017). The Left usually resorts to what Ayn Rand (1961 [1964], 162) defined as the “Argument from Intimidation”, which essentially consists in trying to refute an argument by establishing *a priori* that it cannot be seriously contended due to its inherent immorality. Thus, “how could anyone defend free markets, privatization, and Israel”? By stating this in a condemnatory tone, the Left assumes that these are all immoral causes, and the subject should not even be further discussed. Basically, then, they try to refute the argument without even considering it. They do so by intimidating those who defend those causes, in part by their condemnatory tone. This is increasingly happening with the case of Israel, particularly on college campuses. With respect to Anti-Semitism in Europe, and ex-Labour leader Jeremy Corbyn, an anti-Zionist long time friend of Iran, Hamas and Hezbollah, see Kotkin (2019). On Islamism and the Left, see Parchizadeh (2020).

⁸¹As Harvard Professor Ruth Wisse (2017) explained: “The Soviets hailed the 1929 Arab massacres of Jews in Palestine as the start of the Arab Communist Revolution and formulated the slogans of anti-Zionism that are the *basis* of anti-Semitism in America *today*. Soviet propaganda accused Jews of imperialism in the 1930s and (with the Arabs) of racism in the 1970s. It lured Jews with false promises to an outpost in Birobidzan and demonized the Jewish yishuv in the Land of Israel” (emphasis added). Moreover, in 1983 the USSR created the “anti-Zionist Committee of the Soviet Public”, whose main work was to promote anti-Zionist propaganda. See more on this at Tabarovsky (2019b).

⁸²As an example see Gansinger (2016).

worst thing in their *own* nation's history: Nazism. Worse than that, they contributed not only rhetorically but materially to the Arab countries' and the Palestinian terrorists' war against the Jewish state" (emphasis added).

The comparison to Nazism is similar to the charge of ethnic cleansing in one interesting way. Just as Israel is accused of ethnic cleansing, despite being the only country in the Middle East with both Jews *and* Arabs living together peacefully, meaning it is demonstrably not ethnically cleansed whereas all other Arab countries are, Israel is also demonstrably not a Nazi country. If it were, all Arabs in it would have been placed in concentration camps, decades ago. This of course has not happened, though anti-Zionists continue to insist that Zionism *is* Nazism. The obvious facts on the ground do not do anything close to corroborating this claim. The very opposite is the case.⁸³

Anti-Zionists can claim, perhaps, that Zionists really do want to send all the Arabs to gas chambers but cannot do so because of political pressure. This, of course, is directly disproven by the facts of the ground, where Israel did not and does not engage in any genocide. But we can simply posit the same thing *in reverse*. Perhaps all anti-Zionists really want to send all Jews in the world to the gas chambers but are unable because doing so is not politically expedient, at least not presently. We do not for a moment believe this⁸⁴ though we have our suspicions that if the events of the Holocaust were to be repeated against the Jews, that most anti-Zionists (not all, Murray Rothbard certainly being a major exception) would not too strenuously object.⁸⁵

As Jeffrey Herf (2017) comments, particularly after the huge Soviet bet on the Arabs during the Six Day War (by financing and arming them), Israeli victory was unbearable:

"Rather than acknowledge that the Jews, like any other nation with a state of its own, had defended itself against a real threat and won a war, the Communists and the radical Left applied the negative attributes once applied to the Jews of Europe to the State of Israel. While antisemites before 1945 had described the Jews as the center of a powerful international conspiracy, the anti-Zionists of the Cold War era described Israel as the spearhead in the Middle East of a conspiracy led by the US and supported by West Germany. Rather than describe the war for what it was, a war of self-defence in the face of serious threats, Israel's leftist antagonists during and after 1967 tried to delegitimize its victory as an act of aggression. In the aftermath of the Six-Day War, the idea of the powerful and evil Jew, so familiar in the history of European antisemitism, assumed a new form of a powerful and evil Israel. The Communists and the radical Left in the West blinded themselves with such hatred they were unable to understand why and how a people threatened with destruction less than a quarter of a century after the Holocaust could have fought and won a war against great odds".

Even the Socialist International has joined the BDS movement. Because of this, Israel's Labor Party resigned (Abrams 2018). One of the most used methods in order to keep the Palestinian Arab anti-Zionist cause alive is to constantly align it to

⁸³ It is insulting to even feel the need to refute this claim, as we do.

⁸⁴ We absolutely refuse to do so.

⁸⁵ Does "to the sea" at all resemble "to a gas chamber, go"?

the newest left-wing cause. For instance, if the environment is the main focus of concern among the left, then the Palestinian Arab narrative should be somehow *linked* to it, and Israel of course must be depicted as the pre-eminent despoiler of the planet. If this sounds bizarre, we point the reader to an article published at *Al Jazeera*, entitled “Palestine is a climate justice issue”, by Abeer Butmeh (2019).

Is every criticism of Israel an act of anti-Semitism? Absolutely not.⁸⁶ Does anti-Zionism equal anti-Semitism? Not necessarily, as in the case of Rothbard, but in the majority of cases, yes. Let us see why.

We must first try to define what are the features of anti-Semitism. Following Dr. Gustavo Perednik’s (Undated; 2018) *Judeophobia- Anti-Semitism, Jew-Hate and anti-‘Zionism’*, we may identify its nature by pointing to its basic characteristics:

- (a) Obsession: The anti-Semite is almost exclusively concerned with Jews, even to the point of omitting, distorting or fabricating history, as well as resorting to myths, in order to show the Jews’ presumed evil character. This can be identified when the distortion is so big as to reach the point of implying that the Jews have never been the target of *any* attack,⁸⁷ and even when such an outrage cannot be seriously denied, it is the *victims* who must be blamed.
- (b) Manicheism: The Jews are presented as evil incarnate. It does not matter who wants to exterminate, segregate, humiliate, expel, or malign them. They must always be placed in the side of evil, and their attackers in the side of benevolence and the good.
- (c) Language: The usage of negative definitions and labels in order to name the Jews, which in turn does not leave any place to doubt their evil nature. These may include “greedy”, “occupiers”, “Nazis”, “capitalists,” “speculators,” “exploiters,” etc.

What is to be done when facing an anti-Semite? Since his irrational hatred is immune to arguments, the only thing left is to expose the nature of the defamations. By trying to treat his arguments as merely alternative points of view, one legitimizes him and them. This, of course, does not mean that the anti-Semite has no right to free speech, but this is altogether different from considering his arguments as legitimate albeit mistaken opinions. If we are facing someone merely ignorant, but who engages in discussion in good faith, then it is possible to convince him that the arguments he presents are wrong. If this were the case, we would not be dealing with an anti-Semite, but only with someone ignorant of facts or deceived by propaganda. Matters, as we have seen, with the dyed in the wool anti-Semite, are entirely another thing.

Since one cannot prove a negative in logic, one cannot directly disprove the existence of a world Jewish conspiracy or any other anti-Semitic myth. But at the same time, since the anti-Semite holds these views based purely on emotion, anything can

⁸⁶ We ourselves, no anti-Semites us, have criticized Israel for being too timid in its own very proper defense. See Chap. 4. We also charge it with being insufficiently dedicated to laissez-faire capitalism.

⁸⁷ For the case of Holocaust Denial, see Lipstadt (1993).

count as *evidence*. Thus he sees the confirmation of his bias anywhere and everywhere. A Jew owns a bank, “that’s it” says the anti-Semite, case closed: “they own the financial system”. Another Jew is a Hollywood producer: “Jews control Hollywood”, the anti-Semite claims.⁸⁸

Antisemitic theories are immune to evidence against them, and anything justifies their stances. Anti-Semitism as such is unfalsifiable.⁸⁹ How can we prove that the Rothschilds *do not* control the Fed? We cannot, in very much the same way that we cannot prove that Zeus is not looking at us right now from Mount Olympus. In other words, although we can point to positive proof of who *is* in charge of the Fed (at this moment,⁹⁰ Jerome Powell), the anti-Semite will *insist* that it is “Rothschild” who ultimately controls it behind the scenes. To those who know, no proof is necessary; to those who do not, no proof is possible.

Anti-Semites love to point to bad Jews to buttress their views. Moreover, these Jews are sometimes said to be the *cause* of anti-Semitism. But what they provide is an *excuse* for anti-Semites to *project* their stereotype of *the Jew*. When talking of these people, anti-Semites highlight their *Jewishness*, despite the fact that the only connection between Judaism and them may be their surnames. There is an epistemological side to anti-Semitism. Think of the problem of induction: anti-Semites don’t get their view from experience and generalization. As Karl Popper explained, it is an idea that guides the identification of concretes, and not vice versa. It is not that the anti-Semite’s idea of the Jew is conceptually built by generalizing from *particular* instances of Bernard Maddoffs. Rather, it is the *idea* of the Jew they *already* have that they use in order to *identify* that these people are *perfect* examples of Jews. This also accounts for why the phenomenon of anti-Semitism does not require physical Jews to live in the specific time and space of anti-Semites, but only the anti-Semitic *idea* of the Jews is necessary (for instance, when William Shakespeare wrote *The Merchant of Venice* in the XVIth century, there were no Jews in England since the XIIIth century).

There is a similarity between the way anti-Semites reason, and the following argument by epistemologist and philosopher of science Carl Hempel (1945a, 1945b): if one claims that every raven is black, one is also logically saying that everything that is non-black is a non-raven, hence every time we see something that is not black we can conclude it is not a raven. Therefore, *every* observation confirms the initial proposition. With the anti-Semitic mentality, it functions this way: *the*

⁸⁸We do not for a moment deny that Jews are disproportionately over represented in banking, Hollywood and other key elements of the economy, such as medicine, the professoriate, journalism, etc. See on this Murray (2007), Johnson (1988), Cahill (1999), Keller (1969), Perednik (2005, 2006, 2007). But total ownership, complete control, are entirely a different matter. It is the *the* in “the Jews” that reveals the anti-Semitic element in the defamation.

⁸⁹Austrian economics rejects falsifiability as a criterion of truth. See Block (1973, 1980, 1999), Batemarco (1985), Fox (1992), Hoppe (1989, 1991, 1992, 1995), Hulsmann (1999), Mises (1969, 1998), Newman (2017), Polleit (2008, 2011), Rizzo (1979a, b), Rothbard (1951, 1957, 1960, 1962, 1971a, b, 1973a, b, 1976, 1997a, b, c), Selgin (1988). But we are now engaged in the realm of empirical analysis, where a non-falsifiable claim, even in principle, must be rejected out of hand.

⁹⁰2020.

Jew is evil, hence every time the anti-Semite sees something not-evil (including the overwhelming majority of Jews), it is not really *Jewish*, but when there is evil, the it must be somehow related to *the Jews*, all of them. This also explains the constant use of conspiracy theories by anti-Semites, because they have to find the *link*. This mentality is immune to evidence, because *it does not depend on it*. Hence, even if there were no Bernie Maddoffs, that would not dissuade him in the least.

With anti-Zionism, something similar occurs. Natan Sharansky (2004) developed his theory of the three D's on this topic, Demonization, Double-Standard and Delegitimization:

“The first ‘D’ is the test of demonization. When the Jewish state is being demonized; when Israel’s actions are blown out of all sensible proportion; when comparisons are made between Israelis and Nazis and between Palestinian refugee camps and Auschwitz – this is anti-Semitism, not legitimate criticism of Israel.

“The second ‘D’ is the test of double standards. When criticism of Israel is applied selectively; when Israel is singled out by the United Nations for human rights abuses while the behavior of known and major abusers, such as China, Iran, Cuba, and Syria, is ignored; when Israel’s Magen David Adom, alone among the world’s ambulance services, is denied admission to the International Red Cross – this is anti-Semitism.

“The third ‘D’ is the test of delegitimization: when Israel’s fundamental right to exist is denied – alone among all peoples in the world – this too is anti-Semitism”.

If from the list of near 200 countries in the world, an individual is particularly obsessed with the Jewish state, this is unlikely to be a matter of “defending Palestinian human rights”. After all, many cases and instances of human rights violations continuously take place in the world, including to Palestinian Arabs in Arab countries. Yet, somehow, Israel is, if not the only target, the primary one.⁹¹

In the same respect, Israel’s existence (demonization) is questioned for the same charges that could be claimed of other countries. On the “occupation” charge (double standard), there are no international movements in order to destroy China because it controls Tibet or Hong Kong, or its own citizens for that matter, with an iron fist of fear, Turkey for its occupation of Northern Cyprus, or the U.S. for its takeover of what used to be northern Mexico. The same could be said of Spain, which rejects Catalan independence. But there is a BDS movement *only* against Israel.

On the charge of Israel’s “Nazi” government (demonization), observe that Palestinian Arabs in Gaza live under the totalitarian Islamist Hamas regime and flee

⁹¹ Another hypothesis is that this is pro Jewish racism, or philo-Semitism. Jews are held to a higher standard because they are a “light to the nations”, the “chosen people” in a manner that has nothing to do with their being given the Torah. Jews are something morally special, this approach posits, and it is justified to hold them to a higher standard since they are intrinsically more ethical than anyone else. As Eric Hoffer (1968) said, “Everyone expects the Jews to be the only real Christians in this world”. However, observe that this argument implies a form of reverse racism: Arabs can kill each other, violate human rights massively, commit genocide, etc. and nothing is demanded of them, as if they were intrinsically morally inferior. We, as libertarians and classical liberals, hold all individuals accountable for their actions, and employ the methodological individualism of the Austrian School of economics (Rothbard 1962). The treatment of women, ethnic and religious minorities, homosexuals, etc. in the Arab world is simply inexcusable.

when they have the chance (Gordon 2017c.) However, this does not appear to be a legitimate reason for pro-Palestinians to deny the right of Palestinian Arabs to a *state* of their own. In very much the same way, Israel is charged with being an “apartheid” state, and therefore should “disappear”, but when Palestinian Arab refugees are denied citizenship in virtually all of the Arab countries, except Jordan (Tarnopolsky 2018), no such denunciation is made against them (double standard again).

Moreover, even Jacques De Maio, head of the International Committee of the Red Cross delegation to Israel and the PA (an organization that could not be easily called pro-Israel), recently declared:

“The Red Cross was very familiar with the regime that prevailed in South Africa during the apartheid period, and we are responding to all those who raise their claim of apartheid against Israel: No, there is no apartheid here, no regime of superiority of race, of denial of basic human rights to a group of people because of their alleged racial inferiority” (Plocker 2017).

Again, what are we to say about an author who is obsessively focused on one country, to whose inhabitants he grants no legitimate property whatsoever, and that nation happens to be the one where most Jews live, speak the Jewish language, follow the Jewish calendar, study the Jewish books, the country which most Jews in the world identify as home, in the territory to where most Jews pray pointing to, etc.? Is he just criticizing Israel? Or is he demonizing it?

Now consider someone who is neither adamantly nor irrevocably in favor nor against Israel. This is not an anti-Zionist. This is just someone who is either neutral or just does not care. What if he supports the Palestinian Arabs’ right to a state, but is not steadfastly opposed to Israel? He is not an anti-Zionist, otherwise a large percentage of Israelis themselves would fall into this category (for instance, at the times of the Oslo Accords; Leon 1995). What about someone who rejects all governments, as such, equally, such as anarcho-capitalists? No anti-Semitism here, if he does not single out Israel for obloquy. But if the person wants *only* Israel to disappear, then there is no doubt: he is an anti-Zionist⁹² and an anti-Semite. His policy would lead to massive murder of Jews, and the destruction of modern Jewish life. If someone says that opposing Israel’s existence, which would otherwise imply millions of Jews with no place to go, is not a form of anti-Semitism, the burden of proof rests with he who makes the claim. Be he an atheist, an ultra-orthodox Neturei Karta type, or a Hamas operative, he would still be considered an anti-Semite.

Are there exceptions⁹³ to this general rule? Absolutely: for instance, let us assume that there is an anarcho-capitalist Jew who believes that anarchism is the best system, and as such he wants the country of his people Israel, to apply it. Then, he can be considered neither an anti-Semite nor an anti-Zionist. But how many of this type

⁹²For an example of libertarian anti-Zionism see Halbrook (1981).

⁹³In the case of Rothbard (for instance, see 1971), he was an anti-Zionist but not an anti-Semite. Yet, this does not imply that some of the arguments that he used in order to attack Israel cannot be labeled as such. For an analysis of Rothbard’s claims by one of the present authors, see Block (2014). See a full analysis of Rothbard’s claims in the next chapter.

exist? Was Arafat, or is Ismail Haniya (Hamas leader) an anarcho-capitalist? Not likely. Anti-Zionism cannot be categorized according to the exceptions to the rule, but rather by the rule itself. Modern day anti-Semitism shifted from regular Jew-Hatred (no longer politically correct after the Holocaust) to anti-Zionism.

Both hatreds are so inter-connected that they often intertwine. This is the case with Palestinian propaganda. “Jews” and “Israelis” are interchangeable in the same context, pointing to their necessarily evil nature.

For the anti-Zionist, Manicheism is a fundamental. It does not matter what Israel does, because all its acts will be interpreted from what, in the anti-Zionist’s mind, it already is: pure evil. For instance, if Israel sends foreign aid⁹⁴ to Haiti, it is not in order to help the victims; but to steal their organs (Benhorin 2010).

The great ally of anti-Zionism is anti-Semitism. The latter has pervaded much of western culture and therefore is latent in an important degree among the population in the west. Here is a well-known joke that illustrates this:

“The first person says:”

““The Jews and the cyclists are responsible for all of our misfortunes!””

“The second asks: ‘Why the cyclists?’”

“To which a third counters: ‘Why the Jews?’”⁹⁵

There are so many myths about the Jews (the “deicide” charge, blood libels, “avarice”, etc.) that anyone can pick his favorite in order to place the blame of any problem on this group. If someone charges the Jews with *X*, then *A* could say that *X* is true because “the Jews killed Jesus”, *B* could swear by it because “the Jews run the US Government”, etc. When Israel is charged with anything, particularly old wives’ tales that were used in traditional anti-Semitism, the same mechanism applies. In the Middle Ages Jews were charged for using young Christian blood in order to cook matzoh (bread for Passover), nowadays they are charged for using Palestinian children’s blood (The Times of Israel Staff 2015a), etc. The more things that change, the more they stay the same.

Of course, there is legitimate criticism of Israel. But this pertains to honest criticism of this country involving a specific policy or set of policies (such as taxation, regulation, or foreign policy), not demonization or delegitimization based on the assumption that its entire existence is illegitimate. A decent litmus test could be the following. Ask an Israel critic if the Jews have a right to a state, and if Jews have any right to any part of the land of Israel whatsoever. If he says no, then his criticism of Israel is anti-Semitic in origin, rather than well-meaning criticism, friendly amendments, meant to help improve the welfare of people in that country.

We accept all obvious and justified criticism of Israel. We have mentioned some examples all throughout this book. But what about the disparagement of this

⁹⁴That we, as libertarians, oppose. See Peter Bauer (1981, 1982, 1984, 1991) on this.

⁹⁵For a play inspired by the joke written in the Terezin Concentration Camp, see <http://www.thelastcyclist.com/about-the-play/> (last visited May 24, 2017).

country offered by those who see no benefits from any Israeli policy whatsoever, who censure Israel every time? They lack objectivity.

Note that we do not intend to say that we also criticize Israel for the sake of appearing objective. We do not advocate any sort of grey morality in order to appear unbiased. One can be certain of many things. Despite the obvious fact that we cannot know everything, we can actually know something.

The perfect is the enemy of the good. And on certain points, such as Israel's right to exist, engage in self-defense, attain safety for their citizens, we are completely certain: Israeli actions are in the main justified. That does not mean that we do not regret innocent Arab women and children being killed in defensive IDF operations. It means, rather, that we should place the blame on those who deserve it: in the case of Gaza, Hamas. What is the problem with being certain about this? Should we choose not to fully support Israel and the IDF because that automatically makes us seem biased, uncompromising and even fanatical? There are indeed some black and white situations, despite the fact that issues in political economy, war and peace, often admit of at least a tinge of grey.⁹⁶

To point out that a supporter of Israel may have no doubts on this specific issue does not mean that he is automatically wrong. We can only infer that the critic is in error. Perhaps the defender of the IDF is correct, something he does not contemplate.

Even in these days of Postmodernism and relativism, some people *still* believe in just (Zionist) causes and are willing to say so aloud. There is a sort of obsession with criticism because it is taken as a sort of litmus test that defines one's morality (being relativism, paradoxically, the higher standard). We reject this premise.

In fact, if anything richly deserves criticism it is Hamas and the brainwashing of Arab children by the PA. Sometimes issues are black and white, and no grey is required. This is not fanaticism, just plain unvarnished truth.

Why should the IDF accept guilt for defending its citizens from an organization that uses its own civilians as human shields? If Israel were to do any such thing, it would deserve world-wide condemnation, which it would elicit, no questions asked, in spades. However, it would not work. While the Jews have compunctions about destroying a missile launching site located in the middle of a school or hospital, the Arabs in general, and the Palestinians in particular, have shown no evidence of any such concerns. Indeed, the very opposite it the case, based on their willingness to target civilians.

What would the U.S. do if missiles were launched into its territory by either the Mexican government, or by private individuals in that country with the connivance of that state? Simple. Declare war on that nation, bomb it, conquer it, and either imprison or execute those mainly responsible. What would Brazil do if missiles were launched into its territory by either the Venezuelan government, or by private individuals in that country with the connivance of that state? Simple. Declare war

⁹⁶Block and Barnett (2008).

on that nation, bomb it, conquer it, and either imprison or execute those mainly responsible.

What would China do if missiles were launched into its territory by either the Myanmar government, or by private individuals in that country with the connivance of that state? Simple. Declare war on that nation, bomb it, conquer it, and either imprison or execute those mainly responsible. One more, we cannot resist: What would Nigeria do if missiles were launched into its territory by either the Togo government, or by private individuals in that country with the connivance of that state? Simple. Declare war on that nation, bomb it, conquer it, and either imprison or execute those mainly responsible. Does anybody truly think this would not be the course of action in these circumstances?

Now consider the possibility that Israel were to act according to these hypotheticals: What would Israel do if missiles were launched into its territory by either the Gazan government (Hamas), or by private individuals in that country with the connivance of that state? Simple. Declare war on that nation, bomb it, conquer it, and either imprison or execute those mainly responsible.

In sharp contrast, what does Israel in fact do on the numerous occasions when its territorial integrity is violated by Gazans in this manner? Mainly, whine about these incursions; limit itself to shooting invaders in the feet (for the most part); setting up missiles of its own, not to bomb Gaza, but, rather, to shoot theirs out of the sky; make a great play over the occasions when an underground tunnel is discovered and destroyed.⁹⁷ The latest weapon of the Gazans is to float burning kites in Israel's direction. Will this victimized country declare war on that nation, bomb it, conquer it, and either imprison or execute those mainly responsible? Not if the future resembles the past.

The advice of the present authors of this book, however, to the Israeli government is to act in the precise manner we suppose that US, Brazil, China, Nigeria, would respond to such attacks by Mexico, Suriname, Myanmar and Togo. That would pretty much end the hostilities permanently and put paid for any need for any "peace process." That would, in fact, "break the Palestinian will to fight" (Pipes 2009b).

The causal chain in order to identify guilt for dead innocents should go beyond the question of who physically bombed the places where civilians died. It should focus, instead, on who created the *situation* in the first place.⁹⁸ In the case of Gaza, the blame rests entirely with Hamas. We understand that self-criticism is the path to progress by correcting one's mistakes. But when no fundamental mistake has

⁹⁷What is the reaction of most of the rest of the world to these puny reactions? It is to claim that Israel has acted "disproportionately." Would the stipulated reaction of the rest of the world to the reactions of the US, Brazil, China, Nigeria, to attacks by Mexico, Suriname, Myanmar and Togo be the same? To ask this question is to answer it.

⁹⁸Israel is often criticized for responding to attacks launched from hospitals or schools. Yet, Israel is defending itself from aggression. Civilian casualties are the responsibility of he who *initiated* aggression, not the victim that defends himself. Otherwise, no self-defensive act would be legitimate.

occurred there should be no criticism just for the sake of criticizing. Supporting the IDF should be enough, and for us that is certainly true. Israel's right to exist and to defend its citizens from aggression is fundamental. It is basically the only legitimate function of governments in a minarchist libertarian and classical liberal society.

In the words of Howard Jacobson (2016a, b), writing for *The Guardian*:

“The mantra bedeviling reasonable conversation about Israel is that the Jews have only one motive in labelling anti-Zionism antisemitic and that is to stifle legitimate criticism of Israel. This assertion defames Jews, the majority of whom, in my experience, take issue not with the idea of legitimate criticism, but with what in any given instance ‘legitimacy’ amounts to. Criticism is not an inviolable concept. It can be moderate or extreme, truthful or mendacious, well-intentioned or malign. To complain when it is unjust is not to shut down debate. It cannot be exorbitant to argue that what will determine whether criticism of Israel is antisemitic is the *nature* of the criticism.

“The effect of a libel is to exhaust trust. It should not be automatically assumed that, when it comes to Israel, Jews are incapable of arguing honestly, an assumption that itself edges dangerously close to the racism that is being denied. We need to separate this from that. No, ‘legitimate’ (that is to say fair and honest) criticism of Israel as a nation among nations does not amount to anti-Semitism. Anti-Zionism, on the other hand – the repudiation of Israel’s *right to exist* – almost invariably does” (emphasis added).

Thus, the best strategy of both Israel and its supporters should be to state the basis for its right to exist, and to expose the nature of its enemies, rather than constantly explaining that Israel is a start-up nation or that Israelis invented the latest great computer chip.⁹⁹ These defenses properly look in the eyes of disinterested bystanders as rationalizations. In contrast anti-Zionists more sensibly focus on the *moral* case, albeit based on myths and historical fabrications. As Daniel Doron (2015) expounds:

“Israel has to move from *defensiveness*, trying to justify Zionism as a virtuous liberation movement, to an assault on the legitimacy of the criminal regimes that try to destroy it. It has to expose them as dark and evil dictatorships that deny the human rights of their citizens, especially women, children and minorities. It must clarify that their murderous aggression is not directed only at Israel but also at each other, that their wish to destroy the ‘small Satan’ Israel is a prelude to their intent to destroy the ‘great Satan’ America, representing Western culture and Christianity, which Islam is determined to vanquish. Their pretense of fighting for Palestinian rights is a facade hiding their genocidal intentions and their wish to destroy all non-Islamic peoples. If they could they would butcher all non-Muslims, as Islamic State (IS) is attempting to do.

“[...] The PA is a dysfunctional criminal entity, a clan-based coalition made up of murderous political gangs. It deprives the Palestinians of even the most elementary rights, robs them of billions in aid from the US and Europe, keeps them in poverty and misery, oppresses women, gays and lesbians, and anybody who isn’t Muslim. It foments rage against Israel by incessant incitement that calls on even little children to kill Jews. Can granting it statehood bring about peace? How can anyone who cherishes human rights, and cares for the

⁹⁹That we may add is also true, for instance see Singer and Senor (2009). Other such defenses of Israel include great hospitals, orchestras, industries, etc. We do not oppose these initiatives, since they show a side of Israel that the public ignores. We only oppose using this excellent information as the *main* argument for Israel.

oppressed Palestinians, believe that subjecting them to even a greater state oppression is justified just so that they can enjoy a putative political ‘self-determination’ – the *kind* enjoyed by the citizens of Saudi Arabia, Syria, Iraq, The Gulf States, the North African states, Pakistan, Iran or Afghanistan? Israel sinned against the Palestinians when, in the Oslo Agreements, it agreed that a terrorist organization, Arafat’s PLO, should rule them. The idea was that the PLO would fight Hamas; instead, Israel got two terrorist organizations to try to destroy it” (emphasis added).

Let us focus now on one of the main sources of anti-Zionist “criticism” of Israel. The obsession of the United Nations against Israel is simply beyond belief.¹⁰⁰ Genocides currently taking place in the world are omitted or treated mildly, whereas Israel is scrutinized with a magnifying glass and continually found wanting.

See, for example, this map from *UN Watch*, which breaks down UN Human Rights Council resolutions against all countries in the world. (Picture 5.2)

As can be seen, from 2006 to 2016, a total of 68 resolutions condemning Israel for supposed human rights abuses were passed by this body, more than the rest of the world *combined*. The next runner up is Syria, with 20. Countries with zero condemnations for any human rights abuses at all include Algeria, Cuba, Iraq, Pakistan, Russia, Somalia, Venezuela, Vietnam, Yemen, and Zimbabwe. North Korea, by the way, has only had 9 resolutions passed against it by this body.



Picture 5.2 UN Proportionality. (Source: <https://unwatch.org/un-israel-key-statistics/>)

¹⁰⁰For a thorough analysis of this subject see Neuer (2007). See also the extraordinary job of *UN Watch* at <https://www.unwatch.org>

Somehow, we find it hard to believe that North Korea, Venezuela, or Cuba, where populations are literally starving to death due to totalitarian governments, are less guilty than Israel when it comes to human rights abuses. Forgive us for concluding, based on this evidence, that this body is grossly anti-Semitic. We would also venture to postulate that most people who currently reside in any of these countries would gladly swap places with any Palestinian Arab currently residing in Judea and Samaria. Where would the anti-Zionist rather live, we ask? If given the choice between Judea and Samaria under the “occupation” of the IDF and in the midst of dreaded Jewish settlements on the one hand; and Venezuela, or North Korea, or Zimbabwe or Somalia on the other? We are absolutely certain that he would choose to live under the “oppression” he so vociferously and singlemindedly condemns.

As with every institution, the UN cannot be any better than its membership. If many of its constituent states are tyrannies and dictatorships, Gulf state Islamist monarchies and communist despotisms, i.e. totalitarians and autocrats, how could we expect this organization to be a role model of civility and peace? The UN is in fact a farce. To the libertarian, as a collection of states, to paraphrase Rothbard, it is a “Gang of a gang of thieves, writ large.”¹⁰¹ It is an international stage funded by Western taxpayer money¹⁰² used in order to legitimize the voices of the worst governments on the planet. This is achieved basically by means of two mechanisms: a) giving a stage to every miscreant nation that happens to be a member of the UN; and b) placing at the same level a Western liberal democracy with dictatorships such as Saudi Arabia and others of its ilk.

As an organism with a multi-billion dollar budget, its results have been the disaster that one could rationally expect from such a hodge-podge. Far from promoting peace, civilization and the prevention of war, its main target has been, for the most part, Israel.¹⁰³ Are we exaggerating?

After the 1948 War of Independence, the UN created a special body in order to treat the Palestinian Arab refugee situation, the United Nations Relief Works Agency (UNRWA). This was done despite the fact that the UN already had an agency to deal with refugees, the Office of the United Nations High Commissioner for Refugees (UNHCR). Of the millions of refugees of the twentieth century (Karsh 2018), only Palestinian Arabs had preference in the UN.¹⁰⁴ Note, further, that this does not apply to Palestinian Arab refugees from *Arab* countries, as was the case when Kuwait

¹⁰¹ The original Rothbard (1982 [1998], 169) quote states: “...the State is nothing more nor less than a bandit gang writ large...”.

¹⁰² For instance, a recent article (Associated Press 2017) reveals how the World Health Organization spends more money in travel expenses than in fighting AIDS, Malaria and Tuberculosis: “According to internal documents obtained by The Associated Press, the United Nations health agency routinely has spent about \$200 million a year on travel expenses, more than what it doles out to fight some of the biggest problems in public health, including *AIDS, tuberculosis and malaria combined*.”

“Last year, WHO spent about \$71 million on AIDS and hepatitis. It devoted \$61 million to malaria. To slow the spread of tuberculosis, WHO invested \$59 million” (emphasis added).

The WHO is also used as a platform to attack Israel (Bard 2020).

¹⁰³ See on this Muravchik (2017).

¹⁰⁴ For more on this, see Schvindlerman (2019).

(among others) expelled massive numbers of them (Rosen 2012). No, it has focused on Israel, and Israel alone. It goes without saying that there was no special agency to deal with the Jews expelled from Arab countries.

As Bernard Lewis (2005) explained:

“The partition of Palestine in 1948 was a trivial affair compared with the partition of India in the previous year, which resulted in millions of refugees—Hindus who fled or were driven from Pakistan into India, and Muslims who fled or were driven from India into Pakistan. This occurred entirely without any help from the United Nations, and perhaps *for that reason the refugees were all resettled*. One could go back a little further and talk about the millions of refugees in Central and Eastern Europe—Poles fleeing from the Eastern Polish areas annexed to the Soviet Union and Germans fleeing from the East German areas annexed to Poland. Millions of them, of both nationalities, were left entirely to their own people and their own resources” (emphasis added).

The UNRWA has a budget close to a billion dollars, between 25,000 and 27,000 employees and pensioners (Rehov 2017), and among other institutions, schools where Palestinian Arab children are brainwashed with anti-Zionist and anti-Semitic propaganda (Goldstein 2007). For 70 years Palestinian Arabs have suffered in refugee camps at the behest of Arab states, so as to demonstrate *Israeli* cruelty.¹⁰⁵ This is an outrage that no one seems to care about. Even Palestinian leadership shows little evidence of concern for Palestinian Arabs. This applies to Gaza, as well as to Judea and Samaria. Consider, for instance, that in 2017 the PA wanted Israel to reduce the electricity it provides to Gaza, due to an inner conflict between the PA and Hamas (actually, a power struggle¹⁰⁶) (The Times of Israel 2017).

In this respect, Pierre Rehov (2017) mentions that:

"It is worth recalling that between 1981 and 1986, when Israel had set up a social program to rehabilitate Arab refugees based in Gaza, the only response from the UN, *under pressure* from Fatah Chairman Yasser Arafat, was to condemn the Hebrew State for its initiative, concluding each of its resolutions by this distressing order: 'Return the refugees to the camps'" (emphasis added).

Moreover, as Michael Rubin (2017) illuminates in an article in *The Washington Examiner*:

“In an April 15, 2002 vote, 40 countries — including Austria, Belgium, France, Portugal, Spain and Sweden — argued that Palestinians could engage ‘all available means, including

¹⁰⁵As Jonathan Tobin (2016a), writing for *Commentary*, explains: “That the camps have become awful slums is a function of the refusal of the world body, or the Arab world, to contemplate any solution to them other than the so-called ‘right of return,’ which would mean the destruction of Israel. That they are not only poverty-stricken but hotbeds of anti-Israel extremism and terror is hardly surprising. In Shuafat’s case [a refugee camp], the residents’ plight was worsened by the terrorist war of attrition launched by Yasir Arafat, which forced Israel to erect a barrier that succeeded in stopping the suicide bombings”. Moreover, a novelist writing an article for *The New York Times*, Rachel Kushner (2016) (in a non pro-Israel piece), observed: “And in the background of the hugs and kisses, in *almost every* home where we spent time, the TV playing the Islamic channel, Palestine Al-Yawm, a relentless montage of blood, smoke, fire and kaffiyeh-wrapped fighters with M-16 s” (emphasis added).

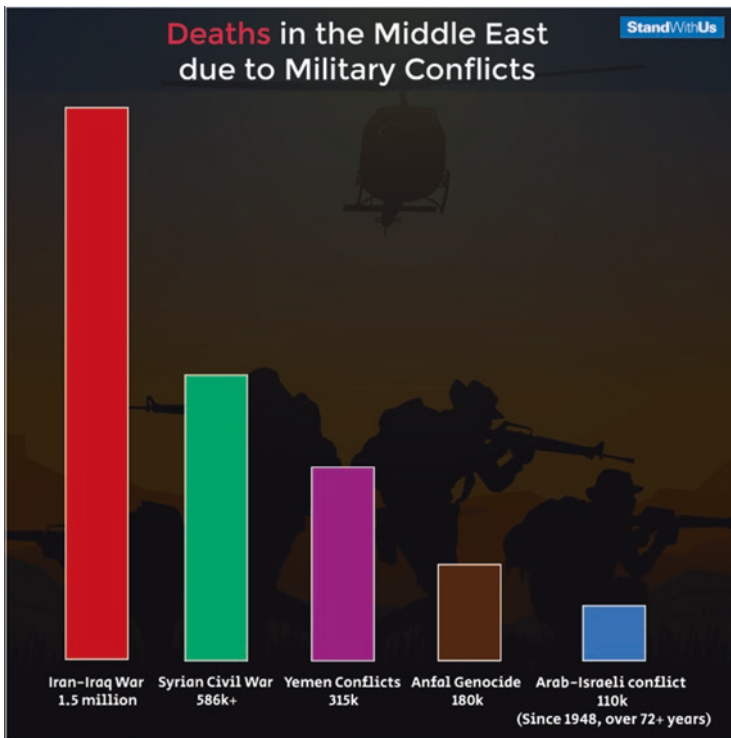
¹⁰⁶The PA pressure on Hamas did not end on electricity, but also included stopping medical shipments to Gaza at the time (Rasgon 2017).

armed struggle’ to establish a Palestinian state. That U.N. Human Rights Commission resolution enshrined the *right* to conduct suicide bombing in international humanitarian law. After all, many academics, diplomats, and human rights activists argue that the U.N. and its human rights wings set the precedent that becomes the foundation for international humanitarian and human rights law. When the Human Rights Commission voted, Israel was weathering a months-long suicide bombing campaign that, at its height, saw multiple bombings of buses, cafes and other public buildings every week” (emphasis added).

The world condemns suicide bombings, except when it comes to Israel.

In addition, public opinion does not even seem to care about Palestinian Arabs slaughtered in Syria during the current civil war,¹⁰⁷ going on for years. Since 2011, approximately 4000 Palestinian Arabs have been killed (Ahronheim 2019). Moreover, UNRWA went so far as to use a picture of a Syrian girl outside Damascus to attack Israel by saying that she was a young girl suffering from the “blockade” (The Times of Israel Staff 2017).

As the following figure shows, the obsession with Israel cannot be seriously doubted (Graph 5.1):



Graph 5.1 Deaths in the Middle East due to Military Conflicts. (Source: StandWithUs)

¹⁰⁷These lines are written in 2020. On the situation of Palestinian Arabs in Syria, see also Abu Toameh (2020b).

The negative focus on Israel is overwhelmingly disproportionate. Judea and Samaria, the disputed territories, are continually scrutinized by the UN. No other “occupation” is treated by the UN as is that of Judea and Samaria (and the term here does not even apply to Israel, as it does elsewhere). Of the tens of modern conflicts involving occupations, including Western Sahara, East Timor, East Congo, Nagorno-Karabakh, Northern Cyprus, and the Crimea (Baker 2017b), the UN (and the world) seem to be exclusively concerned with Israel and Judea and Samaria.

Israel’s Magen David Adom (the Jewish Israeli equivalent of the Red Cross, the Red Star of David) was systematically discriminated against for decades by the The International Committee of the Red Cross and Red Crescent (ICRC).¹⁰⁸ There is only one world-wide BDS Movement: Against Israel.

Why such a fixation? Anti-Semitism (and its influence on anti-Zionism), explains much of it. But we must also mention a psychological factor that may be relevant with respect to the case of Israel and Palestinian Arabs. As it has been widely studied, language influences thought.¹⁰⁹ In the present context, the fact that Israel is presented in opposition to Palestinian Arabs, the subject becomes problematic because, since the historical area is called Palestine, for some people, the first simple and logical answer to the question “to whom does Palestine belong?” is, obviously: Palestinians.

This may sound absurd at first, but we ask the reader to think about it, at least for a short moment. Let us now ignore the fact that Palestine is the name the Romans used to refer to Judea after the great exile in 135/136 CE, and that, until the birth of Israel in 1948, it was primarily the Jews who identified themselves as Palestinians.¹¹⁰ If a jurisdiction is continually called Palestine, the logical conclusion is that it *must* belong to Palestinians. However, since the Jews were called Palestinians before the birth of Israel, and *then* they became Israelis, the term “Palestinian” no longer had them as referents. This, despite they were indeed Palestinians. As Israel’s Primer Minister¹¹¹ Golda Meir (1976) said:

“When in 1921 I came to Palestine – until the end of World War I a barren, sparsely inhabited Turkish province – we, the Jewish pioneers, were the avowed Palestinians. So we were named in the world.”

However, in the event of Israel’s founding, “Palestinian” became a floating definition until the Arabs adopted it in full (mainly after 1967).¹¹² Thus this simple intuitive connection may play at least a small part in the widespread idea that the Jews have nothing to do with Palestine; that, instead, Israel was born as a “gift” from the

¹⁰⁸ See The Review of the Australia/Israel and Jewish Affairs Council (2000); and BBC (2006).

¹⁰⁹ See Boroditsky (2011), Whorf (1956), and Sapir (1931).

¹¹⁰ See Chap. 6, Section 6.2.

¹¹¹ Golda Meir was Primer Minister of Israel in the period March 17, 1969 - June 3, 1974.

¹¹² See Chap. 6, Section 6.1.

West to compensate for the Holocaust.¹¹³ To those that assert this claim, no previous Jewish presence in the area, even the Yishuv,¹¹⁴ is relevant, despite the fact that it refutes it.

It is widely thought that Palestinian Arabs, irrespective of their emanating from many different places in the Middle East and representing different ethnic and religious groups, are the indigenous people of the land. In the context of massive anti-Israel propaganda, historical fabrications and lies, the fact that Palestinian Arabs are defined as Palestinians implicitly projects to the public that they are the real owners of “Palestine” simply because they share the same name. Observe that, even if we accept, *arguendo*, that this implicit argument makes sense, it could also be refuted in the following way: If Palestine belongs to Palestinians, but Palestinians are Arabs, then they are not ultimately from Palestine, but *from the Arabian peninsula*.

This perception of Palestinian Arabs as owning Palestine must also be considered together with the other widely held viewpoint that they are the true victims of the conflict, instead of Israeli Jews, who have been under attack a long time before Israel was even founded. Hence, the psychological effect of the name plus the moral standing with the perceived victim is another factor that constitutes a basis for the widespread support for Palestinian Arabs, with or without any anti-Semitic additions.

This perception, is also promoted by Israelis who adscribe to Post-Zionism (this is nothing other than a postmodern analysis of Zionism). As we mentioned when treating the “New Historians” (Chap. 3), Post-Zionism has become a trend that to this day often ends up being one more form of anti-Zionism. By trying to portray the Zionist project as immoral, born out of an original sin of expulsion and expropriation, it is yet another ideology through which Israel is attacked.

What is its origin? Meyrav Wurmser (2000), reviewing Yoram Hazony’s *The Jewish State: The Struggle for Israel’s Soul* (2000), expounds:

“Hazony’s central argument is that the current Jewish assault on Zionism is not a recent phenomenon; its roots go back to approximately the early 1900s, near the very beginning of the Zionist movement. He sees contemporary post-Zionists as the intellectual heirs of Martin Buber and a group of leading German-Jewish (and, to a lesser extent, American) intellectuals, including professors Hugo Bergman, Yeshayahu Leibowitz, Joshua Praver, Gershom Scholem, and Jacob Talmon. Many of them were members of Brit Shalom (Peace Association), a small but vocal political movement in pre-Israel Palestine that called for a bi-national Arab-Jewish state. They opposed Zionism from its outset because they believed

¹¹³This is an idea even shared by some European leaders themselves, as former French President Charles De Gaulle, who “... expressed this view perfectly in his outrageous comments following the Six-Day War, when he asserted that Israel had crossed its moral and political boundaries. The existence of the Jewish state, according to de Gaulle, was a form of compensation for the Holocaust and reparation for Europe’s crime against the Jewish people. With that, the Jews -- in his mind -- do not have the right to exit these boundaries or deem themselves sovereign or independent, and if they dare think that, they will lose the support of France, which will no longer come to help them if they are in danger of being destroyed” (Trigano 2017).

¹¹⁴The Jewish settlement in pre-Israel Palestine.

that political power would necessarily corrupt the Jewish settlement and lead to injustice toward the Arab population.

“Hazony offers a parsimonious and seemingly powerful explanation for post-Zionism. Buber and these other intellectuals, he points out, dominated the faculty of the Hebrew University in Jerusalem from its foundation in 1925. They infused their research and teaching with their anti-Zionist paradigm. Their students adopted these ideas and formed the next generation of Israel’s educators and intellectuals, who in turn trained today’s post-Zionists. In other words, today’s post-Zionism comes from ‘the hub of a great intellectual contrivance’ created by Buber and his associates who ‘succeeded in creating the course of over forty years’ (p. 298).”

How did this movement end up as a form of anti-Zionism? Since Zionism is an ideology that proved its practicality and is predicated on justice, as is shown by the stupendous success of the modern Israel, every voice that predicted its destruction has been refuted. Moreover, despite the postmodern rejection of ideologies, in the context of the resounding failure of socialism as exemplified (along with many other cases) by the fall of the Soviet Union, Zionism has been proven correct, at least by contrast. It has succeeded.

Of course, in order to undermine Israel’s success, it is necessary to attack Zionism (as its root) and deny the obvious: that although this country, as any other, has its problems, it not only exists, but also thrives and progresses. No catastrophic prediction, whether related to genocidal wars by Arab states or the Arab demographic increase that would make Israel no longer a country with a Jewish majority, have taken place. In this context, Post-Zionists end up advocating a sort of self-destruction of Israel, by trying to undermine Zionism’s legitimacy as an ideology of freedom for the case of Jews. One of its forms is to render Israel into a bi-national state.

As an example of this type of Post-Zionism, Avraham Burg, former speaker of the Knesset in the period 1999–2003, has written several books on this approach including *The Holocaust is Over: We Must Rise from its Ashes* (2008). The basic argument is that Israel is a fascistic society due to the trauma of the Holocaust. Here is what he says in an article titled “The End of Zionism” (Burg 2003):

“Israel, having ceased to care about the children of the Palestinians, should not be surprised *when they come washed in hatred and blow themselves up in the centres of Israeli escapism*. They consign themselves to Allah in our places of recreation, because their own lives are torture. They spill their own blood in our restaurants in order to ruin our appetites, because they have children and parents at home who are hungry and humiliated. We could kill a thousand ringleaders a day and nothing will be solved, because the leaders come up from below - from the wells of hatred and anger, from the ‘infrastructures’ of injustice and moral corruption” (emphasis added).

Thus, it does not matter if Jews are attacked (in this case, Israelis), since it is *their* fault. The seeming aggressor is justified; he is, in reality, a victim; he is merely striking back at his exploiter. If “their own lives are torture”, it is not because of the nature of their oppressive societies (such as Hamas’ rule in Gaza¹¹⁵), but due to the depredations of Israel. “They spill their own blood in our restaurants in order to ruin our appetites”, as if the blood of murdered Israelis would be akin to hungry

¹¹⁵ See Frisch (2017).

stomachs. Observe that it is primarily the suicide bombers who “spill their own blood”, as if the murdered Israelis were the *cause* of their being murdered.

Cause and effect are subverted. Burg observes correctly that “We could kill a thousand ringleaders a day and nothing will be solved, because the leaders come up from below – from the wells of hatred and anger, from the ‘infrastructures’ of injustice and moral corruption.” But these horrors are not to be attributed to Israeli “oppression.” Instead, they are the result of Palestinian massive propaganda of hatred and destruction.

This type of mentality, emulating the manicheist approach that is characteristic of anti-Semitism, cannot see anything good in Israel nor anything bad in its enemies. If, somehow, something negative arises in the latter, it surely must be a consequence of the former.

The Holocaust as the origin of Israel is claimed over and over again,¹¹⁶ despite the fact that the Yishuv and Zionism fought for a state long before Hitler’s rise to power in 1933 (Wilf 2012). In a perverse form of European self-centering aggrandizement, the implicit argument goes something like this: “Yes, we did mass slaughter the Jews in the Holocaust and forced the creation of Israel in 1948, thereby provoking a massive expulsion of Palestinians. It is our fault, in the end, so now we must force *Israel* to accept a peace agreement with the Palestinians”. Yes, Europe is an important place. But it is not the center of the Universe. All things do not emanate from that one continent.

The Holocaust is not the source of Israel’s right to exist, the Europeans did not help create Israel (as the case of Britain shows, the reverse was the case¹¹⁷), and it is not Israel that does not want peace (as the examples of Egypt and Jordan demonstrate). Every part of this argument is wrong.

Anti-Zionism should be exposed for what it is, a form of rationalization for pure hatred of Israel, and of Jews. Post Zionism is but one aspect of this phenomenon. Zionists should stop apologizing, and instead proudly advocate the truth: Israel is in the *right* and its enemies in the wrong. Let us conclude this chapter with the wise words of Jabotinsky (1911):

“How much longer will this go on? Tell me, my friends, are you not tired by now of this rignarole? Isn’t it high time, in response to all of these accusations, rebukes, suspicions, smears, and denunciations—both present and future—to fold our arms over our chests and loudly, clearly, coldly, and calmly put forth the only argument which this public can understand: why don’t you all go to hell?”

“What kind of people are we that we have to justify ourselves before them? And who are they to demand it of us? What is the point of this whole comedy of putting an entire people on trial *when the verdict is known in advance*? How does it benefit us to participate voluntarily in this comedy, to brighten up these villainous and humiliating proceedings with our speeches for the defense?”

“Our defense is useless and hopeless, our enemies will not believe it, and apathetic people will pay no attention to it. The time for apologies is over” (emphasis added).

¹¹⁶We have been meticulous in documenting our claims. We do not do so in this case, since it is so prevalent.

¹¹⁷See Chap. 3, Section 3.1.

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Chapter 6

Critique of the Classical Liberal Case for Anti-Zionism



“Libertarians are opposed to every State. But the State of Israel is uniquely pernicious, because its entire existence rests and continues to rest on a massive expropriation of property and expulsion from the land” Murray Rothbard (1982).

The entire libertarian movement is the outcome of the efforts of one man in particular: Murray N. Rothbard. Apart from being an extraordinary economist of the Austrian school, he was a prolific author covering all areas of social sciences, ranging from history to sociology to politics to philosophy. More importantly, Rothbard was the virtual founder of the theory of anarcho-capitalism, an application of free market economics to government functions. Hence, not only did he expand economic theory focusing on free markets and private property rights based on homesteading, but also practically created the entire philosophy of libertarianism. As such, Rothbard held views on a wide variety of issues, including Israel. Traditionally, then, the libertarian position on Israel was heavily molded by him, and therefore his students, among whom is former Republican Congressman Ron Paul, were influenced by it.

Is the government of Israel justified? Not from the Rothbardian anarcho-capitalist point of view. What is this perspective? The Israeli government engages in taxation, which is a polite word to describe theft; it has a military draft which amounts to forced labor; it also demands the monopoly right to dispense justice, and will initiate violence against innocent providers of this service who might dare to compete with it. Of course, every other government on the face of the earth (with the exception of compulsory service in the armed forces) violates rights in this manner. They are all therefore equally guilty from the perspective of libertarian anarchism. Thus,

This chapter is based on parts of our paper Block, Walter E., Alan G. Futerman and Rafi Farber. 2016. “The Legal Status of the State of Israel – A Libertarian Approach”. *Indonesian Journal of International and Comparative Law*, Vol. 3, Issue 3, June, pp. 435–553.

given that the Israeli state is not justified, this applies to all other nations on earth as well.¹

However, in the present chapter we will engage not in bashing this one state,² but, rather, in a comparative analysis. How does Israel stack up against other nations, particularly the ones surrounding it? Can there be relatively good and bad governments from this vantage point? Of course there can be. The relatively better ones adhere more closely to the non-aggression principle (NAP) of libertarianism than do the relatively worse ones. Our contention is that, as a state and from a libertarian perspective, Israel is in fact much more close to the NAP than its Arab neighbors or the pseudo-state that is the Palestinian Authority.

In his well-known “*War Guilt in the Middle East*”³ Murray Rothbard (1967)⁴ argues that the state of war in that part of the world is to be blamed solely on Israel. The first thing that may surprise the reader is why this author is talking about the *entire* Middle East (not only in the title, but in his article as well) when he is *only* analyzing the situation with regard to Israel.⁵ But the major problem with the essay is the reasons he uses in order to arrive at that conclusion.

¹ In the view of Rothbard (Rothbard 1973a, b, 56–57): “For centuries, the State (or more strictly, individuals acting in their roles as ‘members of the government’) has cloaked its criminal activity in high-sounding rhetoric. For centuries the State has committed mass murder and called it ‘war’; then ennobled the mass slaughter that ‘war’ involves. For centuries the State has enslaved people into its armed battalions and called it ‘conscription’ in the ‘national service.’ For centuries the State has robbed people at bayonet point and called it ‘taxation.’ *In fact, if you wish to know how libertarians regard the State and any of its acts, simply think of the State as a criminal band, and all of the libertarian attitudes will logically fall into place*” (emphasis added). For the anarcho-capitalist case against all governments, see Anderson and Hill (1979), Benson (1989, 1990), Block (2007c, 2011h), Block and Fleischer (2010), Casey (2010), Casey (2012, 2016), Chodorov (1962, 216–239), DiLorenzo (2010), Gregory (2011), Guillory and Tinsley (2009), Hasnas (1995), Heinrich (2010), Higgs (2009, 2012, 2013), Hoppe (2008, 2011b), Huebert (2010), King (2010), Kinsella (2009c), Long (2004), McConkey (2013), Molyneux (2008), Murphy (2005, 2010, 2013a, b, 2014), Rockwell Jr. (2014a, b), Rothbard 1973a, b, 1975, 1977; 1998), Shaffer (2012, 224–235), Sloterdijk (2010), Spooner (1870), Stringham (2007), Tannehill and Tannehill (1970 [1984]), Tinsley (1998–1999), Wenzel (2013).

² As all too often occurs.

³ For another critique of Israel on supposedly broadly libertarian grounds, see Molyneux (2014), for a rebuttal, see LeRoux (2014). For the Objectivist position on Israel see Rand (1979), and Brook and Schwartz (2002). For a critique of Ayn Rand’s views of the Israeli situation, see Rothbard (1971a). For an excellent analysis of the case of Israel from an Objectivist perspective, see Journo (2018). For another libertarian analysis on Israel, see Mercer (2006, 2009, 2018).

⁴ Unless otherwise specified, all mentions of this author will refer to this one essay of his.

⁵ Which amounts now to “[...] about 290 miles (470 km.) in length and 85 miles (135 km.) in width at its widest point” with a population of 7.8 million people, only near 0.1% of the Middle East. Source: Israel Ministry of Foreign Affairs (n.d.-c). The total surface of Israel is 21,671 km², Judea and Samaria 5506 km², Gaza 378 km², Grand Total 27,555 km² (DellaPergola 2001, 4). Judea and Samaria is often called the West Bank, and together with Gaza they are called “Palestinian Territories”. But this is misleading (and wrong, as we have shown above) since these are “disputed territories” and there are also Jewish settlements in Judea and Samaria such as Modi’in Illit, Ma’ale Adumim, Beitar Illit and Ariel.

It is difficult to understand why, among all the conflicts that were taking place in the Middle East at that time,⁶ Rothbard focuses on Israel. Most wars in this part of the world did not involve that country. And what of the ones in which Israel did take part? It is our contention that Mr. Libertarian's⁷ analysis of these conflagrations was erroneous.

The authors of the present book are all great admirers of the work of Murray N. Rothbard. We are his students, and he is our mentor, when it comes to economics, politics, history, philosophy, law, and, certainly, libertarianism. However, we part company from him on this one particular subject.⁸

The authors of the present book are all either anarcho-capitalists or minarchists, and thus do not particularly approve of what the government of Israel does to the people under its control, Jew or Arab, when it comes to taxation, the draft, regulation, etc. However, we enthusiastically support what it *does not* do, i.e. the liberties that it does allow its citizens and others under its control.

In section 6.1 we offer the basic premise of our analysis. The burden of section 6.2 is to discuss the British and World War I. In section 6.3 we briefly touch the relationship of Zionism to our subject. Section 6.4 is given over to our analysis of the birth of the state of Israel and how this impacts criticisms of it offered by Rothbard. In section 6.5 we focus on the Arab leaders and in 6.6 on the state of war. We conclude this chapter in section 6.7.

6.1 The Basic Premise

Rothbard begins his discussion by pointing out that, although every conflict is to be *ultimately* blamed in the existence of states, many libertarians usually use this principle in order to *avoid* taking any sides in any conflict that may arise. As “sectarians”, they tend to become irrelevant by taking this position (e.g., *no* position), and thus fail to recognize that in any given conflict *not every party is equally guilty*. By

⁶A brief summary can be seen at http://en.wikipedia.org/wiki/List_of_modern_conflicts_in_the_Middle_East (last visited May 14, 2020).

⁷We do not at all characterize Murray Rothbard as “Mr. Libertarian” sarcastically. We maintain that he is a giant of liberty, and has done more to promote, and, yes, create, the philosophy of libertarianism than any other person. We, however, do take the position that his analysis of the “Israeli-Palestinian” conflict is mistaken.

⁸We do so with admiration and respect. The paragraph in the text only hints at our stupendous intellectual and ethical debt to him. He was one of the best political economists in all of history. But, we intend to use the paths he blazed with regard to private property rights based on homesteading, to undermine his analysis of the Israeli situation. Rothbardianism is not a cult. His followers, such as we the present authors, are allowed to disagree with the master, as in the present essay. Also see in this regard Block (1998, 2003, 2007a, b, c, 2009, a, b, 2011a, b, c, 2014), Barnett II and Block (2005–2006, 2005a, 2006a, b, 2007), Block et al. (2006), Block and Callahan (2003), Block et al. (2007). Another follower and student of Rothbard who took a very different path from his mentor on the very establishment of libertarianism is Hoppe (1988a, b, c, d, 1993, 1995).

not taking sides with the “less guilty” one, Rothbard implies that those libertarians actually promote the perpetuation of war. They offer no solution apart from the “mantra” that “states are the cause of war”.

This thesis is only partially true. States are overwhelmingly *often* the main cause of war, but such battles may arise as well between non-governmental organizations. In the particular case of Israel, what might well be characterized as a state of war began many years *before* there was any state. In fact, a large part of the Arab population bitterly opposed any sort of Jewish *presence* in the area, entirely apart from the creation of any Jewish state. As an example, multiple attacks were carried out against Jewish settlements and neighborhoods in the cities of Palestine⁹ resulting in the murder of hundreds of Jews, such as the Hebron “*Pogrom*”¹⁰ of 1929, an example of such hatred:

“April, 1920 (Easter Sunday). Savage attacks were made by Arab rioters in Jerusalem on Jewish lives and property. Five Jews were killed and 211 injured. [...]” (A Survey of Palestine 1946a, 17).

“1st May, 1921. Arabs of Jaffa murderously attacked Jewish inhabitants of the town and Arab raids were made on five Jewish rural settlements; the disorders were suppressed by the police and military forces. Forty-seven Jews were killed and 146 wounded, mostly by Arabs, and 48 Arabs were killed and 73 wounded, mostly by police and military action [...]” (A Survey of Palestine 1946a, 18).

“1932. The year was marked by refusal of the Arabs to co-operate with the Jews in every field. The Arab Executive declared a boycott of the ‘Levant Fair’ at Tel Aviv. Arabs invited to serve as members on a Government education committee declined to accept and two Arab members of the Road Board resigned” (A Survey of Palestine 1946a, 30).

“August, 1933. A campaign against Jewish immigration¹¹ was begun in the Arab press and developed in intensity during the following months.

“September, 1933. The President of the Arab Executive (Musa Ivasem Pashael Hussein) at the Moslem festival of Nebi Bubin made a violent speech against Jewish immigration. This was followed by Arab agitation, fostered by means of press articles and public meeting” (A Survey of Palestine 1946a, 31).

“18th May, 1936 [...] During May and June the strike was effectively imposed; Jaffa port was put out of action; there were intermittent local demonstrations and assaults on Jews; there was destruction of Jewish property and sniping at Jewish settlements; sporadic attacks were made on the railway lines, two trains were derailed, roads barricaded and telephone wires cut; and armed bands, swelled by volunteers from Syria and Iraq, made their appearance in the hills” (A Survey of Palestine 1946a, 35–36).

⁹ See as an example Hollander (2009), and other sources at The Middle East Peace (n.d.).

¹⁰ For a full report on the Hebron Massacre see Jewish Virtual Library (n.d.-e).

¹¹ For a critique of Rothbard’s position in general against free immigration, see Block 1998, 2004a, b, 2011a, c, 2013a, b), Block and Callahan (2003), Gregory and Block (2007b).

“6th August, 1938 [...] During 1938 the Arab campaign of murder and sabotage gathered strength; gang warfare was gradually developed in the hills on organized lines and was accompanied by increased terrorism in the towns; the roads became unsafe for use and the economic and social life of the country was seriously disrupted. The campaign received its momentum from the political leaders who had found refuge in Syria, the Lebanon and Iraq and from their supporters in those countries; arms and money were smuggled across the frontiers into Palestine, and gangsters and assassins were recruited, equipped and issued with instructions by rebel organizations in Beirut and Damascus; in an endeavour to check the movement across the frontier a barbed wire barrier was constructed in June, on the advice of Sir Charles Tegart, along the northern and northeastern boundaries of Palestine. The great majority of Arabs who had hitherto been prominent in the life of the country and who had not either been deported, excluded from Palestine or detained under Emergency Regulations found it prudent to leave; any who remained and attempted loyalty to Government or refused assistance to the rebels were subjected to intimidation, abduction and murder; pressure was brought to bear in particular on village mukhtars and police personnel, many of whom paid with their lives for their connections with Government” (A Survey of Palestine 1946a, 44–45).

This hatred was by no means only held by specific religious groups, but by Arabs in general:

“The hostility shown towards the Jews during the riots was shared by Arabs of all classes; Moslem and Christian Arabs, whose relations had hitherto been uneasy, were for once united. Intense excitement was aroused by the wild anti-Jewish rumours which were spread during the course of the riots” (A Survey of Palestine 1946a, 19).

“One Foreign Office cable ... spoke of Arab hatred of the Jews as being greater than that of the Nazis. The AHC ... issued an ‘ultimatum’ and threatened ‘jihad.’ ... The publication of the report triggered violent demonstrations in Baghdad and Palestine. ... At least one Baghdad newspaper called for jihad ... Another called on the Arabs to ‘annihilate all European Jews in Palestine’” (Morris 2008, 34–35).

“The most common argument in Arab anti-Zionist literature is that Zionism is an appendix of imperialism and lacks any ideological originality. Common terms for the imperialist-Zionist strategy of usurpation are *matami*’ (ambitious designs, schemes), *mukhattafa!* (plans, strategies) and *gham* (incursion, aggression). Quite a few historians extend their rejection of Zionism beyond the Middle East and contest the legitimacy of Zionism even in the European context. They try to show that the Jews themselves are responsible for the rise of anti-Semitism¹² in Europe” (Reinkowski 1999, 68).

¹²On Anti-Semitism or Judeophobia see Chapter 5. See also Perednik (2001). Rose Wilder Lane (1943, 79–80) said on this subject: “Today the people called Jews [...] have in common only one thing, a tradition. It is the tradition that Americans have—an inheritance from men who once asserted, against the whole world, that men are free. With reason, the Old World hates the Jews. Four thousand years ago, a Jew said that men are free. Two thousand years ago, a Jew preached that men are free. In medieval Europe, the Jews came from Spain, knowing that men are free. That knowledge will destroy the whole Old World concept of the universe and of man, it will break up the foundations of Old World nations and States, and shatter the very basis of their subjects’ lives. So they are afraid of the Jew. They ward him off; they shut him out; they build walls around him; they kill him. Their actions show that they are afraid. Every attack upon Jews, from exclusion from this country’s public universities to the ghettos and the massacres in Poland today, are the acts of men who are afraid. And who leads these attacks? A tyrant. Wherever tyranny is strongest—in fifteenth-century Spain, in Czarist Russia, in Nazi Germany—attacks upon the Jew are most mercilessly atrocious. All over the Old World, again and again, for two thousand years, hatred of

Thus, Rothbard begins his analysis on the wrong foot. There was no state of Israel that could be blamed for the detestation of the Jews on the part of the Arab population before the birth of the state of Israel in 1948.

6.2 The British and World War I

Rothbard points out that the root of the conflict is based on British Imperialism,¹³ of which Zionism was supposedly a branch. According to him, the British promised the Arabs a “land free from Turkish domination”, but at the same time their real objective was to secure a Jewish state in the “Arab Palestine”, which, as Rothbard points out, was a land emphatically not connected to Jews (nor, therefore, to Zionists). But this is not true:

“For one thing, Jewish colonization during its first forty years took place in the Ottoman Empire. It was not part of the process of imperial expansion in search for power and markets. Moreover, it did not come about as a consequence of industrialization and financial interests. Indeed, as numerous scholars have noted, Jewish settlement was so unprofitable that it was judged then, and at times still is, to be economically irrational. The scathing critique of Zionism then, is not a direct outgrowth of Fieldhouse’s analysis of colonialism but rather an analysis of revisionist scholars who have wrenched a concept out of context¹⁴ in keeping with their own ideological agenda” (Troen 2011).

Benny Morris (2020), reviewing Rashid Khalidi’s *The Hundred Years’ War on Palestine: A History of Settler Colonialism and Resistance, 1917–2017* (2020), explains:

“Colonialism is commonly defined as the policy and practice of an imperial power acquiring political control over another country, settling it with its sons, and exploiting it economically. By any objective standard, Zionism fails to fit this definition. Zionism was a movement of desperate, idealistic Jews from Eastern and Central Europe bent on immigrating to a country that had once been populated and ruled by Jews, not ‘another’ country, and regaining sovereignty over it. The settlers were not the sons of an imperial power, and the settlement enterprise was never designed to politically or strategically serve an imperial mother country or economically exploit it on behalf of any empire. The land was known to lack natural resources. And most Zionists, rather than wanting to exploit the natives, were indifferent to their fate or wanted to simply see them leave (something Khalidi repeatedly acknowledges throughout the book).”

the Jews has flared up. It is always the hatred that comes from fear, and always—every time, in every instance—it is begun and fostered by men who are afraid of the knowledge that men are free.”

¹³He states (1967, 23): “Into the heart of the peasant and nomadic Arab world of the Middle East there thus came as colonists, and on the backs and on the bayonets of British imperialism, a largely European colonizing people”.

¹⁴On “context-dropping”, see Rand (1961 [1964], in *The ‘Conflicts’ of Men’s Interests*, 1962, 57–65) and Peikoff (1991 [1993], 122–124).

The reality is that Jewish presence in the land of Palestine was almost *uninterrupted*¹⁵ since the great exile¹⁶ started in 135 C.E.¹⁷:

“Even after the destruction of the Second Temple in Jerusalem, and the beginning of the exile, Jewish life in the Land of Israel continued and often flourished. Large communities were reestablished in Jerusalem and Tiberias by the ninth century. In the 11th century, Jewish communities grew in Rafah, Gaza, Ashkelon, Jaffa and Caesarea. The Crusaders massacred many Jews during the 12th century, but the community rebounded in the next two centuries as large numbers of rabbis and Jewish pilgrims immigrated to Jerusalem and the Galilee. Prominent rabbis established communities in Safed, Jerusalem and elsewhere during the next 300 years. By the early 19th century—years before the birth of the modern Zionist movement—more than 10,000 Jews lived throughout what is today Israel” (Bard 2012, 1).

The population in Jerusalem from mid XIX Century shows an example of Jewish presence in Palestine (Table 6.1):

Even the actual word to designate the land of Judea (Palestine) is the result of a *Roman edict*¹⁸ in order to destroy any link the Jews may have had with that area.¹⁹ There are thousands of references to the Land of Israel in Jewish texts and practices, also including the fact that religious Jews pray three times a day in order to get back to Israel and all prayers are conducted pointing to Jerusalem. Furthermore, it is difficult to see why Rothbard discusses an Arab Palestine when the area was almost *unpopulated* and their cities were less than third-rank spots in the Arab world:

“For many centuries, Palestine was a sparsely populated, poorly cultivated and widely-neglected expanse of eroded hills, sandy deserts and malarial marshes. As late as 1880, the American consul in Jerusalem reported the area was continuing its historic decline. ‘The population and wealth of Palestine has not increased during the last forty years’ he said. The Report of the Palestine Royal Commission quotes an account of the Maritime Plain in 1913: ‘The road leading from Gaza to the north was only a summer track suitable for transport by camels and carts. ... no orange groves, orchards or vineyards were to be seen until one

¹⁵ See Maps 7, 8 and 9 in Annex A.

¹⁶ The main source of these “interruptions” was initiatory violence against Jews.

¹⁷ See also Table 6.4.

¹⁸ States Rothbard (1967, 21): “The chronic Middle East crisis goes back – as do many crises – to World War I.” We beg to differ. In our view, while World War I and its aftermath were indeed important in analyzing the situation, incidents occurring centuries before that time are also highly relevant. Rothbard does indeed “go back still further in history” but still not far enough, we contend. How far back does he go at this point in his essay? In the paragraph he mentions the need to “go back still further in history” he gives no specific dates. But in the next paragraph, he mentions “the late 19th and the turn of the 20th centuries.” This is better, but we attempt to go far further back, even two millennia ago. Indeed, this is our main criticism of this author: he does not go far back enough into history. But at least Rothbard casts his net as far back as to the late nineteenth century. Parry (2016) goes back only to 1940.

¹⁹ “The term ‘Palestine’ is believed to be derived from the Philistines, an Aegean people who, in the twelfth Century B.C.E., settled along the Mediterranean coastal plain of what are now Israel and the Gaza Strip. In the second century C.E., after crushing the last Jewish revolt, the Romans first applied the name *Palaestina* to Judea (the southern portion of what is now called the West Bank) in an attempt to minimize Jewish identification with the land of Israel. The Arabic word *Filastin* is derived from this Latin name”, Bard (2012, 2).

Table 6.1 Population in Jerusalem

Year	Jews	%	Muslims	%	Christians	%	Total
1844	7120	45.91%	5000	32.24%	3390	21.86%	15,510
1876	12,000	47.94%	7560	30.20%	5470	21.85%	25,030
1896	28,112	61.89%	8560	18.85%	8748	19.26%	45,420
1905	40,000	66.67%	7000	11.67%	13,000	21.67%	60,000
1910	47,400	64.40%	9800	13.32%	16,400	22.28%	73,600
1922	33,971	54.29%	13,413	21.43%	14,699	23.49%	62,578
1931	51,222	56.63%	19,894	21.99%	19,335	21.38%	90,451
1948	100,000	60.61%	40,000	24.24%	25,000	15.15%	165,000
1967	195,700	74.32%	54,963	20.87%	12,646	4.80%	263,309
1970	215,000	74.39%	61,600	21.31%	11,500	3.98%	289,000
1987	340,000	71.58%	121,000	25.47%	14,000	2.95%	475,000
1990	378,200	72.12%	131,800	25.13%	14,400	2.75%	524,400
2009	476,000	62.57%	247,800	32.57%	15,200	2.00%	760,800

Source: Data from Leibler (1972, 65); and Bard (2012, 189) (Bard (2012, 201) notes that the sources are: “John Oesterreicher and Anne Sinai, eds., *Jerusalem*, (NY: John Day, 1974), p. 1; Israel Central Bureau of Statistics; Jerusalem Foundation; Municipality of Jerusalem; JTA, (May 20, 2009). Totals include those classified as ‘other’”)

reached [the Jewish village of] Yabna [Yavne].. .. Houses were all of mud. No windows were anywhere to be seen.. .. The ploughs used were of wood.. .. The yields were very poor.. .. The sanitary conditions in the village were horrible. Schools did not exist.. .. The western part, towards the sea, was almost a desert.... The villages in this area were few and thinly populated. Many ruins of villages were scattered over the area, as owing to the prevalence of malaria, many villages were deserted by their inhabitants’.

“Surprisingly, many people who were not sympathetic to the Zionist cause believed the Jews would improve the condition of Palestinian Arabs. For example, Dawood Barakat, editor of the Egyptian paper *Al-Ahram*, wrote: ‘It is absolutely necessary that an entente be made between the Zionists and Arabs, because the war of words can only do evil. The Zionists are necessary for the country: The money which they will bring, their knowledge and intelligence, and the industriousness which characterizes them will contribute without doubt to the regeneration of the country’” (Bard 2012, 4–5).²⁰

²⁰Bard (2012, 5–6): “Even a leading Arab nationalist believed the return of the Jews to their homeland would help resuscitate the country. According to Sherif Hussein, the guardian of the Islamic Holy Places in Arabia: ‘The resources of the country are still virgin soil and will be developed by the Jewish immigrants. One of the most amazing things until recent times was that the Palestinian used to leave his country, wandering over the high seas in every direction. His native soil could not retain a hold on him, though his ancestors had lived on it for 1000 years. At the same time we have seen the Jews from foreign countries streaming to Palestine from Russia, Germany, Austria, Spain, America. The cause of causes could not escape those who had a gift of deeper insight. They knew that the country was for its original sons (*abna’ihilasliyyin*), for all their differences, a sacred and beloved homeland. The return of these exiles (*jaliya*) to their homeland will prove materially and spiritually [to be] an experimental school for their brethren who are with them in the fields, factories, trades and in all things connected with toil and labor’”.

“This, then, was the picture of Palestine in the closing decades of the 19th century and up to the First World War: a land that was overwhelmingly desert, with nomads continually encroaching on the settled areas and its farmers; a lack of elementary facilities and equipment; peasants wallowing in poverty, ignorance and disease, saddled with debts (interest rates at times were as high as 60 per cent) and threatened by warlike nomads or neighbouring clans. The result was a growing neglect of the soil and a flight from the villages, with a mounting concentration of lands in the hands of a small number of large landowners, frequently residing in such distant Arab capitals as Beirut and Damascus, Cairo and Kuwait. Here, in other words, was a social and economic order that had all the earmarks of a medieval feudal society” (Aumann 1972, 119).

“The result can be found in the British Palestine Exploration Fund (PEF) map of 1880, which at its time was the most detailed survey and map of the country, done by officers of the Royal Engineers in 1871-1877. The map, which was printed in color on 26 sheets at a scale of 1:63,360, marked Bedouin tribes in a special font and placed them astride the parts of the country in which the surveyors had found them prevalent. It showed approximately 67 Bedouin tribes within the borders of what became Mandatory Palestine. It also reveals that the areas dominated by the Bedouin had increased, with the result that the rural environment was less settled and less cultivated than it had been 400 years before” Frantzman and Kark (2011, 4).

The same is true about the idea that there were a *specific people demanding a specific state* in Palestine. This is one of the consequences of talking about the entire Middle East when the *only* subject that is being touched upon is Israel. A majority of Arabs did not identify themselves as “Palestinians”²¹ nor was there any specific area comprising “Palestine”. Actually, it was nothing more than an area without any specific borders or nationality.²² The only time Palestine had a specific identity was precisely after World War I when the British decided to divide the region. This is particularly relevant to this discussion, since most of the Arab population of that area identified themselves simply as Arabs, or as citizens of “Greater Syria”.²³

“It is significant that the early Arab nationalists never referred to Palestine, but described it as Southern Syria. On July 2, 1919 the Syrian General Congress adopted a resolution stating: We ask that there should be no separation of the southern part of Syria, known as Palestine, nor of the Littoral Western zone which includes Lebanon, from the Syrian country. We desire that the unity of the country should be guaranteed against partition under whatever circumstances.

“As late as May 1947 Arab representatives at the UN General Assembly stated that: Palestine was part of the province of Syria. .. politically the Arabs of Palestine were not independent in the sense of forming a separate political entity.

²¹ We analyze this subject more in detail further below in the text.

²² “Over the last 2000 years, there have been massive invasions (e.g., the Crusades) that killed off most of the local people, migrations, the plague, and other manmade or natural disasters. The entire local population was replaced many times over. During the British mandate alone, more than 100,000 Arabs emigrated from neighboring countries and are today considered Palestinians”, Bard (2012, 3–4).

²³ See Pipes (1986).

“Even later, on May 31, 1956, Ahmed Shukairy, the Saudi Arabian delegate to the UN, told the Security Council: It is common knowledge that Palestine is nothing but Southern Syria” (Leibler 1972, 9–10).

“By the end of World War I in November 1918, however, the notion of a Syrian nation had made considerable headway among the Arabs of Palestine. They agreed almost unanimously on the existence of a Syrian nation. With few exceptions, they identified with the Syrian Arab government in Damascus, headed by Prince Faysal, a member of the Hashemite family. Palestinian enthusiasm for Pan-Syrian unity steadily increased through mid-1920.

“There is ample evidence for this enthusiasm. Three major Palestinian organizations propounded Pan-Syrian ideas in the immediate aftermath of World War I: the Arab Club, the Literary Club, and the Muslim-Christian Association. (Note that none of these names makes any mention of Palestine.) The first two groups went furthest, calling outright for unity with Syria under Faysal. Even the Muslim-Christian Association, an organization of traditional leaders — men who would expect to rule if Palestine became independent — demanded incorporation in Greater Syria.

“The Muslim-Christian Association held a congress in January–February 1919 to draw up demands to submit to the Paris Peace Conference. Representatives of fourteen Palestinian cities and towns presented a petition calling for Southern Syria to be ‘inseparable from the independent Arab Syrian government.’ The congress declared Palestine ‘nothing but part of Arab Syria and it has never been separated from it at any stage.’ The delegates saw Palestine tied to Syria by ‘national, religious, linguistic, moral, economic, and geographic bonds.’ On the basis of this view, they called for a Palestine that would remain ‘undetached from the independent Arab Syrian Government.’

“Musa Kazim al-Husayni, head of the Jerusalem Town Council (in effect, mayor) told a Zionist interlocutor in October 1919: ‘We demand no separation from Syria.’ According to Ahmad ash-Shuqayri (the man who headed the PLO in the 1960s), the ubiquitous slogan of 1918–19 was ‘Unity, Unity, From the Taurus [Mountains] to Rafah [in Gaza], Unity, Unity.’ The same appeal echoed from all corners. A singer in Ramla encouraged her ‘ enraptured listeners’ to join Faysal’s forces. From San Salvador, of all places, a protest in March 1919 went out from the ‘Syrian Palestinians’ to international leaders calling for ‘no separation between Syria and Palestine’ and expressing hope that ‘Syria and Palestine remain united.’ The Salvadorans declared: ‘We trust that if Syria and Palestine remain united, we will never be enslaved by the Jewish yoke’” (Pipes 1989).

Saying that the British had to remain in the area of Palestine in order to “fulfill its promise”²⁴ to Zionism is to ignore the fact that they did whatever they could to undermine this Jewish dream; that the Zionists were the ones who particularly fought to expel the British, as a result. Apart from the *Balfour Declaration* there was no such thing as a British promotion of Jewish settlements in Palestine.²⁵ Indeed, the very opposite was the case:

“Moreover, as British historian Paul Johnson noted, Zionists were hardly tools of imperialists given the powers’ general opposition to their cause. ‘Everywhere in the West, the foreign offices, defense ministries and big business were against the Zionists’. Emir

²⁴All such otherwise unidentified quotes refer to Rothbard (1967).

²⁵See Bard (2012, 12–15). Also Sanders (1984).

Faisal also saw the Zionist movement as a companion to the Arab nationalist movement, fighting against imperialism, as he explained in a letter to Harvard law professor and future Supreme Court Justice Felix Frankfurter on March 3, 1919, one day after Chaim Weizmann presented the Zionist case to the Paris conference. Faisal wrote: ‘The Arabs, especially the educated among us, look with deepest sympathy on the Zionist movement... We will wish the Jews a hearty welcome home... We are working together for a reformed and revised Near East and our two movements complete one another. *The Jewish movement is nationalist and not imperialist.* And there is room in Syria for us both. Indeed, I think that neither can be a real success without the other (emphasis in the original).’ In the 1940s, the Jewish underground movements waged an anti-colonial war against the British. The Arabs, meanwhile, were concerned primarily with fighting the Jews rather than expelling the British imperialists” (Bard 2012, 9–10).

About Jewish Immigration, Bard continues:

“The British response to Jewish immigration set a precedent of appeasing the Arabs, which was followed for the duration of the Mandate. The British placed restrictions on Jewish immigration while allowing Arabs to enter the country freely. Apparently, London did not feel that a flood of Arab immigrants would affect the country’s absorptive capacity. During World War I, the Jewish population in Palestine declined because of the war, famine, disease and expulsion by the Turks. In 1915, approximately 83,000 Jews lived in Palestine among 590,000 Muslim and Christian Arabs. According to the 1922 census, the Jewish population was 84,000, while the Arabs numbered 643,000. Thus, the Arab population grew exponentially while that of the Jews stagnated. In the mid-1920s, Jewish immigration to Palestine increased primarily because of anti-Jewish economic legislation in Poland and Washington’s imposition of restrictive quotas. The record number of immigrants in 1935 [...] was a response to the growing persecution of Jews in Nazi Germany. The British administration considered this number too large, however, so the Jewish Agency was informed that less than one-third of the quota it asked for would be approved in 1936. The British gave in further to Arab demands by announcing in the 1939 White Paper that an independent Arab state would be created within 10 years, and that Jewish immigration was to be limited to 75,000 for the next five years, after which it was to cease altogether. *It also forbade land sales to Jews in 95 percent of the territory of Palestine.* The Arabs, nevertheless, rejected the proposal. [...] By contrast, throughout the Mandatory period, Arab immigration was unrestricted. In 1930, the Hope Simpson Commission, sent from London to investigate the 1929 Arab riots, said the British practice of ignoring the uncontrolled illegal Arab immigration from Egypt, Transjordan and Syria had the effect of displacing the prospective *Jewish* immigrants” (emphasis added by present authors) (Bard 2012, 14–15).

Rothbard says “Great Britain seized control of Palestine and used its sovereign power to promote, encourage, and abet the expropriation of Arab lands for Zionist use and for Zionist immigration. Often old Turkish land titles would be dredged up and purchased cheaply,²⁶ thus expropriating the Arab peasantry on behalf of European Zionist immigration. Into the heart of the peasant and nomadic Arab world of the Middle East there (sic) thus came as colonists, and on the backs and on the bayonets of British imperialism, a largely European colonizing people”.

But this is not correct:

²⁶It is curious that Rothbard, obviously and always a bitter opponent of price controls, would object to a transaction on the ground that the price was too low.

“In 1914 the Jewish Colonization Association (J.C.A.), was granted a concession by the Ottoman government of over 25,510 dunams of Kabara swamp land. One of the main objectives was to dry and develop the swamps, which accounted for 6,000 dunams. The actual draining of the swamp was completed only in the 1920s, after the Mandate authorities maintained the Ottoman concession. Prior to the Mandate the J.C.A. also bought about 3,000 dunams, which were later provided to the local Bedouin, who lived on this land and constructed the new village of Jisr al-Zarqa (Bridge over the Zarqa), which exists today” (Frantzman and Kark 2011, 7–8).

All this is offset by the fact that the British restricted Jewish immigration throughout the entire period of their Mandate. If the Jews obtained more land than they somehow deserved due to this Turkish short cut, they received less because of this latter factor. This is shown by several White Papers on immigration restriction.²⁷ In this regard:

“Herbert Samuel, a British Jew who served as the first High Commissioner of Palestine, placed restrictions on Jewish immigration ‘in the ‘interests of the present population’ and the ‘absorptive capacity’ of the country.’²⁸The influx of Jewish settlers was said to be forcing the Arab fellahin (native peasants) from their land. This was at a time when less than a million people lived in an area that now supports more than nine million. The British actually limited the absorptive capacity of Palestine when, in 1921, Colonial Secretary Winston Churchill severed nearly four-fifths of Palestine—some 35,000 square miles—to create a brand new Arab entity, Transjordan. As a consolation prize for the Hejaz and Arabia (which are both now Saudi Arabia) going to the Saud family, Churchill rewarded Sherif Hussein’s son Abdullah for his contribution to the war against Turkey by installing him as Transjordan’s emir. The British went further and placed restrictions on Jewish land purchases in what remained of Palestine, contradicting the provision of the Mandate (Article 6) stating that ‘the Administration of Palestine. . . shall encourage, in cooperation with the Jewish Agency. . . close settlement by Jews on the land, including State lands and waste lands not acquired for public purposes.’ By 1949, the British had allotted 87,500 acres of the 187,500 acres of cultivable land to Arabs and only 4250 acres to Jews. Ultimately, the British admitted the argument about the absorptive capacity of the country was specious. The Peel Commission said: ‘The heavy immigration in the years 1933–36 would seem to show that the Jews have been able to enlarge the absorptive capacity of the country for Jews’” (Bard 2012, 12).

More importantly, Arabs were immigrating to Palestine at the same time and because of the economic development that the Jews created.

“From 1922, Arabs began migrating to Palestine from Syria, Iraq, Lebanon, Trans-Jordan and Egypt. Between World War I and World War II the increase in Arab population was extraordinary, particularly in areas of Jewish concentration and development such as Haifa, where the increase was no less than 216 per cent. Where there was no Jewish development the population increase was much less, such as 32 per cent in Bethlehem and 42 per cent in Nablus. Palestine’s overall Arab population more than doubled, from 565,000 in 1922 to over 1,200,000 in 1947 - an increase which stood in stark contrast to the record of other Arab countries such as Trans-Jordan [...]” (Leibler 1972, 11).

²⁷ See as an example the British White Paper of May 1939, “Palestine Statement of Policy Presented by the Secretary of State for the Colonies to Parliament by Command of His Majesty”.

²⁸ Aharon Cohen, *Israel and the Arab World* (NY: Funk and Wagnalls, 1970), p. 172; Howard Sachar, *A History of Israel: From the Rise of Zionism to Our Time* (NY: Alfred A. Knopf, 1979), p. 146; quoted at Bard (2012, 12).

“Alongside this was the creation of sixty villages by Bedouin in Late Ottoman and Mandate Palestine. The Bedouin villages were founded predominantly in places that became part of Israel in 1948. The reason for this is that Jewish land purchases and Bedouin settlement took place during the same period and in the same low lying areas, which formed part of the ‘fluid inventory’ of land. Jewish Zionist purchasing organizations, in general, purchased lands in the low country of Palestine where Arab settlement, in the form of nucleated villages, was relatively sparse but where the Bedouin were predominant” (Frantzman and Kark 2011, 21).

It is an important claim often used against Israel that a large part of what is now its territory was purchased by Jews from their owners, but under Turkish rule. The very same people who say that most of the land was owned by Arabs by referring to those Turkish titles, aver 5 min later that these were illegitimate, in that the land was really owned by Palestinian Arabs, since they had *supposedly* homesteaded it (although the titles were in possession of absentee landowners). We respond in several ways. One, at that time, this was the only lawful way to purchase property. What were Jews to do who wanted to buy land, other than go through the official channels? Two, these Turkish titles had *some limited* validity, given that they were the only ones available at the time. We have repeatedly demonstrated why these titles were illegitimate. How can we now maintain that they had some *limited* validity? Are we not contradicting ourselves? No, because that limited validity resides *only* in the fact that it was the most practical way to purchase land at the time, *to homestead it later* without being harassed by government, not because the titles were based on homesteading. More importantly, Arabs did not homestead most of the land, so they did not own it.²⁹ Three, yes, several empires stole the land of Palestine from one another, from the Ottomans to the Romans, but the Romans improperly seized it from guess who? Yes, from the Jews (Judea) (Johnson 1988). So, contrary to Rothbard, the Jews were and still are the rightful owners of many of these territories.³⁰ There was no need to buy them, under Turkish land titles or any other, in the first place. These purchases then can be interpreted almost as charitable giving even if we accept the claim that the Jews did not homestead those territories, 2000 years ago, and then, again, in the modern era. But, this was not the case.

6.3 Zionism

Rothbard’s discussion of Zionism is also problematic. Although we have already tackled all of his views on this subject in Chap. 2 (without focusing on him specifically), it is important to review these issues again.³¹

²⁹Also see Aumann (1972), and Chapter 3, especially section 3.1.

³⁰This of course refers to those areas with evidence of previous Jewish homesteading. Not to empty land, for which pure and simple homesteading by modern Jews applies.

³¹A large part of the animating force behind our decision to write this book was to confront Rothbard’s views on the matter.

First, he comments on the situation in the nineteenth century, explaining that the Ghetto Jews now had the chance to assimilate and abandon their Yiddish culture and Jewish religiosity.³² Continuing, Rothbard asserts that this was not the case in Eastern Europe, where certain movements (such as the “Bund” and the “Territorialists”) had certain “rational” ideas of what to do in order to secure Jewish survival and continuity. “The one Jewish movement that made no sense”, says Rothbard, “was Zionism, a movement which began blended with Jewish Territorialism”. Given the Jewish connection with Judea, Zionism cannot simply be called an instance of “Territorialism” nor claimed that it “made no sense”.

Rothbard states that Israel is based on massed expropriation of Palestinian Arab property. But since he does not specify what is to be understood as proper Palestine territory, it is not possible to know whether or in which way it was occupied by “Arab peasantry”. We must say here that grouping an entire territory as “occupied” is wrong on libertarian grounds, since its homesteading theory does not group entire tracts as “occupied” or not. It only says that whatever is homesteaded is occupied and owned, and whatever is not, *is not*. So Rothbard may not selectively point to a territory and call it “occupied”. He may say specific areas have been homesteaded by Arabs, and that is certainly true. But the Jews did not come in and destroy Arab towns and build over previously homesteaded territory. The fact is Jews for the most part homesteaded unoccupied areas. To say that an entire terrain is occupied³³ (and

³²Which for Rothbard (1967, 22) in America and Europe “was clearly the rational course”. However, he does not specifically explain what is wrong with remaining tied to any kind of Jewish religiosity. Nor can anyone else do any such thing, at least not on the basis of libertarianism.

³³Also this term, often used for Israel as such, is misleading (as we explained above): “The United Nations Population Division’s 2000 revised population projections adopt the caption ‘Occupied Palestinian Territories’ instead of the previous label of ‘West Bank and Gaza’. The decision to change denominations reflected discussions at the U. N. Legal Office, Department of Political Affairs, Office of the Secretary General, and General Assembly following a request from the Palestinian Authority supported by the group of Arab States. That led to a 1999 instruction to the Population Division to report statistics according to the new denomination. The decision is documented in a series of internal memoranda based on a more general decision by the General Assembly that does not refer specifically to statistical reporting. The label ‘Occupied Palestinian Territories’, besides being politically oriented, is neither geographically clear nor accurate. In the current (2001) political-military reality of the whole territory of Palestine between the Mediterranean sea and the Jordan river, and following the 1993 Oslo agreements, there are four types of geopolitical situations: (1) The State of Israel: Full Israeli sovereignty; 2–4. The Palestinian Territories, subdivided into: (2) The ‘A’ zones: these areas, including all main Palestinian cities in the West Bank and Gaza and 64% of the Palestinian Territories’ population (Fargues 2000), are in full administrative and security control by the Palestinian Authority and host no Israeli military or civilian settlement; (3) The ‘B’ zones: 33% of population, Palestinian administrative responsibility, Israel army’s security responsibility; (4) The ‘C’ zones: 3% of population, full responsibility by the Israeli army. Only the ‘B’ and ‘C’ zones host both a military and a civilian presence of Israelis and can accurately be described as ‘occupied territory’, but as noted most Palestinians live in the ‘A’ zones. To be faithful to the U.N. terminology, two separate sets of statistical data should be provided for ‘Occupied Palestinian Territories’ and ‘Autonomous Palestinian Territories’. In Middle Eastern political rhetoric the State of Israel itself has often been referred to as ‘Occupied Palestinian Territory’. Were that line of thought implemented, how would the U.N. Population Division be instructed to label Israel’s population data? There are several other territorial conflicts

also talking about “Arab land”) is an expression of unwarranted collectivism, something explicitly opposed in much of Rothbard’s work. He seems to be replacing homesteading (and therefore legitimate land ownership) by *definition*. And the definition of “occupied” would imply a previous homesteading of the land by Arabs, which is far from the case.

As we have seen (and will see more in detail later), the area of our focus was widely unpopulated. Even the places that were effectively acquired by Israel via the use of force (during the War of Independence in 1948) was attained on the basis of defensive actions: “They drove out the occupants of Tireh, who had the bad habit of shooting up Jewish traffic on the Haifa-Tel Aviv highway, and they drove out the occupants of Kastel and other villages that bloodied the Jerusalem-Tel Aviv road. So as to open up the sea roads to the arms markets and refugee camps of Europe, they took the seaport of Haifa; to free Tel-Aviv from continual gunfire, they took Jaffa; to cut the Palestinians off from their Lebanese and Syrian armorers, they conducted operation Hiram and took the Galilee” (Gutmann 2004).³⁴ The right of self-defense, after all, is an integral aspect of libertarian theory.

Then, Rothbard makes a surprising statement, saying that the Zionists had intended to substitute Ghetto Yiddish culture with a “new culture and a new language based on an artificial secular expansion of ancient religious Hebrew”. In fact, many Zionists were in favor of German being the spoken language in the Jewish State (especially Herzl himself). Hebrew was a development orchestrated mainly by Eliezer Ben Yehuda (St. John 1952).

Moreover, the idea of a refuge for millions of persecuted Jews seems to be of little to no concern to Rothbard, who interprets this motive almost as an arbitrary caprice (“The one Jewish movement that made no sense was Zionism [...]”, Rothbard 1967, 23).

This author presents a particular opposition to Vladimir Ze’ev Jabotinsky, whom we regard as the greatest Zionist thinker. However, far from being a fascist strain and from allegedly “express[...ing] great admiration for the militarism and social philosophy of Mussolini’s Fascism” (Rothbard 1967, 23–24), Jabotinsky was a classical liberal and thus a champion of individual liberty, as we explained in Chap. 2.

As Rothbard points out, there were some minority groups that favored a bi-national Jewish-Arab state, but that idea was dismissed not only because the creation of a Jewish state was a vital need for Jews but also because it avoided the main problem, the real cause of conflict: Arab leadership opposition, shared by much of the Arab population, to any Jewish presence in the land, with or without a state.

around the world, and the notion of ‘Occupied Territory’ applies to many other places - at least from the point of view of one of the contending parties. Exclusive use by the U.N. - including its Population Division - of the term ‘Occupied’ only for parts of Palestine does not serve any scientific standards nor adds to data reliability”, DellaPergola (2001, 3).

³⁴ See also on this subject Frantzman (2006).

6.4 The Birth of the State of Israel

Resolution 181 by the United Nations on November 29th 1947³⁵ declared the division of the land of Palestine in order to allow two states, one Arab and one Jewish, to be created. This was not a totally arbitrary decree. The partition plan³⁶ was designed in order to achieve the creation of those states in accordance with the areas that had a Jewish majority and Arab majority for, respectively, the two Jewish and Arab states. Two thirds of the land of Palestine was delivered to the Hashemite Kingdom in order to create Jordan two decades before, and thus it is difficult to opine that the Balfour Declaration or the Partition Plan³⁷ expropriated or betrayed the Arabs. Despite the fact that in their view they got the short end of the stick, the Jews accepted the plan. The Arabs did not, and immediately after the declaration of Independence of the State of Israel on May 14th, 1948, seven Arab armies invaded the newly born state. Therefore, although most Arabs left Palestine because of the orders of their leaders (otherwise they were considered traitors³⁸), the minority that was displaced due to the war should blame their political leaders, not Israel.

This is why it is very difficult to understand Rothbard's analysis at this point. He opines "The UN agreement had provided (a) that Jerusalem be internationalized under UN rule, and (b) that there be an economic union between the new Jewish and Arab Palestine states. These were the basic conditions under which the UN approved partition. Both were promptly and brusquely disregarded by Israel-- thus launching an escalating series of aggressions against the Arabs of the Middle East" (Rothbard 1967, 25).

Contrary to Rothbard, the Jews accepted the partition and the Arabs who already lived in Jewish areas *were an integral part* of the new State of Israel (and treated as such). Arabs were welcome to remain and keep their property (as those who actually stayed, did). The partition plan³⁹ was of course not perfectly congruent with Lockean-Rothbardian-Hoppean homesteading theory, but nothing in the real world

³⁵United Nations General Assembly Resolution 181, The UN Partition Plan for Palestine, November 29, 1947. "Future Government of Palestine, G.A. Res. 181(II), U.N. GAOR, Supp. No. 1, at 131, UN Doc. A/519 (1947)".

³⁶For a full exposition of the period 1947–1949 see Kurzman (1970 [2005]).

³⁷The Balfour Declaration. November 2, 1917. See Map 10 in Annex A.

³⁸See text in p. 308 below.

³⁹"Palestine's 1947 partition plan suggested the creation of six areas, three with a Jewish majority, three with an Arab majority, plus the Jerusalem-Bethlehem area intended as a *corpus separatum* under U.N. tutorship. Following the military results of the 1948 war and the 1949 armistice agreements, the Jewish-Israeli side expanded its territorial hegemony at the expenses of the Arab side. As a consequence several enclaves of Arab territory passed under direct Israeli rule. The 1967 war produced further territorial changes, namely the expansion of Israeli rule (civil or military) over the whole of Palestine. As noted, in 1967 Israel annexed East Jerusalem and surrounding territory, and the Israeli legal jurisdiction was subsequently extended to the Golan heights. On the contrary, in the West Bank and Gaza the Israeli administration did not suspend application of the preexisting Jordanian or Egyptian legal frameworks toward the local population. At the same time, Israel promoted an extensive network of Jewish settlements throughout the West Bank, the Gaza

ever is. However, it was as close as we ever encounter in reality, and there is no reason why Rothbard or any other libertarian should not support it.⁴⁰ At the very least, there is no reason they should single it out as especially evil.

But the Arabs did not accept this partition and that is why seven Arab armies invaded Israel after it was completed. Why should Israel be blamed for the resulting situation when it was only defending itself from outside attack?

Rothbard mentions the “escalating series of aggressions against the Arabs in the Middle East.” It is hard to see what he is referring to here. What is more, there is no explanation of why and how a new state built virtually entirely on homesteaded or purchased areas, labored on and developed by Jewish majorities, constitutes an aggression against the collective of Arabs of the entire Middle East⁴¹:

“The Arabs made clear they would go to war to prevent the establishment of a Jewish state. The chairman of the Arab Higher Committee said the Arabs would ‘fight for every inch of their country.’ Two days later, the holy men of Al-Azhar University in Cairo called on the Muslim world to proclaim a *jihad* (holy war) against the Jews. Jamal Husseini, the Arab Higher Committee’s spokesman, had told the UN prior to the partition vote the Arabs would drench ‘the soil of our beloved country with the last drop of our blood...’. Husseini’s prediction began to come true almost immediately after the UN adopted the partition resolution on November 29, 1947. The Arabs declared a protest strike and instigated riots that claimed the lives of 62 Jews and 32 Arabs. Violence continued to escalate through the end of the year. The first large-scale assaults began on January 9, 1948, when approximately 1000 Arabs attacked Jewish communities in northern Palestine. By February, the British said so many Arabs had infiltrated they lacked the forces to run them back. In the first phase of the war, lasting from November 29, 1947, until April 1, 1948, the Palestinian Arabs took the offensive, with help from volunteers from neighboring countries. The Jews suffered severe casualties and passage along most of their major roadways was disrupted. On April 26, 1948, Transjordan’s King Abdullah said: ‘All our efforts to find a peaceful solution to the Palestine problem have failed. The only way left for us is war. I will have the pleasure and honor to save Palestine.’ On May 4, 1948, the Arab Legion attacked Kfar Etzion.⁴² The defenders drove them back, but the Legion returned a week later. After two days, the ill-equipped and outnumbered settlers were overwhelmed. Many defenders were massacred after they had surrendered. This was prior to the invasion by the regular Arab armies that followed Israel’s declaration of independence. The UN blamed the Arabs for the violence. The UN Palestine Commission, which was never permitted by the Arabs or British to go to Palestine to implement the resolution, reported to the Security Council on February 16, 1948, that ‘powerful Arab interests, both inside and outside Palestine, are defying the resolution of the General Assembly and are engaged in a deliberate effort to alter by force the settlement envisaged therein.’ The Arabs were blunt in taking responsibility for the war. Jamal Husseini told the Security Council on April 16, 1948: ‘The representative of the Jewish Agency told us yesterday that they were not the attackers, that the Arabs had begun

area, and the Golan Heights. Consequently, each part of Palestine ended up by having a presence of both Jews and Arabs, though the respective proportions greatly varied”, DellaPergola (2001, 7).

⁴⁰Or at least not bitterly oppose it. The perfect is the enemy of the good.

⁴¹That is, we argue that even if the partition plan would have allowed the Jews to create a state only on their homesteaded lands (and not including, for instance, most of the Negev desert) Rothbard would have still opposed it and regarded this state as an aggression against the Arabs of the Middle East.

⁴²A “Kibbutz”.

the fighting. We did not deny this. We told the whole world that we were going to fight'. The British commander of Jordan's Arab Legion, John Bagot Glubb admitted: 'Early in January, the first detachments of the Arab Liberation Army began to infiltrate into Palestine from Syria. Some came through Jordan and even through Amman . . . They were in reality to strike the first blow in the ruin of the Arabs of Palestine'.

"Despite the disadvantages in numbers, organization and weapons, the Jews began to take the initiative in the weeks from April 1 until the declaration of independence on May 14. The Haganah captured several major towns including Tiberias and Haifa, and temporarily opened the road to Jerusalem. The partition resolution was never suspended or rescinded. Thus, Israel, the Jewish State in Palestine, was born on May 14,⁴³ as the British finally left the country. Five Arab armies (Egypt, Syria, Transjordan, Lebanon and Iraq) immediately invaded Israel. Their intentions were declared by Abd Al-Rahman Azzam Pasha, Secretary-General of the Arab League: 'It will be a war of annihilation. It will be a momentous massacre in history that will be talked about like the massacres of the Mongols or the Crusades'" (Bard 2012, 31–33).

Rothbard claims that Zionist forces initiated the fight against Palestinian Arabs. "Because of the Arabs resident in Palestine, Zionism had to become in practice an ideology of conquest" (Rothbard 1967, 23). But as we have seen, the Arab aggression was previous to the birth of the state of Israel. These forces, *Haganah*, *Etzel* and *Lehi*⁴⁴ were Jewish self-defense organizations which had the objective of protecting Jewish lives and property. Their goal was not to target or conquer civilian Arab lands, though conquering some areas was a defensive outcome of the War of Independence.⁴⁵

Also, they were private armies and/or police forces, which Rothbard and other libertarians favor.⁴⁶ It is quite strange that he opposes voluntary, privately financed defense organizations when he continuously defended the very opposite point of view. Here he had a real life example, and it *worked*. These organizations actually defended Jews from attacks:

"Jewish self-defense developed in response to growing hostility. The loose organization of 'watchmen' (HaShomer) before World War I became increasingly organized and was subsumed by more sophisticated organizations that, in turn, became precursors to the Israeli army established at Independence. Initially, the 'watchmen' guarded settlers against the scattered depredations of Bedouin marauders intent on theft. Later, a Muslim urban elite organized attacks. The watershed occurred in 1929 when anti-Jewish riots that began in Jerusalem over the rights of Jews to the Western or Wailing Wall spread to other cities and the countryside. Finally, the extended Arab uprising from 1936–1939 against Jewish settlements, as well as the British, caused a radical transformation in the ways in which Jews

⁴³At the time of Israel's founding, *Haganah*, *Etzel* and *Lehi* united and formed the Israel Defense Forces. For an interesting analysis of Israel's approach to national defense as a model for anarcho-capitalist societies' defense, see Newhard (2018).

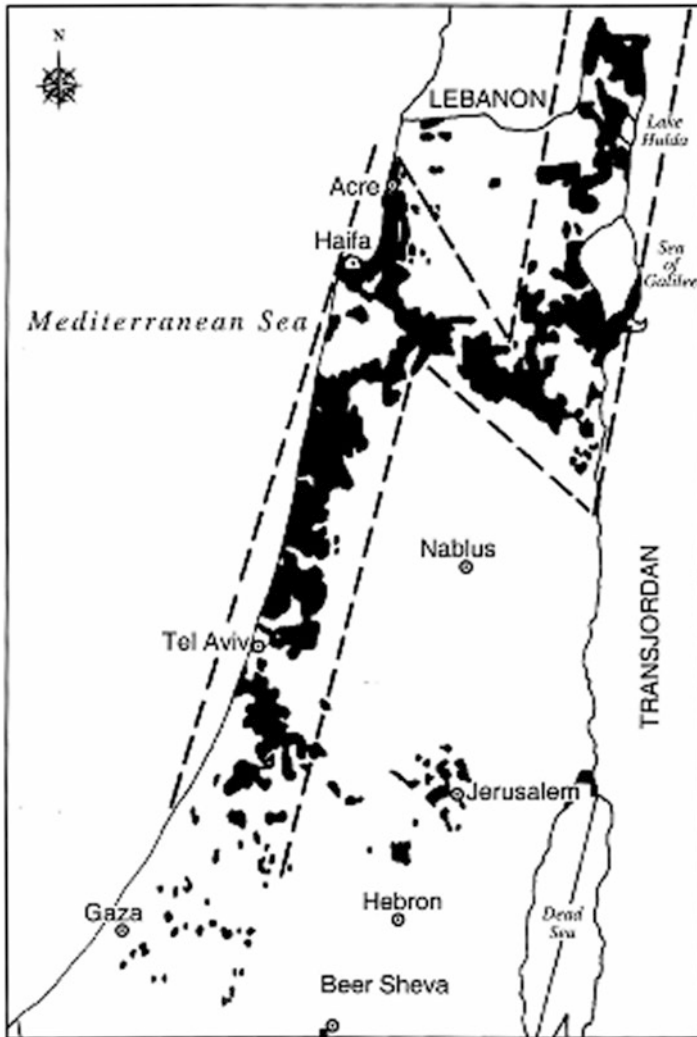
⁴⁴See Begin (1951).

⁴⁵By defense, we mean protecting Jewish homesteaded land and property as opposed to harassing and conquering the property of others.

⁴⁶See Gregory (2011), Guillory and Tinsley (2009), Hoppe (2011b), Huebert (2010), Murphy (2005), Rothbard 1973a, b, 1975, 1998 [1982], Stringham (2007), Tannehill and Tannehill (1970 [1984]), Tinsley (1998–1999), Wiśniewski (2014), Wollstein (1969), Woolridge (1970).

organized settlement. These threats resulted in a coordinated policy of settlement designed to protect the Zionist enterprise as a whole, as well as individual communities. [...] The Zionist response to the 1929 attacks was to develop the concept of the ‘N’ of Jewish settlement as illustrated in the

Map 6.1. The clustering of settlements into a discernible N-shaped pattern had characterized Zionist settlement since the 1880s. Since the First Aliyah pioneers had settled on the plains of Eretz Israel: the Sharon or coastal plain, the Jezreel Valley, the Beit She’an Valley below the Sea of Galilee, and up into the finger of the Upper Galilee. This was the base for what would become the ‘N’ of settlement.



Map 6.1 The “N” of Zionist Settlement (Re-published with permission by Ilan Troen). (Source: Troen 2011)

With the Arab population located largely in the hills and the mountains of Palestine, land could be purchased and settled more readily in the valleys where absentee landlords⁴⁷ were willing to sell to Jews. What is significant is that even though some Palestinian Arabs initiated violence against Jews, others, members of leading families including that of the Mufti, sold land for Zionist settlement. It is important to note that all the lands on which Zionists established settlements [at that time] were purchased from Arabs, and not taken by conquest or international treaty. The shaded areas within the ‘N’ of settlement represent land purchased or settled by Jews prior to Independence in 1948. Map 6.1 also indicates selected purchases and settlements outside this region: near Jerusalem, the northern Negev and the Western Galilee near the Lebanese border. Zionist planners also consciously invested their resources outside the Arab-populated West Bank until independence. This policy effectively established which areas would become part of the Jewish state after Independence” (Troen 2011).

Next consider Rothbard’s highly critical claim about the “Deir Yassin massacre”. Here is what actually happened there:

“Deir Yassin was situated on a hill, about 2600 feet high, which commanded a wide view of the vicinity and was located less than a mile from the suburbs of Jerusalem. On April 6, [1948] Operation Nachshon was launched to open the road to Jerusalem. The village of Deir Yassin was included on the list of Arab villages to be occupied as part of the operation. The following day Haganah commander David Shaltiel wrote to the leaders of the Lehi and Irgun: ‘I learn that you plan an attack on Deir Yassin. I wish to point out that the capture of Deir Yassin and its holding are one stage in our general plan. I have no objection to your carrying out the operation provided you are able to hold the village. If you are unable to do so I warn you against blowing up the village which will result in its inhabitants abandoning it and its ruins and deserted houses being occupied by foreign forces... Furthermore, if foreign forces took over, this would upset our general plan for establishing an airfield.’ [...].

“Contrary to revisionist histories that say the town was filled with peaceful innocents, evidence shows that both residents and foreign troops opened fire on the attackers. One Irgun fighter described his experience:

“‘My unit stormed and passed the first row of houses. I was among the first to enter the village. There were a few other guys with me, each encouraging the other to advance. At the top of the street I saw a man in khaki clothing running ahead. I thought he was one of ours. I ran after him and told him, ‘advance to that house.’ Suddenly he turned around, aimed his rifle and shot. He was an Iraqi soldier. I was hit in the foot.’⁴⁸

“The battle was ferocious and took several hours. The Irgun suffered 41 casualties, including four dead. Surprisingly, after the ‘massacre,’ the Irgun escorted a representative of the Red Cross through the town and held a press conference. The *New York Times*’ subsequent description of the battle was essentially the same as Begin’s. The *Times* said more than 200 Arabs were killed, 40 captured and 70 women and children were released. No hint of a

⁴⁷Many political viewpoints oppose absentee landlords, but not the libertarian tradition that the authors of the present paper share with Rothbard.

⁴⁸Uri Milstein, *History of Israel’s War of Independence*, Vol IV, (Lanham: University Press of America, 1999), p. 262; quoted at Bard (2012, 138).

massacre appeared in the report. ‘Paradoxically, the Jews say about 250 out of 400 village inhabitants [were killed], while Arab survivors say only 110 of 1000.’⁴⁹ A study by Bir Zeit University, based on discussions with each family from the village, arrived at a figure of 107 Arab civilians dead and 12 wounded, in addition to 13 ‘fighters’ evidence that the number of dead was smaller than claimed and that the village did have troops based there. Other Arab sources have subsequently suggested the number may have been even lower. In fact, the attackers left open an escape corridor from the village and more than 200 residents left unharmed [...] The Irgun commander reported, for example, that the attackers ‘found men dressed as women and therefore they began to shoot at women who did not hasten to go down to the place designated for gathering the prisoners.’⁵⁰ Another story was told by a member of the Haganah who overheard a group of Arabs from Deir Yassin who said ‘the Jews found out that Arab warriors had disguised themselves as women. The Jews searched the women too. One of the people being checked realized he had been caught, took out a pistol and shot the Jewish commander. His friends, crazed with anger, shot in all directions and killed the Arabs in the area’.⁵¹ Contrary to claims from Arab propagandists at the time, and some since, no evidence has ever been produced that any women were raped. On the contrary, every villager ever interviewed has denied these allegations” (Bard 2012, 137–139).

These stories to the contrary were fabricated by the Arab leadership in order to encourage Arabs to leave Palestine and more freely allow Arab armies to cleanly “throw the Jews into the Mediterranean Sea”. The effect was the very opposite: “[...] deliberate propaganda [...] backfired. Hazam Nusseibi, who worked for the Palestine Broadcasting Service in 1948, admitted being told by Hussein Khalidi, a Palestinian Arab leader, to fabricate the atrocity claims. Abu Mahmud, a Deir Yassin resident in 1948 told Khalidi ‘there was no rape,’ but Khalidi replied, ‘We have to say this, so the Arab armies will come to liberate Palestine from the Jews.’ Nusseibeh told the BBC 50 years later, ‘This was our biggest mistake. We did not realize how our people would react. As soon as they heard that women had been raped at Deir Yassin, Palestinians fled in terror’⁵²” (Bard 2012, 139).⁵³

Surprisingly, Rothbard does not mention Arab massacres of Jews⁵⁴ nor that Israeli authorities begged the Arabs not to leave the new Israel,⁵⁵ and as several

⁴⁹Dan Kurzman, *Genesis 1948*, (OH: New American Library Inc., 1970), p. 148; quoted at Bard (2012, 138).

⁵⁰Yehoshua Gorodenchik testimony at Jabotinsky Archives; quoted at Bard (2012, 139).

⁵¹Uri Milstein, *History of Israel’s War of Independence*, Vol IV, (Lanham: University Press of America, 1999), p. 276; quoted at Bard (2012, 139).

⁵²“Israel and the Arabs: The 50 Year Conflict,” BBC Television Series, (1998); quoted at Bard (2012, 139).

⁵³See Chap. 3, Section 3.5 above.

⁵⁴“Just four days after the reports from Deir Yassin were published, an Arab force ambushed a Jewish convoy on the way to Hadassah Hospital, killing 77 Jews, including doctors, nurses, patients, and the director of the hospital. Another 23 people were injured. This premeditated massacre attracted little attention and is never mentioned by those who are quick to bring up Deir Yassin. Moreover, despite attacks such as this against the Jewish community in Palestine, in which more than 500 Jews were killed in the first four months after the partition decision alone, Jews did not flee”, Bard (2012, 139).

⁵⁵See also Ben Gad (1991, 306–307).

historians have shown, there was no such thing as a plan to expel the Arab population of Israel.⁵⁶ It is true that due to battles and war some part of the Arab population left or were displaced during hostilities.⁵⁷ But the great majority of the Arabs departed because of fear of attacks during the war, and they also thought that staying in Israel constituted treason⁵⁸ to their own people, since they were afraid of being pointed as collaborators by the Arabs themselves if the Arab nations won the war (which was then thought to be the most likely scenario).

“Palestinians fled in a wide range of circumstances and for varied reasons. Arab commanders ordered noncombatants out of the way of military maneuvers; or they threatened laggards with treatment as traitors if they stayed; or they demanded that villages be evacuated to improve their standing on the battlefield; or they promised a safe return in a matter of days. Some communities preferred to flee rather than to sign a truce with the Zionists; in the words of Jaffa’s mayor, ‘I do not mind destruction of Jaffa if we secure destruction of Tel Aviv.’ The mufti’s agents attacked Jews to provoke hostilities. Families with the means to do so fled danger. When agricultural tenants heard that their landlords would be punished, they worried about being expelled and preempted by abandoning the land. Bitter internecine enmities hobbled planning. Shortages of food and other necessities spread. Services like water-pumping stations were abandoned. Fears spread of Arab gunmen, as did rumors of Zionist atrocities” (Pipes 2010).

Scholars’ best estimates are that 625,000–675,000 Arabs left Israel during the war (DellaPergola 2001, 4). Arab leaders encouraged their people to flee the newly born state. This was done mainly through radio:

“An Arab resident of a Palestinian refugee camp explained why his family left Israel in 1948:

“‘The radio stations of the Arab regimes kept repeating to us: ‘Get away from the battle lines. It’s a matter of ten days or two weeks at the most, and we’ll bring you back to Ein-Kerem [near Jerusalem]’. And we said to ourselves, ‘That’s a very long time. What is this? Two weeks? That’s a lot!’ That’s what we thought [then]. And now 50 years have gone by.’”⁵⁹

“Mahmoud Al-Habbash, a Palestinian journalist wrote in the Palestinian Authority’s official newspaper: ‘... The leaders and the elites promised us at the beginning of the ‘Catastrophe’ in 1948, that the duration of the exile will not be long, and that it will not last more than a few days or months, and afterwards the refugees will return to their homes, which most of them did not leave only until they put their trust in those ‘Arkuvian’ promises made by the leaders and the political elites. Afterwards, days passed, months, years and decades, and the promises were lost with the strain of the succession of events. .. [‘Arkuvian’ is a reference to Arkuv, a figure from Arab tradition known for breaking promises and lying]” (Bard 2012, 136).

⁵⁶For a full analysis see Karsh (1999, 2010). See also Chap. 3.

⁵⁷“Only a very small percentage of the overall Arab civilian population left directly as a result of the Israeli Army. This took place in Ramleh and Lydda where the Army was forced to bring about evacuation after the residents had continued indulging in acts of armed hostility after the capture of the towns”, Leibler (1972, 38).

⁵⁸See on this subject Pipes (2009c).

⁵⁹Palestinian Authority TV (July 7, 2009), quoted in Palestinian Media Watch Bulletin (July 23, 2009), quoted at Bard (2012, 136).

There is an obvious counter-argument here. An Arab leaving because of a radio message, or for any other reason does not deserve to have his land expropriated by Jews. Running away from one's home is not a crime.

But this evades the fact that those Arabs who left their homes were doing so in order to better enable the Arab armies to commit genocide on the Jewish population in order to not only recover their alleged property, but also steal Jewish homesteaded lands later. Whether these Arabs were conscious of this fact or not does not make it less true. Arabs who remained in Israel are still citizens of the country and they kept their belongings. Those who left were in fact actively aiding, abetting and assisting Arab armies, and were encouraged and ordered to do so by Arab leaders.

We admit that this argument of ours is a little weak. It may not be totally "svach," (awful, irrational) in Yiddish, but there are flaws in it. As a matter of pure (Rothbardian) principle, departing from one's home during wartime can easily be interpreted as innocently seeking safety. As a matter of Austrian economics, again of the Rothbardian variety,⁶⁰ we are not even entitled to attribute any motives whatsoever to these people. As far as we can know for sure, they "went on vacation" at this point in time, and thus are fully entitled to a complete "right of return." Yet some points can be scored on our side even at this exalted level since as a matter of pure libertarian law the claim can be sustained that the departing Arabs were aiding and abetting the armies of the seven countries so as to make it easier for them to slaughter Jews. But this is an exceedingly difficult case on our part and is open to all sorts of *reductio ad absurdum*.

However, we insist, this is the wrong context in which to view these matters. When dealing with the actions of Israel, we are not analyzing the behavior of private individuals. From the Rothbardian anarchist point of view, Israel is an evil abomination (as are, of course, all other governments, and equally so, since they all partake of statism).⁶¹ What we are now doing, instead, is focusing on these actions from the point of view of a *government*, which is per se an evil doer according to libertarian theory. We take seriously Rothbard's injunction against being a "sectarian," condemning all nation states as equally wicked, washing our hands of these matters, and walking away from them, and avoiding "bothering about the detailed pros and cons of any given conflict." No, we avoid nothing here. But we do so in the *context* that the government of Israel is a government, and must be judged accordingly. Our point is, the employment of libertarian law must be done differently when judging states on a comparative basis. Let us put the matter in other words. To an extent, Rothbard, in declining to do so, takes on not exactly the role of the sectarian he

⁶⁰ States Hayek (1979, 52): "And it is probably no exaggeration to say that every important advance in economic theory during the last hundred years was a further step in the consistent application of subjectivism." Also, see the following on this issue: Barnett (1989), Block (1988a), Buchanan and Thirlby (1981), Buchanan (1969, 1979), Butos and Koppl (1997), Cordato (1989), DiLorenzo (1990), Garrison (1985), Gunning (1990), Kirzner (1986), Mises (1998), Rizzo (1979a, b, 1980), Rothbard (1979a, b, 1997d), Stringham (2008).

⁶¹ See Rothbard (1973a, b, 57).

explicitly disavows but something akin to that: he drops context.⁶² If Israel is to be judged on the basis of pure anarcho-capitalism, fine, this country fails. Dismally so. Of course no other country would pass muster under such stringent conditions, either. On the other hand, if Israel is put in the dock along with every other sovereign nation, then matters look quite different.⁶³

So, how would any other state regard the departing Arabs? It is simple. They would regard them as traitors. Not only would such a government refuse them “the right to return,” the more extreme ones would hunt them to the ends of the earth and assassinate them.⁶⁴ The less extreme ones would seek extradition, and then punish them when brought to the domestic country.

Here, succinctly, is the case against our position: In 1948 the local Arabs either went “on vacation” or, due to safety considerations, departed from their homes. They were not guilty of any violence against anyone; certainly, they victimized no Jew. When they tried to return after that war, they were told they could not do so.

⁶² “[...] Context. Just as a rational man does not hold any conviction out of context—that is: without relating it to the rest of his knowledge and resolving any possible contradictions—so he does not hold or pursue any desire out of context. And he does not judge what is or is not to his interest out of context, on the range of any given moment. Context-dropping is one of the chief psychological tools of evasion. In regard to one’s desires, there are two major ways of context-dropping: the issues of range and of means. A rational man sees his interests in terms of a lifetime and selects his goals accordingly. This does not mean that he has to be omniscient, infallible or clairvoyant. It means that he does not live his life short-range and does not drift like a bum pushed by the spur of the moment. It means that he does not regard any moment as cut off from the context of the rest of his life, and that he allows no conflicts or contradictions between his short-range and long-range interests. He does not become his own destroyer by pursuing a desire today which wipes out all his values tomorrow”, Rand (1961 [1964], in *The ‘Conflicts’ of Men’s Interests*, 1962, 57–65). “*Human knowledge on every level is relational*. It is an organization of elements, each relevant to and bearing on the others. Knowledge is *not* a juxtaposition of independent items: it is a unity. It is not a heap of self-sufficient atoms of consciousness, each of which can exist or be dealt with apart from the rest. On the contrary, knowledge at each stage is a total, a sum, a single whole [...] Leaving aside the primaries of cognition, which are self-evident, all knowledge depends on a certain relationship: it is based on a context of earlier information. ‘Context’ means ‘the sum of cognitive elements conditioning an item of knowledge’. This sum is what enables us to reach the new conclusion, to prove it, to interpret it, to apply it. This sum, in short, is what sets the item’s relationship to reality and thus the item’s meaning and proper use. Hence an essential rule of contextual cognition: always hold the context. Or, to put the point negatively: context must never be dropped. Out-of-context claims or proposals, like out-of-context quotations or concepts, are by their nature invalidated. Whenever one treats a conclusion as an atom unrelated to the rest of cognition, one thereby detaches the conclusion, along with the thought process involving it, from reality. If one drops context, one drops the means of distinguishing between truth and fantasy; anyone can then claim to prove anything, however absurd - just as, out of context, anyone can quote anybody to mean anything”, Peikoff (1991 [1993], 122–124).

⁶³ Rothbard has no problem in praising the “Anti-imperialist” position of Syria, which would contradict his own viewpoint. For more on this see below.

⁶⁴ Such as Leon Trotsky, assassinated in Mexico on August 21, 1940, by Ramon Mercader, an assassin hired by Stalin.

This is blatant land theft. The “right of return” is predicated on libertarian private property rights. How would you like to go on holiday and not be allowed to return?

We offer several arguments in rebuttal. For one thing, these were not real “vacations.” Rather, these people were aiding and abetting the enemies of Israel. When looked at from one point of view, they were entirely innocent. They did no more than (temporarily, they had hoped) departed from their homes and olive gardens. But, when looked upon from this other different perspective, their actions were not quite so innocent. For example, the getaway driver for the robber gang that murders bank employees does nothing “wrong,” objectively. He merely drives an automobile. This chauffeur committed no crime. But he “aids and abets” the criminals, and thus is part and parcel of their crime, in much the same manner as the Arabs who went on “holiday” during this war. For they were asked to do so by representatives of the armies of Egypt, Syria, Lebanon, The reason? To enable these armies to more effectively engage in their war against the Jews.

The Jews, in very sharp contrast, actually tried to convince the Arabs not to leave Israel:

“...in response, the Jewish Haifa Workers’ Council issued an appeal to the Arab residents of Haifa [...]: ‘For years we have lived together in our city, Haifa.... Do not fear: Do not destroy your homes with your own hands ... do not bring upon yourself tragedy by unnecessary evacuation and self-imposed burdens.... But in this city, yours and ours, Haifa, the gates are open for work, for life, and for peace for you and your families.’”⁶⁵

And again:

“*The Economist* (October 2, 1948) London: During subsequent days the Jewish authorities, who were now in complete control of Haifa (save for limited districts still held by the British troops), urged all Arabs to remain in Haifa and guaranteed them protection and security. As far as I know, most of the British civilian residents whose advice was asked by Arab friends told the latter that they would be wise to stay. However, of the 62,000 Arabs who formerly lived in Haifa, not more than 5,000 or 6,000 remained. Various factors influenced their decision to seek safety in flight. There is but little doubt that the most potent of these factors were the announcements made over the air by the Arab Higher Executive, urging all Arabs in Haifa to quit... It was clearly intimated that those Arabs who remained in Haifa and accepted Jewish protection would be regarded as renegades” (Leibler 1972, 40).

There is no doubt that those Arabs who left, whether because of fear or due to real collaboration with the Arab states campaign against Israel, actually were part and parcel of that movement functional to the initiatory and genocidal war that was launched against Israel. It was in effect an act of aggression:

“Another Palestinian journalist, Jawad Al Bashiti, explained the cause of the ‘Catastrophe’: ‘The following happened: the first war between Arabs and Israel had started and the ‘Arab Salvation Army’ came and told the Palestinians: ‘We have come to you in order to liquidate the Zionists and their state. Leave your houses and villages, you will return to them in a few

⁶⁵“April 28, 1948; according to the *Economist* (London), October 1, 1948, only ‘4000 to 6000’ of the ‘62,000 Arabs who formerly lived in Haifa’ remained there until the time of the war”, quoted in EretzYisroel.org (n.d.). The full text of the appeal can be seen at Ben Gad (1991, 306–307).

days safely. Leave them so we can fulfill our mission (destroy Israel) in the best way and so you won't be hurt.' It became clear already then, when it was too late, that the support of the Arab states (against Israel) was a big illusion. Arabs fought as if intending to cause the 'Palestinian Catastrophe.'⁶⁶ (Bard 2012, 136).

On the “stealing” of Arab land charge, this is simply not true.⁶⁷ Rothbard’s argument does not accord with the facts. We of course cannot say that there was no such thing as expropriation of Arab Land by Jews. The latter were not perfect in this regard (nothing in the real world ever is, certainly not at the level of government). But, as Table 6.2 shows (Aumann 1972, 121) a large amount of land was purchased.⁶⁸

Table 6.2 Jewish Land Purchases, 1880–1935 (in dunams*)

Organization	Total Land Acquired	Government Concessions *****	From Private Owners	Large Tracts**	Percent (approx.)
				Dunams	
PICA (Palestine Jewish Colonization Assoc.)	469,407	39,520	429,887	293,545	70
Palestine Land Development Co.	579,492	66,513***	512,979	455,169	90
Jewish National Fund ****	836,396				
Until 1939			270,084	239,17	90
1931–1947			566,312		50
Individual Jews	432,100		432,100		50

*4 dunams = 1 acre

**the large tracts often belonged to absentee landlords

***land situated in the sandy Beersheba and marshy Hulch districts

****"...Created on December 25, 1901 [...]"

*****Government concession: These were land concessions both for Jews and Arabs “to drain and develop the land so as to make additional tracts available for cultivation, under very attractive terms offered by the Government (first Turkish, then British)” Aumann (1972, 123)

Source: Aumann (1972, 121)

⁶⁶Al-Ayyam, (May 13, 2008), quoted in Itamar Marcus and Barbara Cook, “The Evolving Palestinian Narrative: Arabs Caused the Refugee Problem,” Palestinian Media Watch, (May 20, 2008); quoted at Bard (2012, 136).

⁶⁷For a full analysis on this subject see Aumann (1972), and Chap. 3.

⁶⁸In any case, as we demonstrate below, there was no need for the Jews to purchase this land. It was theirs by right. It was thus supererogatory that they made any purchases at all.

The Jews bought nearly 9% of the land, and homesteaded it, while the other 91% was (apart from 3.3% owned by Israeli Arabs and almost 16.9% abandoned by Arabs)⁶⁹ desert that *was neither owned by Jews nor Arabs*; it became part of Israel when the British left according to the UN partition plan. No libertarian case could be made with regard to that land,⁷⁰ apart from the fact that this desert was *actually* homesteaded by Jews through work:

“The claim is often made that in 1948 a Jewish minority owning only 5 per cent of the land of Palestine made itself master of the Arab majority, which owned 95 per cent of the land. In May 1948 the State of Israel was established in only part of the area allotted by the original League of Nations Mandate. 8.6 per cent of the land was owned by Jews and 3.3 per cent by Israeli Arabs, while 16.9 per cent had been abandoned by Arab owners who imprudently heeded the call from neighbouring countries to ‘get out of the way’ while the invading Arab armies made short shrift of Israel. The rest of the land—over 70 per cent—had been vested in the Mandatory Power, and accordingly reverted to the State of Israel as its legal heir. (Government of Palestine, *Survey of Palestine, 1946*, British Government Printer, p. 257.) The greater part of this 70 per cent consisted of the Negev, some 3,144,250 acres all told, or close to 50 per cent of the 6,580,000 acres in all of Mandatory Palestine. Known as Crown or State Lands, this was mostly uninhabited arid or semi-arid territory, inherited originally by the Mandatory Government from Turkey. In 1948 it passed to the Government of Israel. These lands had not been owned by Arab farmers—neither under the British Mandate nor under the preceding regime. Thus it is obvious that *the contention that 95 per cent of the land—whether of Mandatory Palestine or of the State of Israel—had belonged to Arabs has absolutely no foundation in fact*” (emphasis added by present authors) (Aumann 1972, 126–127).⁷¹

Curiously, Rothbard does not mention that the Jewish population of the Arab states, treated as second class citizens and worse, were expelled from their homes and expropriated.

“Throughout 1947 and 1948, Jews in Algeria, Egypt, Iraq, Libya, Morocco, Syria, and Yemen (Aden) were persecuted, their property and belongings were confiscated, and they were subjected to severe anti-Jewish riots instigated by the governments. In Iraq, Zionism was made a capital crime. In Syria, anti-Jewish pogroms erupted in Aleppo and the government froze all Jewish bank accounts. In Egypt, bombs were detonated in the Jewish quarter, killing dozens. In Algeria, anti-Jewish decrees were swiftly instituted and in Yemen, bloody pogroms led to the death of nearly 100 Jews.

“In January 1948, the president of the World Jewish Congress, Dr. Stephen Wise, appealed to U.S. Secretary of State George Marshall: ‘Between 800,000 and a million Jews in the Middle East and North Africa, exclusive of Palestine, are in “the greatest danger of destruction” at the hands of Moslems being incited to holy war over the Partition of Palestine ... Acts of violence already perpetrated, together with those contemplated, being clearly aimed at the total destruction of the Jews, constitute genocide, which under the resolutions of the General Assembly is a crime against humanity.’ In May 1948, the New York Times echoed Wise’s appeal, and ran an article headlined, ‘Jews in Grave Danger in all Muslim Lands: Nine Hundred Thousand in Africa and Asia face wrath of their foes.’

“With their lives in danger and the situation growing ever more perilous, the Jews of the Arab World fled their homes as refugees.

⁶⁹ See below Aumann (1972, 126–127).

⁷⁰ At least not any that properly applies to states, as opposed to individuals. See Chap. 3.

⁷¹ See also Pipes (2011).

“Of the 820,000 Jewish refugees between 1948 and 1972, more than 200,000 found refuge in Europe and North America while 586,000 were resettled in Israel - at great expense to the Israeli government, and without any compensation from the Arab governments who had confiscated their possessions” (Jewish Virtual Library [n.d.-f](#)).⁷²

This is very important, since in any discussion of expropriation and expulsion, we should include not one but both sides if we are to cleave to our libertarian principles: About 850,000 Jews from Arab countries were at that time expropriated of assets valued at more than \$300 billion (in 2007 US dollars according to the President of the World Organization of Jews from Arab Countries, Heskell M. Haddad) and near 100,000 sq.km. of land (nearly four times the size of the State of Israel) (Lefkovits [2007](#)).⁷³ Rothbard mentions none of this. Suppose someone were to try to justify massive Arab expropriation of Jewish property and massive expulsion of Jews on the grounds that Israel also did it with the “Palestinians.” This would imply collective punishments. But the Jews of, for example Baghdad (with

⁷² “[...] The Jewish State, however, never considered turning away the refugees and, over the years, worked to absorb them into society.

“Overall, the number of Jews fleeing Arab countries for Israel in the years following Israel’s independence was nearly double the number of Arabs leaving Palestine. The contrast between the Jewish refugees and the Palestinian refugees grows even starker considering the difference in cultural and geographic dislocation - most of the Jewish refugees traveled hundreds or thousands of miles to a tiny country whose inhabitants spoke a different language and lived with a vastly different culture. Most Palestinian refugees traveled but a few miles to the other side of the 1949 armistice lines while remaining inside a linguistically, culturally and ethnically similar society.

“Moreover, the value of Jewish property left behind and confiscated by the Arab governments is estimated to be at least 50 percent higher than the total value of assets lost by the Palestinian refugees. In the 1950’s, John Measham Berncastle, under the aegis of the United Nations Conciliation Commission for Palestine, estimated that total assets lost by Palestinian refugees from 1948 - including land, buildings, movable property, and frozen bank accounts - amounted to roughly \$350 million (\$650 per refugee). Adding in an additional \$100 million for assets lost by Palestinian refugees as a result of the Six Day War, an approximate total is \$450 million - \$4.4 billion in 2012 prices. By contrast, the value of assets lost by the Jewish refugees - compiled by a similar methodology - is estimated at \$700 million - roughly \$6.7 billion today.

“To date, more than 100 UN resolutions have been passed referring explicitly to the fate of the Palestinian refugees. *Not one* has specifically addressed Jewish refugees. Additionally, the United Nations created an organization, UNRWA, to solely handle Palestinian refugees while all other refugees are handled collectively by UNHCR. The UN even defines Palestinian refugees differently than every other refugee population, setting distinctions that have allowed their numbers to grow exponentially so that nearly five million are now considered refugees despite the fact that the number estimated to have fled their homes is only approximately 400–700,000” (emphasis added by present authors), Jewish Virtual Library ([n.d.-f](#)). In fact, the value of Jewish expropriated land and property in Arab countries is, according to other sources much bigger (see Lefkovits [2007](#)). Nor must we lose sight of two things. First, it is misleading to add Palestinian loses in the Six Day War of 1967 to those of 1948. *Ceteris paribus* requires comparing only those lost by both groups in the earlier date. Second, there can be no question, realistically speaking, about the motivations of the Jewish refugees from Arab countries. They were kicked out and scared out; they were not cooperating with any impending IDF attack on their host countries.

⁷³ For more on this subject, see Leibler ([1972](#), 53–54) and Chap. 3, Section 6.8.

more than 2000 years of existence in the country)⁷⁴ were involved only because they were members of this faith community. Rothbard seemingly does not care about Jewish lives nor property in Arab countries.⁷⁵

Let us turn this around. Would the fact that the Arabs abused Jews and their property in their countries justify Israel returning the “favor” to its non-Jewish inhabitants? Certainly not, at least not at the level of individual rights. A wrong is a wrong is a wrong, and Arab wrongs do not justify those of Israel. And, vice versa: Israeli wrongs to its Arab population⁷⁶ do not justify those of Arab nations to Jews. But we should not limit our analysis to a matter of individual rights. We must also consider entering the realm of statism. And here, there is a sort of “balancing” that can indeed be justified. The Arabs stole land from the Jews? The Jews stole land from the Arabs?⁷⁷ Why, then, the robbers in both cases are to blame. What is to be done to rectify this situation? One option is for each state to return its stolen property to their rightful owners. This would not work well, since there would be nary a Jew who would be willing to relocate to the Arab land of his fathers. But there is another option: give the land stolen by Israel from Arabs to Jews, and provide the territory unjustifiably taken from Jews by Arab countries to the very Arabs who had their property taken away from by the Jews.⁷⁸

This situation exemplifies that the root of the conflict was not the State of Israel *itself*, but *Jewish presence* in the Middle East in general, which the entire Arab political leadership and a large portion of its followers hated. In absolute numbers, such expulsion of the Jews was far worse than the *voluntary* leaving of the Arabs from Israel.

Then there is Rothbard’s account of the UN plan for the internationalization of Jerusalem, allegedly “[...] promptly and brusquely disregarded by Israel” (Rothbard 1967, 25). This is not true. First of all the Jews accepted the UN Partition Plan, and the Arabs did not. One can see why this is not the case when one realizes that the old city of Jerusalem was part of Jordan until 1967. Jerusalem remained *mainly* (for example the Old City) in Arab hands until the Six Day War.⁷⁹ And this was part of the Arab attack of Israel after the Declaration of Independence:

“Sixty-two Jews were murdered by Arabs in the first week after the UN partition plan was passed, and by May 15, 1948, a total of 1,256 Jews had been killed, most of them civilians. These deaths were caused by Arab militias, gangs, terrorists and army units which attacked every place of Jewish habitation in Palestine. The attacks succeeded in placing Jerusalem

⁷⁴ See fn. 75 in Chap. 3.

⁷⁵ Nor in Palestine for that matter.

⁷⁶ We are now stipulating, *arguendo*, that this is the case.

⁷⁷ We continue to stipulate, *arguendo*, the truth of this statement.

⁷⁸ Interestingly, the U.N. and other critics who focus on Israel alone do not support any such thing. No, they would rather see the landless Palestinians suffer in refugee camps for generations, so as to provide a living example of the heartlessness and evil status of the Israelis.

⁷⁹ See Map 15 in Annex A.

under siege and eventually cutting off its water supply. All Jewish villages in the Negev were attacked, and Jews had to go about the country in convoys. In every major city where Jews and Arabs lived in mixed neighborhoods the Jewish areas came under attack. This was true in Haifa's Hadar Hacarmel as well as Jerusalem's Old City. Massacres were not uncommon. Thirty nine Jews were killed by Arab rioters at Haifa's oil refinery on December 30, 1947. On January 16, 1948, 35 Jews were killed trying to reach Gush Etzion. On February 22, 44 Jews were murdered in a bombing on Jerusalem's Rehov Ben-Yehuda. And on February 29, 23 Jews were killed all across Palestine, eight of them at the Hayotzek iron foundry. Thirty-five Jews were murdered during the Mount Scopus convoy massacre on April 13. And 127 Jews were massacred at Kfar Etzion on May 15, 1948, after 30 others had died defending the Etzion Bloc" (Frantzman 2007).⁸⁰

"The United Nations resolved that Jerusalem would be an international city apart from the Arab and Jewish states demarcated in the partition resolution. The 150,000 Jewish inhabitants were under constant military pressure; the 2,500 Jews living in the Old City were victims of an Arab blockade that lasted five months before they were forced to surrender on May 29, 1948. Prior to the surrender, and throughout the siege on Jerusalem, Jewish convoys tried to reach the city to alleviate the food shortage, which, by April, had become critical" (Bard 2012, 136–137).

According to Rothbard (1967, 25) "the remaining remnant [of the Arab population in Israel], was subject to a harsh military rule [...]". This is highly problematic. *The Arab citizens of Israel enjoy more freedom in Israel than in any other country in the Middle East*, and are in no way different from Jews with regards to citizenship nor individual rights. Israeli Arabs are as Israeli as Jewish or Christian Israelis.⁸¹

At this point in his essay Rothbard recognizes the fact that most Arabs left, but he insists on maintaining that Israel did not allow them to go back. This is far from the truth:

"The Israeli government was not indifferent to the plight of the refugees; an ordinance was passed creating a Custodian of Abandoned Property 'to prevent unlawful occupation of empty houses and business premises, to administer ownerless property, and also to secure tilling of deserted fields, and save the crops....' The implied danger of repatriation did not prevent Israel from allowing some refugees to return and offering to take back a substantial number as a condition for signing a peace treaty. In 1949, Israel offered to allow families that had been separated during the war to return, to release refugee accounts frozen in Israeli banks (eventually released in 1953), to pay compensation for abandoned lands and to repatriate 100,000 refugees.

"The Arabs rejected all the Israeli compromises. They were unwilling to take any action that might be construed as recognition of Israel. They made repatriation a precondition for negotiations, something Israel rejected. The result was the confinement of the refugees in camps. Despite the position taken by the Arab states, Israel did release the Arab refugees' blocked bank accounts, which totaled more than \$10 million, paid thousands of claimants cash compensation and granted thousands of acres as alternative holdings" (Bard 2012, 140–141).⁸²

⁸⁰ See also Karsh (1996).

⁸¹ For more on this subject see Dershowitz (2003, 154–157), Bard (2012, 161–166), Leibler (1972, 70–73), and Safian (1997).

⁸² See also Chap. 4.

“(…) on humanitarian grounds Israel has since the 1950’s allowed more than 50,000 refugees to return to Israel under a family reunification program, and between 1967 and 1993 allowed a further 75,000 to return to the West Bank or Gaza. Since the beginning of the Oslo process Israel has allowed another 90,000 Palestinians to gain residence in PA-controlled territory” (Safian 2000).

Israel has been benevolent with regard to those refugees who left and lost their property through no fault of their own. But this is far from the so-called “Right of Return”, which is an arbitrary concept created by Arab leaders in order to bring to Israel anyone who defines himself as Palestinian (nearly 5 million people today).⁸³ This would obviously destroy the Jewish demographic majority of Israel in order to undermine its identity as a Jewish Home. And while this demand is made without any foundation in historical record, Israel still respects those demands of return that are grounded on facts (just like the Arab relatives living in Israel of those refugees who demand to return, as the previous quote explains). The fact that “Palestinian Arab” refugees still live in refugee camps is due to the policies of the Arab leaders themselves, not to Israel. In fact, they cannot obtain citizenship in most Arab countries and are treated as second class citizens, as if they were sacrificial pawns in chess.⁸⁴ As an example, in 1970 King Hussein of Jordan ordered the killing of

⁸³The definition of “Palestinian” by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) is: “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict.” This document continues: “UNRWA services are available to all those living in its area of operations who meet this definition, who are registered with the Agency and who need assistance. The descendants of Palestine refugee males, including adopted children, are also eligible for registration. When the Agency began operations in 1950, it was responding to the needs of about 750,000 Palestine refugees. Today, some 5 million Palestine refugees are eligible for UNRWA services”, UNRWA, <http://www.unrwa.org/palestine-refugees> (last visited April 26, 2020). It is easy to see that the concept is vague enough to allow anyone claiming to have been living in Palestine between the dates mentioned in the definition as a “Palestinian”. This is far from being an objective standard to property claim. “Until 1967 UNRWA had no means of verifying the eligibility or genuineness of those registered on the rolls. The United Nations Economic Survey Commission reported on 28 December 1949 that the number of bogus refugees on the list at that stage was as high as 160,000. In 1952 UNRWA stated: ‘Whereas all births are eagerly announced, the deaths, wherever possible, are passed over in silence so that the family may continue to collect rations for the deceased’. Henry Labouisse, UNRWA Director, told a Palestinian Refugee Conference in Jerusalem (July 20, 1955): ‘There are refugees who hold as many as five hundred UNRWA ration cards and there are dealers in UNRWA approved clothing ration cards’”, Leibler (1972, 44).

⁸⁴There seems to be a contradiction here. Which is it? Is it that these Arabs cannot obtain citizenship, or are they second class citizens? Both statements are true. In some countries they are citizens but have hard restrictions placed on them. And in other Arab nations they do not even have citizenship nor can they attain it. For more on this, see Abu Toameh (2019b).

20,000 Palestinians⁸⁵ (in the words of Arafat), and in 1991 nearly 400,000⁸⁶ Palestinians were expelled from Arab countries (especially from Kuwait), due to the PLO support of Saddam Hussein in the First Gulf War.⁸⁷ The Arab leaders use Palestinian refugees as an excuse for supporting attacks against Israeli citizens. This fact also points out that the world does not feel any disquiet about actual Palestinians located outside Israel. They are only concerned when Jews are somehow involved in any given situation.⁸⁸

On the other side, Jewish refugees who were actually expelled from Arab countries were fully *integrated* into society. This demonstrates that Israelis wanted to create a culture based on peaceful cooperation, while Arab leaders used Palestinian Arab refugees as chess pieces in order to attack and undermine Israel. Refugee integration into society is something that does not occur in Arab countries because they use the Palestinian refugees as a puppet in order to attack Israel. These unfortunates are used as victims in numerous forums so as to garner positive

⁸⁵ “[...] 20,000 as claimed by BSO [Black September Organization] and 1000 according to Jordanians [...]” (Darwish 2010). This was in the context of the events later known as Black September. As Robert L. Pollock (2001), writing for *The Wall Street Journal*, elucidates: “In 1970, Palestinians, both citizens and refugees, were almost as numerous in Jordan as King Hussein’s own Bedouins. Mr. Arafat used the estimated 20,000 Palestine Liberation Organization fighters in Jordan to exercise control over much of the Palestinian population. In many parts of the country, he was the de facto government. The king had grown increasingly worried that Mr. Arafat posed a threat to his regime, and cross-border attacks into Israel and other acts of PLO terror had put intolerable strains on his relations with the West.

“The last straw came on Sept. 6, when the PLO hijacked four civilian airliners, flying three to Dawson’s Field in PLO-controlled northern Jordan and one to Cairo. After European governments secured the release of the hostages by agreeing to release PLO terrorists from their prisons, the PLO blew up the planes.

“The Jordanian response, from which one of the PLO’s most notorious brigades was to take its name, became known as Black September. An estimated 2000 PLO fighters and several thousand more Palestinian civilians were killed. Mr. Arafat fled to Cairo, where an angry meeting with King Hussein nonetheless led to a ceasefire. But Mr. Arafat soon returned to join the rump of his forces, which had retreated to northern Jordan, close to their Syrian sponsors. Within 10 months they were driven out of the country.”

⁸⁶ “When Kuwait was liberated the following year by a U.S.-led coalition, some 200,000 Palestinians were expelled from the oil-rich emirate in retaliation for having supported Saddam Hussein’s invasion of it. An additional 150,000 Palestinians had fled Kuwait before the U.S.-led coalition war. They had suspected a new incursion might be in the offing, and were worried about what would be awaiting them once Kuwait was liberated”, Abu Toameh (2015). See also Rosen (2012).

⁸⁷ “...driving PLO chairman Yasser Arafat to declare that ‘what Kuwait did to the Palestinian people is worse than what has been done by Israel to Palestinians in the occupied territories’”, Rosen (2012).

⁸⁸ We are tempted to criticize Rothbard on this account too. Why is his only concern for Palestinians (supposedly) abused by Jews? Why no defense on his part for all degraded members of this group, from whatever source? However, it would be unfair to hold Rothbard accountable for this oversight. Writers should be criticized for what they write, not for what they do not write. But, still, this lacunae is more than passing curious.

publicity for themselves and negative for their enemies. Then, too, this ploy attracts billions of taxpayer dollars from western countries and institutions that are then given to the Palestinian Authority, apart from the UN. Much of this funding ends up in the hands of corrupt Palestinian leaders, such as the well-known very wealthy Yasser Arafat.⁸⁹ No truer words on this topic were said than these: “The refugees are the corner-stone in the Arab struggle against Israel. The refugees are the armaments of the Arabs and Arab nationalism” (Radio Cairo, July 19, 1957).⁹⁰

“Many of the same research issues apply to Jewish populations, namely those who left Arab countries and immigrated to Israel. The majority of Jews who ever immigrated to Israel would indeed qualify for the status of refugees, having lost most of their belonging and being unable to return to the countries of origin. A significant difference is that Jewish immigrants in Israel were incorporated into a major public effort of absorption within the mainstream of Israeli society. In the case of the Palestinians, a major effort was instead invested in refraining from solving the social problems of immediate relevance while postponing and subordinating those issues to the final solution of the Israeli-Arab conflict” (DellaPergola 2001, 6).

6.5 The Arab Leaders

Rothbard recognizes the fact that British-created Jordan ultimately controlled the areas that later refugees would reclaim as theirs. But there was no such thing as a Palestinian state nor a Palestinian nationality. Surprisingly, the Jews themselves were the ones called “Palestinians”:

“Ironically, before local Jews began calling themselves Israelis in 1948 (the name ‘Israel’ was chosen for the newly-established Jewish state), the term ‘Palestine’ applied almost exclusively to Jews and the institutions founded by new Jewish immigrants in the first half of the twentieth century, before independence. Some examples include:

“The Jerusalem Post, founded in 1932, was called the Palestine Post until 1948.

“Bank Leumi L’Israel was called the ‘Anglo-Palestine Bank, a Jewish Company.’

“The Jewish Agency—an arm of the Zionist movement engaged in Jewish settlement since 1929—was called the Jewish Agency for Palestine.

“The house organ of American Zionism in the 1930s was called New Palestine.

⁸⁹“Jim Prince and a team of American accountants - hired by Arafat’s own finance ministry - are combing through Arafat’s books. [...] So far, Prince’s team has determined that part of the Palestinian leader’s wealth was in a secret portfolio worth close to \$1 billion -- with investments in companies like a Coca-Cola bottling plant in Ramallah, a Tunisian cell phone company and venture capital funds in the U.S. and the Cayman Islands”, McDermott (2003). We do not oppose vast wealth per se. We are not followers of Bernie Sanders who inveighs against all “billionaires.” But we do not favor those, as Arafat, who came to their wealth through such political means.

⁹⁰Quoted in Leibler (1972, 47).

“Today’s Israel Philharmonic Orchestra, founded in 1936 by German Jewish refugees who fled Nazi Germany, was called the ‘Palestine Symphony Orchestra, composed of some 70 Palestinian Jews.’

“The United Jewish Appeal (UJA) was established in 1939 as a merger of the United Palestine Appeal and the fundraising arm of the Joint Distribution Committee” (Hertz 2009, 2014).

Moreover, the Jews were identified as “Palestinians” not only in pre-1948 Palestine, but also in Europe several times throughout history. Even philosopher Immanuel Kant⁹¹ (1797, 77) referred to the *Jews* as “The *Palestinians* living among us [...]” (emphasis added) as far back as in the XVIIIth century.

Rothbard says that “The acknowledged leader of the Palestinian Arabs, their Grand Mufti Haj Amin el-Husseini, was summarily deposed by the long-time British tool, King Abdullah of Trans-Jordan, who simply confiscated the Arab regions of east-central Palestine, as well as the Old City of Jerusalem”. This is remarkable because Haj Amin el-Husseini is the perfect example of the root of the conflict and of *true* war guilt. He was a well-known collaborator of the Nazis who even asked Hitler to extend the “Final Solution” to the Land of Palestine and was deeply involved with the Arab branch of the Wehrmacht (the “Free Arabian Legion”):

“In 1941, Haj Amin al-Husseini, the Mufti of Jerusalem, fled to Germany and met with Adolf Hitler, Heinrich Himmler, Joachim Von Ribbentrop and other Nazi leaders. He wanted to persuade them to extend the Nazis’ anti-Jewish program to the Arab world. The Mufti sent Hitler 15 drafts of declarations he wanted Germany and Italy to make concerning the Middle East. One called on the two countries to declare the illegality of the Jewish home in Palestine. He also asked the Axis powers to ‘accord to Palestine and to other Arab countries the right to solve the problem of the Jewish elements in Palestine and other Arab countries in accordance with the interest of the Arabs, and by the same method that the question is now being settled in the Axis countries.’ In November 1941, the Mufti met with Hitler, who told him the Jews were his foremost enemy. The Nazi dictator rebuffed the Mufti’s requests for a declaration in support of the Arabs, however, telling him the time was not right. The Mufti offered Hitler his ‘thanks for the sympathy which he had always shown for the Arab and especially Palestinian cause, and to which he had given clear expression in his public speeches. . . . The Arabs were Germany’s natural friends because they had the same enemies as had Germany, namely.. . the Jews. . . .’ Hitler told the Mufti he opposed the creation of a Jewish state and that Germany’s objective was the destruction of the Jewish element residing in the Arab sphere. In 1945, Yugoslavia sought to indict the Mufti as a war criminal for his role in recruiting 20,000 Muslim volunteers for the SS, who participated in the killing of Jews in Croatia and Hungary. He escaped from French detention in 1946, however, and continued his fight against the Jews from Cairo and later Beirut” (Bard 2012, 20–21).⁹²

Basically, Haj Amin el-Husseini opposed *any* Jewish presence, not only in the land of Palestine, but in *any land* whatsoever. Rothbard ignored this fact, while at

⁹¹ This Judeophobic quote by Kant, said: “The *Palestinians* living among us have, for the most part, earned a not unfounded reputation for being cheaters, because of their spirit of usury since their exile”.

⁹² See also fn. 82 in Chap. 3.

the same time mentioning Husseini as a somewhat legitimate representative of the Arab people. *The fact that Haj Amin el-Husseini actually was a respected leader by Palestinian Arabs goes a long way in explaining why there was a war in the first place.*

6.6 The State of War

Rothbard correctly identifies the fact that the state of war continued after the armistice of 1949. At the same time, he argues that "...Egypt, from 1949 on, continued to block the Strait of Tiran--the entrance to the Gulf of Aqaba--to all Israeli shipping and to all trade with Israel. In view of the importance of the blocking of the Gulf of Aqaba in the 1967⁹³ war, it is important to remember that nobody griped at this Egyptian action: nobody said that [apart from Jews and Israelis] Egypt was violating international law by closing this [in Rothbard's words] 'peaceful international waterway.'" This author continues: "Making any waterway open to all nations, according to international law, requires two conditions: (a) consent by all the powers abutting on the water-way, and (b) no state of war existing between any powers on the waterway. Neither of these conditions obtained for the Gulf of Aqaba: Egypt has never consented to such an agreement, and Israel has been in a state of war with Egypt since 1949, so that Egypt blocked the Gulf to Israeli shipping unchallenged from 1949 on".

We beg to differ:

"In 1956, the United States gave Israel assurances that it recognized the Jewish State's right of access to the Straits of Tiran. In 1957, at the U.N., 17 maritime powers declared that Israel had a right to transit the Strait. Moreover, the blockade violated the Convention on the Territorial Sea and Contiguous Zone, which was adopted by the UN Conference on the Law of the Sea on April 27, 1958. The closure of the Strait of Tiran was the *casus belli* in 1967. Israel's attack was a reaction to this Egyptian first strike" (Bard 2012, 46–47).

This was an explicit violation of international law. But even apart from international law, as a libertarian who champions the NAP, it is highly strange that Rothbard mischaracterizes such an act of aggression by Egypt. The fact was that Egypt was physically preventing Israeli commerce on open waters, and this is an explicit violation of the Non-Aggression Principle. Israel had a right to defend itself, and this is fully compatible with libertarian principles.

In Rothbard's view, Israel should have acquiesced in the blockade of the Straits. Since the Jewish state declined to act so passively it takes on guilt for the war. There can be no libertarian foundation for this argument. Nor did Egypt block the Straits from 1949 on. Israel was importing Iranian oil from 1949 through 1967 through this body of water. Michael Oren (2002) writes "[...] Thus, Nasser needed a pretext to

⁹³On the situation after the Six Day War, and the Yom Kippur War in October 1973 see Herzog (1975).

ject the UN peacekeepers from Sinai and save face. His pretext came on May 12, 1967, when the USSR misinformed the Egyptians that Israeli forces were massed on Israel's northern border, ready to destroy Syria. With the threat of war looming, Nasser, evicted the peacekeepers from Sinai, closed the Straits of Tiran, thereby blocking Israel's oil imports".

Surprisingly Rothbard argues that Israel *copied* the "blitzkrieg" method of attack by the Nazis. This is misleading because the Nazis' "blitzkrieg" attacks were *offensive* while the Israeli actions were *defensive*. It is problematic that this eminent author all but equates *the Nazis with their main victims*.⁹⁴

What is particularly irksome about this comparison is that it seems gratuitous and simply there for the emotional shock value of comparing the Israel Defense Forces to Nazis. There is little reason for Rothbard to compare the 1967 bombing of military war planes which Nasser had publicly threatened to use against Israel to the Nazi blitzkrieg other than for emotional effect. Such a comparison is akin to saying that both Israel and the Nazis used guns to kill people in wars. This is true, but it is a useless comparison meant to raise ire by putting both Nazis and the Jewish army in the same sentence.

Further, Rothbard's use of this comparison seems to betray his motives, which are to cast Israel as totally and absolutely evil, regardless of the evidence.

About the actions of Israel in 1956, the truth is that it was a defensive strike:

"Egypt had maintained its state of belligerency with Israel after the armistice agreement was signed. The first manifestation of this was the closing of the Suez Canal to Israeli shipping. On August 9, 1949, the UN Mixed Armistice Commission upheld Israel's complaint that Egypt was illegally blocking the canal. UN negotiator Ralph Bunche declared: 'There should be free movement for legitimate shipping and no vestiges of the wartime blockade should be allowed to remain, as they are inconsistent with both the letter and the spirit of the armistice agreements.' On September 1, 1951, the Security Council ordered Egypt to open the Canal to Israeli shipping. Egypt refused to comply. The Egyptian Foreign Minister, Muhammad Salah al-Din, said early in 1954 that: 'The Arab people will not be embarrassed to declare: We shall not be satisfied except by the final obliteration of Israel from the map of the Middle East.' In 1955, Egyptian President Gamal Abdel Nasser began to import arms from the Soviet Bloc to build his arsenal for a future confrontation with Israel. In the short-term, however, he employed a new tactic to prosecute Egypt's war with Israel. He announced it on August 31, 1955: 'Egypt has decided to dispatch her heroes, the disciples of Pharaoh and the sons of Islam and they will cleanse the land of Palestine. . . . There will be no peace on Israel's border because we demand vengeance, and vengeance is Israel's death.' These 'heroes' were Arab terrorists, or *fedayeen*, trained and equipped by Egyptian Intelligence to engage in hostile action on the border, and to infiltrate Israel to commit acts of sabotage and murder. The *fedayeen* operated mainly from bases in Jordan, so that Jordan would bear the brunt of Israel's retaliation, which inevitably followed. The terrorist attacks violated the armistice agreement provision that prohibited the initiation of hostilities by paramilitary forces; nevertheless, it was Israel that was condemned by the UN Security Council for its counterattacks. The escalation continued with the Egyptian blockade of Israel's shipping

⁹⁴In Rothbard, (1982 [2014]), he again identifies Israeli actions with the Nazis. See also Chap. 5. On the relation between Anti-Semitism and Anti-Zionism see Perednik (2001, Chapter 14). Based on this type of logic, we can prove that the Israelis were also Communists: The Jewish state used guns. So did the USSR. Ergo, the Israelis are Communists.

lane in the Straits of Tiran, and Nasser's nationalization of the Suez Canal in July 1956. On October 14, Nasser made clear his intent: 'I am not solely fighting against Israel itself. My task is to deliver the Arab world from destruction through Israel's intrigue, which has its roots abroad. Our hatred is very strong. There is no sense in talking about peace with Israel. There is not even the smallest place for negotiations.' Less than two weeks later, on October 25, Egypt signed a tripartite agreement with Syria and Jordan placing Nasser in command of all three armies. The blockade of the Suez Canal and Gulf of Aqaba to Israeli shipping, combined with the increased *fedayeen* attacks and the bellicosity of Arab statements, prompted Israel, with the backing of Britain and France, to attack Egypt on October 29, 1956. The Israeli attack on Egypt was successful, with Israeli forces capturing the Gaza Strip, much of the Sinai and Sharm al-Sheikh. A total of 231 Israeli soldiers died in the fighting. Israeli Ambassador to the UN Abba Eban explained the provocations to the Security Council on October 30: 'During the six years during which this belligerency has operated in violation of the Armistice Agreement there have occurred 1,843 cases of armed robbery and theft, 1,339 cases of armed clashes with Egyptian armed forces, 435 cases of incursion from Egyptian controlled territory, 172 cases of sabotage perpetrated by Egyptian military units and fedayeen in Israel. As a result of these actions of Egyptian hostility within Israel, 364 Israelis were wounded and 101 killed. In 1956 alone, as a result of this aspect of Egyptian aggression, 28 Israelis were killed and 127 wounded'" (Bard 2012, 39–41).

Rothbard (1967, 27) avers "The 1967 crisis emerged from the fact that, over the last few years, the Palestinian Arab refugees have begun to shift from their previous bleak and passive despair, and begun to form guerrilla movements which have infiltrated the Israeli borders to carry their fight into the region of their lost homes. Since last year, Syria has been under the control of the most militantly anti-imperialist government that the Middle East has seen in years. Syria's encouragement to the Palestinian guerrilla forces led Israel's frenetic leaders to threaten war upon Syria and the conquest of Damascus-- threats punctuated by severe reprisal raids against Syrian and Jordanian villages...".

There are problems here. Even Rothbard recognizes that there was a state of war⁹⁵ since the armistice of 1949.⁹⁶ He cannot deny that the Egyptians, as well as the Syrians, were being armed by the USSR. The degree of bellicosity from the Arab nations surely rose to the level of a threat.⁹⁷ It is thus difficult to see why Israel was

⁹⁵ Consider now Rothbard's second criterion for the justification of the naval blockade: "(b) no state of war existing between any powers on the waterway." But there *was* a state of war between Egypt and Israel. In Rothbard's view, this justified the sea closure. If so, then it also justified the attack of the latter nation on the former. After all, if a state of war exists between two belligerents, it is surely not unjustified that *either* one would attack the other. Rothbard cannot have it both ways. He cannot have his cake and eat it too. He logically may not aver two contradictory statements. One, that Egypt was justified in closing the waterway since a state of war existed between it and Israel, and, two, that the latter was unjustified in attacking the former given that a state of war existed between the two nations.

⁹⁶As Nasser himself said, "(May 28, 1967): We will not accept. . . co-existence with Israel. . . Today the issue is not the establishment of peace between the Arab states and Israel . . . The war with Israel is in effect since 1948", Leibler (1972, 60).

⁹⁷"To the sea," indeed. "'The Secretary-General of the Arab League, Azzam Pasha, assured the Arab peoples that the occupation of Palestine and Tel Aviv would be as simple as a military promenade,' said Habib Issa in the New York Lebanese paper, *Al Hoda* (June 8, 1951). 'He pointed out that they were already on the frontiers and that all the millions the Jews had spent on land and

supposed to quietly *wait to be attacked*. As we have seen, the Egyptian forces *were preparing to attack* Israel along with the Syrians and Jordanians:

“In addition to Nasser’s verbal threats, Israel was under actual attack from Arab terrorists. In 1965, 35 raids were conducted against Israel. In 1966, the number increased to 41. In just the first four months of 1967, 37 attacks were launched. Meanwhile, Syria’s attacks on Israeli kibbutzim from the Golan Heights provoked a retaliatory strike on April 7, 1967, during which Israeli planes shot down six Syrian MiGs. Shortly thereafter, the Soviet Union—which had been providing military and economic aid to both Syria and Egypt—gave Damascus information alleging a massive Israeli military buildup in preparation for an attack. Despite Israeli denials, Syria decided to invoke its defense treaty with Egypt. On May 15, Israel’s Independence Day, Egyptian troops began moving into the Sinai and massing near the Israeli border. By May 18, Syrian troops were prepared for battle along the Golan Heights. Nasser ordered the UN Emergency Force, stationed in the Sinai since 1956, to withdraw on May 16. Without bringing the matter to the attention of the General Assembly, as his predecessor had promised, Secretary-General U Thant complied with the demand. After the withdrawal of the UNEF, the Voice of the Arabs proclaimed (May 18, 1967):

“As of today, there no longer exists an international emergency force to protect Israel. We shall exercise patience no more. We shall not complain any more to the UN about Israel. The sole method we shall apply against Israel is total war, which will result in the extermination of Zionist existence.”

“An enthusiastic echo was heard on May 20 from Syrian Defense Minister Hafez Assad: ‘Our forces are now entirely ready not only to repulse the aggression, but to initiate the act of liberation itself, and to explode the Zionist presence in the Arab homeland. The Syrian army, with its finger on the trigger, is united. . . I, as a military man, believe that the time has come to enter into a battle of annihilation.’

“On May 22, Egypt closed the Straits of Tiran to all Israeli shipping and all ships bound for Eilat. This blockade cut off Israel’s only supply route with Asia and stopped the flow of oil from its main supplier, Iran. The following day, President Johnson declared the blockade illegal and tried, unsuccessfully, to organize an international flotilla to test it. Nasser was fully aware of the pressure he was exerting to force Israel’s hand. The day after the blockade was set up, he said defiantly: ‘The Jews threaten to make war. I reply: Welcome! We are ready for war.’

“Nasser challenged Israel to fight almost daily. ‘Our basic objective will be the destruction of Israel. The Arab people want to fight,’ he said on May 27. The following day, he added: ‘We will not accept any. . . coexistence with Israel. . . Today the issue is not the establishment of peace between the Arab states and Israel. . . The war with Israel is in effect since 1948.’ King Hussein of Jordan signed a defense pact with Egypt on May 30. Nasser then announced: ‘The armies of Egypt, Jordan, Syria and Lebanon are poised on the borders of Israel. . . to face the challenge, while standing behind us are the armies of Iraq, Algeria, Kuwait, Sudan and the whole Arab nation. This act will astound the world. Today they will

economic development would be easy booty, for it would be a simple matter to throw Jews into the Mediterranean. . . . Brotherly advice was given to the Arabs of Palestine to leave their land, homes and property and to stay temporarily in neighboring fraternal states, lest the guns of the invading Arab armies mow them down”, Bard (2012, 134).

know that the Arabs are arranged for battle, the critical hour has arrived. We have reached the stage of serious action and not declarations.’

“President Abdur Rahman Aref of Iraq joined in the war of words: ‘The existence of Israel is an error which must be rectified. This is our opportunity to wipe out the ignominy which has been with us since 1948. Our goal is clear—to wipe Israel off the map.’ On June 4, Iraq joined the military alliance with Egypt, Jordan and Syria. The Arab rhetoric was matched by the mobilization of Arab forces. Approximately 250,000 troops (nearly half in Sinai), more than 2,000 tanks and 700 aircraft ringed Israel. By this time, Israeli forces had been on alert for three weeks. The country could not remain fully mobilized indefinitely, nor could it allow its sea lane through the Gulf of Aqaba to be interdicted. Israel’s best option was to strike first. On June 5, 1967, the order was given to attack Egypt” (Bard 2012, 45–46).

Israeli intelligence identified that an attack, especially by the Egyptian Air Forces (much superior in numbers to the IDF Air Forces), would destroy Israeli possibilities of any effective defense. In the face of a state of war and an imminent attack, *it was entirely justified* to defend Israeli citizens by obviating the Egyptian attack while their air forces were still on the ground. This in no way qualifies as a violation of the NAP, since the actual aggression had already been started by Egypt through blockading the Straits of Tiran and threatening further violations. In any case, according to libertarian theory, a credible threat alone, even in the absence of actual use of physical force, is equivalent to initiatory violence insofar as the justification of a forceful response is concerned. To think otherwise is to believe that the Israelis should have let themselves be murdered. It is also to misconstrue libertarian theory. The latter is not a suicide pact.

If there is any injustice with regard to land in the Middle East, it should include the fact that Israel retreated from Sinai in 1956 and 1979 (after Eisenhower’s pressure and the peace accord with Egypt,⁹⁸ respectively) and Gaza in 2005 (the “Disengagement Plan”) with the subsequent forced evacuation of Israeli citizens. The single civilized country in that area of the world won this bit of real estate fair and square. It fought a defensive war, and won.

There are two countries, *A* and *B*. All is well. Whereupon *A* attacks *B* unjustly. In the war, *B* wins some of *A*’s territory. Is *B* justified in keeping it? Yes. If there were two individuals, *A* and *B*, and the former gratuitously attacked the latter, libertarian punishment theory would certainly support *A* paying *B* damages. Here, there is a strong analogy between the two situations.⁹⁹

We should reiterate here that we are speaking within the context of statism. The point of this section is not that Israel is a perfect libertarian society but that it is much less evil as a state than almost any other, *and by libertarian standards*. That is why it is so strange that Rothbard singles out this one country for criticism. So this example too must be viewed within the context of statism, and we concede that individual rights (from the point of view of Anarcho capitalism) are still not respected through this logic, but that is the situation with states. One would have

⁹⁸ On this we may add that, at least until now with regard to Egypt, such peace has been respected. See Bard (2012, 266–275).

⁹⁹ See text below, pp. 276–277 for further elaboration.

thought that Rothbard, pre-eminent world-class anarcho-capitalist, would have made a list of states, and ranked them in terms of how far and to what degree they violated the NAP. Then, he would have started off at the top of the list in terms of the most egregious, and philosophically pulverized them all. But we cannot see our way clear to thinking Israel would have been anywhere near the top of it. The freest country in the Middle East would have just had to wait, a long time, for its turn.

Rothbard connects the Six Day War and Palestinians. If this were the case, it would be unclear why the Egyptians were the ones who actually fought this war. Rothbard mentions the refugees “carry(ing) their fight into the region of their lost homes.” This is difficult to understand. The Egyptian army fought, not Palestinian refugees. The Egyptians controlled the Gaza Strip and had no intention of creating a Palestinian State there. Their real objective was to destroy Israel and kill the Jews. The idea (widely held nowadays)¹⁰⁰ regarding the so-called “Israeli-Palestinian conflict” is that the source of the conflict is the absence of a Palestinian State. But this avoids asking why there was no movement to declare a Palestinian State *before* 1967, neither in the Gaza Strip (then controlled by Egypt) nor in Judea and Samaria (commanded by Jordan). It is only after Israel conquered these territories in 1967 that this became to be understood as the common sense view. However it does not make any sense: the real cause of the problem is the Arab political leadership’s rejection of any Jewish presence in the area whatsoever (and therefore the nature of Israel as a Jewish State).

Rothbard also claims that the Palestinians wanted to “carry their fight into the region of their lost homes”. But the question arises: What lost homes? Egypt did not lose any houses in 1948, the Palestinian Arabs did not begin the 1967 war, and Israel fought the Egyptian, Jordanian and Syrian armies. There is no connection between these subjects, and Rothbard conflates them all. He treats the subject in collective categories (as “Arabs” who lost “their homes”). By writing about the entire collective of Arabs as being expropriated by Jews throughout his paper, Rothbard in effect equates Palestinians with Egyptians and Jordanians. A Palestinian state in order to regain their “lost home” was an idea that no Arab had, at the time. But in order to show that the Arab aggression (by Egypt, Syria and Jordan) was justified, Rothbard links it with the “lost rights” of Palestinians. The one had nothing much to do with the other. Certainly, they were not linked in reality anywhere near as strongly as our author claims.

The fact that Israel increased its size by three¹⁰¹ after the 1967 war does not imply “imperialism”, nor that there was not a *willingness* to depart if peace was assured. This is easily shown by the fact that Israel *retreated* from the Sinai Peninsula in 1979 after the peace treaty with Egypt.¹⁰² Whether this was actually helpful for

¹⁰⁰We write in mid-2020.

¹⁰¹See Map 14 in Annex A.

¹⁰²This episode should not be confused with the events of 1956, when Eisenhower in effect forced the Israelis to vacate the Sinai. We are now discussing the second time the IDF removed itself from that desert real estate. This was the Israeli Peace Treaty with Egypt agreed to by Menachem Begin and Anwar Sadat under the Carter Presidency in 1979.

peace or not is still an open question, as the Jewish community of Yamit was forcibly evacuated in 1982, and Jewish homesteaded property was destroyed for the sake of a treaty with a dictatorship. The treaty was opposed by the Egyptian populace to the point where the Egyptian Premier who signed it, Anwar Sadat, was assassinated. The future of the peace treaty is still in doubt considering the 2011 Egyptian revolution. Nevertheless there has been no state of war between Israel and Egypt since.

Rothbard (1967, 28) maintains that “One of the most repellent aspects of the 1967 slaughter is the outspoken admiration for the Israeli conquest by almost all Americans, Jew and non-Jew alike”. This is unjustified according to Rothbard because “The one thing that Americans must not be lured into believing is that Israel is a ‘little’ ‘underdog’ against its mighty Arab neighbors. Israel is a European nation with a European technological standard battling a primitive and undeveloped foe...”.

The latter cannot be denied.

But the Arab Nations condemned Palestinian Arabs to be eternal refugees by not allowing them citizenship and rights, in order to justify their numerous attacks on Israel.¹⁰³ Following that pattern Palestinian groups such as the Hamas place their guns and rocket launchers near schools and hospitals, making shields out of their own populace.¹⁰⁴ If that is not “repellent” then nothing is. Also, there is the fact that in terms of sheer numbers at least¹⁰⁵ Israel cannot but be considered an “underdog.” Then there is the fact that Israel never targeted civilians directly,¹⁰⁶ while the Arab states did precisely that with the desire of “dancing on the ruins of Tel Aviv”. As Nasser said in March 8, 1965, “We shall not enter Palestine with its soil covered in sand, [...] We shall enter it with its soil saturated in blood”.¹⁰⁷ Since the real Arab objective was to destroy Israel, if they had won, Hussein’s dream of Jewish mass slaughter would have been attained. An Arab victory would have meant mass slaughter of Jews, at least judging by the words of Nasser. Has any Israeli spokesman ever said anything even remotely resembling that inhumane statement? None comes to mind.

¹⁰³ “Not only do the Arab countries despise the Palestinians, they also want them to be the problem of Israel alone. That is why, since 1948, Arab governments have refused to allow Palestinians permanently to settle in their countries and become equal citizens. Now these Arab countries are not only denying Palestinians their basic rights, they are also killing and torturing them, and subjecting them to ethnic cleansing. And this is all happening while world leaders and governments continue to bury their heads in the sand and point an accusing finger at Israel”, Abu Toameh (2015).

¹⁰⁴ For more on this subject see Rubinstein and Roznai (2011), and Israel Ministry of Foreign Affairs (n.d.-d, 58–105). For a libertarian critique of this technique, see Block (2010a; 2011).

¹⁰⁵ See Bard (2012, 266–275) for a full analysis of the balance of forces in the Middle East.

¹⁰⁶ Indeed, it took unprecedented pains to avoid any such outcome. This policy continues, such as the guidelines of operation followed by the IDF in Operation Cast Lead in 2014, by dropping leaflets, warning telephone calls, etc. See Israel Ministry of Foreign Affairs (n.d.-d, 137–215). Which other nation engages even remotely in acts of this sort? The government of the country that dropped atomic bombs on civilians?

¹⁰⁷ Howard Sachar, *A History of Israel: From the Rise of Zionism to Our Time*, (NY: Alfred A. Knopf, 1979), p. 616; quoted in Bard (2012, 43).

In sharp contrast, the IDF has prevailed in more than just a few wars with the Arabs, and nothing of the sort has ever occurred, let alone having been even threatened. On one side lies civilization, decency; not on the other. Yes, as Rothbard clearly sees, battle between Jews and Arabs pits an advanced civilized nation,¹⁰⁸ against an uncivilized unaccomplished one¹⁰⁹ with blood in its eye, intent upon the utter and total destruction of the other. Thus, these wars are akin to a weaponless adult fighting a young, rabid, armed pre-teenager. The latter is intent upon killing the former, while the former only wants to stop the latter, not really harm him. Israel is fighting the Arabs with one and three quarters of its two arms tied behind its back, and these knots are self-inflicted. If the one liberal state in the Middle East wished to totally annihilate its enemies as Arab states had wished they could do to Israel in 1967, Israel could do so not in a matter of months, nor weeks, nor even days. It would only take a few hours; maybe not even that long. The Arabs are indeed lucky in their choice of an enemy. If they had tried their tactics on any other advanced nation, they would have only had the opportunity to perpetrate their behavior only once.

Let us see what Arab leaders themselves have said on this matter.

“Cairo Radio, ‘Voice of the Arabs’ stated: (May 18, 1967): ‘As of today there no longer exists any international emergency force to protect Israel. We shall exercise patience no more. We shall not complain to the United Nations about Israel. The sole method we will apply against Israel is a total war which will result in the final extermination of Zionist existence.’

“Syrian Defence Minister, Hafez Asad, stated (May 20, 1967): ‘Our forces are now entirely ready not only to repulse the aggression, but to initiate the work of liberation itself and to exploit the Zionist presence in the Arab homeland. The Syrian Army with its finger on the trigger is united. I, as a military man, believe that the time has come to enter into the battle of annihilation.’

“Nasser told the Egyptian Army in Sinai (May 22, 1967): ‘The Israeli flag shall not go through the Gulf of Aqaba. Our sovereignty over the entrance to the Gulf cannot be disputed. If Israel wishes to threaten war we will tell her ‘You are welcome.’

“Nasser (May 27, 1967): ‘Our basic objective will be the destruction of Israel. The Arab people want to fight. .. The meaning of Sharm el Sheikh is a confrontation with Israel. Adopting this measure obligates us to be ready to embark on a general war with Israel’.

“President Aref of Iraq (May 31, 1967): ‘The existence of Israel is an error which must be rectified. This is our opportunity to wipe out the ignominy which has been with us since 1948. Our goal is clear — to wipe Israel off the map’” (Leibler 1972, 60–61).¹¹⁰

The real objective of the Arab states was genocide, not any so-called “righteous fight.” It is difficult to see how such a plan can be supported on libertarian grounds

¹⁰⁸Which only wishes peace with its neighbors.

¹⁰⁹Murray (2003).

¹¹⁰If words could kill, the Arab leadership would be the most powerful military force on the planet. Has any responsible Israeli leader ever said anything even remotely resembling these rabid statements? To ask this is to answer it.

by pinning the war guilt on Israel. Said Azzam Pasha, Secretary General of the Arab League in Cairo, (May 15, 1948): “This will be a war of extermination and a momentous massacre which will be spoken of like the Mongolian massacres and the crusades”.¹¹¹ No libertarian, he.

Rothbard charges that the IDF used napalm. But the real question is who is the aggressor and who the victim. One cannot analyze this fact out of context. As an example of what happened before the Six Day War, and again on the charge of Israel using napalm, see the following complaint that Syria presented to the UN Security Council:

“Syria complained to the United Nations Security Council today against Israel’s air and ground actions of last Friday, *in defense of Israeli farmers who had been attacked by Syrian fire-while cultivating their own lands in a demilitarized zone of the Israeli-Syrian frontier. It claimed that Israel bombed eight Syrian villages, using bombs of half-ton weight, including napalm.*

“Today’s letter to the Council did not request a meeting on the issue and was a direct reversal of a statement made during the weekend by Syrian President Nurieddin Al-Atassi, who had announced at a Damascus rally that his Government would file no more complaints with the Security Council.

“The letter, sent to the Security Council president, George Ignatieff, of Canada, by Syria’s Ambassador George J. Tomeh, accused Israel of ‘aggression with the traditional planning and brutality which have become a feature of the Israeli war crimes.’ The communication did not mention the fact that *Israel’s jet planes, defending Israel against Syrian attacks, had shot down six, Soviet-made MIG-21’s, flown by the Syrians.* The letter stated that Israel’s planes had ‘penetrated deeply beyond’ the Israeli-Syrian armistice lines, and claimed that ‘Syrian planes were able to meet them and defeat their intent.’

“Mr. Tomeh mentioned that Syria had filed a complaint last Friday night with the Israeli-Syrian Mixed Armistice Commission, but failed to indicate that, since, Syria had *withdrawn* that complaint” (emphasis added by present authors) (Jewish Telegraphic Agency 1967).¹¹²

¹¹¹ Quoted in Leibler (1972, 15).

¹¹² And another example of this charge after the War: “[...] Israel’s Aug. 4 reprisal air attack on El Fatah bases near the Jordanian town of Salt. Mohammad H. el-Farra, the representative of Jordan, accused Israel of using napalm and fragmentation bombs in the attack and also claimed that the israeli(sic) planes hit Red Crescent (Jordanian Red Cross) ambulances that were aiding the wounded, killing and wounding their occupants. Israel’s representative Ambassador Yosef Tekoah hotly denied that the Israeli planes hit civilian targets. He cited eye-witness accounts of a group of British volunteer students working in the Jordan Valley who, according to the London Telegraph, watched the Israeli attack on the El Fatah headquarters and guerrilla training camp. He said that the planes were specifically ordered to avoid hitting civilian targets and that all the casualties in the raid were El Fatah members or military personnel. Mr. Tekoah said that his Government had decided to release confidential information which demonstrated that the Jordanian Government and armed forces not only permitted terrorist acts against Israel from their territory but fully collaborated with them. He said that Jordanian military posts provided the marauders with information on Israeli troop deployment and provided covering fire for them when they encountered Israeli forces. He said Jordanian soldiers mounted roadblocks in collaboration with El Fatah and recognized El Fatah passes as entry permits for guerrillas coming from Syria. The sum of the situation, Mr. Tekoah declared, is that the guerrilla organizations are maintained and supported by the Arab governments in an expression of unabated belligerence. He said that the cease-fire

According to Neer (n.d.): “Where [napalm] has been used: In most of the world’s major military conflicts since its creation: most frequently, widely, in the greatest quantities and over the longest period of time by the United States, but also by Cuba, Peru, Bolivia, Brazil, Britain, France, the Soviet Union, Portugal, Israel, Egypt, Turkey, Iraq, India, Ethiopia, Thailand, El Salvador, and Argentina, among others. Its first use in combat was on 15 December 1943 in Sicily when U.S. troops incinerated a wheat field believed to shelter Germans. Napalm bombs first saw combat on 15 February 1944 when the U.S. attacked Japanese forces in the town of Pohnpei, capital of the eponymous Micronesian island 2,500 miles southwest of Hawaii and 1,800 miles northeast of Australia. Its most recent use was by U.S. forces during the 2003 invasion of Iraq”

Legal status

“Napalm is legal to use on the battlefield under international law. Its use against ‘concentrations of civilians’ is a war crime” Neer (n.d.)

Not for the first time in this essay of his do we find Rothbard dropping context. First of all, Egyptians targeted civilians directly; Israel did not. Second, a full dozen and a half countries have employed napalm; why, once again, single out the IDF in this manner?

Rothbard denigrates the alliance between Israel and the US, however, the financial aid that this nation gives to Arab countries (mostly enemies of Israel) is much larger.¹¹³ Nor does the US always blindly side with Israel. Often, the very opposite is the case:

“Raphaeli estimated in 2005 that for each dollar of military aid to Egypt, Israel must spend between 1.6 and 2.1 dollars in order to maintain its qualitative military advantage, yet receives only 1.5 dollars for every dollar invested in Egypt. Some of the resources invested in order to stave off a potential Egyptian threat are deployed on other fronts as well. Raphaeli estimated that for every dollar of American aid to neighboring countries which translates into support for their armies, Israel needs to spend between 1.3 and 1.4 dollars in order to preserve the balance. In this sense, Israel has a lower return on investment than Egypt for every dollar spent, due to the greater amount of military goods it must acquire. Not only does American assistance not provide Israel with an economic advantage, it requires Israel to expend additional amounts from its own internal security reserves.

“The benefits of Israel’s grant are thus greatly diminished, and perhaps canceled out altogether, if weighed beside the costs which accompany America’s aid to Israel’s neighbors” (Gazit 2011).

Then, too, there was that little matter of Eisenhower in effect forcing the Israelis to return the Sinai to Egypt in 1956. Had this not occurred, greater Israel would have been far larger in size than at present.

agreements of June, 1967 imposed an obligation on all parties to cease all military activities in the area. The Government which offers the use of its territory as a base for warfare is violating the cease-fire, he said, adding that international law and opinion leave no doubt that the cease-fire must be maintained on the basis of complete reciprocity. [...]”. Jewish Telegraphic Agency (1968).

¹¹³Block (2012b, chapter 29; 2007b). See also Chap. 4.

“President Eisenhower was upset by the fact that Israel, France and Great Britain had secretly planned the campaign to evict Egypt from the Suez Canal. Israel’s failure to inform the United States of its intentions, combined with ignoring American entreaties not to go to war, sparked tensions between the countries. The United States subsequently joined the Soviet Union (ironically, just after the Soviets invaded Hungary) in a campaign to force Israel to withdraw. This included a threat to discontinue all U.S. assistance, UN sanctions and expulsion from the UN... U.S. pressure resulted in an Israeli withdrawal from the areas it conquered without obtaining any concessions from the Egyptians. This sowed the seeds of the 1967 war” (Bard 2012, 41–42).¹¹⁴

Rothbard (1967, 27) talks of the government of Syria as *anti-imperialist*. He says: “Syria has been under the control of the most militantly anti-imperialist government that the Middle East has seen in years.” But this is incompatible (among other things) with Syrian involvement in the Lebanon Civil War which caused near 100,000 deaths during the nineteen seventies and eighties. It cannot be denied that Israel is the only place in the Middle East where individual rights are respected at least to the same degree as most western nations:

“Arabs in Israel have equal voting rights; in fact, it is one of the few places in the Middle East where Arab women may vote. Arabs in 2011 held 14 seats in the 120-seat Knesset. Israeli Arabs have also held various government posts, including one who served as Israel’s ambassador to Finland and the deputy mayor of Tel Aviv. Oscar Abu Razaq was appointed Director General of the Ministry of Interior, the first Arab citizen to become chief executive of a key government ministry. Ariel Sharon’s original cabinet included the first Arab minister, Salah Tarif, a Druze who served as a minister without portfolio. An Arab is also a Supreme Court justice. In October 2005, an Arab professor was named Vice President of Haifa University. Arabic, like Hebrew, is an official language in Israel. More than 300,000 Arab children attend Israeli schools. At the time of Israel’s founding, there was one Arab high school in the country. Today, there are hundreds of Arab schools. The sole legal distinction between Jewish and Arab citizens of Israel is that the latter are not required to serve in the Israeli army. This is to spare Arab citizens the need to take up arms against their brethren. Nevertheless, Bedouins have served in paratroop units and other Arabs have volunteered for military duty. Compulsory military service is applied to the Druze and Circassian communities at their own request. Some economic and social gaps between Israeli Jews and Arabs result from the latter not serving in the military. Veterans qualify for many benefits not available to non-veterans. Moreover, the army aids in the socialization process. On the other hand, Arabs do have an advantage in obtaining some jobs during the years Israelis are in the military. In addition, industries like construction and trucking have come to be dominated by Israeli Arabs. Although Israeli Arabs have occasionally been involved in terrorist activities, they have generally behaved as loyal citizens. During the 1967, 1973 and 1982 wars, none engaged in any acts of sabotage or disloyalty. Sometimes, in fact, Arabs volunteered to take over civilian functions for reservists¹¹⁵ [...]” (Bard 2012, 161–162).

¹¹⁴For more on this see Pipes (1994, 2005), Rozenman (1999), and Safian (1997).

¹¹⁵And these are just some of the facts of the matter. There are multiple examples we could mention to illustrate the situation of the Arab citizens of Israel. In fact, the freedom that Arabs enjoy in Israel is so clear that even anti-Zionist Israeli Arab politicians of the most extreme kind can be and are members of the Knesset. As the case of the Joint List shows: “The Joint List—the coalition of Arab parties whose common ideological bond is fierce opposition to Israel’s continued existence as a Jewish state. While there are Arab parliamentarians on the lists of Likud, the Labor and Meretz coalition, and Blue and White, the Joint List is a sectarian mashup [...] In an interview with an

Rothbard's obsession with Israel is hard to understand, especially the fieriness of his prose and the fact that he even promotes Arab attacks as a "long range opportunity". He (1967, 30) says "...the Arabs can shift their strategic emphasis from hopeless conventional war with a far better armed foe to a protracted mass people's guerrilla war. Armed with light weapons, the Arab people could carry out another 'Vietnam', another 'Algeria' --another people's guerrilla war against a heavily armed occupying army..."

Despite the fact that Rothbard typically hates warmongering, this is precisely what he advocates in this case. Why this obsession to support war against Israel? He thinks the Jews stole land from the Arabs, and are justifiably trying to get it back. We, as fellow libertarians, would join him, if we thought his analysis correct. Of course, even under these conditions, we would not favor the "annihilation" continuously mentioned by Arab spokesmen of innocent Jews. We part company from him, only, because we believe the very opposite: the Jews were the victims of land theft, not the Arabs. In certain individual cases the opposite was true, but by and large the Jews were the victims, not the Arabs. We also eschew the word "terrorist" since it has come to refer to pretty much anyone the speaker strongly opposes; this word sheds heat, not light (despite of the fact that we could well define terrorism as deliberate attacks on civilians in order to promote political change).

According to Rothbard, "Israel, therefore, faces a long-run dilemma which she must someday meet. Either to continue on her present course, and, after years of mutual hostility and conflict be overthrown by Arab people's guerrilla war. Or to change direction drastically, to cut herself loose completely from Western imperial ties, and become simply Jewish citizens of the Middle East. If she did that, then peace and harmony and justice would at last reign in that tortured region. There is ample precedent for this peaceful coexistence. For in the centuries before 19th and 20th century Western imperialism, Jew and Arab had always lived well and peacefully together in the Middle East. There is no inherent enmity or conflict between Arab and Jew. In the great centuries of Arab civilization in North Africa and Spain, Jews took a happy and prominent part--in contrast to their ongoing persecution by

Israeli news site, Mansour Abbas, a member of the Muslim Brotherhood and the fourth most senior member of the Joint List, advocated polygamy, said he supported gay conversion therapy, and refused to promise that he will call on his supporters to refrain from violently attacking gay pride parades. Not to be outdone, his colleague, Aida Touma-Suleiman, called for the repeal of the Law of Return, which guarantees every Jew who moves to Israel immediate citizenship. Hiba Yazbek, another Joint Lister, expressed praise for Samir Kuntar, a terrorist who shot an Israeli man as his 4-year-old daughter was watching before smashing the child's head against a rock, killing both. After Yazbek called violence against Israeli soldiers a legitimate form of resistance to 'the occupation,' she was in fact barred from running for the Knesset. The Supreme Court, however, *stepped in and overturned the decision*, again with a questionable legal mandate, allowing Yazbek to run *while barring right-wing Jews who had similarly insinuated that they condoned violence against Arabs*, in the apparent hopes of boosting the Arab bigot vote above the Jewish bigot vote, to Bibi's detriment" (emphasis added) (Leibovitz 2020).

the fanatics of the Christian West. Shorn of Western influence and Western imperialism, that harmony can reign once more.”¹¹⁶

In effect, Rothbard’s recommendation is that the nation Israel must disappear and then the Arab rejection of a Jewish presence in the Middle East would vanish. However, Arab hatred for Jews in fact existed long before the State of Israel was born, as we have demonstrated again and again. Of course, it is always possible that this phenomenon would radically change were Jews to have no state of their own, and instead become a demographic minority in some sort of greater Palestine in which the “right of return” were fully respected. This is a matter of prudential judgement, and, we must say, ours diverges widely from Rothbard’s in this matter.

There is another difficulty with his perspective. In the view of Rothbard the *pre-state* Jewish presence in Palestine was illegitimate.¹¹⁷ If so, it is difficult to see why the post-state Jewish presence in Palestine would be legitimate. What would the Jews have done in the interim period to deserve any but the smallest occupation of this new Arab country? No, it would appear that the implication of Rothbard’s analysis is for virtually all members of this religious community to vacate the premises.

Until Arab rejection of Jewish presence in the Middle East ends (and all its expressions, including war and intifadas), peace will not be attained. We must acknowledge that during the Middle Ages, compared to Europe *in general*, the Jews were *safer* in Arab countries, although they often had a second rank status as citizens. They were often expelled, taxed discriminatorily, and expropriated¹¹⁸ but this was often better than their treatment to the north. However, the idea that Jews were historically living peacefully and protected in Arab countries is false.

¹¹⁶The assertion that Israel had ties with “Western imperialism” is wrong: “The suggestion that Israel is a ‘settler society’ is a distortion. ‘Settler societies’ were intended ‘replicas’ of the home society and ‘true reproductions of European society.’ In the case of Algeria, the French even tried to incorporate the colony into the home country. In sharp contrast, Zionist settlements were at once distinct from Europe and different from Arab society. While European and American technology, political ideas and other aspects of modern culture were transferred to Palestine, Zionist society consciously recast and transformed them in a unique mold dedicated to creating the ‘new Jew.’ This was, as we have seen, at the core of the idea of ‘reconstitution.’” Troen (2011). This is true, among other things, because of the language (Hebrew, being spoken again after 2000 years), the Jewish calendar, etc. The model was a new Jewish home, not a European replica.

¹¹⁷Rothbard (1967, 23) claims that “Into the heart of the peasant and nomadic Arab world of the Middle East there thus came as colonists, and on the backs and on the bayonets of British imperialism, a largely European colonizing people.” Thus, he is saying that he did not approve of pre-State Jewish presence and immigration in Palestine. He also talks about Jewish Presence being negative for Arabs during Turkish domination. “In the great centuries of Arab civilization in North Africa and Spain, Jews took a happy and prominent part” (Rothbard 1967, 30), but omits the fact that although Jews were comparatively less persecuted in Arab countries, nevertheless that hardly made it a utopia.

¹¹⁸See the following as examples: Shihab al-Din Ghazi ib. Ahmad ibn al-Wasiti (n.d.), *Al-Malik Al-Salih - Decree Against the Dhimmi* (1354), Order for the Deportation of Safed Jews to Cyprus (1576), *Collection of the Jizya: Forced Conversion of Aden Jews* (1815), Letter Concerning the Damascus Blood Libel (1840), A report on blood libels in Damanhur Egypt (1879).

“Ironically, even this self-reliance and the determination of the halutzim to undertake themselves the manual labor entailed in both building and agricultural work, has given rise to charges against the Zionist enterprise in its entirety. Critics interpret the economic and cultural separation between Jews and Arabs as the sole responsibility of Zionist ideology and praxis. The contemporary indictment of Israel as an ‘apartheid state’ follows from this charge. An examination of the historic context makes a very different case. In Arab lands, Muslims for centuries separated themselves from Jews by defining them as dhimmis, or tolerated but second-class members of the community. This normative separation between Jews and Muslims throughout the Arab Muslim world was imposed by the Muslim Turks and their predecessors after the rise of Islam in the seventh century and has continued through the present. It is absurd to expect a handful of Jews living in remote agricultural colonies under Turkish rule to rebel against such deeply engrained and accepted practices. To delegitimize their efforts as failures because they did not create an egalitarian and integrated civil society that had yet to be actualized even in the United States is a malevolent fantasy, but one recognizable as this generation’s operative paradigm” (Troen 2011).

Rothbard was no great supporter of private Jews (in their pre state existence), living in this area. Certainly, he was a bitter opponent of the State of Israel itself.¹¹⁹ Did this author support a Jewish presence in Palestine at all, even theoretically? The final paragraph of “War Guilt in the Middle East”, in which Rothbard says that Israel should “become simply Jewish citizens of the Middle East”, a suggestion we agree with (and which in fact happens in the context of the State of Israel), supports the contention that he did. Also, his general support of homesteading virgin land would require him to support a Jewish presence in Palestine provided that that presence was made on virgin or purchased land, which in most cases it was.

However, some of his writings contradict that assertion, and even private Jews homesteading land before 1948 was illegitimate for Rothbard (1967, 23; because of his views against Turkish land titles), or at minimum he openly resented it even if it was legitimate by libertarian standards.

Another argument concerns the draining of the swamps. The criticism is that the Arab Palestinians were peacefully working in these “wetlands” when along came the Jews who made it impossible for them to earn a living in this manner. The Jews drove the Arabs off this watery land, and claimed it for themselves, in a blatant land grab. Our response to this charge is that the titles to those swamps were not at all as clear as the critics would have it.¹²⁰

Posit, arguendo, that Rothbard is 100% correct in all of his charges. Does this establish his conclusion that therefore Israel is an illegitimate state?¹²¹ Not a bit of

¹¹⁹It is not strange that Rothbard’s ideas on Israel attracted explicit anti-Semites, since “We are aware of what has been written on whether you can be anti-Zionistic with no Judeophobic leanings. Anti-Zionism singles out the national feelings and movement of the Jews -and only of the Jews- and considers Israel -and only Israel- an illegitimate state. It proposes actions which would bring death to millions of Jews. Although from a strictly theoretical point of view you could be anti-Zionistic and not Judeophobic, in the real world the two come together”, Perednik (2001, Chapter 14). See also Chap. 5.

¹²⁰See also Chap. 3.

¹²¹For anarcho-capitalists of the Rothbardian persuasion, no government can be legitimate. Certainly, then, for anarcho-capitalism the Israeli state is an illicit one (as is every state), for, by its

it. For even if this author's analysis is without flaw, surely, this does not apply to 100% of the land held by Jews in Israel. Suppose, then, that Jews properly pass muster under strict Rothbardian libertarian property rights theory for, say, 5% of the land mass they actually claim. Do they have a right to form a government based on these proper land titles? It is difficult to see how this can be denied, given that we are not now taking an anarchist position where we condemn all such institutions, equally. Rather, if everyone else may form a state, why, then, so may the Jews.¹²² Now for a bit of contrary to fact history. Suppose that in 1947 the Jews laid claim not to the land given them by the U.N. Partition Plan¹²³ but merely the, say, 5% of the land to which even Rothbard, we are supposing, would grant them title. Would

very nature as a government, it necessarily violated the non-aggression principle of libertarianism. However, this will not do, since the same exact conclusion would apply to each and every other government on the planet. We are then, for the sake of argument, following Rothbard's suggestions. We are eschewing "sectarianism" and "bother(ing) (our)selves with the more detailed or proximate causes." That is, we are leaving off the high theory that would condemn all state apparatuses equally. We are looking carefully at "the detailed pros and cons of any given conflict." We are not "evading the responsibility of knowing what is going on in any specific war or international conflict...". We do not "leap unjustifiably to the conclusion that, in any war, all states are equally guilty."

¹²² Following this approach, Brook and Schwartz (2002), representing the Objectivist position, say that "Only Israel has a moral right to establish a government in that area — on the grounds, not of some ethnic or religious heritage, but of a secular, rational principle. Only a state based on political and economic freedom has moral legitimacy. Contrary to what the Palestinians are seeking, there can be no 'right' to establish a dictatorship. As to the rightful owners of particular pieces of property, Israel's founders — like the homesteaders in the American West — earned ownership to the land by developing it. They arrived in a desolate, sparsely populated region and drained the swamps, irrigated the desert, grew crops and built cities. They worked unclaimed land or purchased it from the owners. They introduced industry, libraries, hospitals, art galleries, universities — and the concept of individual rights. Those Arabs who abandoned their land in order to join the military crusade against Israel forfeited all right to their property. And if there are any peaceful Arabs who were forcibly evicted from their property, they should be entitled to press their claims in the courts of Israel, which, unlike the Arab autocracies, has an independent, objective judiciary — a judiciary that recognizes the principle of property rights."

¹²³ See The Palestine Mandate-The Council of the League of Nations, 1922, and http://en.wikipedia.org/wiki/1947%E2%80%939348_Civil_War_in_Mandatory_Palestine. It must be taken into account that the Resolution, in turn, was based on previous legislation, because "Israel's juridical claims have their origins in the Balfour Declaration issued in November 1917 by the British Government which states: 'His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country'. Subsequent claims derived from the rights surrendered by Turkey under the Lausanne Treaty (1923), conferred on Britain by the League of Nations mandate, and subsequently affirmed to the state of Israel by the United Nations when the latter body gave recognition to the creation of the state by a two-thirds majority in November 1947. Israel's sovereignty was further confirmed in 1949 by her membership of the United Nations" (Leibler 1972, 13). We must also include in this list the San Remo Agreement (1920; see Gold 2020b), the League of Nations Resolution (1922) and the Anglo-American Convention on Palestine (1924).

the forces of the Arab nations that had actually attacked nascent Israeli Defense Forces held back? Would they have said to themselves, “Oh, well, we are all libertarians now; Rothbard is our mentor on matters of this sort. The Jews have clear title to that 5% of the land the Partition Plan gives them. That is all they are claiming. Hey, live and let live, say we Arabs about them thar Jews.” Or might they have declaimed: “The Jews are vermin; they are a pestilence. Screw Rothbard and his theories. The only good Jew is a dead Jew, or, at least, one far removed from our presence.” To see these two options before us is to respond, why, the latter of course. Not for the Arabs the niceties of Rothbardianism.¹²⁴

The point we are making is that Rothbard’s attack on Israel, even if correct (which as we try to show, is not),¹²⁵ is *irrelevant*. The *reason* the Arab nations invaded Israel in 1948 were absolutely unrelated to libertarian theories concerning justice in land titles. They would have tried to conquer even the far smaller amount of land over which Rothbard himself, we stipulate for argument’s sake, would credit the Jews. In this regard, a good example is Major Salah Salem, a spokesman for the Egyptian Government, who said on January 27, 1955, “Egypt will serve to erase the shame of the Palestinian War, even if Israel should fulfil the United Nations resolutions; it will not sign a peace treaty with her even if Israel should consist only of Tel Aviv”.¹²⁶

Is the Rothbard critique of Israel entirely beside the point? Yes, but for that conclusion we need one more premise. And this is that when country *A*, or in this case, countries *A, B, C ... H* invade the justly held territory of nation *I* (Israel in this case), they must be compelled, according to libertarian punishment theory,¹²⁷ to make recompense. That is to say, Premise 1: libertarian punishment theory a la Rothbard is *very* punitive. Premise 2: The Arabs were wrong in attacking Israel in 1948¹²⁸; at the very least, they did not do so on Rothbardian grounds; they would have done so even if Jewish land claims were limited to what Rothbardian theories

¹²⁴We do not mean to single out the Arabs in this regard. Rothbard’s correct theories of land, title, justification, have not exactly captured any large sector of society, with the exception of libertarians, of course.

¹²⁵We have given numerous reasons for calling this into question.

¹²⁶Quoted in Leibler (1972, 15).

¹²⁷See on this: Barnett and Hagel III (1977), Block (2009a, b), Kinsella (1996, 1997), Olson (1979), Rothbard (1977; 1998), Whitehead and Block (2003). In the view of Rothbard (1982 [1998], 91–92): “It should be evident that our theory of proportional punishment—that people may be punished by losing their rights to the extent that they have invaded the rights of others—is frankly a *retributive* theory of punishment, a ‘tooth (or two teeth) for a tooth’ theory. Retribution is in bad repute among philosophers, who generally dismiss the concept quickly as ‘primitive’ or ‘barbaric’ and then race on to a discussion of the two other major theories of punishment: deterrence and rehabilitation. But simply to dismiss a concept as ‘barbaric’ can hardly suffice; after all, it is possible that in this case, the ‘barbarians’ hit on a concept that was superior to the more modern creeds.”

¹²⁸We only analyze those wars and operations that are relevant for the context of this section as a rejoinder to Rothbard on Israel, and we do not analyze, among others, the Yom Kippur War (1973), Operation Peace for Galilee (1982), IDF Withdrawal from Southern Lebanon (2000), Second Lebanon War (2006), Operation Cast Lead (2008), Operation Protective Edge (2014), etc. For

would permit them, say 5% of what they were given by the Partition Plan. Conclusion: the proper punishment for the invaders would be very serious; the just spoils of war might well include at the very least *all* the land seized by Israel in the aftermath of that altercation.¹²⁹

Here is another difficulty with Rothbard's analysis. He (1982 [1998], 189) writes:

“Suppose that, in this world, Jones finds that he or his property is being aggressed against by Smith. It is legitimate, as we have seen, for Jones to repel this invasion by the use of defensive violence. But, now we must ask: is it within the right of Jones to commit aggressive violence against innocent third parties in the course of his legitimate defense against Smith? Clearly the answer must be ‘No.’ For the rule prohibiting violence against the persons or property of innocent men is absolute; it holds regardless of the subjective motives for the aggression. It is wrong, and criminal, to violate the property or person of another, even if one is a Robin Hood, or is starving, or is defending oneself against a third man's attack.”

But this means that, for example, when the Hamas in Gaza place rocket launchers in hospitals or schools, it is illicit for Israelis to attempt to nullify such weaponry, even given that such acts will virtually necessarily kill innocent shields (Block 2011f). This is highly problematic. It is a recipe for grabbing innocents and hiding behind them. The IDF could also engage in this practice, but is too civilized to do any such thing.¹³⁰

Another anomaly concerns Rothbard's objection to the Israeli government “outlawing strikes of Arabs.” A strike is not merely a mass quit on the part of labor. Also included in a strike is the forcible prevention of the firm to hire replacement workers (scabs), setting up picket lines to prevent raw materials entering the factory or finished goods leaving it. This is such a basic staple of libertarian theory that one wonders at Rothbard's position on this matter.¹³¹ This is such a serious breach of libertarian theory, on such an exceedingly simple matter for this philosophical

these, see Herzog (1975), Gilbert (1998 [2008]), Bard (2012), and Israel Ministry of Foreign Affairs (n.d.-d).

¹²⁹A similar analysis applies to all subsequent wars in which the Arab countries were the initiator; namely, all of them. For example, Israel never should have given up certain territories won by defensive actions. This would render its justly held territory far larger than is now commonly contemplated. Even so Israel was willing to exchange land for the sake of peace. But since the source of the conflict has almost nothing to do with land, this was a bad policy (which, of course, was understood by Palestinian and Arab warmongers as a sign of weakness, and ended up perpetuating war). Also, negotiating with the PLO in the beginning of the 1990s ended up delegitimizing Israel and legitimizing the PLO as supposedly a “partner for peace”. This policy only created more war, more attacks on Israeli civilians and the Second Intifada (2000–2005). Some of these accords are the Israel-PLO Oslo Accords (1993), the Israel-PLO Gaza-Jericho Agreement (1994) and the Disengagement Plan (2005). See also Chap. 4.

¹³⁰Also, unlike Israel, its enemies *deliberately* target civilians. See Israel Ministry of Foreign Affairs (2015, 137–215).

¹³¹For a libertarian analysis of labor strikes that sees them as impermissible, see Baird (1990, 2000, 2013), Block (2008, 2010b), Evans and Block (2002), Heldman (1977), Heldman et al. (1981), Hutt (1973, 1989), Petro (1957), Reynolds (1984, 1987, 2009), Rothbard (1962, 1991), Schmidt (1973), Shea (2010).

tradition¹³² that hopefully we may be forgiven for wondering out loud whether Murray Rothbard really was the author of the essay we have been criticizing.¹³³

It is now time to make our case that the Jewish purchase of land, the ownership of which is under dispute, was unnecessary. Why? Because the Jews were and are now the rightful owners of it. It was stolen from them some 2000 years ago,¹³⁴ and the Hebrews are merely repossessing what would have come down to them in ordinary inheritance practices, from parents¹³⁵ to children¹³⁶ (Table 6.3).

First of all, possession is nine tenths of the law. He who now possesses the land is presumed to be the rightful owner of it. It is up to the one who wants the territory,

¹³²Rothbard (1962, 1991) explicitly, even vociferously, supports the view that labor strikes are illicit.

¹³³If, somehow, Rothbard just “let this one slip,” e.g., a sort of typographical error, then we wonder what else was let slip in this essay of his.

¹³⁴Jewish presence in Palestine, as well as Jewish History (originally Judea and Israel) has been well documented, not only by historians but also by archaeologists. For some of this abundant sources, see Finkelstein (2013), Finkelstein and Silberman (2002), Biran and Naveh (1995; 1993), Garfinkel et al. (2010), Glueck (1959), Mazar (2017), Gilbert (1969 [2010]); 1974 [2012]; 1978), Cahill (1998 [1999]), Keller (1969), Trepp (1962 [2001]), Garfinkel and Ganor (2008). For a brief exposition see Bard (2012, 1–11). See also Maps 4, 5 and 6 in Annex A. For Maps of the entire Jewish History see Gilbert (1969 [2010]). We can also say briefly here that the Jewish society, until the time of the Kings, was a state of anarchy, such as was explained by Wilder Lane (1943, 76–78): “The great leaders of the Israelites could not even tell them that all men are brothers. They were a very small group, surrounded by powerful pagan empires; Egypt in the south, Armenia, Persia, Chaldea, Babylonia, Assyria, in the north and east, and in the west, Rome. The most promising young Israelites were always falling in love with pagan girls. The pagan achievements awed them all. When you see the incredible walls of Baalbek or Tadmor, in ruins as they are now, and even with the memory of New York’s towers behind your eyelids, you are struck dumb. The simple Israelites who saw those gigantic cities in their magnificence, dwarfing their thronging populations, must have been stunned. They would have melted humbly into those pagan multitudes, if their strong men had not stood in the way and driven them back with threats, telling them that they were like no other people, that they were set apart, chosen to know the truth and hold to it. They wanted to be ‘like all the other nations.’ But to be like any other people, they must forget that men are free. That is the truth that they held. Therefore, of course, they were anarchists. They lived and prospered for centuries, with no government whatever [...]”. See also Chap. 1.

¹³⁵What is the genetic tie from Jews now living in Israel to those forcibly removed during Roman times? We mention this since there are those who claim there is no connection. If none, the present day modern Jews are not entitled to reparations for lands stolen from them many years ago. But in fact, there also is, see Chap. 1. On this subject, see Nebel et al. (2001), Hammer et al. (2000), Muir and Appelbaum (2007).

¹³⁶But are there no statutes of limitation? Surely, two millennia and counting would more than qualify for any reasonable statute of limitations. There is such a thing, for the libertarian, as a “natural” statute of limitations: the further back ones goes into the past, the more difficult it is to encounter any relevant evidence. Since the burden of proof always rests with he who wishes to overturn extant property rights, mere passage of time can serve as a natural limitation. However, there can be no justified man-made statute in this regard, at least not for the libertarian. If there were, injustice would prevail when the plaintiff can marshal proof that a property title is illicit, and yet the court would not uphold it. This would also spell almost the death knell for reparations, surely a basic element of the libertarian philosophy. See on this fn. 11 in Chap. 2.

Table 6.3 Timeline: Chronology of the Control of the Land of Israel

Beginning	End	People/ Empire/ Country	Comments
5000– 4000 BCE (?)	2000 BCE	Canaanites	
2000– 1800 BCE	1500 BCE	Jews	Abraham and his descendants, the twelve tribes (in the area of Judea).
1500 BCE	Twelfth– thirteenth century BCE	Amorites and Jebusites	Jews move to Egypt.
Twelfth– thirteenth century BCE	586 BCE	Jews	930 BCE Northern Kindom (Israel), Southern Kingdom (Judea).
586 BCE	539 BCE	Babylon	The Northern Kingdom of Israel falls to Assyria in 736–722 BCE; Judea (and Jerusalem) falls to Babylon in 586 BCE.
539 BCE	536 BCE	Persia	Jews are allowed to return to Judea. Although the “Persian Rule” is presented as a 100 year period, the Jews had sovereignty over the Land.
539– 536 BCE	333 BCE	Jews	
333 BCE	168 BCE	Syrian Hellenic Greeks	
168 BCE - 140 BCE	63 BCE	Jews	Hasmonean Dynasty.
63 BCE	395	Romans	Between 66–73 CE the Jewish Revolt against the Romans ends with the destruction of the Second Temple in Jerusalem. The second Revolt against Romans between 132–135/136 CE ends with the begining of Jewish expulsion of the Land of Judea, now called Palestine by Hadrianus Caesar (and Jerusalem is named Aelia Capitolina).
395	638	Byzantines	
638	661	Islamic Rule	Caliph Omar conquers Jerusalem.
661	750	Islamic Rule	Umayyad Caliphate
750	1099	Islamic Rule	Abbasid Caliphate - Seljuk Turks
1099	1187	Christian Crusaders	
1187	1250	Ayyubid Dynasty	Saladin conquers Jerusalem.
1250	1517	Mamluks	Turks and Circassians.
1517	1917	Ottoman Turks	
1917	1948	British Empire	The British Mandate
1948	Today	Jews	The State of Israel

*Dates are approximate and may vary according to the sources. This chronology is concise and many details and specifics (such as different rules by competing Caliphates, Monarchs, etc. during the same periods of time) are not included

Sources: Gilbert (1969 [2010]); (1978), Cahill (1998 [1999]), Keller (1969), Trepp (1962), Auster (2004)

but does not now occupy it, to make the case for the transfer. The burden of proof¹³⁷ rests with him, and the Arabs, Palestinians, have not even come close to making that case. The right of return is typically applied to Arabs who departed from areas now under contention in 1947. Rothbard says they were forced out. We say, they cooperated with the Arabs to make it easier for them to kill Jews. In any case, there was an earlier right of return. This one works in behalf of the Jews (now the Israelis).

The situation, as we see it, is this. Some 3300 years ago, the Jews were in possession of the disputed lands (despite the fact that Jewish Tradition teaches Abraham was there in the time of the Canaanites, near 1800 BCE). They were then unjustly dispossessed, forced to go on the Diaspora (finally 2000 years ago), and a spate of other tribes succeeded them, each replacing the other in a series of wars. These groups included, in no particular order: Babylonians, Assyrians, Greeks, Arabians, Crusaders, Seljuks, Persians, Mamluks, Turks and of course Romans.¹³⁸ (Table 6.4)

As late as of the time of Jesus, Jews were in possession of territory now under dispute (Judea). Jesus himself was a Jew. A few years before (63 BCE) the Romans came, represented by *K*. Consider the following schema:

ABCDEFGHIJKLMNOPIJ'

(Work with us here, our alphabetical example can only go so far) *K* dispossessed the Jewish tribe, which became a wandering trip for 2000 odd years, and then started to return (in large numbers) in the 19th and 20th centuries.

Tribes *A-I* represent prehistoric groups who killed off each other in turn until we arrive at the first *J* for Jews, who, sadly, also followed this pattern.¹³⁹ Why does *J*

¹³⁷ States Hoppe (2014): "As a matter of fact, most private holdings are likely just, irrespective of their history – unless and except in such cases in which a specific claimant can prove that they are not. The burden of proof, however, is on whoever challenges the current property holdings and distribution. He must show that he is in possession of an older title to the property in question than its current owner. Otherwise, if a claimant cannot prove this, everything is to remain as it currently is". Hoppe (2014) continues: "Or: To be more specific and realistic: From the fact that Peter or Paul or their parents, as members of any conceivable group of people, had been murdered, displaced, robbed, assaulted, or legally discriminated against in the past and their current property holdings and social positions would have been different if it had not been for such past injustices, it does not follow that any present member of this group has a just claim (for compensation) against the current property of anyone else (neither from within nor from outside his group). Rather, in each case, Peter or Paul would have to show, in one case after another, that he personally has a better because older title to some specified piece of property than some current, named and identified owner and alleged perpetrator. Certainly, a considerable number of cases exists where this can be done and restitution or compensation is owed."

¹³⁸ Perhaps the most famous battle in the process of expelling the Hebrews was Masada (<https://www.jewishvirtuallibrary.org/jsource/Archaeology/Masada1.html>)

¹³⁹ This can be seen in the Bible, and in many sources such as Gilbert (1969 [2010]); 1978), Cahill (1998 [1999]), Keller (1969), Trepp (1962 [2001]). For a brief exposition see Jewish Virtual Library (n.d.-g). "With regard to the extermination of the seven nations of Canaan, [...] sometimes called Canaanites sometimes Amorites, the biblical record is also not of one cloth. The clarification

Table 6.4 Population in Palestine West of Jordan River, by Religion Groups, first Century-2000-Rough Estimates, Thousands

Year	Jews	Christians	Muslims	Total ^a
First half first century C.E.	Majority	–	–	~2500
Fifth century	Minority	Majority	–	>first century
End twelfth century	Minority	Minority	Majority	>225
14th cent., bef. Black death	Minority	Minority	Majority	225
After Black death	Minority	Minority	Majority	150
1533–39	5	6	145	157
1690–91	2	11	219	232
1800	7	22	246	275
1890	43	57	432	532
1914	94	70	525	689
1922	84	71	589	752
1931	175	89	760	1033
1947	630	143	1181	1970
1960	1911	85	1090	3111
1967	2374	102	1204	3716
1975	2959	116	1447	4568
1985	3517	149	2166	5908
1995	4522	191	3241	8112
2000	4969	217	3891	9310

^a including “others”: Druzes, other small religious minorities, and since 1990, immigrants from the former USSR without religious affiliation

Sources: Until 1975: R. Bachi (1977); after 1975: Author’s estimates based on: Israel Central Bureau of Statistics; Palestinian Central Bureau of Statistics

Source: DellaPergola (2001, 5)

have the right to the land vis a vis *A-I*? Simply because these earlier tribes disappeared in the mists of time. *P*, the Palestinians¹⁴⁰ (for want of a better nomenclature; we have disputed this appellation above but they come next in the alphabet, so we are making use of this fact) came before *J*’ (the second return of the Jews) but *after J* (and this if we obviate the fact which we presented above on the continued Jewish Presence in Palestine, as well as the Arabs also immigrating to Palestine along with

of their status in the Bible requires a systematic treatment of all the data book by book” (Kimelman 2015).

¹⁴⁰ It is also interesting to note that current research on genetics finds that modern Jews do have genetic proximity with Arabs: “Given the prevailing context of conflict, an interesting paradox relevant to health patterns relates to the extremely high genetic proximity that exists between Jews and Arabs, particularly the Palestinians (Hammer et al. 2000; Nebel et al. 2001). Recent research in population genetics based on DNA comparisons unveiled that Sephardi (Mediterranean-Middle Eastern) and Ashkenazi (Central-Eastern European) Jews and the majority of Middle-Eastern Arab populations, namely the Palestinians, clearly share common ancestry in spite of wide-ranging international migrations and physical separation and inbreeding over many centuries. Contemporary mortality differences between Jews and Arabs largely reflect cultural and environmental distances between the respective subpopulations”, DellaPergola (2001, 11).

the Jews in the XIXth and XXth centuries), the Jews who worked the land long before them. What of groups *K-O*? These were the peoples¹⁴¹ who lived there, and killed each other off in succession, from the time the Jews were expelled roughly 2000 years ago (omitting those that appeared before, after the first appearance of the Jews roughly 3300 years ago, which also killed each other off), and then the *Ps* came along.

Let us put this into other words, lest we be unclear on this rather novel approach. We assume these were the people occupying the land that is now Israel. *K* stands for Romans, *J* for Jews and *P* for Palestinians. That is, the first occupants of the land were the *A*'s. The *B*'s conquered the *A*'s, and took over their lands. Etcetera. Around 2000 years ago the *J*'s held the land, and then the *K*'s conquered them, and banished them from this territory. Several other peoples then kicked out the Romans in turn, until the *P*'s took over. That is where Rothbard begins his analysis. But this is mistaken. He did not go far back enough in history to satisfy the requirements of libertarianism. We can accept, arguendo, everything he says about the Palestinians being there "first" and that the Jews (*J*) were unjustified in booting them out of land they previously homesteaded. But, we insist, the Jews (plain *J*) were there way *before* that time.

Revisionist "scholarship" which tries to deny Jewish two millennia old connection to the Land of Israel is absurd:

"In like manner, revisionist scholarship bolsters its claims with reference to other ideologically driven disciplines to negate the very substantial accomplishments of the Zionist movement. It fuses the insights of post-colonial studies with 'liberation theology' that declares Palestinians are a historic people descended from the inhabitants of what was once Palestine two millennia ago and denies the continuity of Jewish peoplehood. It relies on minimalist biblical scholarship that denies the validity of much of the historical narrative of the Old Testament. And it cites the findings – or absence of findings– of revisionist archaeology as evidence that the Bible has no value as a source of historic truth. In other words, the underlying assumption of these critics is that Jews are not a historic people and contemporary Jews can have no legitimate claim to the land. This constitutes an a priori rejection of the entire Zionist enterprise" (Troen 2011).¹⁴²

We readily admit that there is no individual Jew who can trace his ownership rights over any specific piece of land from 2000 years ago.¹⁴³ And this, indeed,

¹⁴¹ Cline (2005) claims that "assimilation, annihilation and acculturation" through 10 empires and occupancies have left no one in the area today with "a legitimate pedigree definitively extending back to any of the original inhabitants." Also see Wenkel (2007).

¹⁴² See also Chap. 1.

¹⁴³ And, yes, there are certainly specific Palestinians who can trace their "ownership" of specific olive groves, fields, houses, back to the mid twentieth century, when they abandoned them. They even have written "titles" to this land. But here there are also problems with these "titles": "A study of Palestine under Turkish rule reveals that already at the beginning of the eighteenth century, long before Jewish land purchases and large-scale Jewish immigration started, the position of the Palestinian fellah (peasant) had begun to deteriorate. The heavy burden of taxation, coming on top of chronic indebtedness to money-lenders, drove a growing number of farmers to place themselves under the protection of men of wealth or of the Moslem religious endowment fund (Waqf), with the result that they were eventually compelled to give up their title to the land, if not their actual

would be the criterion for transfer of land titles if we were discussing individual rights.¹⁴⁴ On the other hand, we can identify specific Jewish groups that have a right to certain areas, such as the *Kohanim* with the Temple Mount. But a critic may object that we are discussing *tribes*, not individuals. Are we departing from strict libertarian principles at this point? No, because of all the arguments we have reviewed. Moreover, Rothbard himself approaches this matter in terms of tribes, when referring to “Arabs”. We also do so in order to insert ourselves into the “mainstream” discussion that takes place in the United Nations, in negotiations between various countries, etc. Unfortunately, libertarianism has not yet fully percolated into those august arenas as of yet. We do so also in order to perform a *reductio ad absurdum*: if we take the non-libertarian principles circulating in those environs and logically deduce from them,¹⁴⁵ we can demonstrate that according to them Jews are the rightful owners of the terrain under dispute, and that all and any payments made by them in land purchases were supererogatory.¹⁴⁶

Let us discuss the concept of working the land, versus being a migrant, or a Bedouin. Does merely riding through an area confer ownership rights; or does “mixing your labor” with the land do so? If we return to Locke, the first libertarian, or at least the precursor to libertarian theory in this regard, it is clearly the latter. That is, merely passing through, even again and again throughout history, either confers no rights at all or at the very most, rights far inferior to that of the farmers or homeowners. This fact alone ought to undermine what little claim to the land the Arabs have after the above considerations are taken into account.

We can look at the present imbroglio through yet one more set of eye-glasses: gentrification. When richer, more effective, more efficient people move into any neighborhood, the previous denizens tend to resent it (Block 2015a). Admittedly, this is not a perfect analogy (which one ever is?). But the similarity is sufficient to

residence upon and cultivation of it. Until the passage of the Turkish Land Registry Law in 1858, there were no official deeds to attest to a man’s legal title to a parcel of land; tradition alone had to suffice to establish such title— and usually it did. And yet, the position of Palestine’s farmers was a precarious one, for there were constant blood-feuds between families, clans and entire villages, as well as periodic incursions by rapacious Bedouin tribes...”, Aumann (1972, 117–118). Should whites in the U.S. cede vast tracts of land in that country to the Indians, who were there before them? Perhaps, if we view these matters tribally; no from a libertarian point of view (there were far too few of them to make any large impact upon the land). And, the same applies to territory mainly east of the Mississippi River vis a vis the grandchildren of black slaves and of slave-owning grandparents. See also Chap. 3.

¹⁴⁴For a libertarian theory of land reparations, see Alston and Block et al. (2007), Arceneaux (2005), Block (1993, 2001, 2002b), Block and Yeatts (1999–2000), Ward (2014).

¹⁴⁵Various geographical areas have been bruited about for the home of the Jewish people after World War II: Uganda, Wyoming, Utah, Bavaria (perhaps the latter would be the most justified, in terms of reparations). But in *none* of these cases was it contemplated that land would transfer on an individual basis. All were thought of in terms of *holus bolus*. It is in that spirit we contemplate the analysis in the text.

¹⁴⁶This certainly applies to areas where evidence of previous Jewish homesteading existed. But also, to those areas that were unhomesteaded and yet had to be bought by Jews because that was the only way of attaining property at the time, although *they* later homesteaded it.

shed some light on this situation. Stipulate, arguendo, that the Arabs were there “before”; the Jews came “afterward.” Even Rothbard acquiesces in the notion that the latter occupy a high mark in the civilization sweepstakes.¹⁴⁷ As with all such cases, the disposed are not happy with their new status. This might account for some, albeit not all, of the Palestinian animosity. This is indicated by that fact that the Arabs, not the Jews, have set up prohibitions on sales of land to members of the other group. Such commercial interactions are punishable by death sentences. Yet, if there is any way to settle the controversy without more bloodshed, it is through the marketplace. Let the Arab leadership stop prohibiting land sales to Jews. Then dollars, not bullets, can move that area in the direction of peace. Does Israel prohibit land sales to Arabs? No it does not (Safian 1997).

We may add the fact that Israel is the richer and more efficient also serves as evidence that it is in fact much more liberal, and therefore much closer to libertarian, than any of its Arab neighbors. As relatively liberal States tend to grow faster than relatively illiberal ones, and by any measure Israel is much more developed than any Arab state on Earth, then it seems especially odd that a libertarian would single out the most liberal State in this region as specifically the most evil of States there. We concede that Israel is not a libertarian State – far from it. But it is much closer than any of the surrounding Arab states.

Having established that libertarian homesteading theory can theoretically apply to cases going back even thousands of years provided sufficient evidence is presented of lineage from those original homesteaders, our hypothesis on the Temple Mount presented in Chap. 1 looks more reasonable.

6.7 Other Writings by Rothbard

In Rothbard’s *The Massacre* (1982 [2014]), he claims that the Sabra and Shatila Massacre¹⁴⁸ was a “*holocaust on the Begin government*”. This author thus compares the murder of millions of Jews by the Nazi German State¹⁴⁹ with a massacre of 800 people undertaken not by the IDF but by Christian Phalangists, which is rather problematic. Although Rothbard full-well recognizes that the massacre was done by the Christian Phalange, he blames Israel for not doing anything to *stop* it. The fact of the matter is that the IDF allowed Phalangist troops to enter the camps in order to fight 200 heavily armed PLO fighters. The result was that between 460 and 800 people died, including 35 women and children. A commission (Kahan, 1983¹⁵⁰) was formed

¹⁴⁷He (1967, 29) wrote: “[...] Israel is a European nation with a European technological standard battling a primitive and undeveloped foe”.

¹⁴⁸This occurred during the Operation Peace for Galilee (1982), which had the objective of stopping PLO attacks on the civilian population in northern Israel.

¹⁴⁹On comparing Israel with the Nazis see Dershowitz (2003, 53–62) and Bard (2012, 166–167). See also Chap. 5.

¹⁵⁰See Israel Ministry of Foreign Affairs (n.d.-e).

by the *Israeli* government in order to investigate the subject, and found that Israel was *indirectly* responsible.¹⁵¹ As a result, Ariel Sharon was forced to resign as Defense Minister, as well as Rafal Eitan, the Army Chief of Staff. As the investigation and the public outrage (that even Rothbard recognizes) that occurred inside Israel shows, this was not only unprecedented, but also was far from being accepted as a normal policy by the Israeli government and society. In fact, Israel enforces a strict code of behavior on the IDF in every operation (Kemp 2015).¹⁵²

However, there is something of a double standard in operation:

“[...] few voices were raised in May 1985, when Muslim militiamen attacked the Shatila and Burj-el Barajneh Palestinian refugee camps. According to UN officials, 635 were killed and 2,500 wounded. During a two-year battle between the Syrian-backed Shiite Amal militia and the PLO, more than 2,000 people, including many civilians, were reportedly killed. No outcry was directed at the PLO or the Syrians and their allies over this slaughter. International reaction was also muted in October 1990 when Syrian forces overran Christian-controlled areas of Lebanon. In the eight-hour clash, 700 Christians were killed—the worst single battle of Lebanon’s Civil War. These killings came on top of an estimated 95,000 deaths that had occurred during the civil war in Lebanon from 1975–1982” (Bard 2012, 84–85).

The West only discussed these subjects when Israel was thought to have been somehow involved. This shows again how biased against Israel are the western media, politicians, and pundits.¹⁵³

In his article Rothbard also misunderstands the historical record, when he says “And yet it is conveniently forgotten that there was no PLO at all until after the shame of the 1967 war [...]” Au contraire, the PLO was founded in 1964.¹⁵⁴ Israel did not occupy Judea and Samaria in 1964 (at the time of the PLO creation). This also shows that the “Palestinian struggle” was not only for those territories, but for Israel itself (that is, for its destruction).

¹⁵¹ How many other states *initiate* such investigations and find themselves partially guilty? The present authors are still involved in this important research.

¹⁵² On Judaism in this regard, see Brody (2019).

¹⁵³ “But what is most interesting is the complete indifference displayed by international human rights organizations, the media and the Palestinian Authority toward the mistreatment of Palestinians in Arab countries [...] However, when it comes to ethnic cleansing and torture of Palestinians in Arab countries such as Iraq, Syria and Lebanon, the Palestinian Authority leadership chooses to look the other way. Similarly, the international media seems to have forgotten that there are tens of thousands of Palestinians living in various Arab countries. The only Palestinians that Western journalists know and care about are those living in the West Bank and Gaza Strip”, Abu Toameh (2015).

¹⁵⁴ The PLO (Palestine Liberation Organization) was created in 1964 during the Arab League Summit in Cairo. In its original National Covenant of the Palestine Liberation Organization (1964), it said: “Article 2. Palestine with its boundaries at the time of the British Mandate is a regional indivisible unit.”

6.8 Conclusion

The source of the conflict is Arab rejection of Jewish presence (*state or non-state alike*). Despite our problems with Rothbard's article his ideas have had a big impact in the libertarian movement. Israel is all too often seen as an imperialist war mongering country. But such a notion ends once one is willing to look at the facts.¹⁵⁵ Following the premise that libertarians ought to take sides, the facts show that, if they chose to, they should side with Israel.

Rothbard supports homesteading as the legitimate means of ownership (the first homesteader gets the land, not any subsequent one). Indeed, perhaps second only to John Locke, Rothbard is the main defender, articulator, of this viewpoint. Libertarians deduce from this fact that stolen property must be returned to its original owners, or their heirs. This is the case for reparations. Well, the Romans stole the land from the Jews around two millenia ago; the Jews never gave this land to the Arabs or anyone else. Thus according to libertarian theory it should be returned to the Jews.

There is both cultural and genetic evidence that at least some Jews of today are the heirs of at least some land that was homesteaded by Jews 2000 years ago, particularly the Temple Mount. The same analysis should be extended to any plot of land with evidence of Jewish homesteading and Jewish claimants. Even aside from 2000 years ago, groups of Jews came to pre 1948 Palestine to specifically homestead it again, and did so successfully.

We cannot accept Rothbard's claim that Israel should have simply done nothing in response to a blockade against it in 1967 with clear threats to destroy it. Anyone who joined in that war against Israel (and especially the War of Independence in 1948), by either fleeing or actively participating, and lost territory as a result, does not deserve it back, even from a minarchist libertarian perspective.

The major weakness of the Rothbard (1967) essay is that it does not go far back enough into history in its analysis of property rights justifications in the case of Israel. Despite the fact that Jews homesteaded much of what is now Israel, purchased land (thus voluntarily populating its areas) and gained territories through defensive wars, the latter idea is also true.

Finally, we will close with the Rothbard (1982) quote with which we began this chapter:

"Libertarians are opposed to every State. But the State of Israel is uniquely pernicious, because its entire existence rests and continues to rest on a massive expropriation of property and expulsion from the land."

But, is Israel "uniquely pernicious, because its entire existence rests...on a massive expropriation of property and expulsion..."? As we have clearly showed throughout this work, absolutely not.

Ironically, Rothbard himself penned a history of the United States before and leading up to the American Revolution. In it, he correctly documents a litany of instances of genocide against various Indian tribes, land theft, fraud, expropriation

¹⁵⁵ For other critiques of the common myths against Israel see Dershowitz (2003), Karsh (2000b), Leibler (1972) and Netanyahu (1993 [2000]).

and expulsion. And yet, he nevertheless chose to title his history *Conceived in Liberty* (1979 [2014]).

Israel, on the other hand, was founded primarily on mass voluntary immigration and homesteading. Were there instances of land theft, expropriation and expulsion? On a small scale in isolated incidents, yes, but nothing compared to the extent of systematic murder and theft that occurred against innocent natives in the years leading up to the founding of the United States of America. While the United States was also founded on legitimate immigration and homesteading to a large extent, theft and murder were still widespread, and to a much larger extent than with the founding of the State of Israel.

Finally, unlike the founding of the United States, today's Jews do have a cultural and genetic claim to previously homesteaded land in Israel/Palestine. While certain sects of Jews, notably those of priestly lineage, can trace their roots back to definite Jewish homesteaders of Palestine/Judea during the Roman period, not a single American can say the same regarding any previously homesteaded land currently under the control of the United States.

While Israel as a State is, according to anarcho capitalist libertarian theory, certainly vicious to a degree, it is certainly not "uniquely" pernicious insofar as states go. It is in fact one of the few governments in the world founded on a combination of homesteading and inheritance, however delayed. If Rothbard willingly titled his history of pre revolutionary America *Conceived in Liberty*, it would be consistent with his view of history to retitle his article on the 1967 Six Day War, "Liberty in the Middle East". But being that he has entitled it "War Guilt in the Middle East" we (somewhat facetiously) suggest, in the name of logical consistency that is libertarianism, that he instead retitle his historical work on the founding of the United States "Conceived in War Guilt".

However Rothbard may view Israel, the fact remains that the maximum amount of individual and economic liberty in the Middle East can *only* be enjoyed there, in the "most pernicious" of all states.

In the end, Rothbard offers us a stark choice: libertarianism, or support for Israel. Our answer is, both. We think we can have our cake and eat it too, and maintain that we have offered above sufficient reason for this conclusion. Our claim is that Rothbard did not start his analysis as far back into the past as he should have, neither did he analyze the situation before and after the founding of Israel correctly. Had he started about more than two millennia ago as we did, we expect he would have written a very different essay on Israel's right to exist, and the claim of the Jewish people over the land in contention.¹⁵⁶

¹⁵⁶We do not claim Rothbard was a self-hating Jew, a charge often leveled at any member of this community who criticizes Israel. Indeed, we specifically disavow it. That is an ad hominem unworthy of sober comment. But we will reply to it in any case, the better to undermine calumnies of this sort. The senior author of the present book knew Murray for many years as a teacher, mentor and friend. He can attest from personal experience that any such slur has no merit whatsoever. And even if it did, this charge would only constitute an ad hominem, an informal fallacy in logic. For, it does not constitute a logical contradiction to say Rothbard is suffering from this malady, and, yet, he could be entirely correct in each and every point he makes in the articles we review (Rothbard 1967; 1982 [2014]). See also Chap. 5.

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Chapter 7

The Methodology of Anti-Zionists



The truth is that if Israel were to put down its arms there would be no more Israel. If the Arabs were to put down their arms there would be no more war Benjamin Netanyahu (August 14, 2006, quoted in Globes (2006)).

When dealing with the subject of Israel, anti-Zionists often resort to claims full of errors, half-truths, quotes out of context, and direct lies in order to confer an appearance of substance to their views. They often put words into the mouths of pro-Israel authors which they never said, or use some of their statements out of context in order to (allegedly) prove their points (through strawman arguments). These are part of the tools and methodology the anti-Zionist uses in order to attack Israel.

Given that we have already dealt with the anti-Zionist arguments of the most prestigious among them (Pappé, Finkelstein, etc.) in Chap. 3, let us now delve into the kind of argumentations that could be used against our own views, on a supposed classical liberal and libertarian perspective.

In the case of our first essay on the subject of Israel,¹ the present authors were criticized by Jeremy R. Hammond, who identifies himself as a libertarian and is an anti-Zionist author and editor and publisher of the *Foreign Policy Journal*. This was done through a debate (with our co-author in that paper, Rafi Farber, at the *Tom Woods Show* n° 739) and several articles (Hammond 2016a, b, c). Let us use this as a case study, in order to better illustrate the methodology of anti-Zionists. And, of course, our response.

Hammond's (2016a) main contention is that the present authors make a case for "ethnic cleansing". But, of course, we never do any such thing. Consider the following: (a) ethnic cleansing *never* happened, as observed in the fact that over 20% of Israel's present population is Arab, and Hammond never offers any evidence of such

¹Block, Walter E., Futerman, Alan G. and Farber, Rafi. 2016. "The Legal Status of the State of Israel – A Libertarian Approach". *Indonesian Journal of International and Comparative Law*, Vol. 3, Issue 3, June, pp. 435–553. Most of that paper is reproduced in the present book in Chaps. 1, 2 and 6. A positive response to our article was written by Yanovskiy (2017). Available from present authors upon request.

a shameful occurrence²; and (b) The idea itself *contradicts* the facts we do cite concerning the *actual* War of Israeli Independence in 1948. This author incessantly repeats such a claim as if saying so over and over again would make it so. Thereby observe a tool of the anti-Zionist methodology: repetition. As Daniel Kahneman (2011, 62) explained: “A reliable way to make people believe in falsehoods is frequent repetition, because familiarity is not easily distinguished from truth. Authoritarian institutions and marketers have always known this fact. But it was psychologists who discovered that you do not have to repeat the entire statement of a fact or idea to make it appear true”.

Hammond (2016a) says:

“Well, in 1948, the Jewish community owned only about 7% of the land in Palestine, whereas Arabs owned more land than Jews in every single district. The UN Special Committee on Palestine (UNSCOP), the body that came up with the infamous UN ‘partition plan’, noted that ‘The Arab population, despite the strenuous efforts of Jews to acquire land in Palestine, at present remains in possession of approximately 85 percent of the land.’

“So, by Farber’s own argument, the Arabs being in possession of most of the land, we must presume them to have been the rightful owners of it. The burden of proof was on the Zionists to make the case for transfer of these lands from their Arab inhabitants to the Jews.”

But this is false, and Farber did not make any such concession in the debate (as presented by Hammond). First, the claim that 85% of the land was owned by Arabs is simply absurd, since most of that territory was not homesteaded, and it was owned *by the government*, not by any individuals.³ Ownership by government fiat is not legitimate according to libertarian principle.⁴ The Arabs of Palestine may as well have claimed ownership of the moon. Second, we never claimed that the Arabs were “in possession” of the land; actually, we averred the very *opposite*: since that land was not homesteaded *no libertarian case could be made for its legitimate ownership*. Thus they *were not in (licit) possession* of most of that acreage.

Since we are reviewing the claim by *The UN Special Committee on Palestine* (UNSCOP 1947), let us also consider the *entire* context (that Hammond does not include):

“Appraisal of the Arab case

“162. That the Arab population is and will continue to be the numerically preponderant population in Palestine, *unless offset by free (sic) and substantial Jewish immigration*, is undisputed. The Arab birth rate is considerably higher than the Jewish birth rate. *Only large-scale Jewish immigration, strongly assisted by capital and efforts from outside Palestine*, can provide the basis for the attainment of numerical parity between Arabs and Jews in the population.

² See more on this in Chap. 3, Section 3.4.

³ See more on this in Chap. 3, Section 3.1.

⁴ That is the view of anarcho-capitalism also. Under limited government libertarianism, or minarchism, it would be proper for the state to own enough territory to house its army, police and courts, but no more.

“163. The Arabs of Palestine consider themselves as having a ‘natural’ right to that country, *although they have not been in possession of it as a sovereign nation.*

“164. The Arab population, despite the strenuous efforts of Jews to acquire land in Palestine, at present remains in possession of approximately 85 per cent of the land. *The provisions of the land transfer regulations of 1940, which gave effect to the 1939 White Paper policy, have severely restricted the Jewish efforts to acquire new land.*

“165. The Arabs *consider* that all of the territory – of Palestine is by Tight Arab patrimony. Although in an Arab State they would recognize the right of Jews to continue in possession – of land legally acquired by them during the Man-date, they would regard as *a violation of their “natural” right any effort, such as partition, to reduce the territory of Palestine.*

“166. The desire of the Arab people of Palestine to safeguard their national existence is a very natural desire. However, Palestinian nationalism, as distinct from Arab nationalism, is itself a *relatively new phenomenon*, which appeared only after the division of the ‘Arab rectangle’ by the settlement of the First World War. The National Home policy and *the vigorous policy of immigration pursued by the Jewish leadership has sharpened the Arab fear of danger from the intruding Jewish population.*”

Interestingly, the UNSCOP document itself recognizes several things: (1) Jewish immigration was severely and negatively affected because of British policy. Let us remember that immigration (*Alyiot*) was the method Zionists used to re-populate the area by Jews (not “ethnic cleansing” of Arabs); (2) The Arab demographical majority was at stake because of such immigration; (3) The British helped the Arabs, contrary to anti-Zionist claims; (4) Palestinian Arabs considered they had a right to the entire territory of Palestine, despite the fact that they never possessed it as a sovereign nation and Palestinian nationalism was a “relatively” new phenomenon (actually born in opposition to Zionism, and not by itself). Observe here another tool of the anti-Zionist: out-of-context quotes.

Moreover, arguendo, even if true that Jews owned only 7% of the land, did they have a right to create a state there or not? The anti-Zionist does not even contemplate the possibility.⁵ Let us quote Egyptian Government’s spokesman Major Salah Salem (January 27, 1955) again: “Egypt will serve to erase the shame of the Palestinian War, even if Israel should fulfil the United Nations resolutions; it will not sign a peace treaty with her even if Israel should consist only of Tel Aviv”.⁶ The main point for the anti-Zionist is not how *big* Israel is, but if it *may exist at all*.

In another article (Hammond 2016b), this critic contends that:

“So here Farber is saying that since 16,925,805 dunams of land in Palestine were classified as ‘uncultivable’, therefore it is land that *could not be owned.*”

But we never made any such contention. What we did say is that because the land was *not cultivated* (regarded as “uncultivable”) *it was not owned*, not that it *cannot ever* be owned. And the latter is precisely proven by the fact that large areas

⁵There are countries that are roughly that size: Monaco, Lichtenstein for example.

⁶Quoted in Leibler (1972, 15).

previously regarded as “uncultivable” (such as swamps) changed that status through Jewish labor.

Continues Hammond (2016b):

“More to the point, it’s instructive that here Farber asserts that land classified as ‘uncultivable’ cannot be owned, yet in a recent paper he co-authored titled ‘The Legal Status of the State of Israel: A Libertarian Approach’, which was published in the *Indonesian Journal of International Law*, he in fact argued that ‘uncultivable’ land *could* be owned—if the owners were Jews.”

Again, we do not make that claim. What we did write was that Jews in fact *homesteaded* the land, thus *gaining possession* of it, not that *only* Jews could do so.

Never daunted, our critic then opines:

“The context is that Farber, et al, claim in their paper that Palestine was ‘almost *unpopulated*’ by Arabs until they arrived in waves of mass immigration to take advantage of the economic development of the Jews. This is a lie, which they attempt to (sic) by citing demonstrable hoaxes. I’ll write more on that in the future, but to stay on point here, in an attempt to further support their claim that Jews legitimately homesteaded most of the land they acquired during the Mandate period (as opposed to, i.e., purchasing land under feudalistic Ottoman land laws from absentee landlords and evicting the Arab tenants who actually lived on and worked the land), they quote a source as follows:” (emphasis in the original).

This *Foreign Policy Journalist* continues his critique, and quotes another part of our paper:

“Most of the land purchased [by Jews] had not been cultivated previously because it was swampy, rocky, sandy or, for some other reason, regarded as uncultivable. This is supported by the findings of the Peel Commission Report (p. 242): ‘The Arab charge that the Jews have obtained too large a proportion of good land cannot be maintained. Much of the land now carrying orange groves was sand dunes or swamp and uncultivated when it was purchased ... there was at the time at least of the earlier sales little evidence that the owners possessed either the resources or training needed to develop the land.’

“So here we see that Farber is arguing that land classified as ‘uncultivable’ could indeed be owned—if *the owners were Jews!* So who is applying a double-standard here? (Hint: not me.)

“Carrying Farber’s logic further, we can anticipate the response that the poor Arab peasants inhabiting the land couldn’t rightfully own any of this land classified as ‘uncultivable’ simply by virtue of not having the means to develop it, whereas it ceased to be ‘uncultivable’ under Jewish ownership since they had the capital and technological skills to do so” (emphasis in the original).

Hammond here claims that we apply a double-standard, theoretically allowing only Jews to homestead and therefore own uncultivable land, and forbidding Arabs from doing the same. But we did no such thing. Quite to the contrary, the quote from our work is pretty clear. We wrote that the land “had not been cultivated previously because it was swampy, rocky, sandy or, for some other reason, regarded as uncultivable” (Block et al. 2016, 467, fn. 88): it was *regarded* as uncultivable, but this does not at all hint, let alone logically imply that it could *never* be cultivated.

We were very clear when we mentioned Jewish labor working on swampy areas. In effect, Jews obtained legitimate possession through homesteading the land, *by work*. The “poor Arab peasants” neither had the tools to do so nor even made serious efforts in this direction. Why then does this author oppose the Jews who actually followed the Lockean (1689) principle⁷? Should they have given their tools and capital, and most important, labor effort, to the Arabs? On what ground is their ownership of these lands based, absent homesteading? Hammond’s basic premise seemingly is the *a priori* postulate that the land properly belonged to the Arabs, and that therefore through this *a priori* ownership, only they had the right to cultivate it. But this is anathema to Lockean-Rothbardianism, to which we subscribe, which holds that anybody has the right to homestead territory by mixing their labor with it. There are not and cannot be any *a priori* claims to land in the absence of homesteading.⁸ This is then, yet another anti-Zionist tool: to regard all disputed land as properly belonging to Arabs, and none as legitimately owned by Jews.

This critic continues:

“Here’s what the Peel Commission Report (cited by their source, above) had to say about this thinking:

“‘The Arab peasant has at present neither the capital nor the education necessary for intensive cultivation. The Jew has. But the lack of these two essential requisites does not justify the expropriation of the Arab to make room for the richer and more enterprising colonist, even though the Arab’s conservative methods, and in some cases his system of land tenure, may delay development.’”

Again, if they did not have the tools nor the knowledge to work the land, how in heaven could they have been regarded as legitimate owners of it? Homesteading is the absolute *sine qua non* of legitimate ownership titles. No expropriation could have taken place against the Arabs if no legitimate property existed in the first place.

Hammond avers:

“What’s more, here are Farber, et al, commenting on the same point:

“‘We acknowledge that the wherewithal to develop land is irrelevant to legitimacy, from the (Rothbard’s and out (sic)) libertarian point of view. All that is necessary is well founded ownership, based on homesteading principles’.

“‘Hence we see that in his paper, Farber conceded that the land being classified as ‘uncultivable’ did *not* mean that there could be no legitimate claim to ownership and that indeed such land could be homesteaded not only by Jews, but also by poor Arabs who lacked the means to develop but nevertheless lived on the land.

“‘So, again, *who* is applying a double standard here? (Hint: still not me)’ (emphasis in the original).

⁷See also the tractate Baba Metzia.

⁸And homesteading requires empirical evidence.

Hammond, who claims to be in the libertarian camp generally, here embraces Marxism. He is implying first, that land classified as uncultivable belonged to Arabs by fiat, and second, that their said ownership of this land was legitimate by virtue of the fact that they were poor and lacked the means to develop it. The abilities and capital equipment of individuals is completely irrelevant, as is their ethnic background when it comes to ownership.⁹ The principle is very simple. Whoever homesteads the land, owns it. Jews homesteaded terrain previously classified as uncultivable. Arabs did not.

More to the point, is “the wherewithal to develop land [...] irrelevant to legitimacy”? Absolutely, as long as it was acquired from someone who *previously* homesteaded it, and hence legitimately passed on his property through a proper interaction¹⁰; not because an Ottoman title makes this provision. This is why we take the position that “All that is necessary is *well founded ownership, based on homesteading principles*”. This is another anti-Zionist method: distortion of what the pro-Israel author actually writes.

The fact that the Arabs did not homestead the land is what implies that Jews had the *right* to do so; and, as it happens, did so. Again, we say “the wherewithal to develop land is irrelevant to legitimacy... All that is necessary is well founded ownership, based on homesteading principles”. Where is the well founded ownership for the Arabs, given that they did *not* homestead the land nor *buy* it from someone who did, or attain it in any other licit manner? Saying that they lived on the land in question is highly problematic: for instance, how many Arabs actually lived in the Negev desert?¹¹ Even if they wandered there as nomads as they certainly did, this does not give them ownership of the land they roamed.

We see the same basic premise in operation in the analysis of this anti-Zionist author: *A priori*, all contested lands belong to the Arabs. If one starts with this ideal, and logically deduces from it, as does this critic of ours, his conclusion should not be any surprise. This is the very textbook definition of the logical fallacy of begging the question, namely assuming the conclusion before proving it. In this instance, the Jews, should have given their technology to Arabs for free, along with their determination to mix their labor with the land, in order to let them be the first homesteaders. If this sounds bizarre that is because it is. The error can be found in the premise with which he continually begins his analysis.

⁹Except, of course, in cases where previous specific homesteading can be traced back to a certain group, such as with *Kohanim* and the Temple Mount. But this cannot be done with most of the land. Also, *Kohanim* are not an ethnic group per se, and the argument is based on genetics as well as cultural criteria (both are relevant here, and are a case in point).

¹⁰This would include commerce, such as buying, selling or bartering, but, also, anything else voluntary, such as gift-giving, inheritance, gambling.

¹¹Further, merely because someone “lives somewhere” does not grant him ownership rights. Tenants, for example, “live” in the apartments owned by landlords. They hardly achieve ownership rights by so doing. If they did, there could be no such thing as residential rentals.

Hammond takes yet another bite at the apple:

“Now, the source cited above by Farber, et al, is *Land Ownership in Palestine, 1880–1948* by Moshe Aumann, page 120. We also find on that page that

“Most of the land purchases involved large tracts belonging to absentee owners.’

“So according to their own source, most of the land classified as ‘uncultivable’ was indeed previously under Arab ownership.

“Now, Aumann’s purpose in claiming that most land purchased by Jews was previously uncultivated is to support his contention that such land purchases did *not* disenfranchise Palestine’s Arab inhabitants. And Farber, et al, cite Aumann for the same purpose. However, the claim that most of this land purchased from absentee owners fell within this classification as ‘uncultivable’ *is false*” (emphasis in the original).

Jews did not buy titles to land because these were the recognition of purely libertarian rights based on homesteading. Rather, they did so so as to comply with state authorities who considered them legitimate. Titles are required by law. This was the only way to buy land at the time. The point is, did Jews homestead it or not? The evidence is clear in the affirmative. If anything, the Jewish titles to these properties were “doubly pure.” For, first they “bought” this land through their “blood, sweat and tears” via homesteading aeons ago. Then, they were compelled to “purchase” it once again, through sale of territory they should never had had to buy, since they were its rightful owners in the first place.

Moreover, Hammond equates “uncultivable land” with “large tracts”. But, we did not concede that the land classified as “uncultivable” was of Arab ownership. Our source, Aumann in this case, writes that most of the land *bought* by Jews was from absentee owners. The majority of this territory in Palestine was regarded as “uncultivable”, and most of it was owned by the government. This critic of ours conflates the two. Again, observe that we did not maintain that most of the land *was* uncultivable. The author himself quoted *us* to the effect that the land in question was swampy, rocky, etc. or *regarded* as uncultivable. The main point though is not that the land was uncultivable, but rather that it was *uncultivated*. The former is a judgment call. The latter is a hard fact. In other words, if a source classifies land as uncultivable, then logically it must be uncultivated, therefore unhomesteaded, and therefore unowned based on libertarian principle.

What about Hammond’s data? He mentions the following Table (7.1) (previously quoted by us).

In Table 7.1 we see that the *fiscal* categories of land defined most of it as “uncultivable”. Although one can conceive of the land as being cultivable (and indeed Jewish labor proved it), most of what was regarded as “Arab” land was not homesteaded. This is why it was regarded as such (uncultivable). Table 7.1 even indicates this land as owned by “Arabs and other non-Jews” (emphasis added). Yet, it was still considered by Hammond as *only* Arab land. This is the table presented by Farber and later Hammond as evidence that most of this land was labeled as Arab holdings, although it was regarded as “uncultivable”, ergo uncultivated. Hence, although according to Table 7.1, this was the property of “Arabs and other non Jews”, Hammond skates dangerously close to claiming it was owned only by Arabs.

Table 7.1 Ownership of Land in Palestine

Share of Jews and Arabs (including other non-Jews) as at 1st April, 1943			
Category of land	Arabs and other non-Jews	Jews	Total
(fiscal categories)	Dunums (1000 sq. metres)		
Urban	76,662	70,111	146,773
Citrus	145,572	141,188	286,760
Bananas	2300	1430	3730
Rural built-on area	36,851	42,330	79,181
Plantations	1,079,788	95,514	1175,302
Cereal land (taxable)	5,503,183	814,102	6,317,285
Cereal land (not taxable)	900,294	51,049	951,343
Uncultivable	16,925,805	298,523	17,224,328
Total area:	24,670,455	1,514,247	26,184,702
%	94.21%	5.78%	100%
Roads, railways, rivers, and lakes			135,803
Total including roads, railways, etc.			26,320,505

Source: *A Survey of Palestine* (1946, 566)

Table 7.2 Rural and urban property tax payable on above land in 1942–43

Arabs	351,000
Jews	448,000
Total	799,000

Source: *A Survey of Palestine* (1946, 566)

Moreover, let us look closely at another table, which appears on the same page of the original report:

As Table 7.2 shows, Jews paid *more* taxes on rural and urban property than Arabs. But how could this be best understood, given that Jews owned (according to Table 7.1) 5.78% of the land, whereas the Arabs (and other non-Jews) owned 94.21%? We can see part of the answer if we analyze further the information contained in other tables offered by the same source.

If we look at the valuation of *rural*¹² land (Table 7.3), we see that “Arab and other non-Jewish” land amounts to 75.47% of the total valuation, while the Jews had 24.53%. What can we deduce from this? We can conclude that, if Table 7.1 is correct, and the Jews owned 5.78% of the land, while at the same time had 24.53% of the total valuation, whereas the “Arabs and other non-Jews” had 94.21% and 75.47% respectively, then most of the land in the hands of the latter was worth very little. This is so because with (according to that table) approximately sixteen times more land than Jews, the Arabs only had *three more times land valuation*. In other words, it is as if the “Arabs and other non-Jews” would have had 18% of the terrain

¹²Although urban land is not taken into account here, this is irrelevant given that both “Arabs and other non-Jews” and Jews had approximately the *same* amount of urban territory according to Table 7.1.

Table 7.3 Valuation of Rural Land in Arab and Jewish Ownership, 1943. (Pre-war values)

Fiscal categories	Arab and other non-Jewish	Jewish	Total
	£P. '000	£P. '000	£P. '000
Citrus	18,197	17,648	35,845
Bananas	230	143	373
Rural built-on area	1106	1270.	2376
Plantations	8098	716	8814
Cereal land (taxable)	27,516	4071	31,587
Cereal land (non taxable)	2701	153	2854
Uncultivable	16,926	299	17,225
Total	74,774	24,300.	99,074
%	75.47%	24.53%	100.00%

Source: *A Survey of Palestine* (1946, 567)

according to the valuation of land held by Jews. Even so, Jews payed *more* taxes on their property in 1942–43.

Given that most of the domain was regarded as uncultivable, this is compatible with our statement that most of “Arabs and other non-Jews” lands were not worked nor cultivated, thus never homesteaded by them. Thus, no legitimate ownership could be validly claimed.¹³ Moreover, if we follow imputation theory, this explains why their value was very low.

About the methodological problems with compiling the data, *A Survey of Palestine* (1946, 563) demonstrates:

“There are few countries for which estimates of national wealth have been compiled and, of those countries which have attempted such estimates, few indeed would claim that their estimates are anything more than rough approximations. Palestine must be numbered among those countries which have not attempted to compile estimates of the (sic) national wealth. Nevertheless, certain basic information is available and is presented below. The additional problem of separating the relative shares of the two broad groups of the population in the wealth of the country has involved additional difficulties which have been overcome only by the use of methods of approximation which must further widen the margin of error that limits the value of all such estimates. The estimates presented below must therefore be regarded only as rough approximations. They are presented in the form of a series of tables in which the main categories of capital are enumerated and the shares of Jews, Arabs and Others are indicated. In many cases it has been possible to distinguish the share of Jews only while Arabs and all other classes of owners are lumped together. In the main,

¹³This is a very important point. Suppose that group A owned all of Manhattan, with its vast real estate values, while group B owned an equal amount of relatively worthless acreage in the middle of Alaska. We would have to concede that if we extrapolate from these possessions, they would each own the same amount of the entire country. Land *values* are entirely irrelevant to homesteading. The poor man’s parched acreage counts just as much for homesteading purposes as the rich farmer’s fertile field. Why, then, do we go on and on about the fact that Jewish territory was much more valuable than Arab holdings during this epoch? We do so because we see this as evidence that although some of the territory held by the latter group was indeed cultivated, and hence legitimately owned, another portion was not, thus did not properly belong to them at all, even though it was counted in their column.

owners who are neither Arab nor Jewish consist of non-Arab Christians, military and Government authorities and non-Palestinian commercial interests operating in the country. The estimates do not include any figures for urban land buildings and improvements, nor for public fixed assets. Allowance must therefore be made for the consequent understatement in the aggregate.”

With respect to land ownership and its taxation, *A Survey of Palestine* (1946, 563–564) continues:

“Table [7.1], which has been compiled from the records of land taxation, shows the area of land held by Arabs (and other non Jews) and by Jews. In Table [7.3] the rural areas have been valued at pre-war prices based on the categorization of land for fiscal purposes carried out in 1935. These values, although based on values actually ruling pre-war, are completely arbitrary and have been designed to reflect the share of the two groups of the population rather than the aggregate value of the land. The estimate abstracts from the scarcity values which have in recent years operated to drive up land values to figures which in earlier years would have been considered fantastic.”

Observe how the intention of the authors was to show the share of the two groups, rather than the aggregate value of the land. It is apparent that the increase in valuations (mentioned in the quote) followed Zionist purchase of lands and properties. Let us continue with Table 7.4.

Here, something similar happens. Even when Arabs held 72.67% of livestock, while the Jews had 27.33% (only a bit more than a third of the former), the value of the animals in Jewish hands (£1,440,000) represented nearly half of the value of

Table 7.4 Estimated Number and Value of Livestock in Arab and Jewish Ownership

	Arab 1943	Jewish 1942	Total 1942–43		
	Number	Number	Number	% Arab	% Jewish
Cattle	214,570	28,375	242,945	88.32%	11.68%
Buffaloes	4972		4972	100.00%	0.00%
Sheep over 1 year	224,942	19,120	244,062	92.17%	7.83%
Goats over 1 year	314,602	10,174	324,776	96.87%	3.13%
Camels over 1 year	29,736		29,736	100.00%	0.00%
Horses	16,869	2152	19,021	88.69%	11.31%
Mules	7328	2534	9862	74.31%	25.69%
Donkeys	105,414	2322	107,736	97.84%	2.16%
Pigs	12,145		12,145	100.00%	0.00%
Fowls (excl. Chickens)	1,202,122	669,506	1,871,628	64.23%	35.77%
Other poultry	16,394	74,259	90,653	18.08%	81.92%
Total	2,149,094	808,442	2,957,536		
%	72.67%	27.33%			
Estimated total value at pre-war prices	£P. 3,100,000	£P. 1,440,000	£P. 4,540,000		
%	68.28%	31.72%	100.00%		

Source: *A Survey of Palestine* (1946, 568)

those owned by Arabs (£3,100,000). This is true even when (excepting the category “Other poultry”), the Arabs had more farm animals in every category. This analysis is compatible with what we have previously explained, that is, if we follow productivity (reflected in land valuation), Arabs had almost three times more land than Jews.¹⁴ But *not more*, as Table 7.1 implies. Even so, Jewish-held livestock represented 50% less value than that of their Arab counterparts, when it should have been proportionally lower.

Following our analysis, as shown in Table 7.5, Jewish *agricultural* investment represented 55.74% of the total, while that of the Arabs was 44.26%. Why is all of this relevant? Because the analysis above clearly shows that the Arabs did not homestead most of the land in contention, and, therefore had no legitimate ownership over that amount of it.

Moreover, investment in general shows that Jews were the driving force in Palestine.

Table 7.6 clearly shows that Jews owned 53.79% of Palestine’s total foreign assets, roughly 57% more than the Arabs. Although the latter held a bigger part of net currency reserves, Jews had more net banking reserves and individual and company investments. Overall, Jews held 53.79% of total foreign assets, while Arabs owned 34.26%. Jewish investment (individual and companies) was more than 5 times bigger than Arab (4.2 £P. millions versus 0.8 £P. millions).

This pattern can also be seen in Tables 7.7, 7.8 and 7.9. In virtually every one of these categories, one group clearly outstrips the other.

Table 7.9 offers yet more evidence. We can see that Jews possessed 44.8% of *total* capital in Palestine, only 2% approximately less than that of the Arabs’. And this, even when “Arabs and other non-Jews” allegedly owned 94.21% of the land; or 3 times the amount that Jews possessed proportionate to the latter’s land valuation. Jewish influence was no doubt overall greater (or at the very least equal) than that of the Arabs, to which more land is assigned without taking into account real homesteading.

Let us clarify one point before we continue. The point here is *not* that the relative higher Jewish influence justifies Jewish homesteading of the land of Palestine in its

Table 7.5 Agricultural Investment in Arab and Jewish Ownership

	£P. 000	%
Jewish investment up to 1945 at pre-war value (incl. Livestock)	16,500	55.74%
Arab rural housing	9000	
Arab agricultural implements	1000	
Arab livestock	3100	
Total Arab	13,100	44.26%
Total	29,600	100.00%

Source: *A Survey of Palestine* (1946, 569)

¹⁴Does this not undercut our defense of Israel? No. See below.

Table 7.6 Share of Jews, Arabs and Others in Palestine's Foreign Assets

	£P. millions	£P. millions	%
Net currency reserves:			
Arab owned	29.2		68.07%
Jewish owned	7.3		17.02%
Other (incl. Government, military, etc.)	6.4		14.92%
Total		42.9	100.00%
Net banking reserves:			
Arab owned	9.3		14.72%
Jewish owned	50.2		79.43%
Other (incl. Government, military, etc.)	3.7		5.85%
Total		63.2	100.00%
Individual and company investments:			
Arab owned	0.8		16%
Jewish owned	4.2		84%
Other (incl. Arab).	–		0%
Total		5.0	100%
Government investments:	3.6	3.6	100%
Total assets:			
Arab owned	39.3		34.26%
Jewish owned	61.7		53.79%
Other (incl. Government, military, etc.)	13.7		11.94%
Total		114.7	100%

Source: *A Survey of Palestine* (1946, 565–566)

Table 7.7 Ownership of Industry in Palestine (As found at the census of industry, 1943)

Item		Arab and other non-Jewish	Jewish	Concessions	Total
Establishments	No.	1558	1907	5	3470
Capital invested ^a	LP.	2,064,587	12,093,929 ^a	6,293,681	20,452,197
Horse power		3625	57,410	133,673	194,708
Gross output	LP.	5,658,222	29,040,679	2,131,467	36,830,368
Cost of materials	LP.	3,933,429	17,552,836	499,993	21,986,258
Net output	LP.	1,724,793	11,487,843	1,631,474	14,844,110
Persons engaged	No.	8804 ^b	37,773 ^b	3400	49,977 ^b

Source: *A Survey of Palestine* (1946, 567)

^aDoes not include capital invested in printing presses, garages, laundries and small workshops, not enumerated in the census

^bIncluding outside workers

own right. It does not. The point, rather, is illustrative. The value of Jewish-owned land illustrates that it was in fact homesteaded, and therefore had been worked on, whereas the meager value of the majority-“owned” “Arabs and other non-Jewish” land demonstrates that most of this land was unhomesteaded, and therefore was inherently unowned, as the documents above admit to literally when classifying much of this land as uncultivable, meaning in fact uncultivated, a synonym for

Table 7.8 Ownership of Insured Commodity Stocks as at 31st December, 1944

	£P. '000	%
Arab owned	1951	14.42%
Jewish owned	9244	68.33%
Other owners	2334	17.25%
Total	13,529	100.00%

Source: *A Survey of Palestine* (1946, 567)

Table 7.9 Ownership of Capital in Palestine in 1945 (excluding public fixed assets)

	Owned by			
	Arabs	Jews	Others	Total
	£P. millions			
Foreign liquid assets	39,3	61,7	13,7 ^a	114,7
Rural land	74,8	24,3	^b	99,1
Industrial capital	2,1	12,1	6,3	20,5
Commercial stocks insured	2,0	9,2	2,3	13,5
Motor vehicles	1,3	1,9	^b	3,2
Agricultural investment. (building, tools, livestock, etc.)	13,1	16,5	^b	29,6
Total above ^c	132,6	125,7	22,3	280,6
%	47.26%	44.80%	7.95%	100.00%

Source: *A Survey of Palestine* (1946, 569)

^aMainly government and military

^bIncluded with Arabs

^cExcludes the value of urban land buildings and improvements and the value of public fixed assets

“unowned” in libertarian property theory. In other words, what justifies Jewish homesteading of the land of Palestine is that it was mostly unhomesteaded.

In any case, did not the Arabs “own” more land than Jews in Palestine, at least according to recorded mandatory statistics? Yes. According to the always reliable Aumann (1972, 126–127): “In May 1948 the State of Israel was established in only part of the area allotted by the original League of Nations Mandate. 8.6 per cent of the land was owned by Jews and 3.3 per cent by Israeli Arabs, while 16.9 per cent had been abandoned by Arab owners who imprudently heeded the call from neighbouring countries to ‘get out of the way’ while the invading Arab armies made short shrift of Israel.” But this is nothing like saying that Arabs owned 94.21% of the land in contention. Aumann’s figures are in line with our analysis. That is, this is more compatible with the “Arabs and other non-Jewish” holding 3 times the amount of land that Jews possessed proportionate to the latter’s land valuation (although according to Aumann it is only just a bit more than two times: 20.2% Arab against 8.6% Jewish). Also, consider that the tables above include the “others” in the Arab category.

This can be clearly seen in regard to taxes. Even with respect to rural and urban property tax payable on land in 1942–43, the Jewish share was almost 30% more

than that of Arabs (Table 7.2).¹⁵ How does Hammond explain that?¹⁶ He does not even attempt to do so.

See, for instance, the data in Table 7.10.¹⁷ The Jewish estimated share of tax payable (just for the year 1944/45) amounted to 67.80%, while that of Arabs was 14.52%. *A Survey of Palestine* (1946, 573) explains:

“It will be seen that the estimated Jewish share of the tax payable amounted to approximately 68 per cent. of the total, while the Arab share amounted to 15 per cent (sic) and the share of ‘others’ to 17 per cent. On this basis the Jewish share in the revenue from income tax actually collected in 1944/45 (viz., £P.2,534,000) amounted to £P.1,723,000.”

Moreover,

“[...] *Rural and Urban property taxes*, amounting to approximately £P.465,000 and 680,000 respectively, have been allocated on the basis of the *estimated ownership* of land in the two communities as compiled by the Department of Land Settlement. *The estimate shows that 58 per cent. of the aggregate of the taxes on land was paid by Jews* (viz. £P.664,000) (emphasis added).”

Not only were the Jews paying more taxes for less acreage (unless we understand from the above that Jews in effect really *owned* more land than Arabs), but the Arabs

Table 7.10 Tax Payable in Respect of the Year 1944/45

	Total	Jewish Share	Arab Share
Individuals:	£P.	£P.	£P.
Jews	946,211	946,211	
Arabs	281,944		281,944
Others	75,117		
Local companies:			
Jewish	795,318	795,318	
Arab	127,616		127,616
Other	166,664		
Foreign companies	428,307	171,323	
Total	2,821,177	1,912,852	409,560
	100.00%	67.80%	14.52%

Source: *A Survey of Palestine* (1946, 573)

¹⁵ Lest we be misunderstood, we do not favor taxes *per se*. We only resort to this data to indicate which people had a greater economic impact at that time. Note, we only mention data from this epoch arguendo. Our real starting point is two millennia earlier. Even if in the early twentieth century the data indicated the reverse, our contention would still be valid. It is even more so, given this set of statistics.

¹⁶ See about the land categories at the time in Chap. 3, Section 3.1.

¹⁷ 67.8% and 14.52% do not add up to 100%, as the last line in Table 7.10 indicates. The figure 100% corresponds to the column “Total”. The other columns correspond to Jewish and Arab shares respectively. The remaining % to get to 100% correspond to the category “others” (*A Survey of Palestine*, 1946, 572–573).

were receiving far more in social services. *A Survey of Palestine* (1946, 579–580) continues:

“The social services expenditure consists of expenditure on health, education and social welfare. The details of this expenditure are discussed in other chapters and need not be further elaborated here. It may be mentioned nevertheless that while these services are undertaken for the benefit of the population as a whole the Jewish community finds it necessary to supplement them to an extent that makes it obvious that the pace of development of the Government services is too short to meet the needs and wishes of the Jewish community. The provision of these supplementary services on a community basis and at the volition of the community to some extent forces the hand of Government in regard to public expenditure generally.”

Table 7.11 expands the tax data, clearly showing how Jews paid more taxes (including for rural and urban property):

All of the above further explains why the following Hammond’s (2016a) contention is false¹⁸: “Well, in 1948, the Jewish community owned only about 7% of the land in Palestine, whereas Arabs owned more land than Jews in every single district.”

Our critic comments (2016b):

“Now, Aumann’s purpose in claiming that most land purchased by Jews was previously uncultivated is to support his contention that such land purchases did not disenfranchise Palestine’s Arab inhabitants. And Farber, et al, cite Aumann for the same purpose. However, the claim that most of this land purchased from absentee owners fell within this classification as ‘uncultivable’ is false.

“Just on the face of it, the Peel Commission used the word ‘much’—not ‘most’—to describe the amount of land previously under Arab ownership that was so classified.

“Moreover, turning to the Peel Commission Report page 239,¹⁹ we find that Aumann’s own source makes clear that the vast majority of the land purchased by Jews—78 percent—was in fact considered part of the *cultivable* land area of Palestine:

“Arabs hold 12,160,000 dunums of which 6,037,000 are classed as cultivable, and Jews 1,208,000 with 939,000 dunums of cultivable land” (emphasis in the original).

First, observe how our critic implicitly equates *cultivable* land with *cultivated* land. The small difference between these is actual homesteading, which gives rise to property rights on such land. Notice also that Hammond distorts our position by offering a strawman argument on “uncultivable” land. Jews bought *both* cultivable land, and land *regarded* as “uncultivable”. The question, yet, still remains: Was it *cultivated* or not? The development of the area shows the answer: No. Of course, the issue underlying all of this is whether or not the Jews *first* mixed their labor with what land was cultivable at the time; the answer to that is: Yes.

¹⁸ See also Chap. 3, Section 3.1, with respect to Map 3.2.

¹⁹ In fact, our critic is wrong, it is on page 238. See *Palestine Royal Commission Report. Presented by the Secretary of State for the Colonies to Parliament by Command of His Majesty. July, 1937*, p. 238.

Table 7.11 Summary of Allocation of Revenue, 1944/45

Revenue item	Jewish share	Arab and others'	Total
	£P. 000	£P. 000	£P. 000
Income tax	1723	811	2534
Land registry fees	637	213	850
Rural property tax	664	481	1145
Urban property tax			
Animal tax	23	186	209
Custom duties:-			
(1) motor traffic (incl. Surcharges and licenses amounting to £P. 353,000)	1175	438	1613
(2) sugar	55	99	154
(3) coffee	7	7	14
(4) tobacco	394	350	744
(5) cotton piece goods	13	31	44
(6) other custom duties	924	435	1359
Excise duties:-			
(1) matches	54	56	110
(2) tobacco	428	522	950
(3) intoxicants	384	255	639
(4) salt	15	19	34
(5) cement	21	13	34
Companies registration fees	80	37	117
Stamp duties	172	97	269
Posts and telegraphs	393	193	586
Total above	7162	4243	11,405
%	62.7%	37.3%	100.00%
Other local revenue			3671
Other receipts			2420
Total revenue			17,496
%	40.94%	24.25%	100.00%

Source: *A Survey of Palestine* (1946, 577–578) (Some of these numbers appear to be out of line: But they are correct, to see how they appear in the original, see *A Survey of Palestine* (1946, 577–578))

We never said that “Arab” lands were *all* uncultivable, nor that Arabs did not cultivate *some* of them. Our position, then and now is that most of the land considered “Arab” (according to Table 7.1, for instance) was regarded as uncultivable, which is evidence that it was *not* cultivated (if it were, it would not have been included in the former category), hence unhomesteaded. No disenfranchising of Arabs could have taken place in an area that was *not properly owned* by them in the first place. The only thing that “uncultivable” land shows is that it was not cultivated, not homesteaded, hence not owned. Not that it could not be made cultivable (for instance, as Jewish efforts demonstrated in the case of swamps).

Moreover, even if an area was considered cultivable, it also does not imply it *was* cultivated, hence homesteaded and properly owned. Finally, if an area was regarded as “uncultivated”, then it was definitely unowned. This is why the above tables and data are important: they show the *real* work, the *actual* impact, of both Arabs and Jews on the terrain in contention.

Hammond (2016b) continues:

“Now, if we apply a Libertarian standard, we must reject the means by which most of this land came into the Jews’ possession, which was by exploiting the feudalistic Ottoman land laws and purchasing land from absentee landlords without regard for the rights of the Arab peasants who actually lived on and worked the land. We must also recognize that those who had actually homesteaded the land (i.e., those actually lived on and worked he (sic) land) were its rightful owners.”

However, if the Arabs worked such lands, how can Hammond himself recognize *at the same time* that they did not have the capital to do so? Either they did or they did not. This author cannot have it both ways. The clear answer is that the Arabs, in most cases did *not* have sufficient wherewithal. But accepting this truth would imply that they did not have either legitimate *property* or real *possession* of most the land in question. The fact that they lived on some parts of the land does not mean that they had a right to do so, nor that they homesteaded it. Otherwise, taking an extreme example, any nomad tribe that pitches a tent in any area and leaves two days later owns the acreage they visited. They *lived* there, one can say, but they certainly did not do anything akin to homestead it.²⁰

Moreover, our critic rejects the legitimacy of Jewish purchases of land from “absentee landlords” because he says they undermined the property rights of the real inhabitants – the workers of said land, the Arabs. But this contradicts his previous contention that the Arabs owned most of the land in Palestine already, rather than absentee landlords. This is so because if the absentee landlord titles are illegitimate, so is the contention that Arabs owned most of the land, since the latter *claim* is based in part on the former *titles*.

Further, if the inhabitants were the *rightfull* owners and *homesteaded* the land, why was most of it regarded as “uncultivable”? Why is it that the data showed above points to so little evidence of homesteading? How does our critic explain the homesteading process of such Arab peasants without the necessary capital he himself concedes they did not have? Apart from this, consider that the labeling of most of the land as “Arab” comes in part from those absentee landlord titles, which in turn

²⁰For how long must a person settle on land before he owns it? How intensively must he mix his labor with it so as to legitimately own it? This is a continuum problem which admits of no specific answer, such as 3.2 years, and one corn plant every square 14 inches. On this continuum issue see Block and Barnett (2008). For libertarian literature on the homesteading issue, see Block (1990, 2002a, 2002b), Block and Edelstein (2012), Block and Yeatts (1999–2000), Block and Epstein (2005), Bylund (2005, 2012), Grotius (1625), Hoppe (1993, 2011), Kinsella (2003, 2006, 2009a, b), Locke (1948, pp. 17–19; 1955, chapter 5), Paul (1987), Pufendorf (1673), Rothbard (1973b, 32), Rozeff (2005), Watner (1982).

reveal how is it possible that most “Arab” land be both regarded as “uncultivable” and at the same time “owned”: they were political gifts to these landlords, by fiat.

Quite the contrary, the Jews accepted neither argument: absentee landlords did not have a right to the land because they never homesteaded it, but nevertheless it was the only way of legally acquiring property at the time. And also poor Arab peasants did not homestead it either; otherwise how can it be that Hammond himself acknowledges that they did not have the capital to do any such thing?

Stated succinctly, Jews “acquired” unhomesteaded land from absentee landlords. Did this give them real ownership of said land, in a libertarian sense? No. Rather, these “acquisitions” were really just protection money demanded by the authorities of the time. Pay it, and the authorities would not prevent Jews from homesteading the land in question and acquiring true ownership of it. Refuse, and there could be no question of owning any of it.

Further, even if our critic denies that he confers legitimate rights to absentee landlords (therefore contradicting his claim that Arabs owned most of the land, since this premise is based on such absentee “owners”), and says that despite everything the Arabs lived there, he must accept that, since they did not have the resources, capital and technology to develop the land, they could not have been able to homestead most of it either. Thus, although they can have a right to a specific area surrounding their homes and (for instance) olive gardens, how could he grant them a property right over the *entire* terrain? It is beyond reason based on his own claims.

In addition, Israel did recognize the property rights of Arabs who stayed and did not wage war against it after the seven Arab nations invaded and tried to murder the Jews *en masse* in 1948. Otherwise, how could we account for the fact that more than a million Arabs are Israeli citizens and residents as of 2020? It is bizarre to say that the entire terrain was owned by Arabs, and that Jews had no right to it whatsoever, even to those lands that were homesteaded by them (purchased from so-called absentee owners or not). We do not at all say that *no* Arab had *any* right to *any* piece of contested land, as our critic implies. If land was unhomesteaded and Arabs homesteaded it, it is by definition Arab land. This we do not at all deny.

Suppose someone were to object to our thesis on this ground. We maintain that, the properties of those Arabs who stayed in Israel after 1948, and who did not wage war against Israeli Jews, are legitimate. True, the critic may say, kicking Nazis out of France was not ethnic cleansing; they did not belong there in the first place. Well why does this not apply to Palestinian Arabs who remained in Israel in 1948? They, too, did not belong there in the first place, if we assume that the entire land belonged to the Jews. Let us clarify our position. The land in 1948 Israel can be divided in three parts:

1. Specific places that are Jewish beyond doubt, including the Temple Mount, Jerusalem’s Old City, every Jewish archaeological site, etc. These are Jewish, and no Arab control nor ownership can ever be justified. There is ample evidence of previous homesteading by previous generations of Jews who were expelled unjustifiably; this is unmistakable and obvious. This category also includes areas homesteaded and owned by Jews: lands, villages and towns.

2. Most of the land had no evidence of previous (Jewish or non-Jewish) homesteading, so it cannot be considered the proper ownership of anyone. It was held by the Ottomans, then the British, and now the State of Israel. It passed from one national entity to the other. For example, the Negev Desert.
3. Many Arab villages were built from scratch, in places where no evidence of previous Jewish homesteading exists. These places, we believe, should be owned by Arabs (as they currently are in the State of Israel), since they homesteaded them. These include many of the villages and towns now populated by Israeli Arabs. Thus, there are some pieces of land that can be properly owned by Arabs, and whose ownership could be legitimately granted to them (and it *is* so in fact).

Hammond (2016b) next claims:

“Moreover, we can see that most of the land Farber, et al, claim was legitimately homesteaded by Jews was in fact under previous ownership by Arabs, and, further, that most of this land was indeed classified as ‘cultivable’ and hence, even by his own double standard, able to be legitimately owned by Arabs. And, indeed, many Arab tenants were displaced from their land under these land purchases.”

Observe that Hammond says that the land was owned by Arabs but at the same time that since it was *classified* as “cultivable” it was “able to be legitimately owned by Arabs”. The fact that an area is “cultivable” and “able to be legitimately owned” by someone does not confer any right if there is no actual homesteading of it nor was it purchased from a previous homesteader. Again, Hammond conflates “cultivable” with “cultivated”. Was it cultivated or not? It was not. This amounts to saying that since a person *can* buy a share of Microsoft or Apple, he is *entitled* to it.²¹

Moreover, even if territory *X* is considered both cultivable and owned by Arabs, this does not mean that such ownership is automatically based on homesteading. In other words, *X* could be perfectly cultivable and labeled as owned by Arabs (according to Ottoman Law) and at the same time never have been actually cultivated, meaning homesteaded. This author conflates the three claims.

Then there is the crucial matter of timing. Consider Hammond’s phrase “was in fact under previous ownership by Arabs.” Let us stipulate that, oh, around 1800 CE, Arabs owned *some* territory. Two questions arise. First, was it legitimate ownership? Just because the Arabs “owned” this plot does not make it licit. Second, suppose the Jews were the proper owners of this terrain at the time of Jesus, but were expelled from it by the Romans. A millennium and a half later, along came the Arabs. Which group are the proper owners? The aphorism “first come, first served,” applies here. The Jews were there first, and thus the property in question properly belongs to them.²² The latter clearly applies to areas such as the Temple Mount.

Hammond (2016b) continues on his merry way:

“Even by the time the Mandate ended and the Zionists proclaimed the existence of the state of Israel, the Jewish community owned only about 7 percent of the land in Palestine—the

²¹ On the charge of displacement of Arabs, see Chap. 3, Section 3.1.

²² But are there no statutes of limitation, that would override the long deferred claim of the Hebrews? Not at least according to libertarian law. See on this Block (Unpublished).

remaining 71 percent or so that became part of Israel having been acquired by force and the ethnic cleansing of most of the Arab population from their homes.”

Let us analyze this ludicrous claim by pointing out one fact: How could anyone regard, for instance, the Negev desert as *owned* by Arabs? Only if we take, as the author seems to do, the land as Arab *a priori*. Then there is the matter of simple arithmetic regarding the “remaining 71 percent”: $7\% + 71\% = 78\%$, not 100%. What happened to the other 22%? If by this our critic refers to Judea, Samaria and Gaza, perhaps he should ask himself why the Jordanians and Egyptians, respectively, who conquered these territories, never established a Palestinian Arab state there. And why no one demanded it of them. The answer: the real purpose was the destruction of Israel.

This author continues his critique in another article (Hammond, 2016c):

“This is a disingenuous strawman argument. I have never heard anyone argue that Israeli settlements are immoral *because Israel hasn’t annexed them*. Rather, they are immoral—apart from being a violation of international law—because they are constructed with prejudice toward the equal rights of the Palestinians. They are not some outcome of individuals engaging in private exchange for mutual benefit in a free market, but a project of the state of Israel carried out under its occupation regime and all the rejection of Palestinians’ rights that regime entails, including denying Palestinians at gunpoint from being able to build homes on this same land, bulldozing Palestinians’ homes to make way for Jewish homes, etc.” (emphasis in the original).

But the so called “settlements” are neither immoral nor a violation of International Law.²³ Actually, Jews *homesteaded* Ma’ale Adumim, Ariel, Gush Etzion, etc. Remember, these are *Jews* living in *Judea*. The idea that the Israeli government is actively supporting construction in Judea and Samaria is problematic. Quite the opposite, entire Jewish villages have been destroyed by the IDF in order to *stop* settlement growth.²⁴ These include the four Jewish settlements of Gadim, Kanim, Homesh, and Sa-Nur, and of course all Jewish towns in Gush Katif (Gaza). Permissions to build are constantly *denied* (especially during the Obama Administration, that exercised extreme pressure on Israel).²⁵

Most Palestinian Arabs are under the control of the Palestinian Authority (PA). Does our learned friend mention what happens to those Palestinian Arabs who dare sell land to Jews? Yes, the death penalty (Abu Toameh 2009). The only time the IDF bulldozes Palestinian Arab houses is as a response to jihadists who lived there before suicide bombing innocents in Tel Aviv discos or restaurants, or are owned by their families who support them. Quite the opposite of what Hammond contends, Palestinian Arabs are building throughout Judea and Samaria without anything to stop them.²⁶ Indeed, they are building entire cities, including Rawabi. We have no

²³ See Chap. 4.

²⁴ With the purpose of not making the “International Community” *angry*. See Chap. 4.

²⁵ See Chap. 4.

²⁶ See Chap. 4.

objection to this, as homesteading is legitimate. What we do object to is opposition to Jews doing the *same*.

Hammond (2016c) claims:

“In this case, we are dealing specifically with the Fourth Geneva Convention, *the purpose of which is to protect the rights of civilians during war or living under occupation*. Now, libertarians might scoff at the idea of ‘laws’ governing *war*, which is the ultimate crime. But this is no reason to *reject* the protections afforded to civilians under such treaties.

“Moreover, libertarians understand contract law, and treaties are nothing more than contracts between governments. Israel is a party to the Geneva Conventions and therefore legally bound to respect their terms. Additionally, much of what is contained in the Fourth Geneva Convention rises to the level of ‘customary international law’, meaning law that may or may not have been codified in any treaty but which is still recognized as inadmissible behavior by states. The deliberate targeting of civilians during war, for example, is not only forbidden under the formal body of international law, but is also customary international law—that is, if there were no treaties forbidding such attacks, that would not make it okay for states to engage in such killing!” (emphasis in the original).

But the Geneva Convention neither applies to Judea and Samaria nor outlaws Jewish towns and villages there.²⁷ In addition, most Palestinian Arabs are under the administration of the PA. Where, then, is the “occupation”? Alternatively, perhaps he refers to the occupation of Gaza by the totalitarian Islamist group Hamas? Not likely. And what about the adherence of Israel’s *enemies* to the Geneva Convention? What about the deliberate target of civilians by Hamas rockets or jihadis who engage in suicide bombings?

Also, international law is only *peripherally* relevant to the libertarian foundation of legitimacy in property titles. Moreover, the argument is wrong because Israel does not “occupy” a specific former sovereign territory, or, indeed, any lands other than its own. Jordan invaded Judea and Samaria in 1948, and later abandoned its claim to the land in 1988, while Egypt invaded Gaza in 1948 and abandoned its claim when the peace treaty with Israel took effect after 1979. These were the real “occupiers”. Opponents of Israel often refer to the “occupation”, as if before 1967 there was a “Palestinian” entity or state there. Not so, not so. For International Law, the label “occupation” only makes sense if there is a legal entity (such as a state) being occupied. If no legal entity exists or has any connection to the place, then there is no, and there can be no, “occupation”. So, no territory is being “occupied,” since there is *no legal entity to which this applies*. These are “disputed territories” under International Law, properly understood (Baker 2013).²⁸

According to the Hague Convention of 1907, an occupation requires that the territory being “occupied” belong to another recognized, legitimate *entity* and the existence of an army in the occupied area. But; there was never such a thing as the country “Palestine”. Moreover, the territory was intended to be part of the Jewish State, which is ratified by Article 80 of the UN Charter:

²⁷ See Chap. 4.

²⁸ We hold no particular brief for “international law”, philosophically. However, this does not stop us from attempting to refute Hammond’s claim in this regard.

“Under this provision of international law (the Charter is an international treaty), Jewish rights to Palestine and the Land of Israel were not to be altered in any way unless there had been an intervening trusteeship agreement between the states or parties concerned, which would have converted the Mandate into a trusteeship or trust territory. The only period of time such an agreement could have been concluded under Chapter 12 of the UN Charter was during the three-year period from October 24, 1945, the date the Charter entered into force after appropriate ratifications, until May 14–15, 1948, the date the Mandate expired and the State of Israel was proclaimed. Since no agreement of this type was made during this relevant three-year period, in which Jewish rights to all of Palestine may conceivably have been altered had Palestine been converted into a trust territory, those Jewish rights that had existed under the Mandate remained in full force and effect, to which the UN is still committed by Article 80 to uphold, or is prohibited from altering” (Grief 2011).

So much for international law. On the other hand, restriction of movement exists in Judea and Samaria due to Palestinian Arab attacks against Israeli civilians. Yet, these constraints are being progressively reduced.²⁹ Moreover, tens of thousands of Palestinian Arabs work both in Israel (Bassok 2015) and in the “settlements”.³⁰ It is often claimed that the Palestinian Arabs are being controlled, or living under a military dictatorship by the IDF. Yet, most of the Arabs in Judea and Samaria live under the Administration of the PA, and in Gaza under the Hamas.³¹

Moreover, the idea that settlements cannot be built by an occupier on occupied land according to international law, has a very clear source. It is based on the fact that the Nazi State moved Jews from their properties first to ghettos,³² and then to extermination camps.³³ But the Israeli government strenuously and scrupulously

²⁹They would undoubtedly be decreased even more so, were these invasive occurrences to cease altogether.

³⁰On the influence of Israel on the economy of Palestinian Arabs in Judea and Samaria see Zaken (2019).

³¹See DellaPergola (2001, 3).

³²Contrary to popular word usage, there are no “ghettos” in the U.S. A “ghetto” is actually an area to which an ethnic group is forcibly removed, and not allowed by law to leave.

³³Phillips (2009) explains: “Julius Stone referred to the absurdity of considering the establishment of Israeli settlements as violating Article 49(6): ‘We would have to say that the effect of Article 49(6) is to impose an obligation on the State of Israel to ensure (by force if necessary) that these areas, *despite* their millennial association with Jewish life, shall be *forever* judenrein. Irony would thus be pushed to the absurdity of claiming that Article 49(6), designed to prevent repetition of Nazi-type genocidal policies of rendering Nazi metropolitan territories judenrein, has now come to mean that?..?..? (sic) the West Bank?..?..? (sic) *must* be made judenrein and must be so maintained, if necessary by the use of force by the government of Israel against its own inhabitants. Common sense as well as correct historical and functional context exclude so tyrannical a reading of Article 49(6).’

“Stone’s pointed critique of what has since become ‘accepted’ wisdom invites a hypothetical: Suppose a group of Palestinian Arabs who are citizens of Israel requested permission to establish a community on the West Bank. Further, assume that Israel facilitated the community’s establishment, without the loss of their citizenship, on land purchased from other Palestinian Arabs (not citizens of Israel) or on state territory. Would establishment of this settlement violate Article 49(6)? If not, how can one distinguish the hypothetical Arab settlements from Jewish settlements?

“Concluding that Israeli settlements violate Article 49(6) also overlooks the Jewish communities that *existed before* the creation of the state in areas occupied by today’s Israeli settlements, for

avoids any such practices.³⁴ This has nothing to do with the establishment of towns and villages in order to homestead, work and live in territories that, at most, can be defined as “disputed” (the case of Judea and Samaria). “Settlements” are hence neither immoral nor “illegal”.

Hammond says of Farber:

“Notice how he puts ‘ethnic cleansing’ and ‘Palestine’ in quotation marks, implying that it wasn’t *really* ethnic cleansing (not an ‘actual’ instance of such, as he states here) and the region in question wasn’t *really* Palestine. In fact, Farber and his coauthors explicitly make these arguments in a paper titled “The Legal Status of the State of Israel: A libertarian Approach”, asserting that Israel was established not through ethnic cleansing, but through legitimate land purchases and homesteading. That claim is false, and in fact Israel was established via the ethnic cleansing of most of the Arab population. But they go further in their paper, arguing that even *if* Palestine had been ethnically cleansed of Arabs, that this was just! (p. 461, fn 70)

“How does this defense of ethnic cleansing reconcile with the libertarian principle of non-aggression? Well, it doesn’t. To defend ethnic cleansing is to reject this principle. Notice that by Farber’s own standard above, to try to defend ethnic cleansing is abhorrent; yet that is what he does, even while accusing others of doing the same” (emphasis in the original).

Observe that our debating partner continually discusses “ethnic cleansing” but offers absolutely no proof of this contention apart from some out of context quotes. Repetition as a propaganda tool we have already mentioned as a well known anti-Zionist method. What do the present authors actually say on the aforementioned cited by our critic (Block et al. 2016, 461, fn. 70)?

“Suppose, contrary to fact conditional coming up, that the Jews took this land by force (after first asking nicely, of course). It is our contention that they still would have been justified in doing precisely that, since, we maintain, they were the first homesteaders of it, some 2000 years ago. *See infra* on this.”

Let us now analyze this. First, taking land by force is not necessarily to engage in ethnic cleansing. Ethnic cleansing *is* by definition necessarily a dastardly deed. There can be no such thing as justified “ethnic cleansing.” But if the targets of the “cleansing” are interlopers, trespassers, intruders, then removing them does not fall under this category. It has nothing to do with their ethnic background, but with the fact that they are not the real owners of the land. That is precisely our argument with respect to land previously owned by Jews, for example the Temple Mount. We are clearly referring here to areas demonstrably previously homesteaded by Jews. That is the real spirit behind our statement. Of course, no libertarian case could be made

example, in Hebron and the Etzion bloc outside Jerusalem. These Jewish communities were *destroyed by Arab armies, militias, and rioters*, and, as in the case of Hebron, the community’s population was slaughtered. Is it sensible to interpret Article 49 to bar the reconstitution of Jewish communities that were destroyed through aggression and slaughter? If so, the international law of occupation runs the risk of freezing one occupier’s conduct in place, no matter how unlawful” (emphasis added).

³⁴The fact that we feel compelled to explicitly deny this outrageous charge demonstrates the effectiveness of anti Israel propaganda.

on unhomesteaded land, whether for Jews or Arabs. If this was not clear enough before, it must certainly be so now. There is no defense of “ethnic cleansing” to be found here.³⁵

There are many examples throughout history of battles and conquest that did not involve ethnic cleansing, which is, according to the *Encyclopaedia Britannica*, “the attempt to create ethnically **homogeneous** geographic areas through the **deportation** or forcible displacement of persons belonging to particular ethnic groups. Ethnic cleansing sometimes involves the removal of all physical vestiges of the targeted group through the destruction of monuments, cemeteries, and houses of worship” (Andreopoulos 2016). Let us pose just one question to this writer: How does he explain the fact that more than one million Arabs not only live in Israel, but are also citizens of this country with equal rights (who, unlike Jews, are not even subjected to the IDF draft)? If there was any “ethnic cleansing”, it was the least successful instance of this practice in all of history.³⁶ But of course we are being ironic: there was never any such thing in operation. The events where displacements happened, took place due to war (such as in Lydda).³⁷ But this confrontation was a consequence of the 1948 Arab rejection of a Jewish state in the area.

Let us consider again those Jewish areas, such as the Temple Mount in Jerusalem, where Arabs exercised control. If someone occupies your house and then brings his family there, and then you get it back by expelling him, how could that not be just? Were Hammond to be logically consistent, he would have to say that you ethnically cleansed the family of the occupier. This is nonsense on stilts!

This journalist also quotes David Ben Gurion, the first Prime Minister of Israel, allegedly in favor of ethnic cleansing.³⁸ Anyone can be quoted out of context to mean anything. But Hammond gives no evidence of actual ethnic cleansing taking place in *reality*. In brief, he opines that Arabs *were* ethnically cleansed because he *quotes* some of Ben Gurion’s phrases of the 1930s. That constitutes the totality of his *proof*. He also mentions the works of Ilan Pappé as his source on ethnic cleansing. However, as we have shown in Chap. 3, Pappé is wrong.

Hammond (2016a) also quotes Moshe Dayan (former Chief of Staff of the IDF and Israeli politician) out of context:

“We came to this country which was already populated by Arabs, and we are establishing a Hebrew, that is a Jewish state here. In *considerable* areas of the country *we bought the lands* from the Arabs. Jewish villages were built in the place of Arab villages. You do not even

³⁵Were the Nazis “ethnically cleansed” when Germans were removed from France, Poland, Russia in the aftermath of World War II? Of course not. However, Hammond’s use of this phrase would imply that they were.

³⁶Apart from the obvious growth of Arab Israeli population, the data that can be seen in Table 6.4 regarding the growth of the *total* Muslim population west of Jordan river since 1947 makes the “ethnic cleansing” “theory” look ridiculous. In contrast, if we see the situation of Arab Jews, it would be exactly the *opposite*, since the reduction was almost complete. The reason for the latter? (Real) ethnic cleansing.

³⁷See Chap. 3, Section 3.4.

³⁸See Chap. 3, particularly Sections 3.4 and 3.6.

know the names of these Arab villages, and I do not blame you, because these geography books no longer exist; not only do the books not exist, the Arab villages are not there either. Nahalal arose in the place of Mahalul, Gevat—in the place of Jibta, Sarid—in the place of Haneifis, and Kfar Yehoshua—in the place of Tell Shaman. There is not one place built in this country that did not have a former Arab population” (emphasis added).

Apart from the fact that Dayan spoke about how Jews *bought* the land, the context of the quote is explained by Ricki Hollander (2001):

“The quote is taken from an address Dayan gave to Technion University students on March 19, 1969. A transcript of the speech appeared in Ha’aretz on April 4, 1969.

“In answer to a student’s question suggesting that Israel adopt a policy of punishing Arabs who commit crimes in the West Bank by deportation to Jordan, Dayan answers that he is vehemently *opposed* to this idea, insisting that the answer to the longstanding Arab-Israeli problem is to learn to live together with Arab neighbors. He goes on to say:

“‘We came to a region of land that was inhabited by Arabs, and we set up a Jewish state. In a considerable number of places, we purchased the land from Arabs and set up Jewish villages where there had once been Arab villages. You don’t even know the names [of the previous Arab villages] and I don’t blame you, because those geography books aren’t around anymore. Not only the books, the villages aren’t around. Nahalal was established in the place of Mahalul, and Gvat was established in the place of Jibta, Sarid in the place of Huneifis and Kfar Yehoshua in the place of Tel Shaman. There isn’t any place that was established in an area where there had not at one time been an Arab settlement.’

“Dayan’s conclusion was that the solution to the Arab-Israeli problem is to learn to coexist with them.

“[...] the key phrase ‘we purchased the land from Arabs’ is omitted, and thus Dayan’s meaning is reversed. Dayan was not saying that Arabs were dispossessed. On the contrary, he was indicating that though Arabs sold the land of their own free will, given their presence in the region, the Israeli goal is to live peacefully together with them” (emphasis added).

Dayan’s idea is an exaggeration in order to prove his point about coexistence. Maps and chronicles of Palestine from the nineteenth century depict a desert without any significant population nor productive endeavor. Even if some villages existed in places where Jewish towns were later built, that does not mean that: (a) The Jewish city was entirely built on the previous village land; (b) That the village was not freely sold; (c) That the Arabs of that village did not voluntarily leave, and not just for the 1948 war, but also due to other reasons such as lack of employment, diseases, etc. And, more importantly, (d) It does not imply that there are *no* Arabs in those Jewish villages or that they were “ethnically cleansed”. Moreover, hundreds of moshavim, kibbutzim and cities were built from scratch. *Quoting out of context is not the same as stating facts.*

See, the cases of Gush Etzion and Har Homa (Pictures 7.1 and 7.2):

See also the state of development of villages or areas regarded as Arab in 1947 and afterward (Pictures 7.3 and 7.4):

While our critic quotes phrases out of context by Israeli leaders, he fails to comment on those statements by Arab leaders who call for the *genocide* of Jews (which



Picture 7.1 Gush Etzion 1947-Modern Day. (Source: Israel Advocacy Movement (n.d.-a)) ((sic) The date in the second picture (Gush Etzion) should say “Modern Day”. Our estimate as to the actual year of this second picture is 2010–2015)

we ourselves quote³⁹). No amount of evidence can convince him that the Arab states launched genocidal wars against Jews, and not only in 1948, but also in 1967 and 1973. No wonder, since anti-Zionists are impervious to evidence.⁴⁰ He also ignores Jews expelled from Arab countries (who were *actually* ethnically cleansed), nor does he speak of Haj Amin Al-Husseini, the Nazi-allied Mufti of Jerusalem. It is

³⁹ See Chap. 6, Sect. 6.6, among others.

⁴⁰ See Chap. 5.



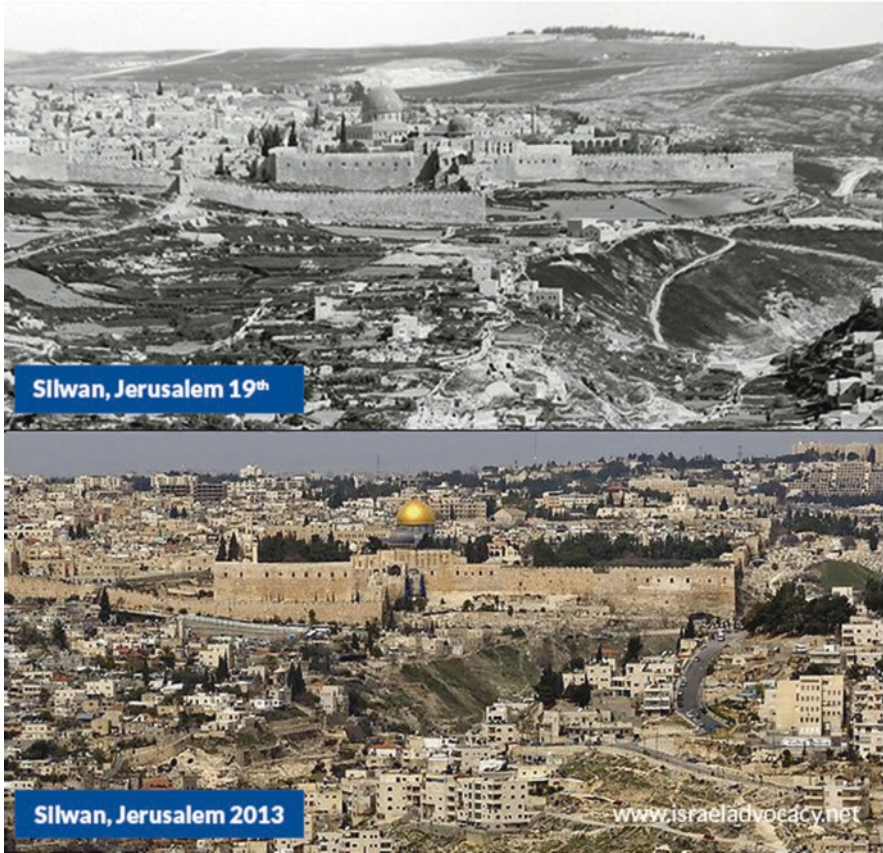
Picture 7.2 Har Homa 1990-Modern Day. (Source: Israel Advocacy Movement (n.d.-a))

very telling of anti-Zionists that the only persecuted, mass-murdered and ethnically cleansed people they do not care about are Jews.⁴¹

Our scholarly opponent (Hammond 2016c) continues his disparagement:

“So how does that charge hold up? Are Israel’s libertarian critics equally guilty of defending ethnic cleansing as Farber himself? Well, I obviously can’t speak for others, but in fact I personally do not argue that all Jews currently residing in illegal Israeli settlements must leave. On the contrary, I argue that they ought to be given the choice of staying or leaving, depending, of course, *on the wishes of the rightful owners* of settlements built on stolen private Palestinian land.

⁴¹Here, we come perilously close to criticizing a scholar not for what he writes, but for what he omits. This appears at first sight as an intellectual failure on our part. However, context is all. There is not one people in the dock on these matters, but two. Yes, there were some Israeli leaders who mis-spoke. But when compared to the gargantuan sins of commission on the other side, the former pale almost into insignificance. Moreover, the Arabs did indeed *launch* a series of genocidal wars against Israel, not just *talked* about it.



Picture 7.3 Silwan in East Jerusalem, Nineteenth Century-2013. (Source: Israel Advocacy Movement (n.d.-a)) ((sic) The date in the first picture should not be 19th, but rather nineteenth century)

“Of course, libertarians respect property rights, so if the rightful owners of this land decide that its present Jewish inhabitants, who live their (sic) by virtue of Israel’s occupation and colonization regime that denies the Palestinians’ equal rights, *must go*, then they must go, and to describe this as ‘ethnic cleansing’ is simply an appeal to emotion rather than reason” (emphasis added).

What exactly does our critic mean by “rightful owners of settlements”? Does he refer to the people who built them on previously unhomesteaded land, as a libertarian would? Certainly not, as these homesteaders were and are Jews. He means, rather, the *supposed* (by him) owners of the previously unhomesteaded land on which the settlements were built, that is Arabs in his estimation. But again, nobody can own virgin land according to libertarians and classical liberals. Therefore, Hammond is *not* speaking as a libertarian, but rather as an anti-Zionist propagandist basing his arguments on fiat ownership. He keeps repeating the same mistake over



Picture 7.4 East Jerusalem, 1914–2014. (Source: Israel Advocacy Movement (n.d.-a))

and over, namely that Arabs somehow own virgin land for no other reason than they simply say so, without homesteading it, without working on it at all. Palestinian Arabs may as well own the moon, with equal justice. The most surprising (or not) statement by our critic is that, in the end, he in fact supports ethnically cleansing the Jews from their legitimately homesteaded areas but does not say so explicitly. Moreover, when it comes to Jews, ethnic cleansing must not be labeled as such, in the name of “reason”.

This essayist undoubtedly seeks to be seen as impartial and objective. But his actual language bespeaks an altogether different message. He does not concede legitimacy to any Jewish property *whatsoever* in the land of Israel, even if it was previously virgin land. For him, it does not matter whether it is Judea, Samaria or even Tel Aviv under discussion. All land must be delivered to (we presume) the PA (he never mentions specifically to whom should the land be given to as long as they self-identify as “Palestinians” or “rightful owners”) and then *they will decide*. No Jewish labor on the land is at all even relevant. No building, no work, no productive endeavor by Jews is of the least concern to Hammond. He maintains the Jews should depart, unless the “rightful owners” are willing to rent them space. But, of course, the Jews will *not* go voluntarily. It does not matter, because if they are actually ethnically cleansed, as Hammond is indeed proposing, we *cannot* call it so.

Talking about the “rightful owners” of settlements built on somehow stolen virgin land (even though virgin land cannot by libertarian standards ever be stolen any more than anything unowned can be stolen) leads us again to a discussion of the “refugees”.⁴² Who counts as “Palestine refugee” in this context? According to UNRWA,⁴³ this applies to “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict.”⁴⁴ But, then, this also means that *whoever* had a “normal place of residence” in “Palestine during the period 1 June 1946 to 15 May 1948” is to be considered a Palestinian, *including* Jews (since they also had Palestine as a “normal place of residence” during that period). According to the U.N.’s own terms (which are the basis for analyzing the case of “Palestinian refugees”) Jews in “Palestine”, then, are to be considered also as such. But this is always ignored, including by our critic. Somehow the only possible “Palestinians” for both the U.N. and other anti-Zionists seem to be Arabs.

⁴²Israel’s Law of Return for Diaspora Jews is often characterized by anti-Zionists as a “racist” policy that contrasts with Israel’s opposition to the Palestinian Arabs’ “right of return”. Since we have already treated the latter in length throughout this book (for instance, see Chap. 6, Section 6.4), consider the following on the former: The right to citizenship for descendants of former nationals is not new. It occurs in Germany, Italy, Hungary, and other countries. Yet, it seems somehow that *only* Israel’s right of return laws are a form of “racism”. Since Israel is the *Jewish* state, it has laws of return with respect to *Jews*. It is a wild-eyed stretch to assume that by not giving these rights to others it is “racist”, in very much the same way that it would be absurd to think of Italy as “racist” if it does not extend citizenship rights for the Chinese along with descendants of former national Italians.

⁴³See UNRWA, <http://www.unrwa.org/palestine-refugees> (last visited April 26, 2020).

⁴⁴See more on this subject in Chap. 6, Section 6.4.

In any case, the U.N. definition of Palestinian refugees is more than weak, it is incongruous. In the context of 100 million refugees in the twentieth century who were resettled for various reasons, Palestinian Arabs not only did not (resettle), but also were denied citizenship and resettlement by their own Arab fellows. This implies that their well-being was not a priority. Rather, they were used as a tool in order to legitimize attacks on Israel.

Moreover, for the anti-Zionist, the Jews were neither “Palestinians” nor had legitimate land nor property ownership *anywhere* in the area whatsoever. Remember demonization as a feature of anti-Semitism in Chap. 5? It is the same thing here, only applied to *Zionists* instead of Jews (the former being the favorite, politically correct label, that anti-Zionists employ nowadays). Our critic, in fact, is saying the same thing the enemies of Israel always said.

Our critic claims (Hammond 2016c):

“Israel is by far the most liberal state in terms of economic freedom? Well, this assertion is simply absurd. The rights of Palestinians living under Israel’s brutal occupation regime are violated perpetually in this regard by the state of Israel. Which of the other Middle East states he is here criticizing have implemented a policy comparable to Israel’s policy of collectively punishing the entire civilian population of Gaza with its illegal blockade? This is economic liberalism? How absurd and hypocritical!”

Most Palestinian Arabs live under the PA (and in Gaza, under Hamas). Who is collectively punishing whom? In Gaza, there is no such blockade (the control of goods flows is to search for *weapons*, not to block regular trade). There is only a *military* blockade since Hamas shoots thousands of rockets from this vantage point at Israeli civilians in a typical year. But of course, our critic shows no evidence of concern about Jews hiding in bunkers or being murdered by Hamas rocketry. No “collective punishment” applies with Hamas’ rockets on Israeli civilians, according to our critic. Again, cause and effect. If there are no jihadi attacks, there is no blockade and no checkpoint.⁴⁵

Our critic continues:

“That hypocrisy aside, since we are dealing with *a state*, it makes sense to examine the matter of political boundaries. Indeed, it isn’t logically possible to discuss a state otherwise, since a state is geographically defined by its recognized borders. And as we’ve already been over, international law is hardly irrelevant to the question of political boundaries. Again, it is not as though Jews living in settlements in the West Bank acquired that land through legitimate transactions in a free market. Rather, this land was acquired under Israel’s military occupation regime with great prejudice toward the equal rights of the Palestinians” (emphasis in the original).

Observe that Israel has been willing to accept the existence of a Palestinian Arab State on numerous occasions.⁴⁶ In 2000, Primer Minister Ehud Barak offered everything the PA wanted, but *was rejected* by Arafat.⁴⁷ Israel could have had secure and stable political boundaries long ago (to be more precise, since 1947) if its neighbors

⁴⁵ On Israel’s economy and economic freedom see Chap. 8.

⁴⁶ See Chap. 4.

⁴⁷ See Chap. 4.

would have wanted it, in the very same way it *already has peaceful and defined boundaries with Egypt*, due to a treaty.⁴⁸ The PA and Hamas want to destroy Israel, which is why no agreed upon boundary exists. Facing this fact, the anti-Zionist becomes angry with Israel, not its recalcitrant enemies. Israel could attain defined boundaries in about five minutes if its enemies were to put aside their weapons and make peace.

Hammond (2016c) opines:

“He mentions Gush Katif specifically, so let’s look at that. I don’t know anything about this settlement, other than that in 2005 Israel withdrew from Gaza and forced Jews living in settlements there to leave, then demolished the settlements. He is claiming that Gush Katif was legitimately homesteaded by Jews. So when was it founded? Well, according to Wikipedia: ‘Gush Katif began in 1968, when Yigal Allon presented an initiative for the founding of two Nahal settlements in the center of the Gaza Strip.’ And according to the website Gushkatif.co.il, Gush Katif existed for 35 years before the 2005 expulsion.

“Hence Gush Katif did not predate the Israeli occupation of Gaza, but was among the settlements established under the Israeli occupation regime and hence not legitimately homesteaded.”

But Gaza, conquered by Egypt in 1948, was never part of any Palestinian Arab state. That country later renounced its administrative connection with that land in 1979 after the Peace Accords with Israel. Gush Katif’s creation being authorized or not by Israel is irrelevant, the point is whether Jews *homesteaded* the land or not. And they did. It is obvious that Jewish towns and villages did not exist in Gaza, or in Judea and Samaria for that matter, in the period between 1948 and the Six Day War. This is because during 1948 the Arab states, particularly relevant here Egypt and Jordan, deliberately turned the area *Judenrein*. But our critic says nothing about this, nor seems to care.

Moreover, *arguendo*, would our critic regard any construction or settlement established between 1948 and 1967 by Egyptians in Gaza, or Jordanians in Judea and Samaria, or by Palestinian Arabs in any of those areas, as illegitimate because they were built under the *occupation regime* that the Egyptians imposed on Gaza and Jordanians on Judea and Samaria after 1948? We may presume that he would not object to these, because they were *Arab*. Only Jews are forbidden to build and homestead land in Israel, because for anti-Zionists such as Hammond, *all* of Israel is occupied land, not only Judea and Samaria (and Gaza at the time of the creation of Gush Katif).

Next, this author writes (Hammond 2016c):

“Furthermore, note who was responsible for this “ethnic cleansing”: *the government of Israel*. Was this just? Well, again, I can’t speak for other libertarians, but *in my view, it was not*. My view is the government of Israel should have simply ended its occupation and left it at that. Any Jews living in illegally constructed settlements in Gaza (as in the West Bank) should have been allowed to leave or remain, without prejudice, of course, to *the property rights of any given piece of land’s rightful owner*, as already discussed above with respect to the West Bank” (emphasis added).

⁴⁸ See “Peace Treaty Between Israel and Egypt” (Mar 26, 1979).

Here we partially agree: unfortunately, Israel did engage in forcefully evacuating Jews from their legitimately owned properties during the 2005 “Disengagement Plan”. But this fact, contrary to our critic’s intention, shows why Israel is gravely mistaken when assuming that the “lands for peace” formula would work. No such policy, unjust even according to our own anti-Zionist critic, would promote peace. Israel did this to its own citizens as a sign of good will *to* the Palestinian Arabs, so that they could begin to build their state.⁴⁹ What did it get in return? Thousands of rockets being launched against Israeli civilians for the past 15 years, as well as uncountable jihadi attacks.

It is difficult to defend the position that Hammond considers Jewish rights at all. Our critic maintains that if the Israeli government disbands, Jews may stay there, but only if the Arabs, the “rightful owners” *decide* to welcome them. What is the likelihood that the Hamas or the PA will secure and respect Jewish lives and properties if Israel suddenly disappears? It is more probable that they would engage in what has been the main purpose of Israel’s enemies since 1948: total and utter destruction of the Jews. Hammond is not innocently proposing that Israel ends its “occupation” and then the Jews be left at the mercy of the Arabs. No one is that naïve. But, presumably, and this is the main point with anti-Zionists, he does not care about the Jews. In very much the same way that anti-Zionists never mention Jews of Arab countries. Israelis, following Hammond’s prescription, would most likely follow the path of the former, if not worse.

Our decrier (Hammond 2016c) sides with Rothbard on the issue of strikes:

“So the question is: is Mr. Libertarian himself asserting that certain Palestinian laborers had a ‘right’ to deny employment (sic) certain other Palestinian laborers? This is a dubious assumption indeed! Rather, Rothbard is presumably simply saying Palestinian laborers wishing to protest the occupation by not working certainly had a right not to be forced by an Israeli law to work on account of striking being deemed ‘illegal’.”

But Rothbard (1967, 30) says no such thing about “Palestinian laborers wishing to protest the occupation”; rather, he discusses “strikes” pure and simple: “And so, Israel now sits, occupying its swollen territory, pulverizing houses and villages containing snipers, *outlawing strikes of Arabs...*” (emphasis added). Hammond’s exegesis is thus problematical. Rothbard objects to Israel outlawing Arab strikes, when he devoted his entire career to explaining why strikes are illicit.⁵⁰ Yet, problematically, he favors them for Palestinian Arabs.

In Hammond’s (2016c) next foray, he claims:

“Note how he [Farber] is saying that the only view consistent with libertarianism is that ‘nobody has a right to a state at all’. And to hold that only one particular people have a ‘right to a ‘state of their own’ is hypocrisy.

“So, with that in mind, let’s see what he has to say about the right of Jews to have their own state:

⁴⁹ See Chap. 4.

⁵⁰ See for example Rothbard (1962, ch. 10; 2009).

“In the article [‘War Guilt in the Middle East’], Rothbard denies Israel’s right to exist and accuses it of starting an unjust war. We, obviously, disagree.’

“So there you have it. Farber maintains not only that individual Jews have a right to exercise their self-determination collectively by establishing a state, but that the state itself has a ‘right to exist’!

“So we can turn his own argument against him rather easily. To wit: Anti-Palestinian libertarians insist that Israel has a ‘right to exist’ even though in every other case, libertarians hold that there is no such thing as a state’s ‘right to exist’.”

First, before dealing with the right of Israel to exist as a state, let us clarify. We are arguing from a minarchist, rather than anarchist Rothbardian, perspective, *as Rothbard himself does in discussing the proximate causes of war*. The entire point of arguing from a statist perspective is to assume the relevance of the entire discussion. Of course, we could just simply say that Israel is illegitimate because it is a state and leave it at that, but that would be nugatory, though technically true, from an anarchist perspective.

The very point of the paper (Rothbard 1967) that we criticize begins with this very idea, namely that libertarians must examine proximate causes rather than rest on the laurels of anarchy and disengage from all discussion on those grounds. If Rothbard *praises the government of Syria*,⁵¹ a cruel dictatorship, then at least from a minarchist point of view, it is extremely difficult to defend the position that Israel should not have been created. We are dealing in the realm of statism here, and in that context, and that context alone, it cannot be denied that the government of Israel, too, may be defended. Israel as a state has no *less* of a right to exist than any other nation state on the face of the earth, which is all we are asserting. And more so since it is built with the purpose of respecting Jews their right of homesteading and peacefully developing the land of their forefathers.

Moreover, what is being criticized by Farber is the hypocrisy of libertarians who do *not* engage in this discussion from a minarchist perspective, and still call all states evil, while at the same time are *only* concerned with Israel’s destruction for the sake of a Palestinian Arab *state* (!).

Hammond (2016c), however, is not at all deterred:

“Speaking for myself, I have a great deal of respect for many *Jews*. I’m not religious, but for starters, Yeshua (‘Jesus’) is a personal hero of mine whose teachings I try to live my life by. I also have an enormous amount of respect for people like Noam Chomsky, Norman Finkelstein, and Ilan Pappé, Jews who are giants when it comes to scholarship and contributions on the Israel-Palestine conflict. A Jew wrote the Preface to my book *Obstacle to Peace: The US Role in the Israeli-Palestinian Conflict*, and another Jew wrote the Introduction! My son’s name is Elijah, from the Hebrew ‘Eliyyahu’ (as my own namesake is the prophet Yirmeyahu, aka, Jeremiah). But because I criticize Israel, therefore I have no respect for Jews? Such attempted character assassination is a radical departure from reason” (emphasis added).

⁵¹“Since last year, Syria has been under the control of the most militantly anti-imperialist government that the Middle East has seen in years”, Rothbard (1967, 27).

Let us note that it makes not the slightest bit of difference if Hammond is a follower of the Lubavitcher Rebbe or the Pope. It does not matter what is this anti-Zionist's relation to Judaism or Jews. As far as we are concerned, he can be a member of the ultra-orthodox group *Neturei Karta*, a far left ideologue such as Chomsky or an anarcho-capitalist as Rothbard. What matters are only the facts of the matter. Anything else amounts to the commission of an informal fallacy in logic, the *argumentum ad hominem*. Our rejection of Hammond's critique has nothing whatsoever to do with whether he is a philo-Semite, an anti-Semite, or completely neutral toward *Yiddishkeit*.

However, we cannot help take note of the fact that this author is obsessively focused on *one* country, to whose inhabitants⁵² he grants no legitimate property whatsoever, and that nation happens to be the single one where most Jews live, speak the Jewish language, follow the Jewish calendar and study Jewish books. It is the country which most Jews in the world identify as home and it is in the land toward which religious Jews pray. Is this writer merely criticizing the *only* Jewish state⁵³? Or is he *demonizing* it?⁵⁴ What does that say of his "enormous amount of respect" for Jews? About Chomsky, Finkelstein and Pappé, does our critic respect them because they are *Jews*, or because he *agrees* with them on Israel? We leave it to the reader to reach his own conclusion. Moreover, with respect to our critic's argument on his and his son's names, to take an extreme example, David Duke (former "Grand Wizard" of the KKK), no Jew-lover he, has the name of a Jewish King. And what are we to make of that? Nothing, because it is completely irrelevant.

In any case, all of this is entirely irrelevant to the truth of these matters. A critic could be Arafat himself, or a member of the Orthodox rabbinate of a Chassidic sect that opposes the existence of the state of Israel,⁵⁵ or the most pious Jew imaginable. What matters are only the facts of the matter, not the identity of the essayist. Any other such consideration, again, involves the *ad hominem* fallacy.

What about our contention on the relevance of the genetic background of today's Jews that are descendants of the original homesteaders of certain areas of Israel (such as the *Kohanim* with the Temple Mount)?⁵⁶ The idea is simple. As we have seen, multiple historical sources, as well as numerous archaeological studies and findings of ancient Judea, demonstrate a cultural connection between this land and modern Jews. This constitutes strong evidence that some areas under dispute belong to Jews. For example, the Temple Mount in Jerusalem can be said to belong to specific Jews (*Kohanim*), since they are the ones who historically built it, as

⁵² It could be interesting to know whether our critic *only* disapproves of property held by Israeli Jews, or if Israeli Arabs are also to be regarded as illegitimate owners. We presume that this author would only condemn the former, although *both* groups are Israeli, since the latter are Arab, and as such, *ipso facto* the "rightful owners".

⁵³ See Chap. 5.

⁵⁴ We owe this general observation of the anti-Zionist obsession against Israel, and its relation with the Jews, to Dr. Gustavo Perednik. See Perednik (2014).

⁵⁵ Since the Messaiah had not appeared by 1948.

⁵⁶ See Chap. 1 *supra*.

documented in Josephus and of which physical evidence still abounds. Can we prove who is a *Kohan* today? Yes, and this is where cultural, as well as genetic (Hammer et al. 2009) evidence appears as relevant.

With respect to other Jewish archaeological sites and areas, since evidence suggests they have been built by previous generations of Jews, justice demands that they be returned to Jews.⁵⁷ This could be done by dividing the area and distributing shares among today's Jews, or trying to find if these areas were homesteaded by specific Jews (such as the *Kohanim*) and give shares only to their heirs.⁵⁸

Should recent converts to Judaism be considered for reception of parcels even when they are not the descendants of the original builders? That could be more difficult to defend. But let us remember that the genetic lineage may prove who, *at minimum*, could have a more probable connection to those responsible for the initial construction, and therefore have a more legitimate right to receive such shares. But either way this is a theoretical exercise in order to make a point: Jewish connection to Judea cannot be denied, and this is the source of the determination of Zionists (whether recent Jewish converts or not) to once again recover their righteous property or homestead land in Judea. This holds true even without taking into account the fact that Jewish presence in the land of Israel has been virtually uninterrupted for the last 2000 years. Of course, in cases where we can prove that specific modern Jews are the direct descendants of the original homesteaders (such as with *Kohanim* and the Temple Mount), the argument is even more water-tight.

But the question posed above is not yet fully answered. Do recent converts to Judaism get shares or not? Our explicit answer is as follows: A Jewish convert still has more rights to the Temple Mount area than an Arab, but less than a Jew by bither, and less than a *Kohen*.

This is why utilizing statutes of limitation to undermine Jewish claims is wrong. We are trying to defend the legitimacy of the Jews trying to have returned to them the land of their forefathers, not only that of specific Jews regarding a narrow, specific place (except, when it comes to very clear cases such as the Temple Mount). Jewish homesteading occurred in front of our eyes, at least with approximately 10% of the territory in dispute before 1948. But our critics would not recognize a state built *even only* on that land.

Following our criteria, some individual Jews can trace ownership going back 2000 years; however, it must be admitted, this does not apply to all that many. Twenty centuries is a long time. Let us assume, arguendo, that *no one* could do so. Would statutes of limitation therefore invalidate Jewish claims? Not so, at least not under libertarian law, since such statutes are all invalid.

⁵⁷ For example, most of the Old City of Jerusalem and Masada.

⁵⁸ For a libertarian analysis of the privatization process, see Anderson and Hill (1996), Block (2002c, 2009a), Butler (1988), Carnis (2003), Ebeling (2013), Hanke (1987a, b), Hanneason (2004, 2006), Hoppe (2011), Karpoff (2001), Megginson (2001), Moore (1987), Moore and Butler (1987), Motichek et al. (2008), Ohashi (1980), Ohashi et al. (1980), Pirie (1986), Savas (1987), Walker (1988), White (1978).

These statutes in effect deny the legitimacy of all long run inheritance claims. If a son can inherit from his father, which he can according to libertarianism,⁵⁹ where does that succession stop? Grandson? Great grandson? It cannot conceivably stop, ever, since support for inheritance is based on libertarian theory.⁶⁰ Therefore, all such links are presumed enforceable, absent any contrary evidence. Placing a barrier at a certain relationship, say great-great grandson or whatever, is artificial. It is akin to saying the statute of limitations applies after *X* years, which violates the rights of inheritors, as well as those who wish to leave money to progeny. Therefore, any inheritance, unless there are strong indications to the contrary, is enforceable. Jews should receive all previously homesteaded Jewish property, perhaps via shares of stock, based on this approach.⁶¹

Let us further our argument by using a hypothetical example.⁶² We imagine a conversation between a Zionist Jew (*Z*) and a Palestinian Arab (*P*):

P: We will return to our land.

Z: OK, and what if you cannot do it during this generation?

P: It does not matter. We will do it the next generation.

Z: And what if you don't and you have to wait 300 years; would you wait?

P: Yes, of course.

Z: And what if you would have to wait 1000 years. Would you wait? Would you remember your olive groves still?

P: Absolutely, we will.

⁵⁹ Along with a little “body English,” that is. In effect, we are *assuming*, in the absence of any contrary claim or evidence, that parents always bequeath their wealth to their (typically younger) relatives. But there is enough precedence in natural law for us not to have to apologize for any such assumption.

⁶⁰ Buchanan (1983) favors a 100% inheritance tax, thus entirely obviating this institution. Were he correct, this would spell the death knell for our thesis. But his proposal has been roundly and correctly refuted. For other critics of inheritance, see Batchelder (2009–2010), Matthews (2014), Prabhakar (2008), White (2008); for supporters, Block (2011b, 2012), Rothbard (1973a, b), Tabarrok (2005), Tullock (1971). States Rothbard (1973a, b, 49–50) on this matter: “Many people are willing to concede the justice and propriety of property rights and the free-market economy, to concede that the farmer should be able to charge whatever his wheat will bring from consumers or the worker to reap whatever others are willing to pay for his services. But they balk at one point: inheritance. If Willie Stargell is ten times as good and ‘productive’ a ball player as Joe Jack, they are willing to concede the justice of Stargell’s earning ten times the amount; but what, they ask, is the justification for someone whose only merit is being born a Rockefeller inheriting far more wealth than someone born a Rothbard? The libertarian answer is to concentrate not on the recipient, the child Rockefeller or the child Rothbard, but to concentrate on the giver, the man who bestows the inheritance. For if Smith and Jones and Stargell have the right to their labor and property and to exchange the titles to this property for the similar property of others, they also have the right to give their property to whomever they wish. And of course most such gifts consist of the gifts of the property owners to their children—in short, inheritance. If Willie Stargell owns his labor and the money he earns from it, then he has the right to give that money to the baby Stargell.”

⁶¹ There is of course such a thing as a natural statute of limitations: time. For, the further back one goes into history, the more difficult it is to prove any familial relationship. But, if it can be proven, even if it occurred millennia ago, that should suffice. For a libertarian analysis of this issue, see Alston and Block (2007), Block (1993, 2001, 2002b), Block and Yeatts (1999–2000).

⁶² Based on an example by Israeli Journalist Marcelo Kisilevski.

Z: And if it takes 2000 years, would you still want to ‘get back your property’?

P: Even if it takes 10,000 years, we will prevail.

Z: *So do we. We waited for 2000 years and now we want it back.*

This imaginary conversation proves two points: (a) Statutes of limitation are irrelevant when it comes to discussing the hypothetical legitimacy of a specific individual/group recovering his/their property; and (b) that almost *anyone* identified originally with *P* would agree. No one could conceivably say “Well you know, we can wait 1000 years, but then at 1001 we would give up”. Statutes of limitation are a *technical* concept,⁶³ not a *principle*.

What is the point of our use of genetic studies, then? Their function is, together with cultural connection, to make a case for specific places that are of particular Jewish origin beyond any doubt. This includes the Temple Mount in Jerusalem, but also most of the Old City of Jerusalem, and many other places as well.⁶⁴ However, the case for Jewish legitimate ownership to the rest of the land is based on the premise of justice in property titles, according to libertarian and classical liberal theory: homesteading first, and protection through defensive action later.

Let us put the argument backwards: Would any of our critics contend that if in 2000 years from the present time the descendants of *P* would reclaim the territory, they should not get it back if, arguendo, it is true they were really dispossessed? Why not? Their lineage may be ambiguous, diffuse, vague (precisely what they say of Jews now); but no just person would contend it would be *unfair* to give it back to the *real* descendants. Genetic and cultural connection, etc., is evidence that would be supported in behalf of the *Ps*. Given this situation, it is difficult to understand why this principle should not also apply to modern day *Zs*.⁶⁵

Our critics might well respond that, even so, the vast majority of Israeli terrain was never homesteaded by Jews (which is of course true if it refers, for instance, to the Negev desert). But *the same argument* should apply to the *Ps*. There can be no libertarian case in either direction on that land. That is, if someone says that our case is wrong because Jews did not homestead 100% of the area, the same would apply to Palestinian Arabs in our hypothetical example. Moreover, if a critic points to the fact that an Arab government (such as the Caliphates that conquered the land from the Byzantines 1400 years ago) confer legitimate ownership on Arabs as a collective, we respond that, if governments (arguendo) can properly grant that right, then

⁶³They are also a rights violation, per se. If *A* owes *B* money, then *A* owes *B* money, period. Just because *A* refuses to pay *B* what rightfully belongs to the latter for a large number of years in no way cancels *A*'s debt to *B*, or *the latter's heirs*. Yet, a statute of limitations is predicated upon the proposition that if sufficient time passes, then otherwise rightfully owned debts are cancelled. If that is not a violation of justice, then nothing is.

⁶⁴See Chap. 1.

⁶⁵Of course, there are exceptions in the case of Jews today, we allow. If farming took place twenty centuries ago, there may not be any physical evidence of such in the modern day. However, there is numerous evidence, provided allthroughout this book, that the Jews homesteaded part of the territory in contention two millennia ago. Not only in historical sources, but also in the form of buildings, structures, roads, temples, that endure to the present.

the Jewish governments of the Kingdoms of Israel and Judea precede these Caliphates.

It cannot be denied that possession is 9/10 of the law. But even if we agree, *arguendo*, that Arabs “owned” more property than Jews in every district,⁶⁶ we must remember that most of that property consisted of large tracts of land owned by the government or by absentee landowners who never did anything in order to homestead that acreage. Thus, this was illegitimate ownership given a pure libertarian and classical liberal approach. If it was licit, why would anyone oppose the sales of these lands to Jews? A critic cannot have it both ways. Hammond’s argument is that Arabs owned more land in every district in the land of Palestine, but he ignores the fact that most of it was either government owned and or “property” by government fiat in behalf of absentee landlords who could not trace their property rights back to homesteaders.⁶⁷ If Hammond grants them legitimate property title then logic prohibits him from opposing land sales to Jews, or anyone else for that matter.⁶⁸ In other words, if Arabs owned more land according to these titles (thereby our critic granting them legitimacy by making that claim), a critic cannot at the same time maintain that those titles could not be legitimately sold to Jews because they were from absentee landlords. Otherwise the initial claim that Arabs owned more land, based on these very titles, would be illegitimate. The Zionists, need not agree with any of these claims: titles were both illegitimate and at the same time could be legitimately bought, i.e. illegitimate in that they were not based on real homesteading, and at the same time capable of being legitimately bought for practical reasons, so the land can then be *homesteaded* by Jews without government interference. And that is what happened.⁶⁹

Our critics forget a fundamental distinction: that between property *rights*, and property *titles*. If there would have been widespread homesteaded property, then a relevant footprint of civilization would have been seen in the area before the Jews came back; but this was not the case. Homesteading always justifies property rights, but property titles need not imply the former if a government gives them out based on no more than fiat. Typically, homesteading leaves a footprint of work in the area, apart from farming, otherwise there is no evidence that it occurred. Thus, it is not

⁶⁶ See Chap. 3, Section 3.1.

⁶⁷ We do not at all oppose absentee landlordship, provided that it is based on initial homesteading, and then, subsequently, on what Nozick (1974) calls “legitimate title transfer.” That is, anything voluntary, such as gift, trade, sale, gambling.

⁶⁸ States Malcolm (1958, pp. 31–32): “On one walk he ‘gave’ to me each tree that we passed, with the reservation that I was not to cut it down or do anything to it, or prevent the previous owners from doing anything to it: with those reservations it was henceforth mine.” The point is, if you cannot sell something, then you do not fully own it.

⁶⁹ If the critic would say, on the contrary, that the titles were illegitimate, but that the Arab peasants working the land were the real homesteaders, then he would have to prove that such widespread dispossession took place. As we showed in Chap. 3, Section 3.1, for the most part it did not. Moreover, as shown above, where oh where is the evidence of such widespread homesteading by these Arab peasants? The data simply does not reflect it.

true that large tracts of land properly belonged to Arabs just because property titles were owned by them.

Even travelers not usually regarded as pro-Jewish wrote after their trips to the land of Palestine that the area was a desert. Here is what Mark Twain (1869) thought about the area when he visited in 1867:

“Stirring scenes ... occur in the valley [Jezreel] no more. There is not a solitary village throughout its whole extent—not for thirty miles in either direction. There are two or three small clusters of Bedouin tents, but not a single permanent habitation. *One may ride ten miles hereabouts and not see ten human beings*⁷⁰ (emphasis added).

“Come to Galilee for that... these unpeopled deserts, these rusty mounds of barrenness, that never, never do shake the glare from their harsh outlines, and fade and faint into vague perspective; that melancholy ruin of Capernaum: this stupid village of Tiberias, slumbering under its six funereal palms.... We reached Tabor safely *We never saw a human being on the whole route*⁷¹ (emphasis added).

“Nazareth is forlorn Jericho the accursed lies a moldering *ruin* today, even as Joshua's miracle left it more than three thousand years ago: Bethlehem and Bethany, in their *poverty* and their humiliation, have nothing about them now to remind one that they once knew the high honor of the Savior's presence; the hallowed spot where the shepherds watched their flocks by night, and where the angels sang, ‘Peace on earth, good will to men,’ *is untenanted by any living creature*... Bethsaida and Chorzin have vanished from the earth, and the ‘desert places’ round about them, where thousands of men once listened to the Savior's voice and ate the miraculous bread, sleep in the hush of a solitude that is *inhabited only by birds of prey and skulking foxes*”⁷² (emphasis added).

The present authors have also been criticized for allegedly contradicting ourselves with respect to our contention that Rothbard was being a collectivist⁷³ when he discussed “Arab lands”. We have been accused of using a strawman argument. Here are the specifics: Rothbard (1967, 23) wrote “The fact that Palestine was not a virgin land, but already occupied by an Arab peasantry... Because of the Arabs resident in Palestine, Zionism had to become in practice an ideology of conquest. After World War I, Great Britain seized control of Palestine and used its sovereign power to promote, encourage, and abet the expropriation of Arab lands for Zionist use and for Zionist immigration.” What Rothbard means is exactly what we say he does: That the entire terrain under dispute properly belongs to the Arabs.

This is so because Rothbard does not even contemplate the possibility of accepting the state of Israel as legitimate⁷⁴ even if it would have been created encompassing only the small amount of terrain that even he would admit was entirely

⁷⁰Twain (1869, 349), quoted in Peters (1984).

⁷¹Twain (1869, 366; 375), quoted in Peters (1984).

⁷²Twain (1869, 441; 442), quoted in Peters (1984).

⁷³We have no quarrel with collectivism (narrowly understood), provided it takes place on a voluntary basis. The following can all be said to fit this bill and thus none is per se a violation of rights: nunnery, convent, kibbutz, commune, collective, syndicate, cooperatives, monastery, abbey, priory, friary, religious community, family. The same goes for all sports teams, orchestras, choruses, dance troupes, clubs, etc.

⁷⁴Well, as licit as any other country.

homesteaded by Zionists. Also, if he would agree to the possibility (which actually is a fact) that most of the land was uninhabited desert, then he would have to acquiesce in the notion that Zionists would have had the right to homestead it. This applies as well to their idea of returning to Israel due to a two-millennial connection to the land. It, too, would have been legitimate. The relevant issue is whether the land was homesteaded or not.

Thus, Rothbard's discussion of singular Arab land or plural Arab lands is problematic. By considering the *entire* terrain under dispute as belonging to the Arabs, he regards as Arab land that which properly belongs to neither Arab nor Jew (apart from areas that properly *are* Jewish). On the other hand, when we deal with the right of Jews as a *group* to return to Israel, we do that as a *general principle* even taking into account the natural statutes of limitation involved by the nature of the passing of time. We have readily recognized that Jews did not own the *entire* terrain, because for much of it there was no evidence of previous Jewish (or others) homesteading. But many, many areas did exemplify this. This principle explains *why* Jews were intended to get back in order to homestead *again* those areas that did not have such evidence of previous Jewish occupancy (and that were not homesteaded by others either)⁷⁵: because they had a strong cultural connection with the land in contention (even if we do not take into account here the genetic lineage to the original homesteaders). But we do not believe that Jews had a right to *every* piece of land without homesteading it or in the absence of evidence of previous Jewish homesteading.

⁷⁵ Let us focus narrowly on our contention that Jews returned "to homestead land *again*". An objection might be launched against us to the effect that either this terrain belongs to the Jews based on what happened 2000 years ago, as we both authors contend, or it does not. If so, there is no need to re-homestead any territory. On that account, our contention that those Arabs who remained in Israel in 1948 have a right to the land they occupied is wrong. This is, arguendo, erroneous since the Jews homesteaded it 2000 years ago, and thus even those good Arabs were still usurpers, trespassers. Here is our response to this possible objection to our claim in the text. We agree 100% as to the fact that Jews homesteaded the area 2000 years ago. No problem there. The thing is how do we make a case for modern day Jews to *all* of the territory? The land in 1948s Israel can be divided into three parts: 1- Specific places that are Jewish beyond doubt, including the Temple Mount, Jerusalem's Old City, every archaeological site, etc. These are Jewish, and no Arab control nor ownership can be justified. Thus, Jews need not homestead again what is already theirs. 2- Most of the land had no evidence of previous (Jewish or non-Jewish) homesteading, so it cannot be considered the proper ownership of anyone. It was held by the Ottomans, then the British, and now the state of Israel. It passed from one national entity to the other. For example, the Negev Desert. Hence, although many places could have exhibited evidence of Jewish homesteading in the form of buildings, temples, roads, you name it, there is none now. So they *must* be homesteaded *again*. This is the sense in which we use this expression, "again." 3- Many Arab villages were built from scratch, in places where no evidence of previous Jewish homesteading exists. These places, we believe, should be owned by Arabs, since they homesteaded them. And no proof of previous Jewish homesteading exists there. For instance, many of the villages now populated by Israeli Arabs. Thus, there are some pieces of terrain that can be properly owned by Arabs, and whose ownership could be legitimately granted to them on a theoretical level. We do just that, in contrast to our critics that regard *all* Jewish property as illegitimate. We also reject what might be called an ultra Zionist position; that Arabs cannot own a single square inch of Israeli territory. Ours is a *moderate* stance.

What we defend is their *right* to do so and doing so they did: both homesteading virgin land, and also reclaiming that land which was already theirs by inheritance.

But, more importantly, this general principle is not the *entire* argument we make: on the contrary, we demonstrate that apart from this principle, Jews reappeared, purchased land, homesteaded territory, and created a country. Jordan was created by the British on two thirds of Palestine by fiat, and the other third was divided by the U.N. according to demographic criteria in order to create two states: one Arab and one Jewish. If the Arabs had agreed they would have come away with two states and much more land. They did not. The rest is history.

If a critic opposes the UN partition plan⁷⁶ because it “gave the Jews more than the 7–10% land they owned”,⁷⁷ then why should he not be also against this for Jordan or an Arab state whose land would be mostly also non-homesteaded (and this, of course, includes a hypothetical Palestinian state in Judea, Samaria and Gaza)? The anti-Zionist typically points to the former, while ignoring the latter.

If an important percentage of the area that became Israel came to this nation from “conquest”,⁷⁸ this was so because the Arab nations tried to destroy the new state. Also, part of that land was assigned by the UN, in very much the same way that the British gave Jordan mostly non-homesteaded land, and the UN presented the Arab state (that finally never existed, and not because of Israel) with mostly non-homesteaded land too. But our critics single out *only* Israel in this regard. Rothbard (1967, 24) claims: “The partition plan granted the Jews, who had a negligible fraction of Palestine land, almost half the land area of the country.”

Of course, since Arab attacks on Jews (before and after Israel’s creation) cannot be denied, anti-Zionists also declare that these acts occurred because the Arabs were “afraid of losing their rights”.⁷⁹ This is so because, according to them, the Balfour Declaration delivered the entire land of Palestine to Jews. But if this were the case then two questions arise: (a) Why did attacks against Jews *intensify* at the end of the 1920s and in the 1930s, when the British had *already* delivered two thirds of Palestine to Arabs through the Kingdom of Jordan?; and (b) Why, after the creation of Israel, did the Arabs expell 800,000 Jews from Arab countries if they only *feared* and opposed the Zionists and the “Zionist project” in Palestine? The answer is simple: because the Arab leadership in general detested Jews and did not make much if

⁷⁶Future Government of Palestine, G.A. Res. 181(II), U.N. GAOR, Supp. No. 1, at 131, UN Doc. A/519 (1947).

⁷⁷Paraphrase.

⁷⁸Let us engage in a bit of contrary to fact history. Suppose that in 1948, the seven Arabs nations that attacked the new state of Israel had instead welcomed it as a neighbor. And posit that Israel’s neighbors never engaged in wars against it, not in 1956, nor, 1967, nor 1973. Is there anyone rash enough to doubt that the size of this small nation would have been exactly the same as laid down by the U.N. in 1948? Although this can of course only be speculative, it would be foolish to deny the possibility of this scenario. Thus, the reason for “greater” Israel does not at all emanate from expansionistic tendencies on the part of this nation. Rather, it stems from defensive wars that this country won. “Conquest” implies initiation of violence. The very opposite is the case in this regard.

⁷⁹Paraphrase.

any distinction between them and Zionists. The source of the conflict, Hammond's comments to the contrary notwithstanding, is Arab rejection of any Jewish presence.

Another anti-Zionist argument is that the Arabs also opposed Jewish immigration due to labor conditions, unemployment, etc. Then how do our detractors account for the fact that wages were higher in the land of Palestine than in the rest of the region and *at the same time* Arab immigration increased?⁸⁰ We also call into question whether this is a legitimate reason to oppose Jewish immigration. If locals may prohibit immigration on the ground that their wages will fall, they may also interfere with new births since a newborn baby will in the future compete with them. This would also apply to anyone *inside* the land of Palestine not previously working (young or not) who now seek employment. Moreover, since no one has a right to prohibit new births on this ground, it is not clear that they may do so for immigrants.

Another way of denying history is to claim that there were *no* anti-Jewish attacks before the 1920s. The idea behind this contention is that there was no rejection of Jewish presence by Arabs before that time. Instead, "massive" immigration allegedly promoted by the British then created discontent among this population. The problem with this scenario is that the British were not even controlling Palestine before 1917, the Ottomans were.⁸¹ And Jewish defense organizations, such as NILI ("*Netzah Yisrael Lo Yeshaker*"), were created (mainly in the first 15 years of the twentieth century) in order to defend Jews *precisely because* their villages and properties were being attacked by Arabs. These attacks did indeed escalate in the 1920s, but did not *begin* then.

Another common contention by anti-Zionists is that the root of the conflict was the "rejection of Arab self-determination" and that the "Zionist project would displace Arabs" (Paraphrase). But, this flies in the face of the fact that some two thirds of Palestine were unilaterally given to Arabs by Britain creating Jordan,⁸² and that the UN Partition Plan contemplated two states on the other third, one Jewish *and* one Arab. How was "Arab self-determination" thereby ignored or rejected? Quite the opposite, *Jewish* self-determination was ignored by severely restricting Jewish immigration, unilaterally giving away land to Arabs, etc.

Even if we agreed, *arguendo*, with the claim that Arabs were "ethnically cleansed", that would imply two things: (a) The Jews would have *started* the War of Independence since the displacements allegedly took place then. However, in fact, the *Arabs* initiated it⁸³; and (b) Israel would have *no* Arab citizens. But what happened to the Arabs who remained in Israel and are now Israeli citizens? What aspect of the supposed Israeli "ethnic cleansing" failed? Nothing, because there was no such policy.⁸⁴ The proof is in the pudding. On the other hand, there are no Jewish populations in *any* Arab country save token holdouts of handfuls of people at most,

⁸⁰ See on wage scales at the time Table 2.1, and Chapters 1, 2 and 3.

⁸¹ During the period 1517–1917.

⁸² In the beginning of the 1920s. See the "Trans-Jordan Memorandum" (September 16, 1922).

⁸³ See Kurzman (1970 (2005)).

⁸⁴ If there were, the Israelis were powerful enough to successfully carry it out.

whereas 20% of Israel's citizenry is Arab. The real ethnic cleansing was just the reverse: it happened to Jews in Arab countries, which is why Arab countries are, in actual fact, ethnically cleansed of Jews.⁸⁵ To accuse Israel of ethnic cleansing is blaming the victim and is intrinsically bizarre. In any case, Jews are not particularly known for vociferously complaining about being expelled from Arab countries. This is most likely because such claims would not be supported in the court of public opinion. Israel remains the only country in the Middle East with significant populations of both Jews and Arabs, living peacefully together, at least for the most part. This is a fact that simply cannot be disputed, and should not be swept under the rug.

Another common mistaken contention is that Western nations decided to “give” Palestine to the Jews as a “compensation” for the Holocaust. But, if so, why did the British refuse to accept the partition plan (UN Resolution 181⁸⁶)? Is not Britain part of the West? Why did Soviet Russia agree to it? The USSR was not a Western nation (at least, not in the traditional sense). How could it be explained that most of the Israeli population was there even before the events of the Holocaust?

It cannot be seriously contended that the Arabs “paid the price” of Western Nations “making it up” to the Jews by “giving them” Palestine, when *already* two thirds of the land was made Jordanian and another near half of the remaining one third was scheduled to be delivered to an Arab state. This theory does not make any sense. UN Resolution 181 did not “confer” legitimacy on Israel. It only *recognized* what was already there: a Jewish population building a Jewish homeland. To say that Israel was “gifted” to the Jews as compensation for the Holocaust would be equivalent to claiming that had no Jews been living in Palestine at the time, the UN would have still granted parts of Palestine to world Jewry. Such a claim is absurd.⁸⁷

In this light, we can reframe the partition plan in the following way. There were Jews in Palestine in 1948, and there were Arabs. The two populations did not get along very well with each other, as happens between different groups all the time all over the planet. The various states of the world therefore voted to partition the land and divide the populations into different jurisdictions to allow each to rule themselves so as to reduce hostilities. This granted the Arabs one state (in fact, two, since Jordan was created beforehand in two thirds of the territory known as Palestine), and the Jews one state, Israel. The Arabs were not satisfied and *attacked*. The Jews *defended* themselves, winning more territory in the process.

Anti-Zionists call the Jewish victory “ethnic cleansing”, even though some 20% of Israel's population was and remains ethnically Arab. Under these terms, the anti-Zionists' view of history certainly seems a bit off.

Of course, without the historical record of pre-1948 Palestine, the case for Israel would be incomplete. But such connection is nevertheless true. In the particular

⁸⁵ See Chap. 3, Section 3.8.

⁸⁶ Future Government of Palestine, G.A. Res. 181(II), U.N. GAOR, Supp. No. 1, at 131, UN Doc. A/519 (1947).

⁸⁷ On Michigan Democratic Representative Rashida Tlaib's claims on this regard, see Phillips (2019) and Rozett (2019).

case of “settlements”, Jews are *returning* to Judea and Samaria.⁸⁸ They are not just “settlers” as American colonists were in the New World, occupying a land with which they previously had no connection whatsoever. The English word “settler” is meant to imply that the Jews who live there have no *previous* connection to the place.

From a libertarian standpoint though, this is all moot because “settlers” are not building on previously homesteaded land by Arabs. In many cases modern “settlements” are built adjacent to *ancient* Jewish cities in order to preserve the archaeological record, as in the case of Katzrin in the Golan Heights for example, or Kiryat Arba adjacent to the city of Hebron. All settlements are built in empty areas. The only case that Arabs have in claiming ownership of these newly homesteaded areas is to claim ownership of the previously *unhomesteaded* land on which they were built. This is an impossible claim from a libertarian standpoint, but it is the claim upon which nearly all of anti-Zionist arguments rest. Asdf.

Should the Temple Mount be transferred to all modern day Jewish *Kohanim* who claim descent from the original homesteaders? Just for the sake of a mental exercise, let us look at our argument closely, and focus on its hypothetical practicality. Peter Lewin (2016), Clinical Professor of Economics at the University of Texas at Dallas, commented: “[...] it seems an approach akin to that of Elinor Ostrom, which points to centuries of evolved social (religious) conventions about how these resources are used by members of a tribal (religious) group to ensure social cohesion and provide deep significance in their everyday lives, might be appropriate.”

But in our view “common property resources” are not compatible with libertarianism. Neither do we agree with Ostrom’s approach on this subject.⁸⁹ What we can conceivably support is a sort of free market partnership of *Kohanim*. Which *Kohanim*? Those who could prove according to genetics, culture, etc. that they are descendants of the original homesteaders. How, specifically, this could be effectively applied does not disqualify our argument nor its underlying principle.

Moreover, we regard this as a *litmus test* for libertarianism, especially on the subject of statutes of limitation. In the case of the Temple Mount:

1. We know that it was built by *Kohanim*. There is ample historical evidence of this.⁹⁰ And even if they were not the only ones active in the construction, they nevertheless *were* part of it.
2. We can trace, through genetic studies (Hammer et al. 2009), as well as cultural and religious considerations, that modern *Kohanim* are descendants of the original homesteaders.

⁸⁸ In the words of Israeli politician Naftali Bennet: “Judea and Samaria has been a Jewish state for roughly 3000 years, well before the first Americans reached the new continent of America, and we’re going to stay here forever [...] We’re not occupying any land. One cannot occupy his own home. These are not settlements. We’ve got about 650,000 Israelis living in eastern Jerusalem and Judea and Samaria. Big cities. We’ve been here for thousands of years. We’re staying here. We’re going to live side by side in peace with the Arabs here, but not by forcing our hand”. Quoted in Benari (2016).

⁸⁹ See Block (2011a) and Jankovic and Block (2016).

⁹⁰ See Chap. 1.

Why, in principle should not the Temple Mount be given to them? Moreover, although this approach is certainly restricted to specific places, it is nevertheless a case in point of the Jewish claim to the disputed territory. It concretizes the legitimacy of the cultural connection of Jews to the land, embodied in the fact that certain modern Jews are actually descendants of the original homesteaders of specific areas. Thus, this also shows why Palestinian Arab propaganda alleging no Jewish connection to the land and other preposterous and even comical claims that the Jewish Temple never existed and is a historical fabrication without validity.

Are we making a case for Jewish connection to Judea on the basis of *emotion*, rather than based upon historical evidence? Not at all. We base our defense of Israel on cultural and historical reasons only. We do not maintain that Jews have a right to disputed territory just because they *feel* like it. For instance, according to Jewish sources, at the time of the Messiah the Jews will be entitled to the lands between the Tigris and Euphrates and the Nile.⁹¹ Do we make a case for Jewish rights to Egypt or Iraq? No. We do not even argue in behalf of Jewish rights to Trans-Jordan (which was in effect part of David and Solomon's Kingdom,⁹² and the Balfour Declaration⁹³ considered it as a part of Palestine destined to the National Jewish Home). We deal only with the case we can make based both on historical consistency and actual indisputably obvious archaeological evidence, and therefore restrict our references to the Judea of 2000 years ago.

But observe that, while we do not resort to emotion as a basis for our claims, Palestinian propaganda engages precisely in this sort of thing: They not only *invent* a history of an ancient people, but also frequently⁹⁴ appeal to emotion directly ("the war of rocks against tanks", "our lost olives", etc.). Where are their critics? The double standard with Israel cannot be clearer. It cannot be denied that sometimes the Zionist side of this debate engages in emotion. But this pales into insignificance compared to what occurs on the other side of the aisle. There is nothing remotely comparable in the Israeli side regarding the use of emotion in Palestinian propaganda.⁹⁵

Nor can we ignore that part of Palestinian propaganda which attempts to totally deny any Jewish connection with the land of Israel. These denials are understandable, as erasure of Jewish history is the bedrock of their claims of "Justice". Moreover, they themselves treat their people as the *proper descendants* of those who lived there 2000 years ago. They go so far as to say that Jesus was a Palestinian

⁹¹ As is interpreted in the Bible.

⁹² See Map 5 in Annex A.

⁹³ The Balfour Declaration. November 2, 1917. See Map 10 in Annex A.

⁹⁴ This is particularly true on the cases where Palestinian Arab propaganda features an alleged case of Israeli atrocity. See Chap. 4.

⁹⁵ See Assouline (2013).

(Mazzig 2019),⁹⁶ and call the Temple Mount *Haram Al-Sharif*, and the *Kotel* they call the *Al-Buraq*⁹⁷ Wall, as if these were all built by Arabs.

They adopt that stance because they understand that the historical connection to the land is a *fundamental feature for legitimizing their right to it*. Their arguments are a distortion and fabrication of history.⁹⁸ We point specifically to the Temple Mount because it is a case in point: Palestinian Arabs would not concede the right of Jews to this land even when it is beyond all doubt Jewish. They see it as *necessary* for their struggle to deny any and *all* Jewish connection to it.

Observe how anti-Zionist arguments focus on denying Jewish connection to the land and/or reject the claim that current Jews are descendants of the original Jewish homesteaders. While at the same time, they ignore the fact that Palestinian propaganda says *exactly the same thing*, in this case about themselves, but *without* any historical proof whatsoever. The key to their argument is *not* that Palestinian Arabs “were there first” in the XIXth century, but that they are an ancient people who has *always been there*. In reality, they want to present themselves as the *real* Jews, which is why they fabricate their narrative on the basis of Jewish history.

Let us now consider another anti-Zionist argument. The present authors were criticized by a blogger who writes under the name of Bionic Mosquito⁹⁹ (2018a). We are not now going¹⁰⁰ to attempt to refute each and every claim made by Mosquito (2018a) against our article Futerman, Farber and Block (2016). In our view, we have already refuted them throughout this work. Instead, we will content ourselves by exploring, and deducing from, a premise shared by all five of us: Block, Futerman, Farber, Mosquito and Rothbard. To wit: that *at least 7%* of the land claims made by the Jews *vis a vis* the Arabs is legitimate. That is, arguendo, the Israelis are obligated, under libertarian principles, to give to the Palestinians, forthwith, 93% of the land under contention.¹⁰¹ This exercise, we claim, has never before been mentioned, let alone seriously considered, in any of the voluminous literature concerning this territorial dispute. And this is why we take on this blogger’s argument, which enables us to dig deeper into the methodology of the anti-Zionists.

Suppose Israel had started in 1948, with exactly 7% of the land that Rothbard, and following him, Mosquito, concede was legitimately-owned Jewish land. Let us now engage in a bit of contrary to fact history. What would the Arab reaction have been to this “legitimate” state of Israel? It is not too great a leap into the dark to posit that they would have reacted under this science fiction type assumption in exactly the same manner they actually did at that time. That is, the nations of Syria, Egypt,

⁹⁶ See Chap. 1.

⁹⁷ The name of the entity Islamic texts say transported Muhammad from Mecca to Jerusalem and back.

⁹⁸ See Chap. 1.

⁹⁹ He criticized Futerman, Farber and Block (2016).

¹⁰⁰ The following is based on sections of our paper Farber, Rafi; Block, Walter E. and Futerman, Alan G. 2018. “Reply to Mosquito on Israel and libertarianism”. *Review of Social and Economic Issues* (RSEI), Vol. 1, No. 5, pp. 29–38.

¹⁰¹ Needless to say, we consider this point only arguendo.

Transjordan, Lebanon, Iraq, Saudi Arabia and Yemen would have attacked this fledgling new nation. Perhaps, even more avidly, since this “legitimate”¹⁰² nation would have been even weaker.¹⁰³ The Arabs regarded the Jews as a viper in their bosom. Evidence for this contention lies in the numerous riots and pogroms staged by the former against the latter long before the creation of the Jewish state in 1948.

Let us extrapolate from the Kurdish attempt to set up a Kurdistan in parts of Turkey and Syria; from the Catalonian attempt to secede from Spain; from the reaction of the British to the attempt of the 13 colonies to leave their kingdom. How did the host countries, the mother nations, react to these secessionists? With force and violence.¹⁰⁴ Is it possible to make the case that the Arabs hated the Jews much more viciously than did the Spaniards the Catalonians, the Turks and Syrians the Kurds, the British the Americans? Yes, although we admit we have no hard and fast evidence to back up this claim.¹⁰⁵ Still, we can speculate. When we do, we conclude that armies from Syria, Egypt, Saudi Arabia, Transjordan, Lebanon, Saudi Arabia and Yemen would have violated the small¹⁰⁶ but legitimate state of Israel.

Stage two in our path down this path of alternative history is this: Who would have won this contrary to fact war? We posit that the Jews would have emerged victorious this time as well, since they were in effect a first world people, and the Arabs were not.¹⁰⁷ In addition, the victory of the Arabs would have meant, probably, the slaughter of each and every Jew in the area. This is not hard to posit given that the near entirety of European Jewry had just been annihilated 3 years beforehand, and that Arab leadership at the time was threatening to do the same to the Jews in Palestine.¹⁰⁸ That the Jews took the threat seriously this time in actual history is certainly not surprising. Annihilation of all Arabs would not have been at all the case had the fictitious Jews won in 1948; nothing like this genocide took place in the actual War of Independence.

Moving back to actual history for a moment, no side contends that the Palestinians, who before 1967 simply called themselves Arabs, were annihilated by Jews in the

¹⁰² Scare quotes to indicate that all five of the contending parties agree that Israeli territory (or Jewish rights) should extend at least to 7% of what it included in 1948: “The partition plan granted the Jews, *who had* a negligible fraction of Palestine land, almost half the land area of the country” (emphasis added) (Rothbard 1967, 24); “The Jews bought nearly 9% of the land, and homesteaded it...” (Block et al. 2016, 487); “As noted in the title, Israel is 7% legitimate” (Mosquito 2018a).

¹⁰³ At least in terms of extent of territory.

¹⁰⁴ The Canadian response to the attempt of Quebec to set up its own country is an honorable exception to this general rule. No armies sweeping in, as in the case of the Kurds, or the Americans in 1776. Democratic elections were allowed, as they were not for the Catalonians in Spain.

¹⁰⁵ Before the secessions (or its attempt), have the Spaniards held pogroms against the Catalonians? No. Had the British treated the Americans in this despicable manner? Of course not. QED? Perhaps the Kurds suffer from the Syrians and Turks a hatred similar to that of the Arabs against Israel.

¹⁰⁶ We are still assuming 7% of the terrain actually controlled by the Israelis in 1948. We could also say 9% or 10%, but, *arguendo*, we continue with the 7% figure.

¹⁰⁷ Work with us here. We follow Rothbard’s (1967, 29) view that, “Israel is a European nation with a European technological standard battling a primitive and undeveloped foe [...]”.

¹⁰⁸ See Block et al. (2016), pages 444, 476, 503, 508 for references.

millions after the events of 1948. They were not. Would all Jews who lived in Palestine have been annihilated had they lost the actual war? We contend that yes, they would have been. This in and of itself makes Israel a defensive state, insofar as governments go. Its existence stops genocide of Jews by Arabs.

Third premise, deeply imbedded in libertarian theory with which we assume Mosquito agrees as a libertarian: when army *A* unjustifiably attacks country *B*, and the forces of the latter take over the territory of the former due to the (defensive) fighting, they may keep it.¹⁰⁹ They won it fair and square. If *A* does not want to be relieved of part of its land holdings, it should not have unjustifiably invaded *B* in the first place. Had Israel started as a state on only 7% of the land that Mosquito holds was legitimately held by Jews, and had the Arabs then attacked, the Jews would have been justified, even according to Mosquito, in defensively conquering everything that they now actually hold. That is, unless Mosquito believes the Arabs would have accepted a Jewish state on that 7% of land. We find this belief bizarre, if he in fact holds it.

What may we conclude from this contrary to fact conditional? What follows is that most of the land now controlled by Israel came to it not as the result of “massive land theft and expropriation from Arabs” but from the unwarranted belligerence of the latter. This point is heavily buttressed by yet another counterfactual: Suppose that Israel had won the entire Sinai Peninsula in the war of 1967, which it in fact did, but instead of giving it up, kept it. Then we would have a gigantic greater Israel.

Now, if Mosquito wants to hold on to his view, following Rothbard (1982b), that “the State of Israel [is] ‘uniquely pernicious’ in that it was ... founded on massive land theft and expropriation from Arabs” (Mosquito 2018a), he would be well-advised to renounce his concession of its 7% legitimacy in land titles. But he is on record as taking up and supporting this very position.

As for Mosquito’s complaint that we are departing from strict libertarianism in arguing our point and that this itself is invalid, we argue that Mosquito does precisely the same. The fact that he holds that 7% of the State of Israel is legitimate, by the very title of his article, means that he, too, admits that he is departing from strict libertarian principles just as he accuses us of doing. Indeed, he is departing from the “*entire basis for the non-aggression principle*,” as he writes in a follow up post (Mosquito 2018b) to his original critique (Mosquito 2018a).

¹⁰⁹ On libertarian punishment theory, see the following: Block (2006, 2009b, b), Kinsella (1996), Marjanovic (2013), Morris (1968), Nozick (1981, 363–373), Olson (1979), Rothbard (1982a [1998], 88), Whitehead and Block (2003). Again, in the view of Rothbard (1982a [1998], 91–92): “It should be evident that our theory of proportional punishment—that people may be punished by losing their rights to the extent that they have invaded the rights of others—is frankly a retributive theory of punishment, a ‘tooth (or two teeth) for a tooth’ theory. Retribution is in bad repute among philosophers, who generally dismiss the concept quickly as ‘primitive’ or ‘barbaric’ and then race on to a discussion of the two other major theories of punishment: deterrence and rehabilitation. But simply to dismiss a concept as ‘barbaric’ can hardly suffice; after all, it is possible that in this case, the ‘barbarians’ hit on a concept that was superior to the more modern creeds.” If this does not justify relieving the Arab countries of their undeserved property, and thus greatly expanding Israel, then nothing does or can.

For this, he says he is “speechless”. Well, so are we. How can a libertarian claim that 7% of a state is legitimate from a libertarian (anarcho-capitalist) standpoint? If Israel is a state, by which we mean a monopoly on violence in a given territorial area, then 0% of it is legitimate according to strict libertarian (anarcho-capitalist) standards. Perhaps 7% of the land in the area was legitimately owned by Jews, but that does not make 7% of the *state* of Israel *qua state* legitimate at all, again from a strict libertarian (anarcho-capitalist) standpoint.¹¹⁰ But again, we are not arguing on the basis of strict (anarcho-capitalist) libertarianism. Neither, is Mosquito.

We are simply responding to a Rothbardian claim that Israel is a “uniquely pernicious” state, by which Rothbard (1967) meant that it is relatively farther away from the non-aggression principle than other states. In order to assess which states are relatively farther from the non-aggression principle than others, we must depart from strict libertarianism and analyze a conflict in terms of groups (“tribes,” in our words) rather than individuals. There is simply no other way to rationally analyze these sorts of relative claims.

To sum up our point: If 7% of Israel as a state is legitimate from a tribal standpoint (for there is no other standpoint from which to call it so) and the state was actually founded on this 7% of land, the Arabs would have still attacked it. The Jews would have defended themselves, legitimately so, from Mosquito’s own perspective. The Jews would have won, and all of present day Israel would now be legitimate through the principle of self-defense. Israel then, cannot be “uniquely pernicious” as Mosquito and Rothbard claim.

Let us put this in other words. We risk repetition on the ground that if such an acute observer as Mosquito can misconstrue our analysis of the Israeli-Palestinian situation, others may well be misled as well.¹¹¹

Mosquito (2018b) fails to reckon with the fact that all anarcho-capitalists, including himself, do exactly what he accuses us of doing: stepping outside of strict libertarianism from time to time. At the very beginning of our paper (Block et al. 2016) we attack the government of Israel,¹¹² since it is a state. But, then, we loosen our affiliation to this strict (anarcho-capitalist) libertarian perspective so that we can step into the real world debate between states. If we followed Mosquito’s implicit advice, we could not have done any such thing. We would have been limited to saying that all governments are evil.¹¹³ Rothbard (1967), explicitly eschews this policy. We follow Rothbard on this as we do on so much else. In adopting our “tribal” analysis, we are doing the same thing: eschewing pure libertarianism, so that we can enter the muddy waters of the debate now raging between Israelis and Palestinians and their respective supporters.

¹¹⁰To which this author seeks to hold us.

¹¹¹Also, we are attempting to convert Mosquito, a pre-eminent libertarian theorist, to our way of looking at this matter.

¹¹²That is, if we follow an anarcho-capitalist viewpoint.

¹¹³This is undeniable (again, from an anarcho-capitalist viewpoint), but would prohibit us from commenting on Rothbard (1967) in any relevant manner.

Here is what Rothbard (1967) said about this issue. These words appear at the very beginning of his essay; we highly recommend them to Mosquito:

“The trouble with sectarians, whether they be libertarians, Marxists, or world-governmentalists, is that they tend to rest content with the root cause of any problem, and never bother themselves with the more detailed or proximate causes. The best, and almost ludicrous, example of blind, unintelligent sectarianism is the Socialist Labor Party, a venerable party with no impact whatsoever on American life. To any problem that the state of the world might pose: unemployment, automation, Vietnam, nuclear testing, or whatever, the SLP simply repeats, parrotlike: ‘Adopt socialism.’ Since capitalism is allegedly the root cause of all these and other problems, only socialism will whisk them away, (sic) Period. In this way the sectarian, even if his spotting of the ultimate root cause should be correct, isolates himself from all problems of the real world, and, in further irony, keeps himself from having any impact toward the ultimate goal he cherishes.

“On the question of war guilt, whatever the war, sectarianism raises its ugly, uninformed head far beyond the stagnant reaches of the Socialist Labor Party. Libertarians, Marxists, world-governmentalists, each from their different perspective, have a built-in tendency to avoid hithering about the detailed pros and cons of any given conflict. Each of them knows that the root cause of war is the nation-State system; given the existence of this system, wars will always occur, and all States will share in that guilt. The libertarian, in particular, knows that States, without exception, aggress against their citizens, and knows also that in all wars each State aggresses against innocent civilians ‘belonging’ to the other State.

“Now this kind of insight into the root cause of war and aggression, and into the nature of the state itself, is all well and good, and vitally necessary for insight into the world condition. But the trouble is that the libertarian tends to stop there, and evading the responsibility of knowing what is going on in any specific war or international conflict, he tends to leap unjustifiably to the conclusion that, in any war, all States are equally guilty, and then to go about his business without giving the matter a second thought. In short, the libertarian (and the Marxist, and the worldgovernment partisan¹¹⁴) tends to dig himself into a comfortable ‘Third Camp’ position, putting equal blame on all sides to any conflict, and letting it go at that. This is a comfortable position to take because it doesn’t really alienate the partisans of either side. Both sides in any war will write this man off as a hopelessly ‘idealistic’ and (sic) out-of-it sectarian. a man who is even rather lovable because he simply parrots his ‘pure’ position without informing himself or taking sides on whatever war is raging in the world. In short, both sides will tolerate the sectarian precisely because he is irrelevant, and because

¹¹⁴Paul Berman (2018), discussing Michael Walzer’s book *A Foreign Policy for the Left* (2018), comments at *Tablet*: “Sometimes a broad public on the American left gazes upon authoritarian political movements and dreadful dictators in distant corners of the universe and likes to imagine that, far from being authoritarian or dictatorial, the movements and the dictators are boldly progressive, superior perhaps even to the U.N. and the ICC—though Walzer suggests that, in their inner thoughts, a great many people do know better. But they go on proclaiming their political fantasy, anyway, which amounts to an additional twist on the ‘politics of pretending.’

“There is the spectacular instance of left-wing delusion about the Islamist political movement—the left-wing supposition that something has got to be progressive about the Islamists, even if the Islamists appear to be medieval reactionaries; and the further supposition that Islamism’s enemies among Muslims and non-Muslims alike must surely be the actual reactionaries, even when the enemies appear to be liberals and progressives [...]

“Only, why would large numbers of idealistic-minded people on the American left want to engage in this sort of foreign-affairs make-believe? What is the appeal in it? The appeal is to avoid thinking about the world beyond the United States [...] It is a provincialism that calls itself idealism.”

his irrelevancy guarantees that he makes no impact on the course of events or on public opinion about these events. No: Libertarians must come to realize that parroting ultimate principles is not enough for coping with the real world. Just because all sides share in the ultimate State guilt, does not mean that all sides are equally guilty.”

In contrast to Mosquito, and other anti-Zionists, the present authors do not wish to “isolate ... (ourselves) from all problems of the real world”. And this is why we side with Israel.

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Chapter 8

To Be a Free Nation in Our Land



Productivity can only grow in a society where hope smiles on private enterprise and offers individual reward

Vladimir Ze'ev Jabotinsky (Quoted in Doron (2008)).

After the State of Israel proclaimed its independence on May 14, 1948, the chosen economic approach it followed was that of socialism and interventionism. This lasted for a full three decades. The government officials¹ during this time period, including of course its first Prime Minister David Ben Gurion, were nearly all socialists.² They were fiercely opposed to free markets and capitalist institutions. Hence, economic growth and development was in the doldrums.

From 1948 to 1977, Israelis were depicted (and self-identified) as pioneers (*Chalutzim*), where the socialist agricultural society symbolized by the *Kibbutz* was the ideal.³ The goal of Israeli officials was to promote a specific kind of Jewish youth: that who practiced a socialist way of life and applied this to agricultural production. Direct working on the land of Israel by Jews was understood as the right way of attaining once again control of *Eretz Yisrael*. Socialism was mistakenly thought of as the proper method to do so.

However, this romantic but mistaken perspective condemned Israel as an underdeveloped economy for decades. Its exports consisted mainly in agricultural and defense products, it had no significant capital market, and all of this was made worse by the chronic danger of destruction entailed by the wars initiated by its neighbors. The idea of central planning was understood as a necessity in order to

¹ Under the labor parties of *Mapai* and *Ma'arach*.

² Inspired by Labor Zionism.

³ Despite that the share of Israelis living in *Kibbutzim* was historically low. For instance, total Jewish population in Israel in 1950 was 1,203,000 (Jewish Virtual Library, n.d.-i), while the population in *Kibbutzim* was 67,550 (Jewish Virtual Library, n.d.), that is, 5.6%. The voluntary Kibbutz, unsubsidized by outsiders, is fully compatible with free enterprise. However, making this the ideal, in contradistinction to businesses, corporations, entrepreneurship, as did the government of the time, is entirely another matter.

ensure Israel's survival. Economic interventionism was seen as the best way of making Israel stronger. Predictably though, it had the opposite effect. Socialism made Israel much weaker economically than it otherwise would have been. Of course, driven by idealism, even if socialist at core, the country nevertheless grew in spite of its socialism since it was indeed starting from next to nothing. This growth, however, was severely hampered by big government central planning and massive money-printing that included two catastrophic hyperinflations and monetary resets – one of the Lira that hyperinflated by 1980, and another of the (now old) Shekel that hyperinflated only 4 years later in 1984.

During the labor years especially, from the founding of the state in 1948 until the election of the first Likud government in 1977, the size of government was indeed enormous:

“[...] during the first decade or two of statehood [...] There were instances when the budget was even higher than the GDP, but it was reduced to 95 percent in 1980, to 64 percent in 1990, to 49 percent in 2005, and around 43.6% in 2008 – about the OECD average.”⁴

The interventionist environment in Israel was on a massive scale. According to George Gilder (2009a):

“[Israel socialist rulers] assigned close to a third of the economy to the ownership of Histadrut, a socialist workers' organization prone to threatening nationwide strikes. Under Histadrut pressure, they instituted minimum wages that stifled employment and propelled inflation. Then they imposed more controls on wages, prices, and rents, making everything scarce.

“In a general enthusiasm for public ownership of the means of production and finance, the government through the 1990s owned four major banks, 200 corporations, and much of the land. Israel's taxes rose to a confiscatory 56 percent of total earnings, close to the highest in the world, stifling even those private initiatives that managed to pass through the country's sieves of socialism. Erecting barriers of bureaucracy, sentiment, and culture, Israeli leaders balked the entrepreneurs and inventors who gathered there, creating a country inhospitable to Jewish genius [...]”

By 1977, Israelis no longer tolerated this statist environment, and wisely decided to change. The latter implied and was understood, of course, as a revolution, a political upheaval (*Mahapach*). Menachem Begin, the historic disciple of Jabotinsky and leader of the Likud Party, was able to form a government and become Prime Minister of Israel after 30 years of socialist control.

In this context, in October 1977 a revolutionary economic program was established, involving many measures of liberalization and progressive freeing of the economic system. It included the opening of markets (including exchange markets), shrinking subsidies and, more fundamentally, fighting against the labor regulation promoted by the historical trade union center (*Histadrut*⁵).

However, although changes were indeed implemented in the right direction, this economic program was unfortunately insufficient. Monetary and fiscal policies

⁴ Israel Embassy in Baku (n.d.-a).

⁵ That unites 78 trade unions (Israel Embassy in Baku n.d.-c).

were not consistent, and inflation began to increase nonetheless. With several ups and downs throughout the period, consumer price gains never came under control until the stabilization program implementing the creation of the “New Shekel” in September 1985.

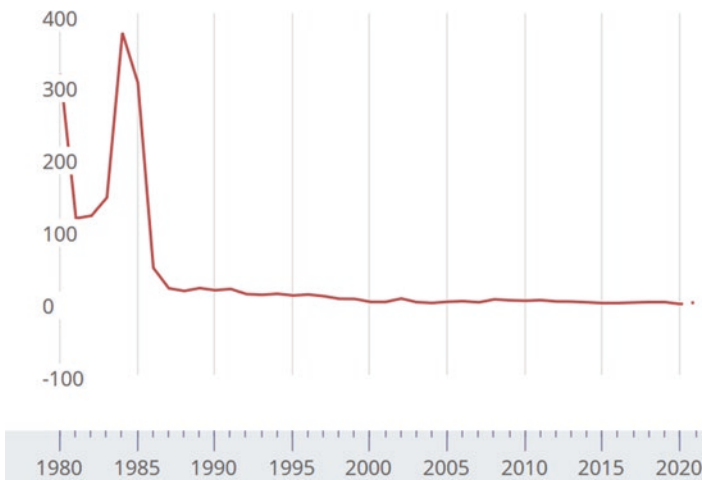
This program effectively forbade the Israel’s central bank, the Bank of Israel, from directly financing government debt, limiting its actions to intervening in the secondary bond markets only. This program was established under the joint administration of Shimon Peres of the socialist Labour Party and Yitzhak Shamir, successor to Menachem Begin of the Likud party. The two leaders had agreed on a coalition government at the time in which they would rotate as prime minister. Shimon Peres being a socialist, this transition limiting the power of the Bank of Israel would have arguably been impossible without the Likud’s influence at the time.

The program was a success. After suffering a financial crisis in 1983 and a second hyperinflation in 1984 during which prices increased by 400%, Israel had a functional currency again in the New Shekel, effectively backed by the US dollar. The New Shekel survives as a functional medium of exchange to this day.

The Peres/Shamir stabilization program slowly began to work, and inflation dropped to double digits in the following 2 years. It has never been that high since (Graph 8.1).

In the words of John Taylor (2003, 1):

“Israel has a history of success in overcoming economic crisis. In the 1980s, economic growth also slowed down. Israel was plagued by triple-digit inflation and large budget deficits. But the introduction of fiscal and monetary policy changes addressed these problems. The budget deficit was reduced. Money growth was brought under control. Structural reforms were implemented, especially trade liberalization and more competition, as in mobile phones.



Graph 8.1 Israel’s Inflation Rate (Average Consumer Prices – Annual Percent Change). (Source: IMF Data Mapper, World Economic Outlook, April 2010 dataset)

“These policies laid the groundwork for the favorable economic performance in the early 1990s. Growth rose to an average of over 6 percent. Inflation came down sharply. However, as reforms lagged, growth slowed again in the second half of the 1990s.”

Overall, however, economic freedom has been growing in Israel in fits and starts since its creation in 1948. According to Gwartney (1976) the economy of this nation ranked in 70th place (out of 103 countries) in 1975. However, by 2014 (Gwartney, 2016), Israel had risen substantially in the world sweepstakes for economic freedom to 45th out of a surveyed 159 nations.

Moreover, as of 2017 Israel was 36th in a field of 180 nations, according to the *Heritage Foundation Index of Economic Freedom*. As of 2020, Israel seized 26th place out of 180 countries. The only Arab country ranked higher than Israel in this regard is the United Arab Emirates, a federation comprised by Abu Dhabi, Ajman, Dubai, Fujairah, Ras Al-Khaimah, Sharjah, and Umm al-Qaiwain, ranking 18th. These are all illiberal monarchies fueled by oil money, however. So, Israel is indeed by far the most liberal state in the area, considering both economic and civil freedoms. But how did this happen?

The first step occurred in 1977 with the election of Menachem Begin and his Likud Party. But the radical change that turned Israel from a poverty-stricken agricultural exporter to a high-tech superpower (Gilder, 2009b⁶) is largely the work of one man: Benjamin Netanyahu. Israel’s path towards a modern economy began in 1996, with his election as Prime Minister under the Likud party. His administration implemented a series of dramatic changes to modernize the functioning of state institutions and reduce their negative effect on private enterprise, and at the same time applied several policies with the goal of freeing the economy and engaging in privatization.

Just to get a sense of the degree of economic dirigisme that prevailed in the country before the first Netanyahu Administration, there were strict exchange controls that implied that capital movements were almost impossible:

“The severe shortage of foreign currency in the first years of the state was due mainly to its imports being so much larger than its exports. This called for the ‘rationing’ of foreign currency – allocating it only for very basic requirements (such as food, fuel, and defense equipment). Production machinery and raw materials were added to the list only later on, followed by a meager \$10 allocation per person for travel abroad.

“By the end of the 1950s, import of many ‘luxury’ goods was allowed, and Israelis were allocated \$100 per voyage abroad. The 1960s saw a further relaxation of import restrictions, and they were liberalized completely in the 1970s (transferring the onus of restricting imports to the ‘Chinese walls’ of exorbitant customs duties). These, too, were lowered considerably, due to the free trade agreements with the European Union and the United States; and in the 1980s were coupled with a gradual rise in personal foreign exchange allocations for traveling abroad, from \$500 to \$3,000.”⁷

Netanyahu, known in Israel and around the world as Bibi, rendered Israel an economy open to business and investment. Although the initial measures in the

⁶ See also Baschkier and Futerman (2016).

⁷ Israel Embassy in Baku (n.d.-a).

latter path were undertaken during his first tenure as Prime Minister, the most important reforms were arguably implemented when he was named Minister of Finance in 2003 under the Likud administration of Prime Minister Ariel Sharon. In only two and a half years, Netanyahu changed Israel dramatically, and set it on the path originally dreamed of by Jabotinsky before the country was created.

In the beginning of the 2000s, Israel's economy was in a very bad shape. John Taylor (2003, 1) illuminates:

“Like many economies in the world, the Israeli economy suffered substantial setbacks in the past 2½ years. After reaching a peak in the third quarter of 2000, real GDP fell in 2001 and in 2002 by about 1 percent per year [...] Israel's high tech industry was hard-hit by the slowdown in the IT sector. After rising by 23 percent in 2000, exports fell by 7 percent in 2001. The domestic security situation has also significantly harmed Israel's growth. Over the longer term, I believe structural policy problems have also been holding back economic growth in Israel. Except for the 1999–2000 export boom, economic growth declined steadily in the second half of the 1990s. This was in contrast to the stronger growth in the first half of the 1990s.”

Prime Minister Ariel Sharon decided to solve the problems stagnating Israel's economy, and Netanyahu was the man to implement free enterprise policies. In that context, Sharon gave Bibi his full support, and the latter had the will and strength to make it happen. Netanyahu applied a fully integrated package of economic policies in the direction of dramatic liberalization, deregulation, and tax reduction that facilitated extraordinary growth. In order to promote the idea that the entire economy was moving towards a different approach, Bibi tackled dramatic reforms in several areas all at the same time.

First, the maximum personal tax rate was reduced from 64% to 44% and corporate taxes went from 36% to 18% (Scott 2015). According to Taylor (2003, 2), this was extremely important because “Israel's general government revenues and expenditures stand at roughly 42 percent and 48 percent of GDP respectively, compared to an OECD average of 38 percent and 41 percent of GDP in 2001.” Public spending practically froze between 2003 and 2006, and further liberalization of the exchange market was promoted, among other measures. The deficit was dramatically reduced:

“During the 1990s emphasis was put on curtailing spending and reducing the deficit. The target was to bring down the deficit/GDP ratio to the rate prevailing in Western developed economies, a policy that was indeed successful in reducing it down to a quarter of what it was at the beginning of the decade. After it rose considerably in 2001, it was brought down to 6 percent in 2003, 5 percent in 2004, and by 2007 there was no significant budget deficit.”⁸

Predictably, “The results were a success on the macroeconomic level. Unemployment dropped, as did the debt-to-GDP ratio (from 102 percent to 80 percent). And taxes went from 35.6 percent of GDP in 2000 to 30.5 percent in 2015” (Scott 2015).

Gorge Gilder (2009a) explains:

“An Israeli supply-sider, Netanyahu faced the adamant opposition of Histadrut and its allies in the Knesset. To overcome the hostility to finance capitalism that had long hobbled the Israeli economy, Netanyahu enlisted vital help from President George W. Bush and his

⁸ Israel Embassy in Baku (n.d.-a).

treasury secretary, John Snow. Netanyahu sought a sovereign loan guarantee that would give Israeli bonds the full faith and credit of the United States Treasury, so that despite intifadas and other perils, Israel could issue bonds on the same terms as the world's leading economy. Not wanting the U.S. to appear a patsy, Snow refused to do the deal without a significant quid pro quo,⁹ stipulating that Netanyahu secure from the Knesset a series of major financial reforms.

"First, Histadrut, which dominates the pension system in Israel, had to give up its direct line to the Israeli treasury, which had guaranteed it an inflation-adjusted 6 percent annual yield. This special arrangement would be phased out over a period of 20 years. Starting immediately with the first 5 percent of its holdings, Histadrut would need to begin finding other ways to invest its \$300 million per month of cash flow. Somehow a financial industry would have to arise in Israel to handle this huge trove of funds. A second briar-patch reform demanded by Snow was the immediate privatization of Israel's state-owned industries, reducing the government's stake in these companies from an average of 60 percent ownership to minority ownerships of about 20 percent. Among the privatized ventures were oil refineries, nearly all the banks, the Bezeq telephone monopoly, and the national airline, El Al. The third key reform was the emancipation of the financial-services industry, complete with legalization of investment banks, international private equity funds, and performance fees for hedge funds. Eliminated were double taxes not merely on investments in Israel but also on international investment activities by Israelis. The Netanyahu-Snow agenda went into effect on January 1, 2005."

Lowering taxes was not only accompanied by economic growth, but also by an increase in tax revenue (Scott 2015).¹⁰ A strong privatization process was set in motion: The national air transport company, *El Al*, was privatized, while other companies in several industries followed the same path, including *Bank Leumi*, *Israel Discount Bank*, *Bezeq* (telecommunications), *Zim* (navigation), chemical industries, and many others.

Netanyahu was so confident that economic growth and development would follow his pro-market reforms that he decided it was also time to tackle one of the most politically difficult reforms: public sector pensions. As such, the retirement age was increased, contributing to the relative sustainability of the system.

George Gilder (2009a) comments:

"[...] In under 25 years—starting from those first modest tax reforms of the mid-1980s—*Israel has accomplished the most overwhelming transformation in the history of economics*, from a nondescript laggard in the industrial world to a luminous first. Today, on a per-capita basis, Israel far leads the world in research and technological creativity. Between 1991 and 2000, even before the big reform of 2005, Israel's annual venture-capital outlays, nearly all private, rose nearly 60-fold, from \$58 million to \$3.3 billion; companies launched by Israeli venture funds rose from 100 to 800; and Israel's information-technology revenues rose from \$1.6 billion to \$12.5 billion. By 1999, Israel ranked second only to the United States in invested private-equity capital as a share of GDP. And it led the world in the share of its growth attributable to high-tech ventures: 70 percent.

⁹Actually, Bibi wanted the conditions of the agreement to be strict, so he could have another argument to push for these dramatic and deep reforms in the Israeli cabinet.

¹⁰This means that tax rates were previously above the point that maximized tax revenues. See on this Barnett and Block (2005), Block (2010).

“[...] Today, Israel’s tech supremacy is even greater. A 2008 survey of the world’s venture capitalists by Deloitte & Touche showed that in six key fields—telecom, microchips, software, biopharmaceuticals, medical devices, and clean energy—Israel ranked second only to the United States in technological innovation. Germany, ten times larger, roughly tied Israel. In 2008, Israel produced 483 venture-backed companies with just over \$2 billion invested; Germany produces approximately 100 venture-backed companies annually. The rankings registered absolute performance, but adjusted for its population, Israel comes in far ahead of all other countries, including the United States.”

The fact that Israel is known as the *Start Up Nation* following the title of the Dan Senor and Saul Singer book of 2009, is a clear indication that these free market reforms had a positive impact on the development of the high-tech sector in Israel, where unprecedented investment and development was registered.

But let us go deeper here. Netanyahu’s policies made visible something perhaps even more important: freedom is not just one factor at play conducive to economic growth and development, but the *fundamental* one. Jews have had a special attachment to study and innovation throughout history (Johnson 1988; Murray 2003), and as a group have generally been, and known to be, successful in business and industry. Yet, Israel practically had little successful business during the economically forlorn decades of socialist government.

As a country of immigrants and risk-takers, this nation had the perfect environment for entrepreneurship. However, new and successful enterprises were rare during the socialist Labor administrations of 1948–1977. Israelis are indeed accustomed to bear risk given their extraordinary resilience in the face of violent threats, which makes the tension of commercial interactions and endeavors pale in comparison. Still, without economic freedom, resilience doesn’t count for much, and commerce was a long way from thriving during the interventionist years.

Despite a surplus in innovative human capital during the Ben Gurion days, almost no innovative breakthroughs took place in the market arena. Israel had a stagnated, underdeveloped economy until Begin took the first steps in the free market direction. It was only after Netanyahu’s reforms that Israeli entrepreneurs became world-renowned.

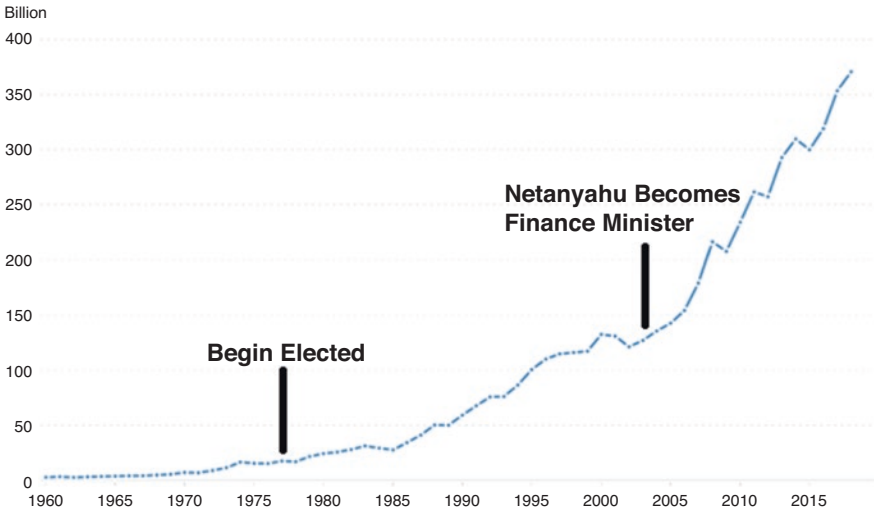
Netanyahu once compared Israel’s socialist economy under the Labour Party to a thin soldier carrying a fat one on his back. The thin soldier was the private sector, and the fat one, naturally, was the government. The latter must be put on a strict diet, while the former had to be strengthened.

Before Netanyahu, institutional conditions did not much allow commercial success. Strict and intrusive labor rulings, strongly regulated capital markets, extremely high tax rates, exchange controls, and other policies of an excessively interventionist state made the fat man even fatter. How can a start-up nation grow under these circumstances? It is impossible. Naturally, Netanyahu had to fight against the interests of those who wanted to maintain the status quo.

Since Netanyahu took over the financial reins of the country in 2003 as Finance Minister under Sharon, Israel’s economy really skyrocketed. Let us take a look at some brief examples, so the reader can get a taste of what these reforms meant for Israel, and how this country became an example for the world.

As can be seen in Graph 8.2, since the reforms of 2003, GDP in current USD nearly tripled.

What about GDP per capita in Israel? It increased from 4,800 USD in 1977 to 41,700 USD in 2018. That is an increase of more than 750%. Since Netanyahu's reforms as Finance Minister in 2003, to 2019, it has more than doubled (Graph 8.3).



Graph 8.2 GDP (Current US\$) – Israel. (Source: World Bank national accounts data, and OECD National Accounts data files (annotations added))



Graph 8.3 GDP Per Capita (Current US\$) – Israel. (Source: World Bank national accounts data, and OECD National Accounts data files)

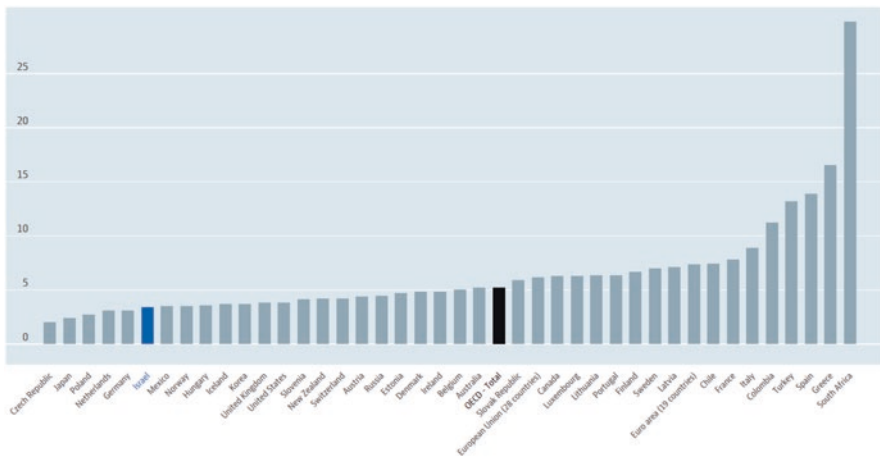
Israel’s unemployment rate for the first quarter of 2020 (before the COVID-19 lockdowns) was 3.4%, below the OECD average of 5.2% and one of the lowest unemployment rates in the entire world (Graph 8.4).¹¹

At the same time, its long term unemployment rate¹² is also one of the lowest in the world, at 5.7% in 2019 compared with the OECD average of 25.8% (Graph 8.5).

The reforms implemented reduced the weight of taxes, reducing tax on personal income as percentage of GDP from 9.39% in 2002, to 6.4% in 2018, again below the OECD average of 8.28% (Graph 8.6).

Tax revenue followed the same path, reducing its impact in terms of GDP from 33.30% in 2003 to 31.09% in 2018, in contrast to the OECD average of 34.26% of GDP (Graph 8.7).

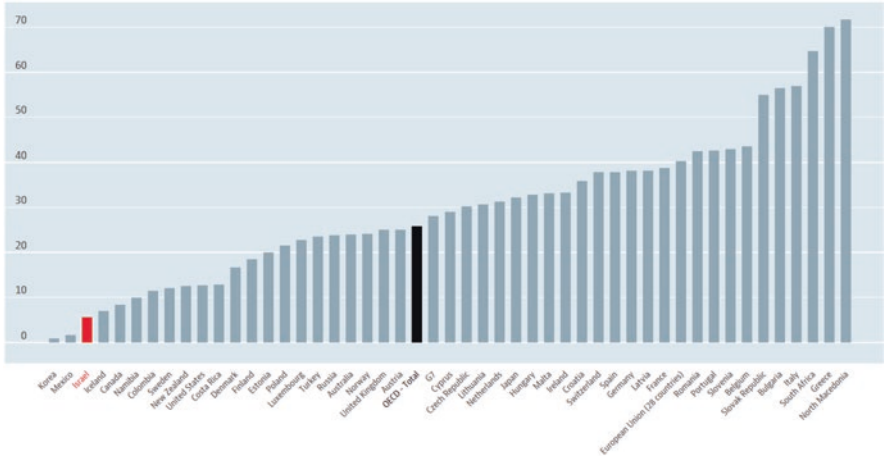
Public debt, which in 2004 at the beginning of Netanyahu’s financial tenure reached 104.5% of GDP, was dramatically reduced by more than 40%, to 60.9% of GDP in 2019. This helped ensure a lower tax burden for future generations of Israelis. It also embodied a greater respect for their individual and property rights, a fact often ignored (Graph 8.8).



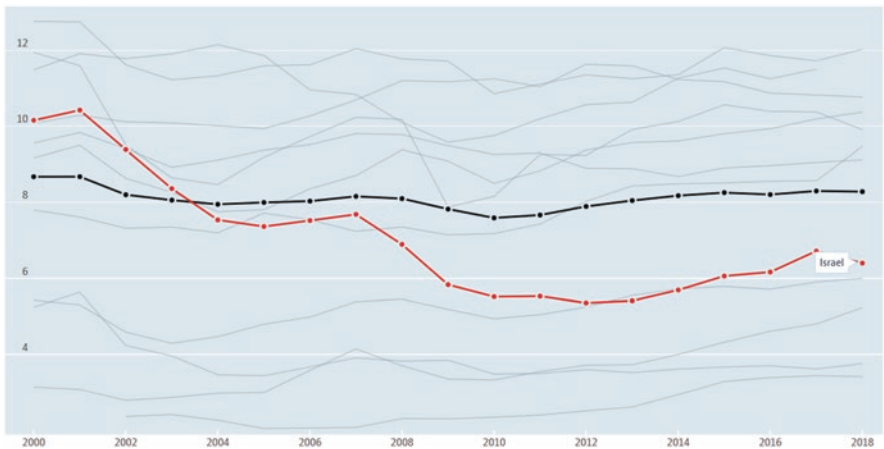
Graph 8.4 Unemployment Rate (Total, % of Labour Force, Q1 2020 or Latest Available Source). (Source: Labour market statistics, OECD Data)

¹¹ Israel’s labor force increased from 1.65 million in 1990 to 3 million in 2010, that is, it nearly doubled (Israel Embassy in Baku [n.d.-b](#)).

¹²The OECD ([n.d.](#)) explains: “Long-term unemployment refers to people who have been unemployed for 12 months or more. The long-term unemployment rate shows the proportion of these long-term unemployed among all unemployed. Unemployment is usually measured by national labour force surveys and refers to people reporting that they have worked in gainful employment for less than 1 h in the previous week, who are available for gwork and who have sought employment in the past 4 weeks. Long-term unemployment causes significant mental and material stress for those affected and their families. It is also of particular concern for policy makers, as high rates of long-term unemployment indicate that labour markets are operating inefficiently. This indicator is measured as a percentage of unemployed.”



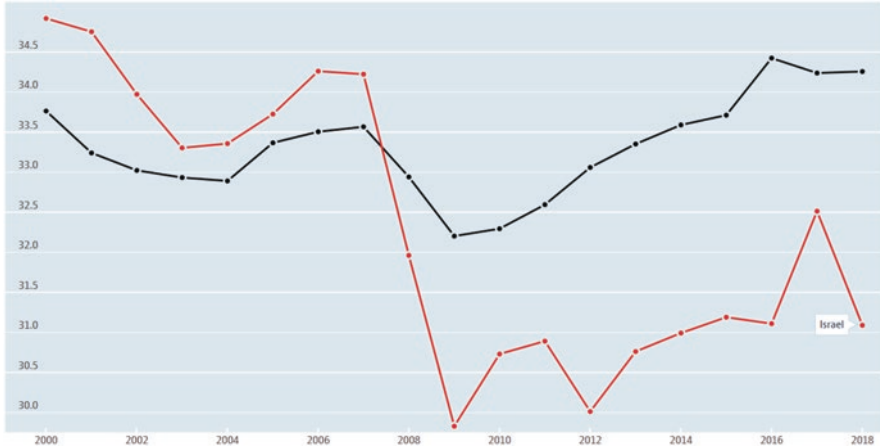
Graph 8.5 Long-Term Unemployment Rate (Total, % of Unemployed, 2019 or Latest Available). (Source: Labour Market Statistics: Unemployment by duration: incidence, OECD Data)



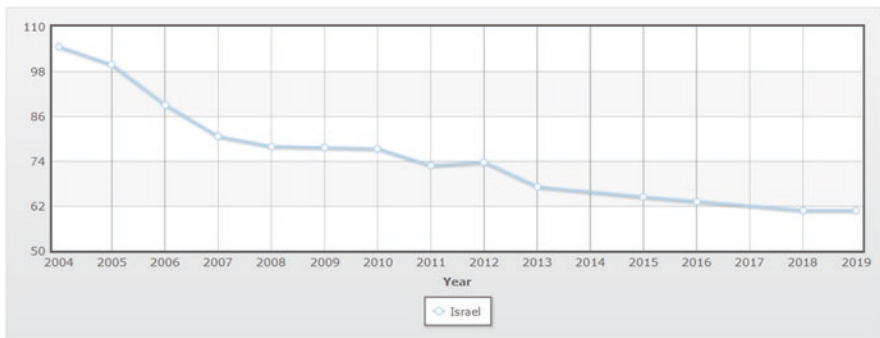
Graph 8.6 Tax on Personal Income (Total, % of GDP, 2000–2018). (Source: Revenue Statistics: Comparative tables, OECD Data)

Netanyahu’s ordering of public finances implied that the fat man was put on a diet, and the thin man grew stronger. Hence, private enterprise and foreign trade boomed. Israel has had a current account surplus since the Netanyahu era began in 2003. By 2015 that surplus had reached near 15.5 billion USD (Graph 8.9).

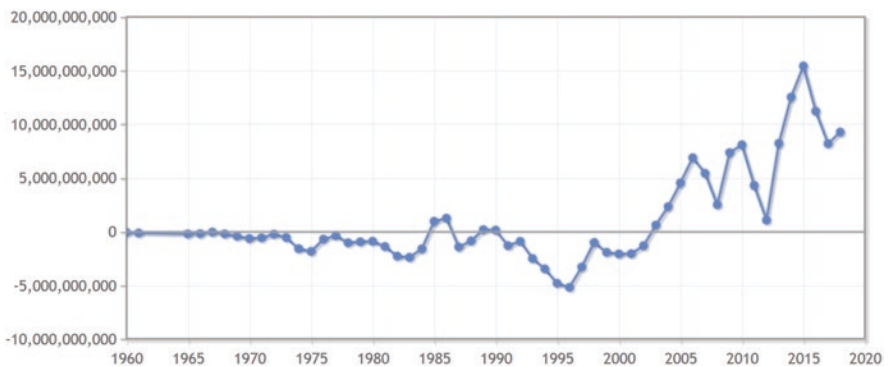
This explosion in productivity was accompanied by exports doubling from 28.1 billion USD in 2003 to nearly 60 billion USD in 2019 (Graph 8.10).



Graph 8.7 Tax Revenue (Total, % of GDP, 2000–2018). (Source: Revenue Statistics: Comparative tables, OECD Data)



Graph 8.8 Public Debt (% of GDP). (Source: CIA World Factbook, Indexmundi)



Graph 8.9 Current Account Balance (BoP, current US\$). (Source: International Monetary Fund, Balance of Payments Statistics Yearbook and data files, Indexmundi)

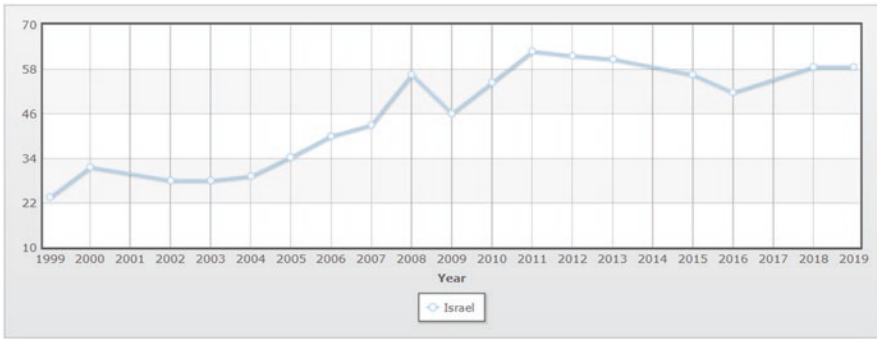
As exports increased dramatically in general, those in high technology rose even more, from slightly more than 3 billion USD in 2007 to close to 13 billion in 2018. That is, by more than 300% (Graph 8.11).

As Israel became an exporting machine, foreign reserves went from nearly 28.5 billion USD in 2004 to 113 billion USD in 2017. That is, another increase of 300% (Graph 8.12).

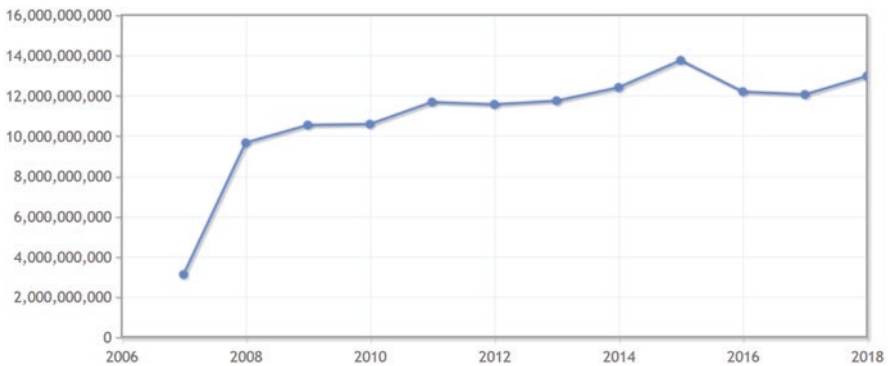
All of this happened while the exchange rate remained relatively stable. Since the reforms of 2003, the New Israeli Shekel oscillated only between 3.5 and 4 against the US Dollar (Graph 8.13).

These reforms also had a positive impact on the savings rate, and therefore on the capitalization of the financial system, which, in turn, fed back into investment.

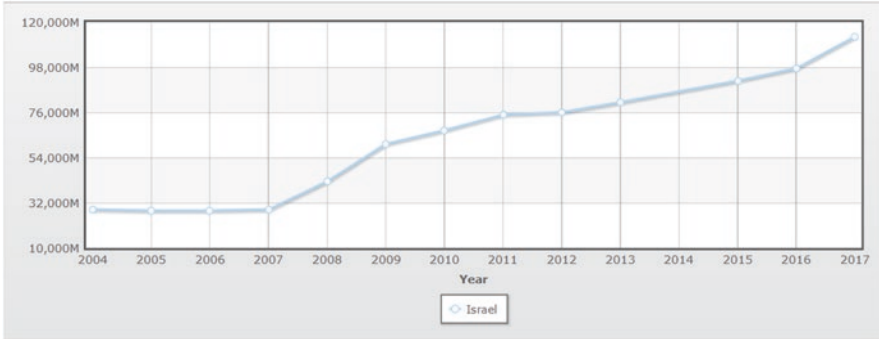
Netanyahu also implemented major reforms in financial markets in 2005, breaking the duopoly of *Bank Leumi* and *Bank Hapoalim*. This implied greater competition in the banking industry.



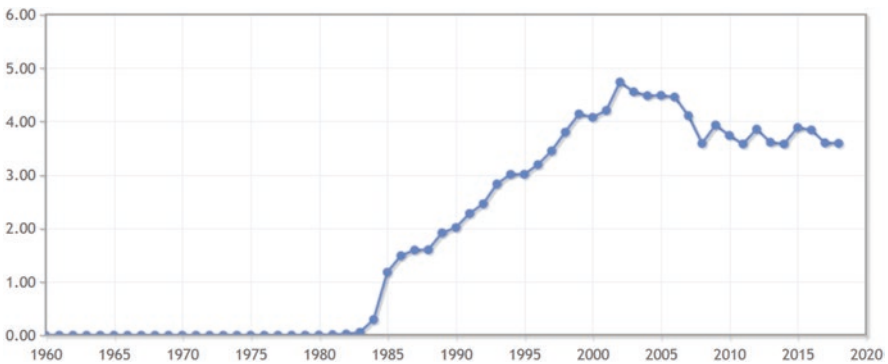
Graph 8.10 Israel Exports. (Source: CIA World Factbook, Indexmundi)



Graph 8.11 High-technology Exports (Current US\$). (Source: United Nations, Comtrade database through the WITS platform, Indexmundi)



Graph 8.12 Reserves of Foreign Exchange and Gold (US\$). (Source: CIA World Factbook, Indexmundi)



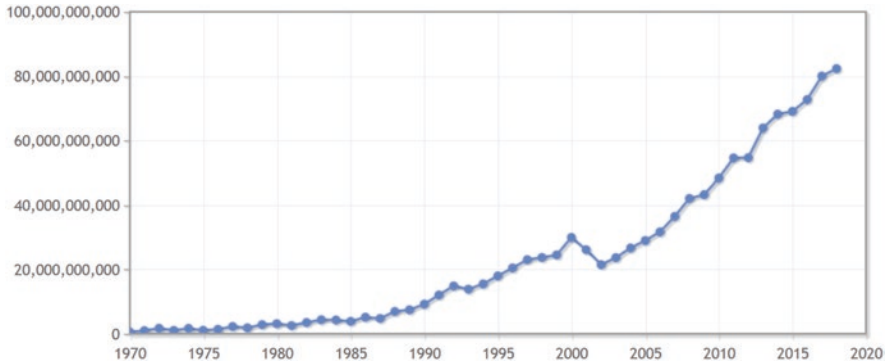
Graph 8.13 Official Exchange Rate (LCU per US\$, Period Average). (Source: International Monetary Fund, International Financial Statistics, Indexmundi)

The market capitalization of listed domestic companies increased from 42 billion USD in 2002 to nearly 187.5 billion USD in 2018. That is, by almost 350%.¹³ George Gilder (2009a) writes: “In a watershed moment for the country, Israel in 2007 passed Canada as the home of the most foreign companies on the technology-heavy NASDAQ index; it is now launching far more high-tech companies per year than any country in Europe.”

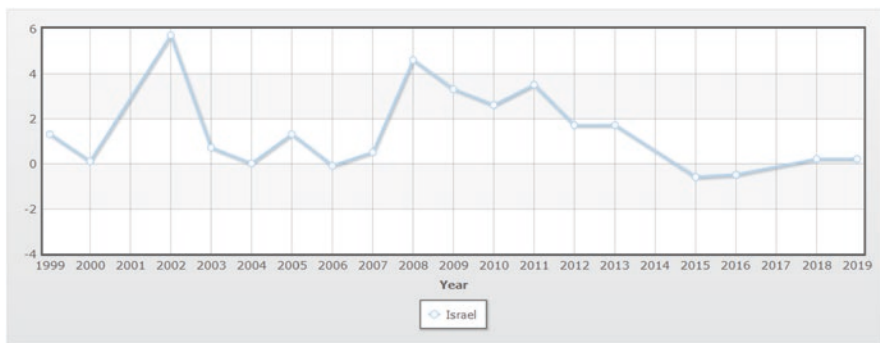
Hence, gross domestic savings went from 21 billion USD in 2002 to more than 83 billion USD in 2018. Again, an increase of 300% (Graph 8.14).

Another factor contributing to the capitalization of the system was the relatively low inflation rate. Inflation has been between 2% and 0% for almost a decade, approaching closer to 0% in the last 5 years, from 2015 to 2020 (Graph 8.15).

¹³ Indexmundi (n.d.).



Graph 8.14 Gross Domestic Savings (Current US\$). (Source: World Bank national accounts data, and OECD National Accounts data files, Indexmundi)



Graph 8.15 Inflation Rate (Consumer Prices) (%). (Source: CIA World Factbook, Indexmundi)

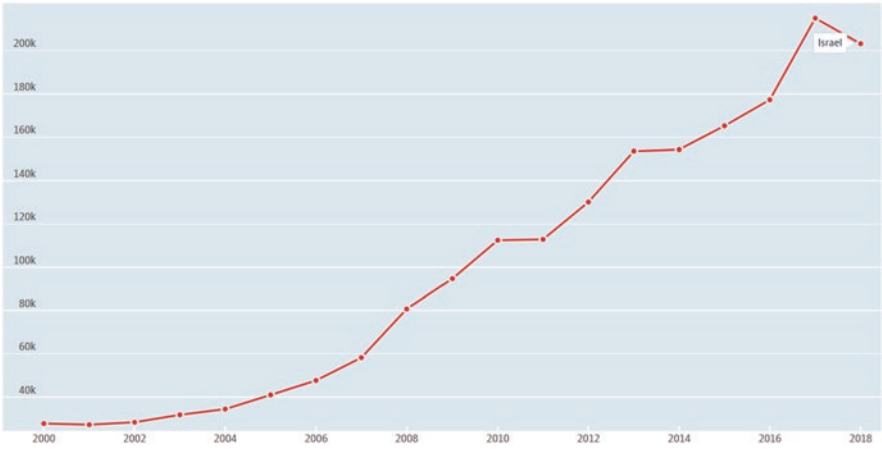
The latter capitalization can be clearly seen in the case of private pension assets, that grew from 32 billion USD in 2003 to nearly 205 billion USD in 2018. This amounted to an increase of 540%. (Graph 8.16)

The stable economic environment, liberalization measures, and privatization processes promoted great incentives for investment, especially in the high-tech sector. Hence, gross domestic spending on R&D increased from 3.893% of GDP in 2003 to 4.941% in 2018. The latter figure is approximately twice that of the OECD average of 2.401%, as seen in Graph 8.17.

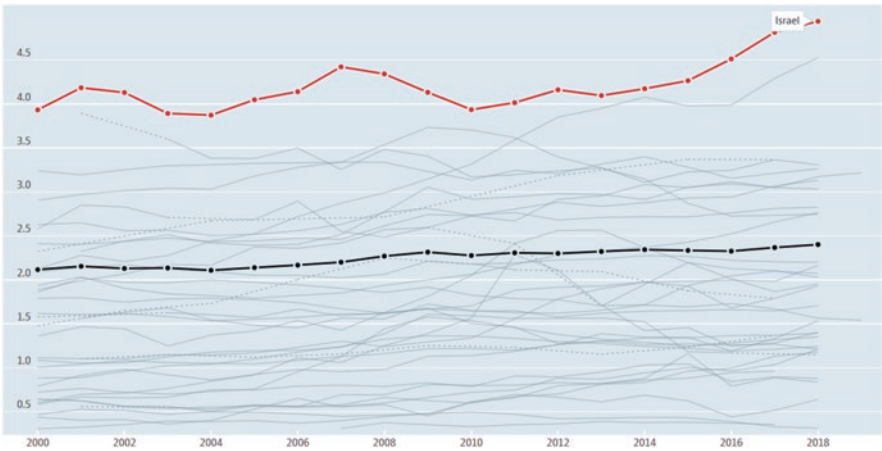
Naturally, this environment of freedom and entrepreneurship also promoted an explosion in innovation and creativity, as shown by patent applications in Israel (Graphs 8.18 and 8.19).¹⁴

When the world noticed that Israel decided to follow the path of progress and economic freedom, foreign investment literally skyrocketed (Graphs 8.20 and 8.21).

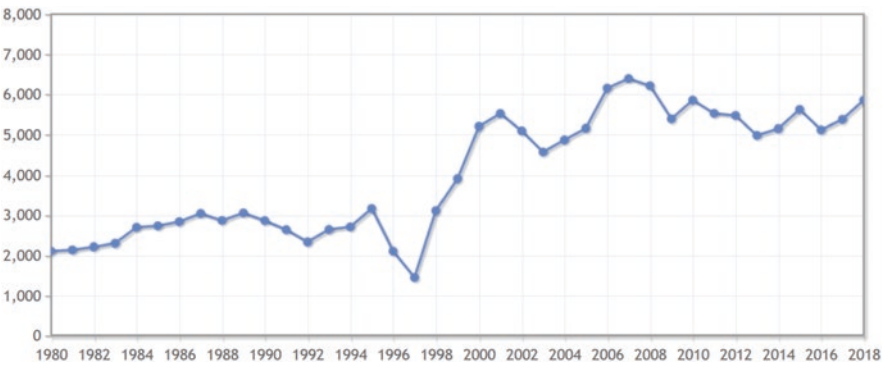
¹⁴In our view, the concept of patents as such is incompatible with the free enterprise system. See on this: Block (2013, 2020), Boldrin and Levine (2008), Kern (2019), Kinsella (2001, 2012), Long (1995), Menell (2007a, b), Mukherjee and Block (2012), Palmer (1989). However, they are a good empirical indication of the intellectual, scientific and engineering focus of a nation.



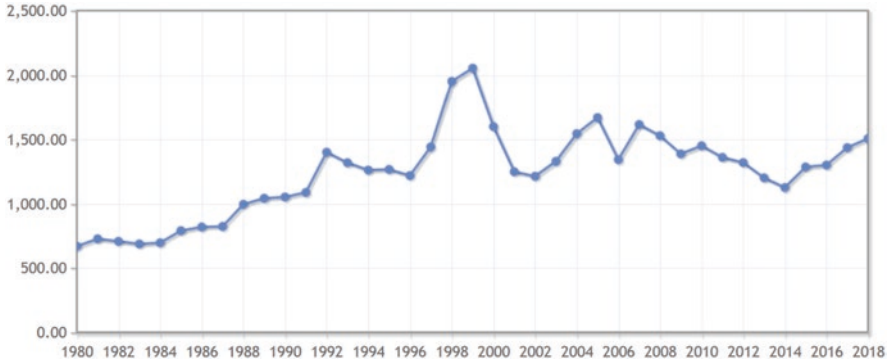
Graph 8.16 Private Pension Assets (Total, Million US dollars, 2000–2018). (Source: Pension Statistics, OECD Data)



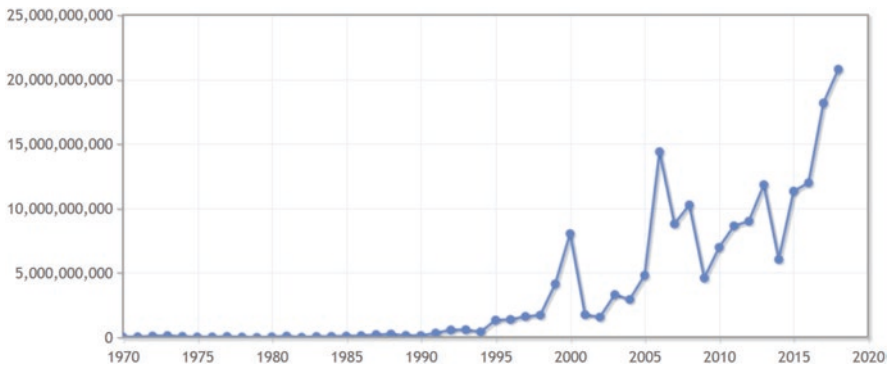
Graph 8.17 Gross Domestic Spending on R&D (Total, % of GDP, 2000–2019). (Source: Main Science and Technology Indicators, OECD Data)



Graph 8.18 Patent Applications, Nonresidents. (Source: World Intellectual Property Organization (WIPO), WIPO Patent Report: Statistics on Worldwide Patent Activity, Indexmundi)



Graph 8.19 Patent Applications, Residents. (Source: World Intellectual Property Organization (WIPO), WIPO Patent Report: Statistics on Worldwide Patent Activity, Indexmundi)



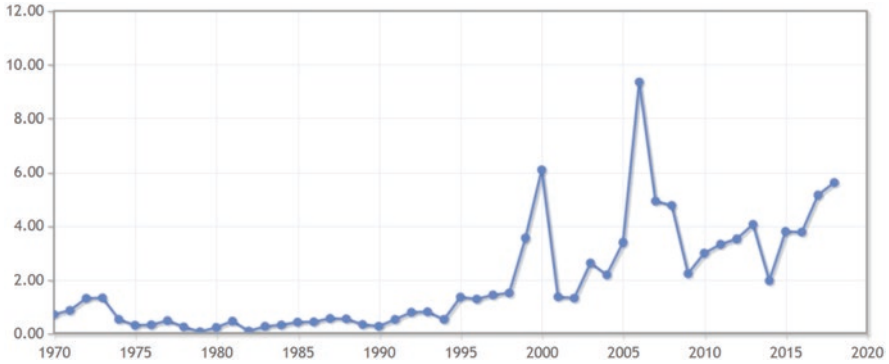
Graph 8.20 Foreign Direct Investment, Net Inflows (BoP, Current US\$). (Source: International Monetary Fund, Balance of Payments database, supplemented by data from the United Nations Conference on Trade and Development and official national sources, Indexmundi)

Foreign direct investment (net inflows in current USD) catapulted from 1.5 billion USD in 2002 before the reforms to nearly 14.4 billion USD in 2006 after they were enacted. This is an increase of almost 900% in 4 years. By 2018 the figure was near 20.8 billion USD. This is a rise of near 1300%. Moreover, in terms of GDP, foreign direct investment improved from 1.31% to 9.35% in the same period (2002–2006). That is, an increase above 600%,

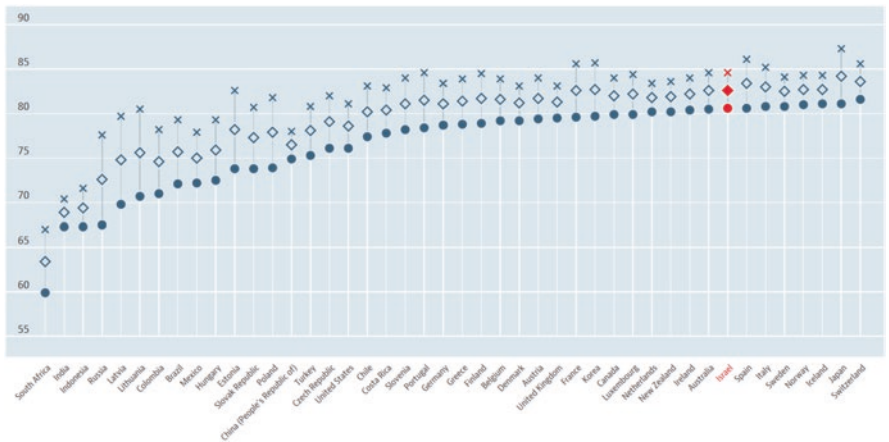
This remarkable economic growth also had all kinds of positive impacts in the daily lives of Israelis. That is, economic growth entails development. As an example, life expectancy in Israel by 2017 was 80.6 years, one of the highest in the world (Graph 8.22).¹⁵

If all of this does not seem enough as an example of what economic success looks like, we ask the reader to keep in mind that while the latter took place in this

¹⁵Were there fewer rockets, suicide bombings, etc., this number would of course be even higher.



Graph 8.21 Foreign Direct Investment, Net Inflows (% of GDP). (Source: International Monetary Fund, International Financial Statistics and Balance of Payments databases, World Bank, International Debt Statistics, and World Bank and OECD GDP estimates, Indexmundi)



Graph 8.22 Life Expectancy at Birth (Men/Total/Women, Years, 2018 or Latest Available). (Source: Health status, OECD Data)

20-year period Israelis also had to bear the Second Intifada (2000–2005), the Second Lebanon War (2006), Operation Cast Lead (2008–2009), Operation Protective Edge (2014), and countless terrorist attacks. All of this also ignores the existential threat posed by the Iranian quest for nuclear weapons. Moreover, given the enemies threatening Israel, the country’s expenditures on defense continued to be high, around 8% of GDP (it was 25% in 1970 and 23% in 1980).¹⁶ Yet, the economic success promoted by Netanyahu’s reforms was unstoppable.

More reforms can and will surely be implemented if the country continues to follow the path established by Bibi. As an example of how the classical liberal case for Israel we have defended throughout this work and free market economic policies

¹⁶Israel Embassy in Baku (n.d.-b).

are interrelated, a very good way of helping to solve the current housing shortage in Israel would be by extending Israeli sovereignty to Jewish towns in Judea and Samaria. Hence, Jews would once again unapologetically build in historical Judea, the housing supply would increase, and real estate prices would fall, making accommodation much more affordable.

This is just one example of how the free market may help improve Israel's remarkable status and keep growing freer still. This also explains why this chapter is another part of our classical liberal case for Israel.

Increasing economic freedom even more in Israel's economy would bring about more wealth, growth, and development, as it has done for the last two decades. Construction, tourism, agriculture, the diamond industry, and many other sectors including the massive Leviathan and Tamar offshore gas fields, would greatly benefit from higher levels of economic freedom. That would help Israelis to improve their wellbeing even more with respect to the cost of living, housing, and foreign trade.

The bedrock of economic growth and development is free market capitalism and private property. The reforms implemented by Netanyahu so far were inspired by these ideals and have turned Israel into a dynamic economy open to free enterprise, investment, and capital accumulation. As the abundant literature on property rights and economic growth illustrates, competitive markets are essential in order to contribute to greater investment and the capital accumulation process that is at the basis of economic development. Israel, just like other Western nations, is not a perfect libertarian country, but it is nevertheless on the right path.

Why is all this of great importance? Yes, yes, the standard of living of Israelis depends upon a vibrant economy. Wealthier is not only healthier, but also brings greater happiness. But we must never lose sight of the fact that Israel is located in the midst of hundreds of millions of people who would like nothing better for that country to disappear. Thus, in improving the economy of the nation, Netanyahu has done more, far more, than attain for its people greater creature comforts, as important as these are. He also immeasurably improved their chances of survival as a nation. For a more efficient economy also leads to greater military power. If Prime Minister Netanyahu would have done nothing else for his country apart from promoting economic freedom, he would properly be credited, also, for strengthening it militarily.

The Likud, under the direction of Bibi, helped Israel to finally begin following the path of the best of Zionist thinkers, Jabotinsky. And by doing so, Netanyahu not only created an exceptional example of economic growth, but also finally lead Israel to the path of fulfilling that beautiful part of Israel's national anthem (*Hatikva*), that says:

Our hope is not yet lost,
The hope that is two-thousand years old,
To be a free nation in our land,
The Land of Zion, Jerusalem.¹⁷

¹⁷ Knesset (n.d.).

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Chapter 9

Conclusion



This new Jewish awakening is part of that miracle, a part of the Jewish victory. Those who thought Jews were frightened by huge armies were mistaken, and those who thought you could separate the Jewish state from the Jewish people around the world clearly underestimated us.

Elie Wiesel (1967).

2000 years ago, Judea was populated by Jews. These Jews were unjustly murdered or expelled from their lands after rebelling against the Roman Empire. Jerusalem, their historic capital, was destroyed in 70 CE. Since there can be no man-made statute of limitations in libertarianism, if modern day Jews can prove descent from the original Jewish homesteaders, which we demonstrate they can both culturally and genetically, then all land with prodigious evidence of previous Jewish homesteading dated to the time of the fall of Judea, should return to the descendants of the original homesteaders. That is no less than what the classical liberal as well as libertarian theory of justice demand. These are modern day Jews in existence today, who have never relinquished their claims to their ancient homeland. This is particularly relevant of those places with the most cultural as well as religious importance to them, such as the Temple Mount in Jerusalem (which we know was built by Jewish *Kohanim*) and the Cave of the Patriarchs in Hebron.

Some may argue that these areas with millennia evidence of Jewish homesteading are irrelevant to justify the existence of the state of Israel, because they are very few relative to its total territory. But that is not a valid objection. To those who deny the relevancy of the historical connection of Jews to Judea, we ask them to look at what Palestinian Arab propaganda tries to do. They want to establish themselves not only as a millennia people that always lived in the area, but more importantly as in effect the *real* Jews. No other explanation is possible when Jesus is referred to as a “Palestinian” or Jerusalem is labeled as the “Palestinian Capital *Al Quds*”.

More perplexing perhaps, is that those who deny the Jewish connection to Judea because there is not “that much” evidence of millennia Jewish homesteading

relative to the total area, are the same people who refer to the land as “Palestine” belonging to Arabs even when they are referring to the same area that in the XIXth century was for the most part an unhomesteaded, unowned, desert.

About the rest of the land, all that is required is homesteading. And this, the Jews did and continue to do to this very day. This of course extends to “settlements” in Judea and Samaria. Israel never actively expelled Arabs from their homes in the aftermath of the Six Day War, and only allows building of Jewish settlements on vacant, unhomesteaded land. It is therefore hard to see how someone could possibly consider any Jewish settlement as “illegal” unless he accepts the statist fiat view of land ownership and legality.

Even the most extreme anti-Zionists concede that some 7–10% of pre-1948 Palestine land was legitimately owned by Jews, for example purchased by them from willing owners.¹ Given that, would Jews have a right to set up a State on that limited territory, and if attacked, expand those lands in a defensive action? From the perspective of classical liberalism and libertarianism, certainly. Moreover, if there was only one state in the area, would that Jewish community have a right to secede to form another country of their own? According to classical liberalism and libertarianism, and the doctrine that all associations must be voluntary, yes.

Our conclusion, buttressed throughout this work, is that Israel is in fact built on both legitimate land purchases as well as legitimate land claims from the past, specifically the Roman period.

BDS, most Arab states, and jihadis are all moved by the same hatred: Anti-Zionism. This “ideology” is fundamentally based upon two myths: The massive expropriation and ethnic cleansing of Palestinian Arabs by Israel. First, this assumes that Israel was built on stolen land and property. Second, that the Jews expelled the Arabs following a systematic premeditated plan.

To tackle these myths, we have analyzed, according to classical liberalism and libertarianism, what qualifies as legitimate property. In the Lockean-Rothbardian tradition, this is the outcome of mixing one’s labor with any virgin resource (homesteading) or trading one’s produce. In the case of Israel, it is relevant to note that most of the land before its birth was under control of the British Mandate, which in turn inherited it from the Ottoman Empire. More importantly, most of the land labeled as “owned” by Arabs was uncultivated, swampy, or desert. For instance, *A Survey of Palestine* (1946) shows that most of the land regarded as Arab was considered as uncultivable, hence uncultivated. This demonstrates a simple fact: titles to such property were illegitimate since no homesteading took place to acquire such supposed ownership. If a land is unhomesteaded, it is unowned by natural law.

Anti-Zionists try to refute this fact with the assertion that most of the land bought by Jews and Jewish organizations was owned by absentee landowners, who sold them and displaced Arab farmers who were actually working the land, and are therefore the rightful owners. On the one hand, this is false since much of the land

¹ Ignoring, here, that sometimes they also say that these lands were illegitimate. True, the most extreme anti-Zionist would grant legitimacy not even to a square meter of land to Jews in the area but let us assume they do here for the sake of argument.

sold to Jews was swampy and uninhabitable in the conditions it was received. Moreover, this argument also refutes their *original* approach: if one claims that most of the land was owned by Arabs, one based on the “ownership” titles of Arab absentee landowners, then so was the sale of these titles legitimate. In other words, if one asserts that the Arabs owned the land and does so based on titles which one later regards as illegitimate (since these were said to be from absentee landowners) then one is engaging in a contradiction. Either the Arabs owned the land, and legitimately sold it to Jews, or they did not own it beyond the few plots worked by Arab peasants.

The truth is that most of the land, including most of that said to be the property of Arabs, was uncultivated, swampy and desert, and owned only in a legal sense by the government in charge (the Ottoman Empire or the British Mandate, depending upon the date). For instance, much of what is now Israel consists of the Negev desert. Apart from Jews, who are now growing many different fruits and vegetables in the area, no homesteading ever took place there.

Moreover, Jews did not buy land from Arab owners because they thought the titles were legitimate (in that they were based on previous homesteading) but because it was the only way to obtain land at the time without being harassed by government. Their primary goal, as that of Zionism, was to build, *as soon as possible*.

The second myth, ethnic cleansing, is refuted both by historical fact and direct observation to this day. On the historical front, it is no other than the father of the revisionist Israeli “New Historians”, Benny Morris, who recognized (arguing against the Anti-Zionist favorites, among which we find Ilan Pappé) that no such thing took place, and that the Arabs, for the most part, fled Israel voluntarily as the result of ongoing fighting and fear during the War of Independence in 1948 (a war that Arab states *started*). No Arab who remained in Israel lost his property and these people are, to this day, citizens of the state. 20% of Israel’s population is Arab, which makes this a strange case of ethnic cleansing indeed.

Hence, in most cases, Arab villages were abandoned voluntarily in an effort to clear the way for the invading Arab armies at the time. In other cases, Arab towns were used as staging grounds to launch attacks. In such cases, the accusation of land theft against Israel cannot be taken seriously. In fact, the population that *was* ethnically cleansed were the Jews of Arab countries (about 850,000–1,000,000), who were expelled and expropriated after the creation of the State of Israel. Israel’s enemies project on her that which they themselves *did*.

What is the main excuse today for anti-Zionism? The “settlements”. They blame the Jewish towns built in Judea and Samaria for the lack of peace. This is another myth. There was no peace before Israel liberated those lands in 1967. And we say liberated, because these were illegally *occupied* by Jordan (and Egypt, the Gaza Strip). No movement existed to *create* a Palestinian State there before 1967, but there certainly was one intent to *destroy* Israel. Some of the “settlements” were actually rebuilt from previous Jewish communities in those areas, ethnically cleansed by Arabs in the War of Independence in 1948–1949. But, even without

settlements between 1948 and 1967, there was no peace. So, the argument is wrong from beginning to end.

Why are Jews not supposed to be allowed to build in Judea and Samaria? The territory where these towns are based and grow, were virgin lands where no previous Arab homesteading took place (and when it did, Israel, ruled for their destruction and restoration to the original owners). The claim is that, if Jewish towns increase, Palestinian Arabs “lose” more land for their state. The truth, however, is that there should not be any problem with Jewish towns, irrespective of where the Palestinian Arab state could in theory exist, in the same way there is no problem with Arab towns in Israel proper.

Or is it in fact that anti-Zionists, the Palestinian Authority and BDS supporters do not want Jews to live in a future Palestinian Arab State (thus turning it *Judenrein*)? Since anti-Zionists of all kinds overwhelmingly regard not only Judea and Samaria, but *Tel Aviv*, as “occupied”, and that the PA punishes with death the Arab sale of land or property to Jews, we can deduce that this is precisely the case. That is, of course, congruent with our main premise: the lack of peace is due to the rejection of any Jewish presence in the area, whether in 1929 (at the time of the Hebron massacre), 1948, Judea and Samaria in 2015 or Herzliya in 2020.

Much of the anti-Israel sentiment among libertarians and classical liberals has its source in the very father of the modern libertarian movement itself, Murray N. Rothbard (1967). Apart from blaming Israel for the Six Day War, Rothbard insists that the *entire* State of Israel is illegitimate. Moreover, he finds it “uniquely pernicious” in that it was supposedly founded on massive land theft and expropriation from Arabs, along with their subsequent expulsion. These are the exact same two fundamental myths of anti-Zionist propaganda.

Not only Israel is not a “uniquely pernicious” state built on outright land expropriation, but the very opposite is the case. It is historically indisputable that Jews homesteaded much of Palestine long before the late nineteenth century and the modern Zionist movement. Much of the land currently under dispute was homesteaded by Jews before the territory was even called “Palestine,” when it was in fact called Judea.

All *peaceful* boycotts should be legal. Laws attempting to squelch them are indeed unjustified. This follows straight and ineluctably from the magnificent principle of free association of western civilization: no one should be forced to associate with anyone else against his will. Free association is an integral part of freedom. Moreover, forcing someone to associate economically with an entity he deems unworthy is unjust. Such boycotts are anywhere and everywhere an expression of human freedom, whether they are justified in any given case or not.

If the Boycott, Divestment and Sanctions movement (BDS) *were* peaceful, this would apply to them as well, even though we detest their goals. However, this undertaking resorts to violence against pro-Israel speakers on campus, against public personalities, artists, and many others, so as to shut down their voices.

As we have seen, BDS is nothing more than a recycled anti-Zionist strategy. Boycotting the State of Israel has been (apart from wars and terrorist attacks) the traditional way by which Arab states tried to destroy the Jewish one. The novelty

here is that the Boycott, Divestment and Sanctions movement is now fueled by Western organizations and countries and is expanding throughout university campuses both in America and Europe.

However, as we saw with multiple examples, neither anti-Zionists nor Arab states *care* about Palestinian Arabs. These are treated as second class citizens in many Arab countries. For example, Kuwait expelled hundreds of thousands of Palestinian Arabs after the First Gulf War. Many Palestinian Arabs are now living under the brutal Islamist dictatorship of the Hamas in Gaza, or under the tyranny of Mahmoud Abbas and the PA, whose “democratic” term ended a decade ago. Where is the BDS support for these peoples? Where is the international outcry and condemnation? If no Jews are involved, somehow nobody seems to care that much.

Jews have a right to live, build and create their own state? Absolutely, because they are human beings, and as such they are *entitled* to homestead any virgin resource, and to *defend* themselves and their properties against attacks. The fact that they chose Israel is due to the millennia connection between Jews and Judea. Anti-Zionists, in their obsession against Jews and Israel, know this and try to erase or distort history. International forums and media outlets are used for this purpose, on a daily basis. According to UNESCO, for instance, The Temple Mount is no longer The Temple Mount, but *Al-Haram Al-Sharif*. Jerusalem is now *Al-Quds*, and the Kotel is the *Al-Buraq Wall*. This is not naive, but the recognition that without undermining the Jews’ historical connection to Judea, Israel has no right to exist and it is nothing more than an “occupying force”. This nomenclature constitutes a systematic attempt to erase the connection between Jewish history and the Jewish holy of holies. It would be offensive if it were not so transparently inane, even in terms of denying Christian history, and by extension, that of the Muslim.

The truth, however, is the very opposite. BDS supporters may very well stop buying Israeli products (to their disadvantage) if they want to and persuade others to do it. What they cannot legitimately do is to lobby governments to use force against their own citizens who wish to trade with Israelis on a voluntary and mutually beneficial basis. Let us make no mistake, BDS is not primarily a *pro-Palestinian* movement, but an anti-Zionist and, yes, an *anti-Jewish* one. Denying one group, and one group alone, the right to homestead land and work their way to freedom is not precisely just, nor good. The same applies for Palestinian Arabs, but not at the expense of Israeli lives and the destruction of Israel. Moreover, if the model of a Palestinian Arab state is that of the PA tyranny, or the Islamist totalitarian regime of Hamas in Gaza, our answer is that *there is no right to establish a murderous dictatorship*.

Real fairness and justice not only require rejecting the hatred and lies of anti-Zionists but upholding the *truth*. This truth resides at the core of that which is best in western civilization: human beings have a right to live, to own property, to the pursuit of their own happiness, by their own effort. Israel is an example of that, and one of the best. This long-forgotten desert was turned into a first world, peaceful and free society by the work of millions of Jews, who came back to the land of their forefathers. It is owned by them because they *made it* theirs.

The anti-Israel sentiment that abounds in the Arab world talks more about their societies than that of Israel. Oppressive and unfree, where fear reign and the

individual must obey the decrees of the government, these societies can never admire and accept that which is their exact opposite. Their rejection of Jewish presence in the area, especially in the form of a state, must be also explained in that light: a closed society cannot accept those who want a life of their own, in the full meaning of the term. Those in the West who emulate the Arab regimes in their hatred of Israel, also fight against that which is beautiful in the human spirit: liberty.

Instead of looking to peacefully cooperate with Israel in the fields of technology, medicine, and especially those that would help the most in the arid areas of the Middle East, such as water and irrigation systems, the enemies of the Jewish state look for its destruction. The Palestinian Arabs, instead of building a state of their own in the areas they already control, want to see the Jews *go*. Instead of making of Gaza the Hong Kong of the Middle East, they turn it into a platform for launching rockets. At bottom, it is the fight between those who want to build, and those who want to destroy. Despite their enemies' efforts, the Jews are not going anywhere, and are there to stay. Peace will only come once the Palestinian will to fight is finally broken.

Hopefully, things are beginning to change, and more and more Arab states are now normalizing relations with Israel, as the Abraham Accords (2020) show with the United Arab Emirates and also with Bahrain. Others, such as Morocco and Sudan, are following the Abraham Accords' footsteps. This shows that the thesis of our book is correct: peace is not the result of Israel's concessions. A strong Israel means peace is closer, not further away. Peace for peace, not lands for peace, should be the formula.

But make no mistake, the marvels of Israeli innovation are a secondary issue, no matter how important for humanity. Israel's justice does not reside in medical advances or technological innovations, but in the fact that Jews homesteaded much of Israel, the land of their forefathers, and continue to do so to this very day. Contrary to what is claimed by its enemies, this country was built with the purpose, not of expelling, robbing, and destroying, but of building, living, and thriving. The conceptual clarity of classical liberalism and libertarianism allows us to identify that which is just in the world, and that which is not. As we have tried to show throughout this work, Israel is clearly an example of the former. And this is why Judea is Jewish.

Jorge Luis Borges, in his poem "Israel"² (1967) masterfully encapsulated it:

a man who in spite of humankind
is Spinoza and the Baal Shem and the kabbalists,
a man that is a Book,
a mouth praising heaven's justice
from the abyss,
an attorney or a dentist
who talked with God in a mountain,
a man condemned to ridicule and abomination, a Jew,
an ancient man, burnt and drowned in lethal chambers,

²Translated from the original in Spanish in Stavans (2012).

an obstinate man who is immortal
and now has returned to battle,
to the violent light of victory,
beautiful like a lion at noon.

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Annex A: Maps



Map 1 The Twelve Tribes of Israel (ca 1200 BCE). (Source: Israel Ministry of Foreign Affairs. "Israel in Maps" (The maps from the Israel Ministry of Foreign Affairs are from the IDF Mapping Unit and it is explained that they are "[...] for illustrative purposes only and should not be considered authoritative". We present them here in that spirit also in order to help the reader understand the reasons we give throughout the book. For sources on Maps focused in the history of the Jewish People and the State of Israel see Gilbert, 1969 (2010), 1974 (2012)))



Map 2 The Kingdom of David and Solomon. (Source: Jewish Virtual Library. Maps of the Middle East, BCE: The Kingdom of Israel under David and Solomon (Map courtesy of Imninalu.net). Re-published with the permission of the American-Israeli Cooperative Enterprise (AICE))



Map 3 The Herodian Period (37BCE–73CE). (Source: Israel Ministry of Foreign Affairs. “Israel in Maps”)



Map 4 Jews in the Land of Israel (73–636 CE). (Source: Israel Ministry of Foreign Affairs. "Israel in Maps")



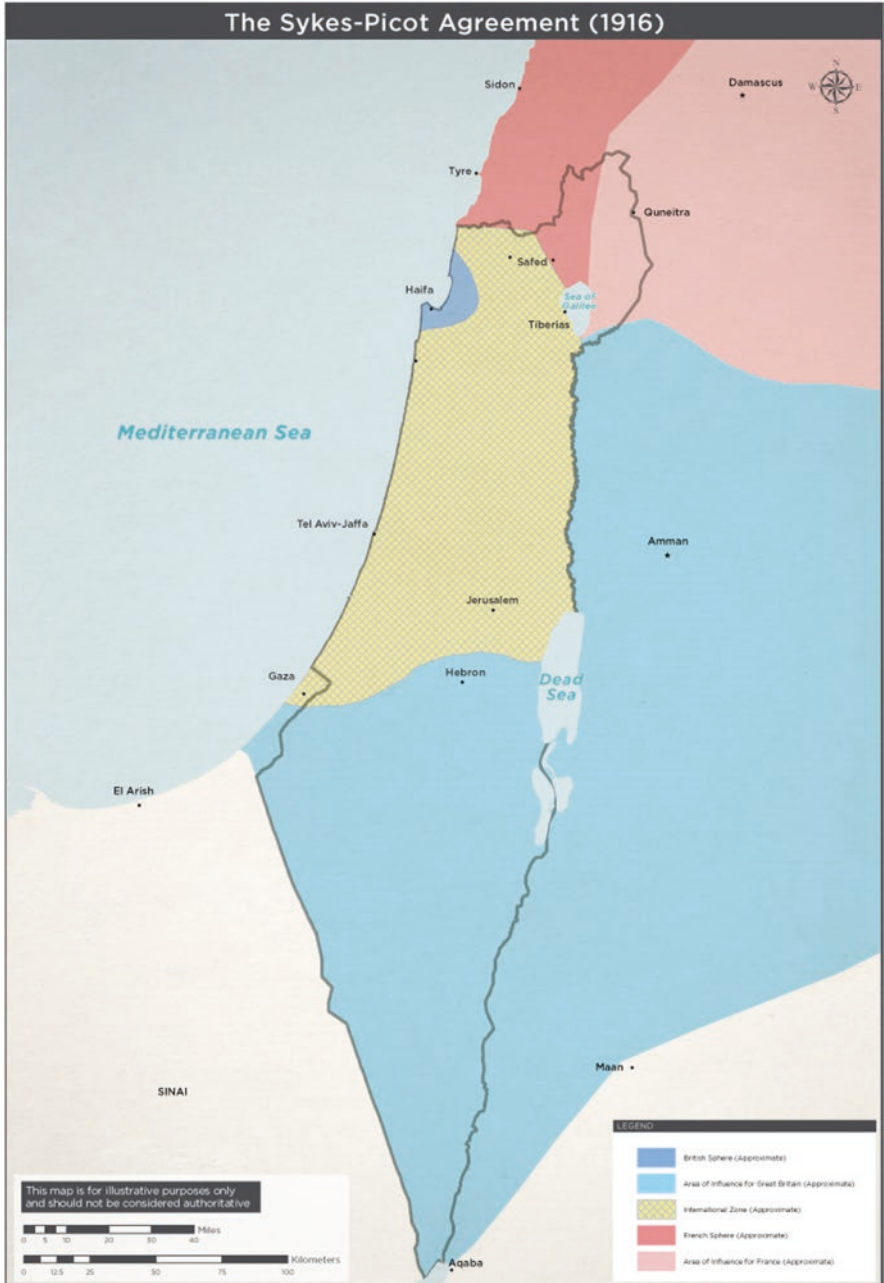
Map 5 Jews in the Land of Israel (636–1880 CE). (Source: Israel Ministry of Foreign Affairs. “Israel in Maps”)



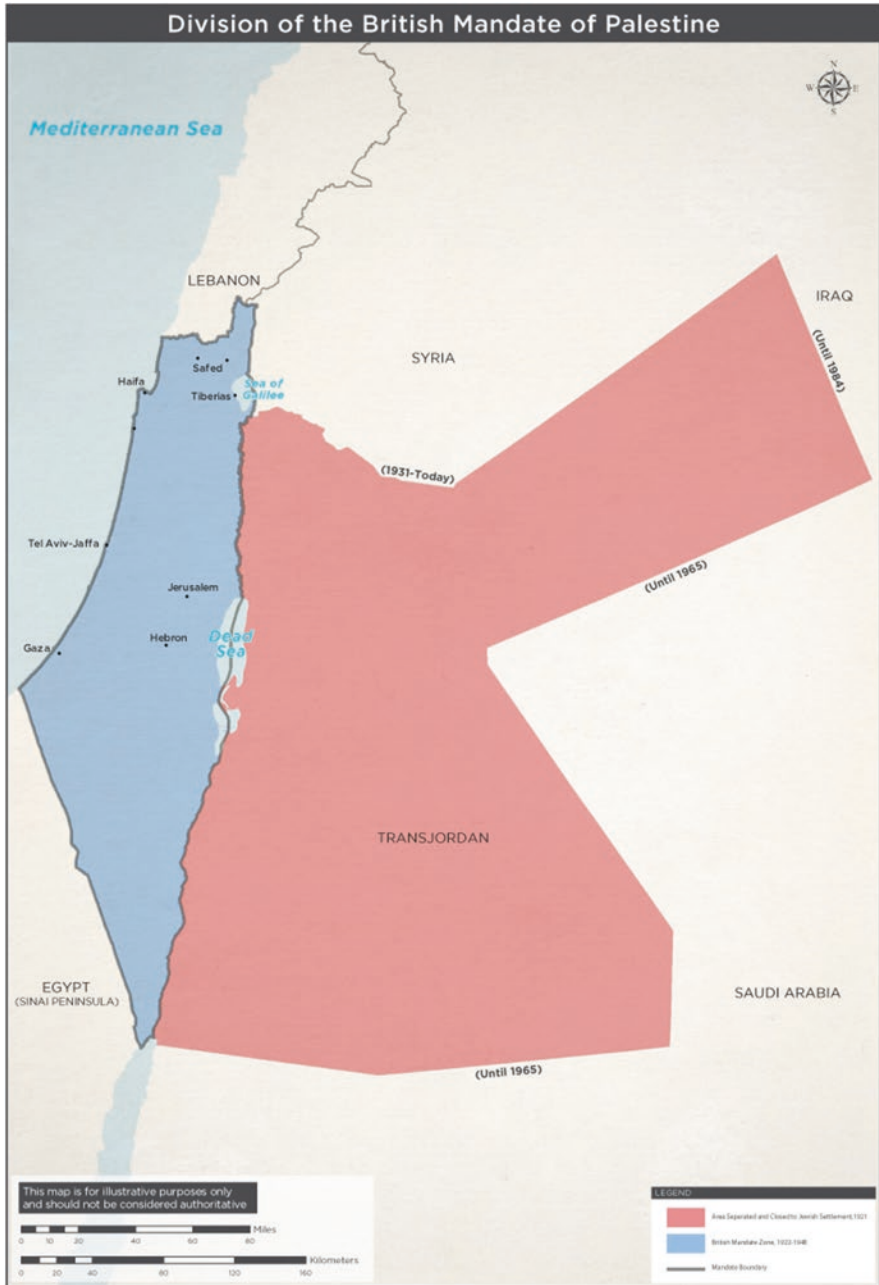
Map 6 Jews in the Land of Israel (1880–1914 CE). (Source: Israel Ministry of Foreign Affairs. "Israel in Maps")



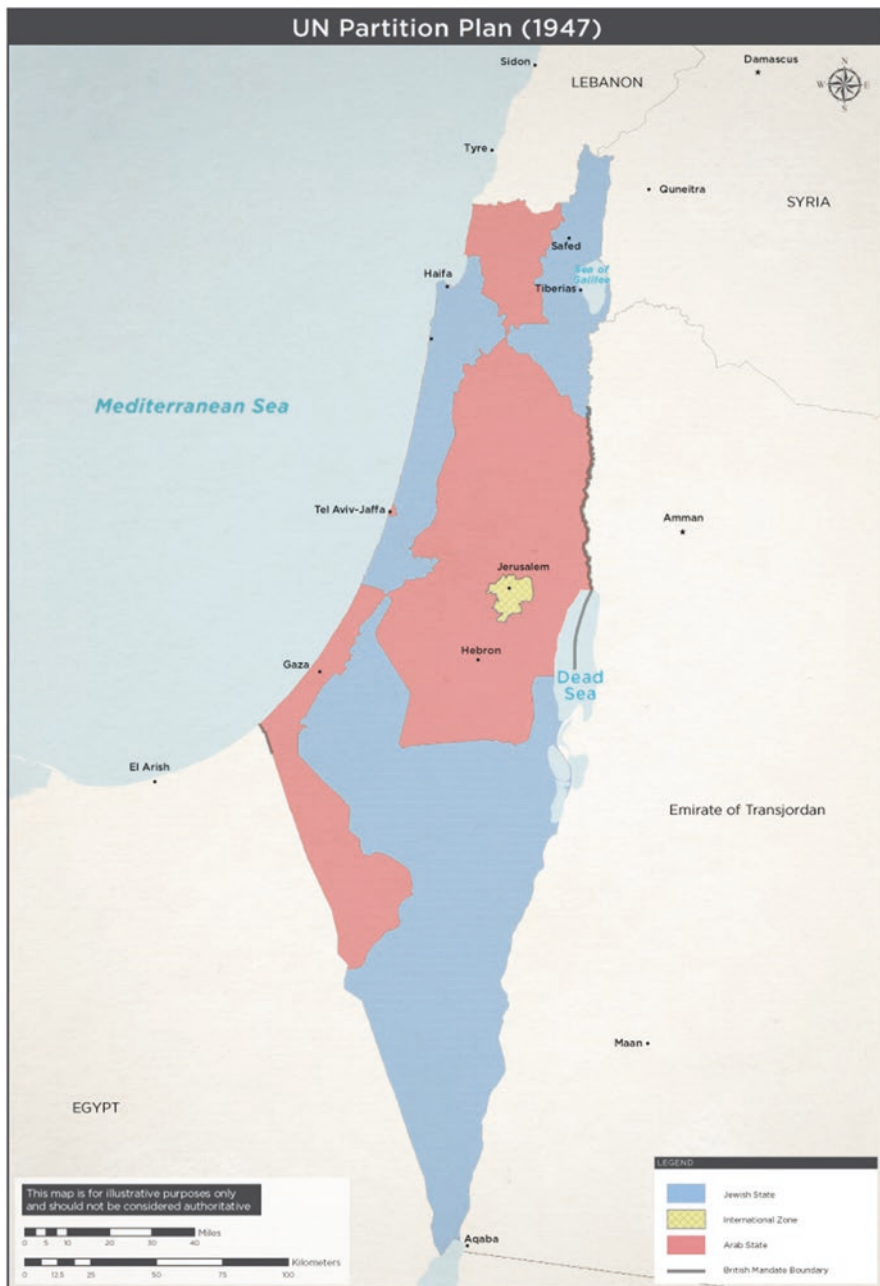
Map 7 The Balfour Declaration. (Source: Israel Ministry of Foreign Affairs. "Israel in Maps")



Map 8 The Sykes-Picot Agreement (1916). (Source: Israel Ministry of Foreign Affairs. “Israel in Maps”)



Map 9 Division of the British Mandate of Palestine. (Source: Israel Ministry of Foreign Affairs. "Israel in Maps")



Map 10 The UN Partition Plan. (Source: Israel Ministry of Foreign Affairs. "Israel in Maps")



Map 11 Israel after the Six Day War (10 June 1967). (Source: Israel Ministry of Foreign Affairs. "Israel in Maps")



Map 12 United Jerusalem after the Six Day War (1967). (Source: Israel Ministry of Foreign Affairs. "Israel in Maps")

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