Konrad
Adenauer
Stiftung

**The Jerusalem Institute
for Israel Studies**
Founded by
the Charles H. Revson Foundation

Barriers to Peace in the
Israeli-Palestinian Conflict

Editor: Yaacov Bar-Siman-Tov

2010

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In memory of Professor Alexander L. George,
scholar, mentor, friend, and gentleman

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Foreword

One of the main tasks of the Konrad-Adenauer-Stiftung in Israel is to set up a framework for dialog between Israel and its neighbors as a basis for peaceful co-existence in the region. Also because of the historical background, Germany is committed to the safety of Israel as a Jewish State within secured borders and in peace with its neighbors.

The peace process since the Oslo negotiations of 1993 had raised great hopes that an agreement would be achieved in a foreseeable future. This process, however, failed. Later approaches, unilateral steps like the withdrawal from Gaza or the Annapolis round of talks did not bring a peaceful solution any closer either. Today the question is less: "What is the solution to this complicated conflict?" - The conflict is old enough to have produced a series of theoretical solutions. This problem has been discussed enough over the decades; a variety of solutions including all the technicalities have been developed. Today the question is rather: „What prevents the actors from taking the necessary steps leading to a solution? Why is the negotiation process not going ahead, or why a new negotiation process is not getting into motion?"

It seems as if today's situation is leading back to before the Oslo-process, with the principle of negotiation and the ability to compromise being radically questioned. Among the important obstacles one finds broken trust and mutual fear. The systems of values, cultural and religious backgrounds as well as the national narratives are becoming markedly different, preventing each side from reaching out to the other.

The geopolitical situation has changed since the Oslo negotiations, when one believed that one could primarily handle and resolve the conflict as a local conflict. Today regional and international actors play an increasing role, making the process even more complex. How to overcome these obstacles and still make progress towards peace and reconciliation?

With this publication, which is part of KAS funded research projects, the Konrad-Adenauer-Stiftung aims at fertilizing the dialog. KAS does not want to impose any particular political opinions or approaches. The contributions in this

book therefore do not necessarily reflect the view of the Konrad-Adenauer-Stiftung. The KAS offers not only a platform for dialogue between the conflict parties but also for the intra-Israel dialogue. This is essential not only as a prerequisite to support the necessary political steps but also to ensure the sustainability of a peace settlement.

Dr. Lars Hänsel
Director of the Konrad-Adenauer-Stiftung in Israel

Introduction:
Barriers to Conflict Resolution

Yaacov Bar-Siman-Tov

The causes of the breakdown of the Oslo peace process and the violent deterioration of the Israeli-Palestinian conflict that began in September 2000 have been extensively discussed in accounts written by the architects of the Oslo peace process and thoroughly analyzed in numerous academic studies. Some ascribed the failure of the peace talks to the nature of the Israeli-Palestinian conflict as an intractable, ungovernable, and insoluble conflict; others blamed the unwillingness of the parties to make the concessions necessary for reaching a settlement; still others blamed the mismanagement of the negotiations, the ill-conceived focus on an interim agreement rather than on a permanent agreement, the failure to address Israeli and Palestinian national narratives and ideas of justice and fairness, the failure of Israeli and Palestinian leaders to forge a coherent and lucid peace strategy or to garner public support for the peace process, and even the ineffective American mediation.

Between the January 2001 Taba Summit and the year 2008, the Israeli-Palestinian peace process was effectively caught in a deadlock, despite the numerous proposals that were put forward during that time, which included the Arab Peace Initiative, the Bush Initiative, the Road Map, the Nusseibeh-Ayalon Initiative, the Geneva Initiative, the Saudi peace plan, and the Annapolis Peace Conference. While many of these peace plans exhibited varying degrees of success in addressing some of the barriers that led to the breakdown of the talks, none of them fully grasped the extent of the barriers impeding the Israeli-Palestinian peace process. Furthermore, these peace plans did not explore practicable strategies for neutralizing the barriers to a peaceful resolution of the conflict. After the Annapolis Peace Conference, the talks were split into two tracks: Ehud Olmert and Mahmoud Abbas on the one hand, and Tzipi Livni and Ahmed Qurei on the other. The difficulty in renewing the process since then only illustrates the difficulty of settling the conflict. Not only do most of the barriers that have

prevented its resolution in the past still exist, but they have even been exacerbated since the beginning of the process in Oslo, following the failure of the peace talks and the ensuing violence. Both the Hamas takeover of the Gaza strip and the rise to power of right-wing parties in Israel are evidence that forces on both sides have emerged that cast doubt on, or even plainly reject, a negotiated settlement of the conflict, and prefer continuing the conflict to managing it, whether intentionally or by perceived necessity.

This book calls attention to the pressing need for a thorough discussion of the barriers to a peaceful resolution of the Israeli-Palestinian conflict. This discussion must be directed toward the identification and characterization of the existing barriers, as well as toward an examination of the possibilities and means (if any) for addressing and overcoming those barriers. In the absence of such a debate, it is questionable whether it would be at all feasible for the various peace plans to advance toward resolution, and the circumstances would most likely leave the rival parties empty-handed once again, and on track to return to a cycle of violence. A comprehensive examination of these barriers to peace can also help assess the prospects for the success of the proposed resolutions (e.g., an interim agreement, a partial peace agreement that would not aim to end the conflict, or a comprehensive peace agreement that would end the conflict but not bring about reconciliation).

This book outlines the barriers to conflict resolution and classifies them as tangible or non-tangible factors that can prevent or undermine an agreement.[1] These barriers are a result of the nature of the Israeli-Palestinian conflict, its characteristics and history, and the relations between the parties. Barriers to the resolution of the conflict are the result of the contradictory interests of the parties on fundamental issues such as, for example, territory and borders. There are also barriers that arise from differences and contradictions between identities, values, beliefs, historical narratives, collective memories, and the myths of the parties regarding the origins and development of the conflict and the ways of managing it, as well as the feasibility of its resolution.

These barriers can be strategic, structural, or psychological. Strategic barriers relate to the security risks involved in making peace in cases where the parties are

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[1]   For a comprehensive discussion of barriers to conflict resolution, see Arrow, K. et al. (eds.) (1995). *Barriers to Conflict Resolution*. New York: Norton.

required to make concrete concessions (territorial). Strategic barriers may also relate to the efforts of the parties to maximize their gains at the negotiation table and to drive a hard bargain at the expense of the other side by employing hard strategies and tactics, while ignoring the need to build and maintain peace in both the immediate and long-term future.

Structural barriers are shaped by the internal political structures of the negotiating parties. Structural barriers create institutional and bureaucratic constraints that undermine the legitimacy of the peace process and its conditions, costs, and benefits. Political institutions and agents, like political elites, parties, and interest groups – and also organizations such as the military and other security agencies – may oppose the peace process for political, ideological, or security reasons. Such actors may reject those peace processes that they perceive as a threat to national and security interests. Moreover, there may be spoiling groups that violently resist any peace process that contradicts their views. Structural barriers to peace tend to become particularly powerful whenever conditions lead to confrontations between state and non-state actors or between several actors that vie for different forms of government and are influenced by vastly different arguments for the legitimacy of the peace process.

Psychological barriers are cognitive, emotional, or motivational barriers that are centered on national narratives and collective memories, and which hinder any changes in belief systems and attitudes towards the other side or towards the conflict. These psychological barriers affect the ways in which information is perceived and interpreted and add to the mistrust of the other side and of the peace process. Such barriers generate overconfidence that can impair the ability to direct the course of events. They promote exaggerated expectations for the success of realizing goals such as, for example, when they cause the negotiating parties to believe that time works on their behalf, and against their rivals. Such barriers promote the importance of absolute values – justice, fairness and equality – and undermine willingness to make concessions, to compromise, or to take risks. They undercut the need to set priorities and they warp perceptions of what is to be gained or lost (one example of this is the tendency to frame peaceful resolution of the conflict in terms of losses rather than gains). These psychological barriers obstruct the ability of each side to assess the actions and intentions of the other side correctly. They also create bias mechanisms that affect the interpretation of

each side's goals and strategies and further cause each of the negotiating sides to underestimate the commitment of the other side to resolving the conflict and making concessions. All of these barriers are interrelated and influence each other to the degree that it is sometimes difficult to separate them from one another.

This book presents groundbreaking, original research; it presents the efforts of Israeli researchers, who use a broad range of theoretical and empirical methods from a large number of disciplines, to re-examine the barriers to the resolution of the Israeli-Palestinian conflict. This volume focuses on the unique characteristics of the Israeli-Palestinian conflict that give rise to the unique barriers – structural, strategic, political, psychological, historical, cultural, and religious – that prevent or hinder its resolution. The barriers to peace described in this volume are set in the deeper strata of the conflict – national identity, values, belief systems, historical narratives, and collective memory – and they underscore the fundamental differences between the two sides with regard to their understanding of both the conflict, in terms of its characteristics and components, and of the possibilities for its resolution. Although the barriers discussed in this volume have been addressed previously in various academic publications, they have never before been assembled so as to provide a comprehensive picture that reflects the complexity of the challenge that the Israeli-Palestinian conflict presents. The novelty of the present research volume is in its endeavor to suggest ways for overcoming the barriers to the resolution of the Israeli-Palestinian conflict with a view to promoting a settlement.

This volume is composed of three main sections. The first section, consisting of three chapters, is dedicated to a discussion of psychological and sociological barriers to peace. The second section, which consists of three chapters, is concerned with barriers to peace that are rooted in Israeli and Palestinian narratives, values, cultures, religions, and perceptions of time. The third section, composed of three chapters, discusses substantive, strategic, and political barriers to peace. Admittedly, this division is somewhat artificial. Because the distinctions between the different types of barriers to peace are somewhat imprecise and undefined in both subject matter and content, the barriers are often quite similar and overlapping, and they are clearly interconnected. For example, psychological barriers can be said to be shaped by the nature of the conflict. A protracted and intractable conflict creates socio-psychological bias mechanisms, frames the

narratives and collective memories of both sides, and magnifies the cultural-religious-ideological differences between them to such a degree that these factors can actually become barriers to the resolution of the conflict. Furthermore, neither the proposed distinctions between barriers, nor their order of appearance, are in any way intended to indicate that some barriers are more "important" or "severe" than others. In fact, only a comprehensive account that includes all the barriers to peace can provide an accurate and overarching picture of the obstacles impeding the resolution of protracted and intractable conflicts, such as as the Israeli-Palestinian conflict.

The first chapter, "Socio-Psychological Barriers to Resolving the Israeli-Palestinian Conflict: An Analysis of Jewish Israeli Society," by Eran Halperin, Neta Oren, and Daniel Bar-Tal, posits that one of the main reasons why substantive disagreements in the Israeli-Palestinian conflict have not yet been resolved – and are unlikely to be easily resolved in the future – is the existence of socio-psychological barriers that prevent the conflict from being resolved through peaceful means. These barriers reflect a range of cognitive, emotional, and motivational processes which, together with the psychological repertoire that is found on both sides of the conflict, lead to twisted, biased, and selective methods of processing information and everything else that relates to the conflict. These methods prevent the processing of new information that could contribute to the advancement of peaceful means of resolving the conflict. The analysis in this chapter is focused on the Israeli-Jewish side of the conflict. While the researchers claim that similar barriers exist on the Palestinian side as well, they contend that their decision to focus on the Israeli-Jewish perspective is based on their more intimate familiarity with Israeli-Jewish society and on their belief that Israel, given its control of the territories, wields the resources and ability to enforce a resolution to the conflict.

The first part of this chapter lays out the general conceptual framework of the socio-psychological barriers to the peaceful resolution of the conflict. These barriers include beliefs that support the conflict – both ideological and social beliefs constructed around the ethos upholding the conflict – as well as collective memories. These socio-psychological barriers further include circumstantial beliefs that are formed in a particular context, influenced by its circumstances (thus, for example, distrust of the other side's political leader could be the result

of that leader's political weakness and could change in response to changes in his political power). Finally, negative emotions, such as fear or hatred, are also included among socio-psychological barriers to peace. The second part of this chapter is dedicated to an analysis of the central issues of the Israeli-Palestinian conflict as they are manifested in the negotiations: territory and borders, the character of the Palestinian state, and the issues surrounding Jerusalem, settlements, and the Palestinian refugees from 1947-1949 and 1967. This analysis also addresses opinions found within the general Israeli public vis-à-vis these issues. The third section of the chapter lists the main socio-psychological barriers that impede the advancement of Israeli society toward possibilities for peaceful resolution of the conflict. These barriers include beliefs and ideologies that support the conflict; beliefs regarding Israeli-Palestinian goals in the conflict; negative portrayals of Arabs; Israeli society's belief in its own victimization; Israel's positive self-image as a virtuous and moral military power; decline in the centrality and importance of ideas of peace in Israel; circumstantial beliefs that support the conflict, including distrust of the desire or ability of the Palestinian leadership to reach a peace agreement; the belief that time works for the benefit of Israel; and various emotional barriers, such as fear and hatred.

The researchers' conclusions point to the central role that socio-psychological barriers within Jewish-Israeli society play in preventing the resolution of the conflict. The primary effects of such socio-psychological barriers are the selective processing of information about the conflict and the shutting out of new ideas about peace and the prospects of peace.

In the second chapter, "Barriers to Resolution of the Conflict with Israel – The Palestinian Perspective," Yohanan Tzoreff focuses on the main barriers to peace that influence decision-making and deliberation processes on the Palestinian side, particularly among the political leadership. Although these barriers to peace resemble those that Egypt and Jordan also faced when preparing to sign peace agreements with Israel, they are much more deeply entrenched and difficult to uproot in the intra-Palestinian context. This is because of the uniqueness of the Palestinian situation, and the fact that the Palestinians are a non-state actor that has yet to experience independence. Tzoreff distinguishes among a number of different types of barriers. Structural barriers include intra-Palestinian divisions and inter-organizational rivalry, particularly between the PLO and Hamas, as well as the involvement of other Arab states in the Palestinian conflict. Territorial and

geographical barriers stem from the difficulty of accepting a compromise along the lines of the 1967 borders because of Palestinian narratives of the Palestinian right to the land, despondency at the prospect of achieving a two-state solution, and the Palestinian Diaspora, which is scattered throughout many regions and countries and mired by problems and the alienation created by the status of the Palestinians as refugees. Identity barriers stem from tensions surrounding the desire to preserve national identity in the absence of a state, fear of losing the old national identity when the state is established, and apprehension about the possibility that the so-called "holy" armed resistance against the Israeli Occupation will cease to be considered a central pillar of Palestinian identity. Psychological, religious, and cultural barriers take a number of forms, including the demand for the correction of a historic injustice, namely the establishment of the State of Israel and the birth of the Palestinian refugee problem, defeatist and victimizing psychological complexes, and a culture of denial and repression. Political barriers are the result of a weakened trust in politicians, deficient political mechanisms for managing disputes and political discord, and a culture of rhetoric constructed around hackneyed clichés that constrain both the Palestinian political leadership and the general public. Despite the sheer magnitude and intensity of these barriers to peace on the Palestinian side, Tzoreff points to Israel's treatment of the Palestinians as a force for neutralizing these barriers and for paving the road to peace. He enjoins Israel to improve its treatment of the Palestinian people and to increase its concern for Palestinian needs and rights.

In the third chapter, "National Narratives in a Conflict of Identity" Yehudith Auerbach argues that the barriers to peaceful resolution of the Israeli-Palestinian conflict are first and foremost a result of the nature of the conflict as one of identities rooted in conflicting national narratives and meta-narratives, which cannot be bridged at this stage. The chapter is divided into a theoretical section and an empirical section. The theoretical section draws distinctions between different types of international conflicts, between conflicts of identity and material conflicts, and between meta-narratives and national narratives that determine the identity-based nature of the conflict. Whereas meta-narratives include the ethos of a people and its conceptual and ideological frameworks, national narratives are concerned with self-determination, ancestral connection and the right to the land (especially if there is a territorial dispute), and relations with the rival nation. By providing a conceptual framework for ideas of national exceptionalism, national

cohesion and national endurance, meta-narratives and national narratives function as key sources behind the formation of national identity. Unfortunately, the very same narratives have also proven to be the most pronounced barriers to peaceful resolution of conflicts, and while meta-narratives are considered impossible to alter or overturn, and are often regarded as holy and treated as protected values, national narratives are malleable enough to be reconstructed as necessary in order to allow for the resolution of conflicts. Still, national narratives need to be reworked and reconstructed to a large degree, and such serious conceptual and emotional changes are often difficult for societies with a long history of intractable conflict. The empirical section of the chapter is an in-depth analysis of Israeli and Palestinian meta-narratives and national narratives, as reflected in their founding documents and declarations, including the Israeli Declaration of Independence, the Palestinian National Charter, and the "Future Vision of the Palestinian Arabs in Israel," published by the National Committee for the Heads of the Arab Local Authorities in Israel. Auerbach's study leads to the inescapable conclusion that the gaps between the narratives are staggering and impossible to bridge at present. Nevertheless, both sides must demonstrate their willingness to rework their national narratives together, as it is highly unlikely that a peaceful resolution of the conflict will be possible without it.

In the fourth chapter, "Barriers to Peace: Protected Values in the Israeli-Palestinian Conflict," Shiri Landman contends that protected values are key barriers to a peaceful resolution of the conflict. Protected values are distinct, fundamental values that are perceived by a particular social group as sacred and not open to compromise, replacement, or abandonment. They hold a taboo status and their violation is likened to the violation of society's ethical and moral principles. The widespread objection found on both sides of the Israeli-Palestinian conflict to any form of compromise over the core issues at the heart of the conflict – permanent borders, settlements, Jerusalem, and Palestinian refugees – should be understood as resistance to the violation of protected values. Both the Israeli and Palestinian sides relate to these issues – particularly to the questions of the future of the Temple Mount and the Historic Basin in the Old City of Jerusalem and of the Palestinian Right of Return – as protected values that are not open to discussion, negotiation, or compromise. The power of protected values is based in national narratives and meta-narratives of the conflicting nations.

This chapter comprises three parts. The first section is primarily theoretical. It introduces the term "protected value" and describes the psychological response mechanisms to proposed compromises over protected values. The primarily empirical second part of the chapter explores the connection between protected values and core issues in the Israeli-Palestinian conflict. It focuses on Israeli and Palestinian regard for core issues as protected values, as exhibited in public-opinion polls and analyses of positions expressed on each side. The "value-based opposition" within both societies is a fundamentally substantive discourse that will necessitate wide-scale public support in order to change. The third section of this chapter suggests several strategies that may help weaken moral opposition to proposed compromises over core issues of the Israeli-Palestinian conflict by drawing distinctions between different propositions for compromise over protected values.

In the fifth chapter, "Justice and Fairness as Barriers to the Resolution of the Israeli-Palestinian Conflict," Yaacov Bar-Siman-Tov posits that the Palestinian demand for achieving a "just peace" as a precondition for peaceful resolution of the conflict has the power to undermine any chances of reaching a settlement, and should thus be considered a barrier to peace. The Palestinian demand for a "just peace," as defined by Palestinian statesmen and scholars, has focused primarily on the injustices that Israel inflicted on the Palestinians in the 1947-1949 War through the mass deportations that created the Palestinian refugee problem. Thus, they argue, unless Israel accepts responsibility for the expulsion of the Palestinian people from their land and agrees to a "just solution" to the refugee problem, as defined by the Palestinians, there will be no settlement to the Israeli-Palestinian conflict. The Palestinians demand that the Palestinian refugees be allowed to return to their homes in Palestine (i.e., in pre-1967 Israeli territory) although they are, in principle, willing to negotiate over the number of refugees that will be allowed to return. The Palestinians are unwilling, however, to accept responsibility for either the outbreak of the 1947-1949 War, or for its outcomes, one of which was the birth of the Palestinian refugee problem. Israel refuses, and has historically refused, to accept these Palestinian preconditions to a settlement; it refuses both to assume responsibility for the creation of the Palestinian refugee problem and to allow the Palestinians to resettle within Israel's borders in accordance with the Palestinian "right of return." Israel has, however, agreed to allow a limited

number of refugees to settle in Israel, not because of the "right of return," but for humanitarian considerations – primarily family reunification.

This chapter is divided into a theoretical section and an empirical section. The theoretical section discusses the concept of "justice" and its relation to peace, whether as a necessary precondition or potential barrier, as conceptualized through different paradigms. The empirical discussion analyzes the narratives of both sides of the conflict and examines the Palestinian demand for a "just peace" according to its official formulation in negotiations from the time of the Oslo Accords of 1993 through the Taba Peace Conference of 2001 and in Track II diplomatic initiatives (i.e., the Geneva Initiative and the Ayalon-Nusseibeh Initiative). The Palestinian demand for a "just peace" is then reduced to its components: transitional justice, distributive justice, and compensatory justice. The chapter concludes that the Palestinian claim for a "just peace" was, in fact, a barrier to peace in formal negotiations, but did not present a barrier to peace in the Track II diplomatic initiatives.

The conflicting historical narratives of both sides regarding the historical injustices committed and the ways to rectify them present the Israeli-Palestinian conflict as a classic case study of the link between justice and peace. The link between the issues of justice and peace is incredibly important, cannot be overlooked, and demands the attention of both sides. Given the intractable and unbridgeable divide that separates the two sides on the issue of justice and peace, it should not be addressed until later stages of reconciliation and should be avoided while forging a settlement of the conflict.

In the sixth chapter, "Religion as a Barrier to Compromise in the Israeli-Palestinian Conflict," Yitzhak Reiter examines the role of religion as a universal barrier in ethnic conflict worldwide, and within the Israeli-Palestinian conflict in particular. The religion barrier exists in a situation where religious values and symbols prevent any possibility of negotiation and compromise as a means for settling a territorial dispute. In the chapter, Reiter contends that religion presents a barrier to conflict resolution when some or all of the following conditions exist in both societies: (1) the values of the religious belief system enshrine war and continued control of holy sites and holy territories, while denouncing any possibility of negotiation or compromise over these values; (2) religious values dominate the general public discourse among even the secular or loosely observant

parts of society in such a way that religious symbols and values become an integral part of their identity and are not open to compromise; (3) religious parties that espouse religious values and actively use their influence to disseminate them wield decisive political power (whether formally, or because they are simply in the position to tip the scales in a deeply divided political system or convert large political alliances into political blocs); (4) radical activities are perpetrated by individuals or movements motivated by a nationalist-religious ideology that can undermine successful diplomatic negotiations by carrying out political assassinations or large-scale terrorist attacks; and (5) radical elements recruit zealous "warriors" from outside the society or contested territory.

Following the theoretical discussion of these five conditions, the article examines whether these conditions are fulfilled on either side of the Israeli-Palestinian conflict. Here, the article shows that the importance of religious values and the influence of religious players are more pronounced in Palestinian society than in Israeli society because Palestinian society is less secularized, and because of the power Hamas wields through its paramilitary organization, with a wide base of popular support. The important role that these conditions play in the Israeli-Palestinian conflict demonstrates the great degree to which religion functions as a substantive barrier to resolving the conflict.

In the seventh chapter, "The Time Factor as a Barrier to Resolution of the Israeli-Palestinian Conflict," Dan Zakay and Dida Fleisig examine ways of relating to and conceptualizing time and its impact on processes of deliberation and negotiation. Their research analyzes the degree to which this factor influences prospects of resolving conflicts through dialogue between representatives of different cultures. The chapter is divided into several subsections: the first section is a general introduction to the concept of time and its connection to culture and individual personality. The second section is a survey of the reflection of time in conflicts and negotiation processes, as well as a discussion of the following topics: the negotiators' treatment of time, perceived urgency of the time frame, timetable pressures, time a as a source of power, tactical uses of time, the use of timetables and deadlines for delimiting negotiations, the impact of time on building trust relations between the sides, and the implications of a time gap between negotiations and the defined time for implementing an agreement. The third section presents the concept of time in the Islamic-Arab and Jewish-Israeli

cultures. The fourth section analyzes the consequences that follow from the different ways of conceptualizing time in relation to the Israeli-Palestinian conflict in both the Israeli and Palestinian cultures. The conclusion of the study leaves little room for optimism concerning the prospects of resolving the conflict. The gap between the concept and conception of time on both sides is considerable, to the point of being unbridgeable.

In the eighth chapter, "Strategic Decisions Taken During the Israeli-Palestinian Peace Process as Barriers to Resolving the Conflict," Ephraim Lavie and Henry Fishman argue that the Israeli-Palestinian conflict can be resolved through negotiations, provided that certain strategic barriers impeding or preventing its advancement are overcome. The strategic barriers responsible for the failure of the Oslo process were located in discrepancies between the opposing parties' perceptions of what strategic decisions were needed at different stages of the negotiations. Whereas Israel understood the negotiations to be centered on the outcomes of the 1967 War, the Palestinians believed the negotiations to be about the outcomes of the 1947-1949 War. The discrepancy between these two approaches was of critical importance because the Palestinian view included the Palestinian "right of return" as a solution to the Palestinian refugee problem and implied that without such a solution, the conflict could not be settled. It became clear afterwards that neither side was prepared to make historic strategic decisions that would entail substantive concessions on the issues of borders, refugees, or Jerusalem, and that they treated the process as a tactical maneuver, rather than a strategic endgame. Furthermore, the negotiations were severely mismanaged, primarily in three areas: (1) the decision to advance incrementally, stage-by-stage, moving from lighter to heavier disputes, and from an interim agreement to a permanent status agreement; (2) the assumption that trust relations would develop between the interlocutors during the process itself; (3) the ambiguity surrounding the real meaning of the process, i.e., the nature of the permanent agreement to be reached. To these, one might add both sides' violations of the Oslo Accords and the lack of public support for the Accords as major factors that caused the failure.

In this chapter, Lavie and Fishman suggest three ways of improving the peace process: (1) the strategic decisions of the parties must be truly substantive decisions that provide a clearly-defined framework for negotiating a settlement; (2) the

interlocutors need to agree on a negotiation strategy that will be in accordance with the substantive decision for negotiating a settlement; (3) the interlocutors need to agree on a source of authority for the process and to commit to proceeding with the necessary strategic concessions that will be required of them.

In the ninth chapter, "The Geopolitical Environment as a Barrier to Resolution of the Israeli-Palestinian Conflict," Kobi Michael analyzes the complexity of Israel's geopolitical environment and examines the process through which this environment becomes a serious barrier whenever Israeli leaders begin to hesitate about taking chances to resolve the conflict. Michael's decision to concentrate on the geopolitical barrier is not intended to imply that it is the primary or only barrier preventing the resolution of the conflict. Nevertheless, it is undoubtedly an important and pivotal barrier which will, most likely, prevent any progress on the road to peace unless Israel finds a way to overcome it. The discussion of the geopolitical environment as a barrier to peaceful resolution includes the physical factors of the conflict's setting and the conceptual factors connected to the perceived threats that result from the conflict's violent history and the general mistrust dominating relations between the two nations. The characteristics of the conflict and its geopolitical setting have affected the way Israel's security establishment perceives strategic threats, causing Israel to amplify them, and as a result, to increase its demands for security measures (such as territory, early warning, and airspace security measures) and security guarantees. Whereas security threats hinder the Israeli government from agreeing to concessions that require security risks, security measures and security guarantees may be used to help prepare for potential threats.

Chapter 1

Socio-Psychological Barriers to Resolving the Israeli-Palestinian Conflict: An Analysis of Jewish Israeli Society

Eran Halperin, Neta Oren, and Daniel Bar-Tal

The long history of the Israeli-Palestinian conflict and the inability to resolve it peacefully, in spite of the numerous bilateral attempts and third-party interventions, imply that this conflict is vicious, stubborn, and resistant to such efforts. The lack of peaceful resolution can be attributed, to a large extent, to the functioning of very powerful socio-psychological barriers that inhibit and impede progress. These barriers are socio-psychological forces that underlie the disagreements and prevent their resolution by posing major obstacles to beginning the negotiations, conducting the negotiations, or achieving an agreement, and later, to engaging in the process of reconciliation (see review by Bar-Tal & Halperin, 2010). The purpose of the present chapter is to elucidate the socio-psychological barriers in Israeli-Jewish society that play a major role in the attempts to resolve the Israeli-Palestinian conflict peacefully. We note that similar detrimental forces are undoubtedly operating on the Palestinian side, but their analysis is beyond the scope of the present contribution.

This conflict has lasted over a hundred years and is still one of the most salient and central conflicts in the world. It has gone through various stages and developments during these hundred years, and still it remains unresolved and resistant to peaceful resolution. Our fundamental premise is that the disagreements in the Israeli-Palestinian conflict are not easily resolved in part because **socio-psychological barriers** prevent peaceful resolution of conflicts. These barriers pertain to an integrated operation of cognitive, emotional, and motivational processes, combined with a pre-existing repertoire of rigid supporting beliefs, world views, and emotions, that result in selective, biased, and distorted

information processing. This processing obstructs and inhibits the penetration of new information that can help facilitate the development of the peace process.

The applicable theoretical framework, which integrates various past approaches to psychological barriers for the resolution of conflicts, has been extensively discussed in some of our recent contributions (Bar-Tal & Halperin, 2009, 2010; Bar-Tal, Halperin & Oren, 2010), and its detailed description is beyond the scope of the current work. In a nutshell, it suggests (see Figure 1) that two content-related clusters of beliefs (i.e., the conflict-supporting beliefs and the general worldview beliefs) combine with negative intergroup emotions to provide a prism through which individuals perceive and interpret the reality of the conflict. This is selective, biased, and distorted information processing that reflects an integrated operation of cognitive, emotional, and motivational processes. The consequence of this processing is preservation, and even reinforcement, of the basic disagreements, as well as of the conflict-supporting beliefs. It obstructs, for example, the penetration of peaceful gestures initiated by the adversary, new proposals raised by third parties or by the other side, and/or new information about the other side's willingness to compromise. Under these circumstances, overcoming the basic disagreements is a very difficult challenge.

The current chapter focuses on the application of the abovementioned theoretical framework to the Middle-Eastern conflict, particularly from the perspective of Israeli Jewish society. We will describe the main socio-psychological barriers of Israeli Jewish society that serve as inhibitive forces to possible peaceful resolution of the conflict, focusing on the views of the Israeli Jewish public, of the political parties, and of the political leaders. First, we will elaborate on the conflict-supporting beliefs that consist of the ideological beliefs supporting the conflict, and the circumstantial conflict-supporting beliefs. Both feed the continuation of the conflict and prevent its peaceful resolution. Subsequently, we will discuss the emotional factors that operate as barriers. Because of space limitation, we will sidestep the discussion of other socio-psychological barriers, such as general worldviews and general cognitive and motivational barriers.

Figure 1: Socio-Psychological Barriers to Peaceful Conflict Resolution
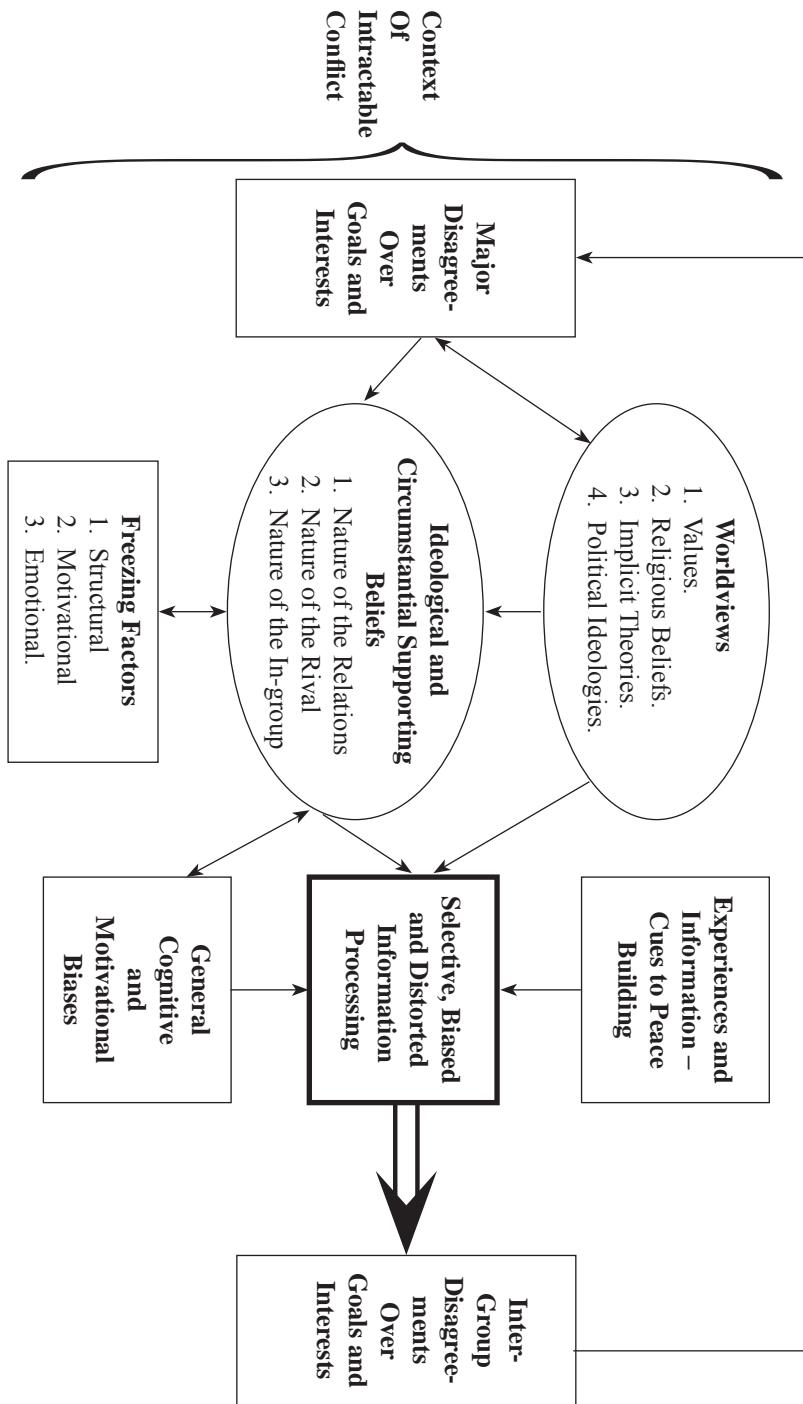
Socio-Psychological Barriers to Resolving the Israeli-Palestinian Conflict

In discussing the ideological conflict-supporting beliefs, which reflect the ethos of conflict,[2] we will focus mainly on those beliefs that are found to be central in fostering the disagreement and preventing peacemaking. These beliefs include themes that pertain to the goals of the conflict and their justification, de-legitimization of the Arabs in general, and of the Palestinians in particular, a sense of collective victimhood, collective self-presentation, and a theme that describes the essence of peace (see the study by Gopher, 2006).

We would like to note that, in principle, the ideological societal beliefs that support the conflict provide the epistemic basis for the rejection of any compromise on the core issues that underlie the Israeli-Palestinian conflict. They reject any compromise that would divide the land between the Jordan River and the Mediterranean Sea between the two nations. This basic idea comes from at least two main sources, which are not mutually exclusive. One source is religious-national and bases its justifications on a combination of religious dogma and national-historical premises, while the other is based on existential security considerations intertwined with national needs (see Magal, Bar-Tal, Oren, and Halperin, in preparation). Both sources provide foundations for the societal beliefs that constitute parts of the ethos of conflict and therefore should be viewed as ideological conflict-supporting beliefs. In addition, we will outline the circumstantial beliefs that appeared during the period investigated. These beliefs develop in a particular context and later disappear. For example, a particular

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[2] The ethos of conflict, which provides a dominant orientation to a society in the present and direction for the future, consists of eight themes of societal beliefs (Bar-Tal, 2000). They include: **Societal beliefs about the justness of its own goals**, which, first of all, outline the goals in conflict, indicate their crucial importance, and provide their explanations and rationales. **Societal beliefs about security** refer to the importance of personal safety and national survival and outline the conditions for their achievement. **Societal beliefs of positive collective self-image** concern the ethnocentric tendency to attribute positive traits, values, and behavior to one's own society. **Societal beliefs of the society's own victimization** concern self-presentation as a victim, especially in the context of the intractable conflict. **Societal beliefs about delegitimizing the opponent** concern beliefs which deny the adversary's humanity. **Societal beliefs of patriotism** generate attachment to the country and society by propagating loyalty, love, care, and sacrifice. **Societal beliefs of unity** refer to the importance of ignoring internal conflicts and disagreements during an intractable conflict in order to unite the forces in the face of external threat. Finally, **societal beliefs of peace** refer to peace as the ultimate desire of the society.

leader of the rival group is perceived as weak and therefore is considered unable to implement the potential peace agreement. Finally, we will also describe the emotions that play a role as barriers to peacemaking. We will carry out this analysis by focusing on the recent period of 2000-2009 – a period during which the conflict escalated, and the beliefs and emotions supporting the continuation of the conflict became stronger and more widespread.

Ideological Beliefs Supporting the Conflict

In earlier works we have studied the Israeli ethos and the way it has changed since 1967 (Bar-Tal, 2007b; Bar-Tal and Oren, 2000; Oren, 2005; Oren and Bar-Tal, 2006; Oren, 2009). We found that during the intractable period of the conflict (until 1977 and the visit of Egyptian President Anwar Sadat to Jerusalem), most of the central societal beliefs that composed the Israeli ethos of conflict were dominant. That is, they were held by least 75% of the society, frequently served the political leadership in justifying and explaining policies, constituted the core narratives of the conflict in school textbooks, and often appeared in mass media and were expressed in various cultural products. Subsequent research has found significant changes in the Israeli ethos of conflict over the years, especially during processes of conflict transformation – after the peace treaty with Egypt and during the period of the Oslo Accords. These changes generally included a decrease in the dominance of the societal beliefs about the ethos of conflict. The events of 2000, with the eruption of the second *Intifada* and its violence, reversed the trend and led to the reinforcement of some of these societal beliefs (see Bar-Tal, 2007b; Bar-Tal & Sharvit 2008; Oren, 2009). In what follows, we will elaborate on the ethos of conflict in its recent period (2000-2009).

Beliefs about the Israelis' and Palestinians' goals

Since the 1980s, the societal beliefs that denied Arab rights to the land and refused to recognize the existence of a national Palestinian movement and of a Palestinian entity ceased to exist as a societal belief within Israeli society. For example, the findings of a recent Peace Index survey show a solid majority of 61% among the Jewish public who see the Palestinians' claim to an independent state of their own as justified (Peace Index, November 2008). In addition, 62% of the Israeli

Jewish public in June 2009 recognized the existence of a Palestinian people (32% oppose this and the rest do not know) (Peace Index, June 2009). In addition, all recent Israeli prime ministers, including the current, Netanyahu, accept the idea of a Palestinian state, and public polls indicate that most Israeli Jews accept the two-state solution. Presumably, this change indicates the removal of a significant barrier to conflict resolution with the Palestinians.

A closer look at the current Israeli beliefs about Israeli and Palestinian goals, however, reveals that the changes to previously held Israeli beliefs about ethos are less fundamental than they seem at first glance. There are many indications that agreement with the two-state solution does not suggest any recognition of the Palestinian narrative of the conflict or abandonment of the Jewish claim to the West Bank territories that were captured in the 1967 war. Furthermore, there are indications that the level of resistance to the Palestinian narrative has been growing in recent years within Israeli society. For example, in a 2008 poll, a majority of the Jewish public described the West Bank as "liberated territory" (55%) and not as "occupied territory" (32%). This is a change compared to 2004: in August 2004, 51% regarded the West Bank and the Gaza Strip as occupied territories, and 39% thought – or were sure – that they were not (Peace Index, March 2008). Accordingly, a Peace Index survey found that the majority of Israelis describe settlements that are clearly located in the territories as, "settlements that are not in the occupied territories" (Peace Index, August 2004).

Similar trends appear in the rhetoric of key Israeli politicians. For example, in a 2004 interview, former Israeli Prime Minister Ehud Olmert said, "We insist on the historical right of the Jewish people to the whole of *Eretz Israel* [the Land of Israel]. Every hill in Samaria, every valley in Judea, is a part of our historical homeland. We do not forget this fact, even for one moment."

Netanyahu, the current Israeli prime minister, repeated the idea of the territories as "Israeli Land" in his June 2009 speech at Bar-Ilan University: "The connection of the Jewish People to the Land has been in existence for more than 3,500 years. Judea and Samaria, the places where our forefathers Abraham, Isaac, and Jacob walked, our forefathers David, Solomon, Isaiah and Jeremiah. **This is not a foreign land; this is the Land of our Forefathers…**"

There is no doubt that the prevailing view that the West Bank is not occupied serves as a major barrier to conflict resolution. The perception of the majority of

Jews in Israel and a significant segment of the political system – namely that the West Bank belongs exclusively to the Jewish people and is now liberated – leads to rejection of the notion of compromise on this land, to difficulties in leaving this territory, and to the feeling that the Jewish people are the only side that contributes tangibly to the resolution of the Israeli-Palestinian conflict (see Magal, Bar-Tal, Oren and Halperin, in preparation, for extensive elaboration of this point).

In addition, public opinion polls indicate strong opposition to any attempt to recognize or teach the Palestinian narrative. For example, in a 2009 poll, a majority of the Jewish public (56%) opposed Israel taking even partial responsibility for the suffering caused to the Palestinians by the 1948 war, including, for example, the creation of the refugee problem, even if the Palestinians were to officially accept part of the responsibility for the 1948 events (Peace Index, June 2009). In addition, as can be seen in Figure 2, the majority of Israeli Jews oppose adopting a school curriculum that recognizes the Palestinian state and abandons the aspiration to regain parts of the homeland that are in the Palestinian state, even in the context of a peace agreement with the Palestinians and the establishment of a Palestinian state that is recognized by Israel.

Figure 2: Percentage of Israeli Jews opposed to adopting a school curriculum that recognizes the Palestinian state and to abandoning the aspiration to regain parts of the Jewish "homeland" that are in the Palestinian state

(Source: JIPP data – see http://truman.huji.ac.il/polls.asp)

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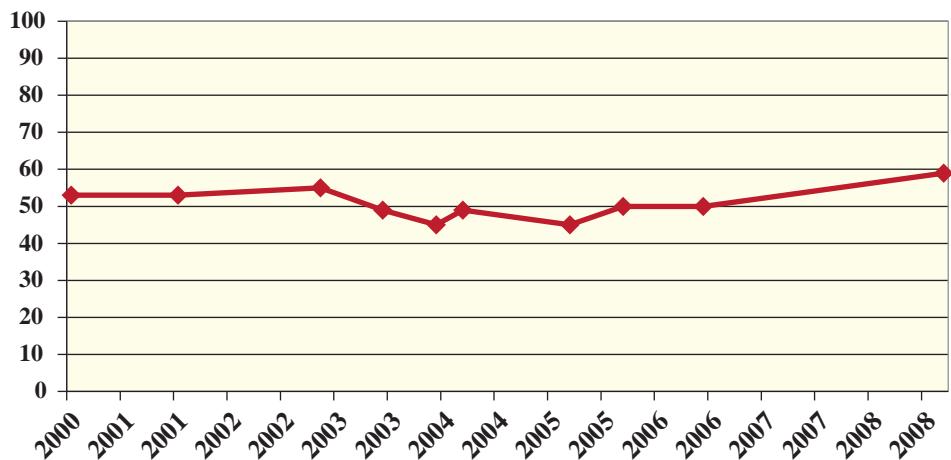
In light of the common perception of the territories as Israeli land and the resistance to the Palestinian narrative, it is not surprising that most Israeli Jews oppose major Israeli withdrawal from the territories, oppose any compromise on Jerusalem, and oppose the return of even a small number of Palestinian refugees to Israel, despite the widespread Israeli agreement with the vague principle of the two-state solution (Bar-Tal, Halperin & Oren, 2010). They view the solution as one-sided, involving only Israeli concessions without significant contributions by the Palestinians to resolution of the conflict.

Image of the Arabs

While the change in beliefs regarding the goals in the conflict appear to be somewhat (partly) irreversible, changes in beliefs about the Arabs from the period of the peace process with Egypt and the Oslo Accords seem to be reversible. Since 2000, public opinion polls and political platforms have reflected the return of old perceptions regarding the Arabs and the Palestinians. First, as we indicated above, during the years 1977-2000, Israeli perception of the Arabs changed from a perception of them as a single homogeneous group united in their enmity to Israel into a more differentiated perception that distinguished among different Arab nations (Bar-Tal & Teichman, 2005). As evidence of this change, it is possible to note the portrayal of friendly Arab countries, such as Egypt and Jordan, in the election platforms of the Israeli political parties during the 1990s. After 2000, the focus shifted again to the idea of one Muslim coalition that aims to destroy Israel (Oren, 2010). Often the tendency is to refer to a big homogeneous group– the" axis of evil." Thus in a 2006 Joint Israeli-Palestinian Poll (JIPP) poll, 78% of respondents agreed with the statement: "The Muslims in the region will never accept the existence of the state of Israel."

Second, there are indications that negative stereotyping of the Palestinians has become more common since 2000. For example, in 1997, 39% of Israeli Jewish respondents described the Palestinians as violent and 42% as dishonest; by the end of 2000, the figures were 68% and 51%, respectively. Similarly, in November 2000, 78% of the Jewish public agreed with the statement that Palestinians have little regard for human life and therefore persist in using violence despite the high number of their own casualties (Peace Index, November 2000). A recent study,

undertaken in 2008, presented similar findings: 77% of the respondents thought that the Arabs and the Palestinians have little regard for human life, and 79% agreed with the statement that dishonesty always characterizes the Palestinians and the Arabs (Halperin & Bar-Tal, 2009).

In addition, while there was some tendency before the Oslo Accords (especially in Labor platforms and among Labor voters) to perceive Israeli actions in a more critical light and to recognize Israel as also responsible for the "political deadlock" in Arab-Israeli relations, since 2000 Arabs are again unanimously blamed for the continuation of the conflict and for intransigently rejecting a peaceful resolution. For example, the 2003 Labor platform states that "the [Israeli] hopes for ending the Palestinian-Israeli conflict were dashed as a result of the waves of hatred, incitement, extreme violence, and terror unleashed on Israel under the patronage of the Palestinian Authority…."

This theme is expressed more strongly in the 2009 Likud platform: "We do not believe that the Palestinians are ready for the historic compromise that will end the conflict. There is no evidence that the Palestinians are ready to accept even the minimal demands that are demanded of any Israeli leader. They have rejected unprecedented concessions that we, the Israelis, proposed eight years ago, and their stance has neither changed nor been moderated to date." Netanyahu repeated this idea in his June 2009 speech at Bar-Ilan University: "Why has the conflict been going on for over 60 years?... The simple truth is that the root of the conflict has been and remains the refusal to recognize the right of the Jewish People to its own state in its historical homeland… The closer we get to a peace agreement with them, the more they are distancing themselves from peace. They raise new demands. They are not showing us that they want to end the conflict… With Hamas in the south and Hezbollah in the north, they keep on saying that they want to 'liberate' Ashkelon in the south and Haifa and Tiberias. Even the moderates among the Palestinians are not ready to say the simplest things: The State of Israel is the national homeland of the Jewish People and will remain so."

Public opinion polls indicate that most Israelis share these sentiments: in 2007 only 44% of Israeli Jews believed that the majority of Palestinians want peace, compared to 64% who thought so in 1999 (see Figure 3).

Figure 3: Percentage of Israeli Jews who believe that most Palestinians want peace
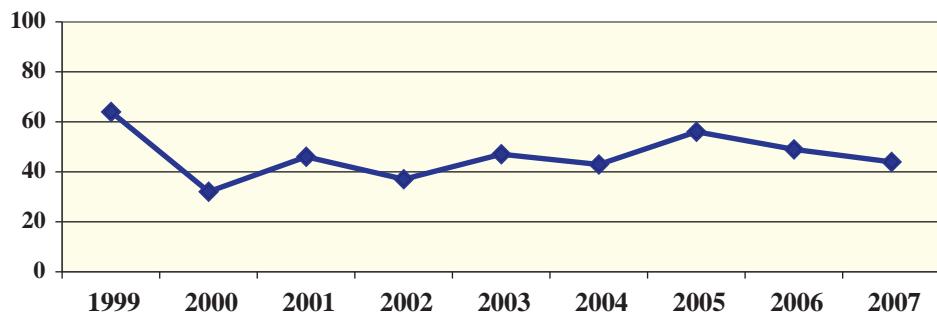
Accordingly, public opinion polls indicate an increase in the percentage of respondents who think that the ultimate goal of the Arabs is to eradicate the state of Israel, from 50% who thought so in 1997 to 71% who thought so in 2009 (see Figure 4).

Figure 4: Percentage of Israeli Jews who think that the ultimate goal of the Arabs is to eradicate the state of Israel, 1993-2007
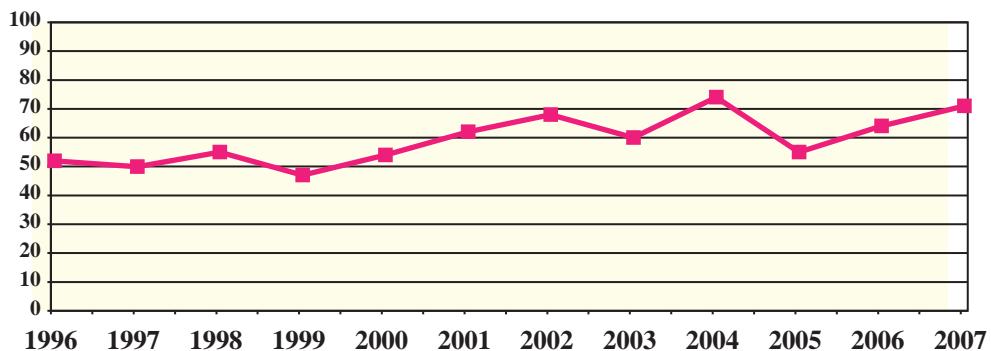
Again, these shared negative beliefs about the Palestinians and the high level of mistrust can explain why Israelis react negatively to the idea of a Palestinian state and do not support most proposals to compromise with them.

Self-victimization

Since 2000 there has also been a return of old perceptions of victimhood within Israeli society. This feeling emerged in the wake of the second *Intifada*. As noted, the majority of Israeli Jews blamed the Palestinians for the eruption of the violence and thought that the Palestinians were entirely – or almost entirely – responsible for the deterioration in relations between them and the Israelis (Bar-Tal & Sharvit, 2008). This was not, however, the only cause of the deep feeling of victimization that seized most Israeli Jews. This feeling was intensified by the repeated suicide-bombing attacks, which claimed many Jewish lives, most of them civilian. A feeling of victimization became pervasive among Israeli Jews because every attack against them was perceived as an act of terrorism and received immense exposure as such in the media (Wolfsfeld & Dajani, 2003).

Contemporary examples of this belief include the following: in a nationwide representative sample we conducted in November 2007, 80.8% of Jewish Israelis agreed with the statement that "Despite Israel's desire for peace, the Arabs have repeatedly imposed war" (Halperin & Bar-Tal, 2009). More specifically, in a survey poll taken in August 2008, 61% of the Jews in Israel expressed at least some agreement with the position that throughout the years of conflict, Israel has been the victim while the Arabs and the Palestinians have been the perpetrators (Bar-Tal, Chernyak-Hai, Schori and Gundar, 2009).

In their speeches Israeli politicians emphasize the suffering of Israeli civilians while portraying the Palestinian civilian casualties as victims of the Palestinian leadership's acts. An example of this view can be found in Olmert's speech of 17 January 2009, following the Gaza War that resulted in the death of 1166 Palestinians, many of them civilians: "Israel, which withdrew from the Gaza Strip down to the last millimeter at the end of 2005 – with no intention of returning – found itself under a barrage of missiles. Hamas violently took control of the Gaza Strip and began attacking the communities in the South more intensely. Hamas's methods are incomprehensible. It placed its military system in crowded residential neighborhoods, operated within a civilian population that served as a human shield, and operated under the cover of mosques, schools, and hospitals, while making the Palestinian population a hostage to its terrorist activities, with the understanding that Israel – as a country with high moral standards – would not act… I also wish to say something to the people of Gaza: even before the military

operation began, and during it, I appealed to you. We do not hate you; we did not want and do not want to harm you. We wanted to defend our children, their parents, their families. We feel the pain of every Palestinian child and family member who fell victim to the cruel reality created by Hamas, which transformed you into victims."

In this sense Israel itself becomes a victim of the Palestinian leadership that "forces" Israel to kill Palestinians. An old example of this perspective can be found in a quote that is attributed to former Israeli Prime Minister Golda Meir when she approached Anwar Sadat, the Egyptian president: "We can forgive you for killing our sons. But we will never forgive you for making us kill yours."

Victimization beliefs within Israeli society expand beyond the Arab-Israeli relationship into the perception of Israel as a victim of a hostile world, including western states and international organizations such as the UN. In a survey conducted in November 2007, 88.6% of Israeli Jews agreed that "the Jewish people have been under existential threat throughout history" (Halperin & Bar-Tal, 2009). The Israeli leadership propagates this view effectively. An example is the speech of Prime Minister Binyamin Netanyahu on Holocaust Memorial Day in 2009: "We will not allow the Holocaust deniers to carry out another Holocaust against the Jewish people. This is the supreme duty of the state of Israel. This is my supreme duty as Prime Minister of Israel…. The world sounds a weak voice against those who advocate erasing Israel" (*Haaretz*, 21 April 2009).

The views of the public and the leadership described above reflect the well-entrenched siege mentality that characterizes Israeli Jewish society. Two thousand years of Diaspora – viewed as one long period of persecutions, culminating with the Holocaust as national trauma – have left their mark on the collective psyche. The belief that the whole world is against us is well connected to the ideological beliefs supporting the continuation of the conflict (Bar-Tal, 2007b; Bar-Tal & Antebi, 1992).

Positive self-image of military and moral superiority

During the years 2000-2009, there was also a reinforcement of positive beliefs regarding Israel's military superiority over the Arabs. For example, in 1993, 58% of Israeli Jews believed that Israel had the ability to wage war successfully against

all of the Arab states. This percentage dropped to 48% in 2000, and then rose to 67% in 2004 and to 72% in 2005.

The confidence in Israeli superiority over the Palestinians and Israel's ability to cope with the second *Intifada* is also very high. For example, in an October 2007 survey, 70% believed that if the current situation continues, Israeli society could hold out longer in terms of its internal fortitude than the Palestinian society. Similarly, 63% assessed that currently, Israeli society is in better shape than Palestinian society (Peace Index, October 2007). In addition, in a June 2009 JIPP survey, 42% thought that Israeli society will be able to endure the price toll that the conflict with the Palestinians imposes on it "forever," 17% thought that Israel will be able to endure it for "several more decades," and 15% for "another 10 years."

This growing confidence in Israeli society's resilience and strength may decrease the motivation of Israelis to end the conflict in the near future because these beliefs show that Israel can make do with a status-quo of enduring the protracted conflict.

The view about military strength is complemented by the self-image of being moral. The Israeli prime minister, the president, and the chief of staff have emphasized in public speeches their views that the Israeli Army is "the most moral army in the world" (see for example, an interview with Israeli Chief of Staff Gabi Ashkenazi, *Haaretz*, 5 April 2009).

The public seems to hold similar beliefs. For example, a majority of the Jewish public (64%) discounts the testimonies of soldiers who took part in the 2009 Gaza War that the Israel Defense Forces (IDF) forces harmed, on orders, Palestinian civilians and structures (Peace Index, March 2009).

Peace beliefs

Since 2000 there have been many indications that peace beliefs have become less central in Israeli society. For example, in contrast to previous years, peace is seldom mentioned in the 2003, 2006, and 2009 Likud and Labor election platforms, while the third largest party in the 2009 Israeli parliament, Israel Beytenu, explicitly declares in its platform that peace is not its main goal, and

that it is secondary to other goals, such as security and the goal of Israel as a Jewish state.

In addition, as violence erupted in 2000, the Israelis began to express pessimism about the chances of resolving the conflict. For example, with regards to the chances of peace, a survey by the Institute for National Security Studies (INSS) shows a decrease in the degree of optimism, and an increase in the degree of pessimism – from 56% in 2001 who thought that it is not possible to reach a peace agreement with the Palestinians to 69% in 2007 (see Figure 5).

Figure 5: Percentage of the Israeli Jews thinking that it is not possible to reach a peace agreement with the Palestinians
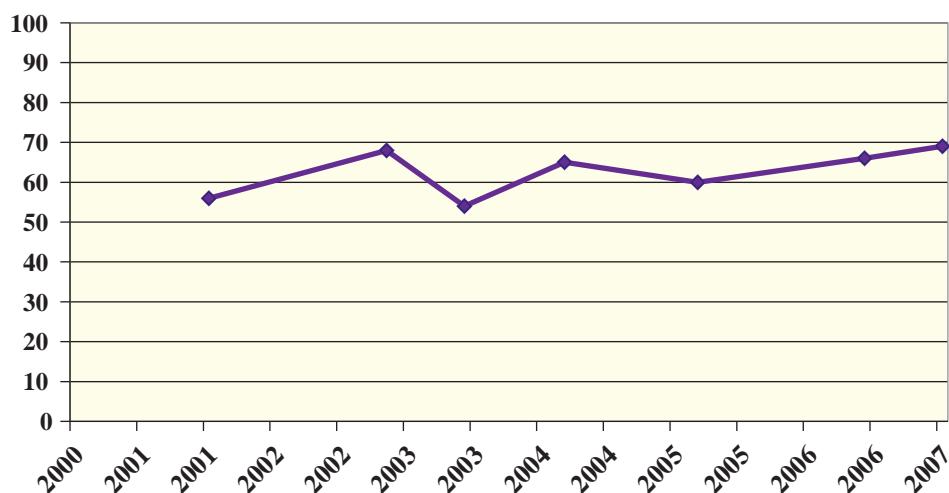
Pessimistic views about the possibility of achieving peace have also been voiced in recent years in public interviews with Israeli decision makers and policy-makers. For example, Uzi Arad, Netanyahu's national security adviser, said in a July 2009 interview, "It will be difficult to reach a true Israeli-Palestinian agreement that does away with the bulk of the conflict. I don't see that in the coming years it will be possible to forge that different reality, which so many Israelis want."

Indeed, most Israeli Jews are pessimistic not only about the chances of reaching an agreement with the Palestinians but also regarding the chances that

such an agreement (if signed) would put an end to the conflict. As can be seen in Figure 6, public surveys indicate that after the onset of the *Intifada* in 2000, the percentage of Israeli Jews believing that peace treaties would bring an end to the conflict dropped sharply from 67% in 1997 to 25% in 2007.

Figure 6: Percentage of Israeli Jews who believe that a peace treaty with the Palestinians will not put an end to the Israeli-Arab conflict
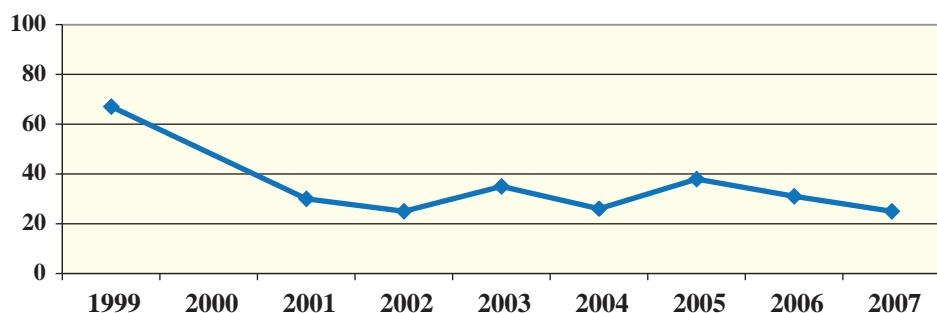
(Source: Ben-Meir, 2008 p. 73.)

Again, with such pessimism about the chances for peace, it is not surprising that Israeli polls indicate public resistance to the various proposals (including Israeli ones) to end the conflict (Bar-Tal, Halperin & Oren, 2010).

The above description corresponds to the findings obtained in a study of 100 in-depth interviews carried out in 2003 (November 2002 – June 2003) about views of the Israeli-Arab conflict. The study was carried out among individuals across the political and socio-economic spectrum of Israeli Jewish society who were at least 17 years old in 1967 (Raviv, Bar-Tal & Arviv-Abromovich, in preparation). In general, the study shows that the ethos of conflict is well entrenched among the older members of Israeli Jewish society, independent of their self-categorization as doves or hawks. Many of them believe that Jews have the exclusive rights to all of the territories and that the West Bank was liberated in the 1967 war. Some of the doves do, however, recognize the rights of the Palestinians to the same land. Nevertheless, while the great majority of the interviewees realize that the idea of "Greater Israel" is unrealistic and accept the idea of dividing the land

between the two nations, they also object to complete dismantling of the Jewish settlements in the occupied territories; a majority of them agree that only isolated settlements should be dismantled. A majority of them also view Jerusalem as the united capital of the State of Israel and object to its division. At the same time, almost all of the interviewees, including many who define themselves as doves, express extreme suspicion regarding the intentions of the Arabs in general, and of the Palestinians in particular, and view them in a negative light. They do not believe that the desired peace will be achieved, and they believe that this is because of the characteristics and aspirations of the Palestinians. They reject almost unanimously the right of return of the Palestinian refugees, believing that this act will lead to the destruction of the Jewish state.

Circumstantial Conflict-Supporting Beliefs

In addition to the general ideological beliefs that obstruct possible progress with regard to peacemaking, there are also circumstantial conflict-supporting beliefs. They surface under specific conditions within the general framework of the conflict. In this section we will refer to two main circumstantial beliefs within Israeli society: that the Palestinian leaders lack the desire and power to implement a potential peace agreement with Israel, and that there is no external pressure on Israel to end the conflict.

The belief that the Palestinian leader is not a partner for peace surfaced already during the years 2000-2004 with regard to the former Palestinian leader Yasser Arafat. He was portrayed as unwilling to end the conflict with Israel and hence as "irrelevant." The Israeli public accepted this description as credible. For example, in a 2001 survey, 70 percent of the respondents held that Arafat personally lacked the desire, or the capability, to sign an agreement ending the conflict with Israel, even if Israel agreed to all of his demands (Peace Index, May 2001).

Since the ascendance of Abu Mazen to the presidency of the Palestinian Authority after the death of Yasser Arafat in 2004, the Israeli leadership and the mass media have also portrayed him as unable and unwilling to implement a potential peace agreement with Israel. A recent interview with Uzi Arad exemplifies that perspective: "Everyone with eyes sees that there is a failure of

Palestinian leadership. There is no Palestinian Sadat. There is no Palestinian Mandela. Abu Mazen is not vulgar like Arafat, and not militant and extreme like Hamas. There could be worse than him. But even in him I do not discern the interest or the will to reach the end of the conflict with Israel."

The Israeli public again shares this view. For example, in a September 2005 JIPP survey, 83% thought that Abu Mazen is not strong enough to convince the Palestinians to accept a compromise settlement with Israel. Also, while 55% of the Jews in Israel believed that the Palestinian Authority under Abu Mazen's leadership desires peace, a large majority of 71% believed that it is impossible to reach a peace settlement with the Palestinians without Hamas's consent. (Peace Index, November, 2007).

The belief that there is no partner on the Palestinian side is accompanied by circumstantial beliefs that no external pressure should be exercised on Israel to end the conflict. The latter societal belief was prevalent at least until the ascendance of Barack Obama to the presidency of the United States. For example, a survey conducted in November 2004 by the Tami Steinmetz Center indicates that 46% think that there is quite a low or a very low chance that if Israel ignores the ruling of the International Court of Justice in The Hague about the legality of the separation fence and refrains from applying the Geneva Convention to the territories, economic sanctions will be imposed on it similar to those that were imposed on South Africa because of the apartheid regime. Only 37% feared that there is quite a high or a very high chance that such sanctions will be imposed on Israel.

These beliefs decrease Israeli motivation to reach an agreement. Indeed, 49% say that if a peace treaty entails difficult concessions, it is preferable to maintain the existing situation, compared to 43% who prefer an agreement even if its price involves difficult concessions (Peace Index, March 2008).

Emotional Barriers in the Israeli-Palestinian Conflict

Levels of Fear in the Israeli Society: As far back as the early 1960s, surveys among Jewish Israelis found high levels of fear (Antonovsky & Arian, 1972), and fear has continued to dominate the Israeli Jewish public opinion (Arian, 1998; Bar-Tal, 2001). More recently, after the outbreak of the second *Intifada* in the

year 2000, the individual fear among Israeli Jews increased dramatically (Bar-Tal & Sharvit, 2008; Ben-Dor, Canetti-Nisim & Halperin, 2007). For example, while in the late 1990s (1999), only 58% of Israeli Jews reported that they were afraid or very afraid that they or their family members would be hurt by terror, in 2002 almost all Israelis (92%) felt the same way (Arian, 2002). Even in 2004, after the large wave of terror receded, 80.4% of Israeli Jews said that they felt afraid to board a bus and 59.8% said that they fear being around crowds or in public places (Ben-Simon, 2004).

By and large, as can be seen from the graph below (Figure 7), levels of fear of future war and levels of fear of terror among Jews in Israel were relatively high and stable throughout the last decade (Ben-Dor & Canetti, 2009). On a scale of 1 (low fear) to 6 (high fear), levels of fear from terror did not drop below 4.78 even when the frequency of terrorist attacks dropped dramatically. These results suggest that since the year 2000, fear is a stable and central psychological characteristic of the entire Jewish society in Israel.

Figure 7: Levels of Fear of Terror and of Future War Among Jews in Israel
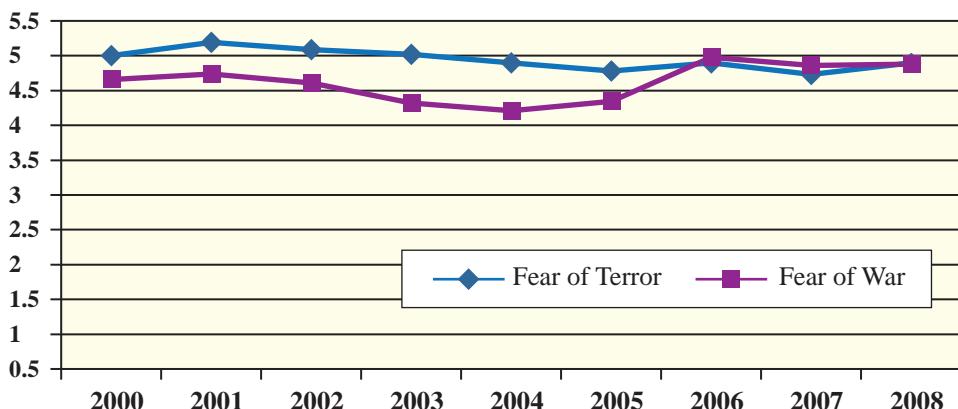
(Source: Ben-Dor & Canetti, 2009)

In recent years, two additional sources of fear have been added to the assortment of individual fears among Israelis. Almost half of the Jews in Israel (39.9% in 2006 and 40.6% in 2007) expressed a high or very high fear of non-conventional

attack (nuclear, biological, or chemical weapons) that would hurt them or their relatives (Ben-Dor et al., 2007). In addition, mainly after the second Lebanon war and the ongoing missile attacks on Sderot, many Israeli Jews (50.6% in 2006) have said that they are afraid that they or their relatives will be hurt by missiles (Hall, Hobfoll, Canetti–Nisim, Johnson, Palmieri & Galea, 2007).

On the collective level, surveys conducted in the last decade found that a large majority of Israeli Jews still believe that ongoing terrorist attacks might cause a strategic, and even existential, threat to the state of Israel (www.nssc. haifa.ac.il). In 2002, 85.5% of Israelis expressed this feeling, 86.6% in 2002, and 83% in 2006 (Ben-Dor et al., 2007). In addition, in 2006, 80% of the Israeli Jewish public expressed high levels of fear from a nuclear attack by Iran that would destroy the State of Israel (Peace Index, August, 2006). Furthermore, over a quarter of the Israeli public have recently (2003-2005) reported high levels of fear from the possibility that Arabs would drive all Jewish Israelis to the sea (www.nssc.haifa.ac.il). Finally, a national survey conducted in March 2008 by the Anti-Defamation League shows that 82% of Jewish youngsters (age 15-18) and 77% of Jewish adults (above 18) believe that Israel faces either a significant threat or a threat of extermination. This study also showed that 39% of youngsters and 35% of adults believe that there is either a significant likelihood or certain likelihood of another Jewish Holocaust in the future (Ynet, April 30, 2008).

Levels of Hatred in Israeli Society: Hatred is less common than fear within Israeli society, but its potential effects are no less destructive. In two surveys that were conducted in 2004-2005, Kupermintz and his colleagues (Kupermintz., Rosen., Husisi & Salomon, 2007) found that around one third (31.9% in 2004 and 38.4% in 2005) of Jewish youth in Israel report high levels of hatred towards Arabs. Interestingly, similar results were found in an adult survey based on a nationwide representative sample of Jews in Israel, in which 36.5% of the sample reported medium-high levels of hatred towards Palestinians (Halperin, 2010). Surprisingly, these medium levels of hatred remained stable and did not increase dramatically, even following periods of conflict escalation and mutual fighting. To illustrate, in a nationwide survey conducted immediately after the Lebanon war, 35.6% of Israelis reported high levels of hatred towards Palestinians (Halperin, Canetti-Nisim & Hirsch-Hoefler, 2009). Similarly, in a survey that was conducted

during the last war in Gaza, only 32.7% of Jews in Israel reported high levels of hatred towards Palestinians (See Halperin & Gross, 2010).

Despite the medium levels of hatred found among Jews in Israel, hatred is considered to be one of the most destructive emotions and one of the most powerful driving forces of the conflict (see: Halperin, 2008). The relatively low frequency of it, as found in public opinion polls, can be explained by its illegitimate nature. Specifically, hatred is considered a politically incorrect emotion, and thus, the results of public opinion polls that seek to assess levels of hatred in a certain society might be biased and inaccurate. Hence, it was not too surprising to find that 63.9% of Jews in Israel expressed high levels of hatred towards Palestinians, when an implicit (rather than explicit) measure of hatred was used (see: Halperin & Canetti-Nisim, 2008).

Implications of the Reviewed Barriers

First, we would like to point out that although only one study, which was carried in the summer of 2008, was designed with the intention of testing the proposed model, a number of studies that were performed over the years have produced results that validate certain parts of the general model. Most of these studies show that the holding of particular sets of societal beliefs that support conflict correlates with low levels of openness and adherence to uncompromising attitudes, which hinder the peace process. There are also studies that show that the sharing of certain emotions is related to rejectionist positions. Because of space limitation, we will not be able to review these studies.[3]

Nonetheless, we recently conducted a study that attempted to validate the process model described above using a correlative large-scale design (Halperin & Bar-Tal, 2009). The study was based on phone interviews with 501 adults, comprising a representative sample of Israeli Jewish society. The survey included scales that captured representation of the potential socio-psychological barriers presented in the model, i.e., (1) general worldviews (values, implicit

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[3] See Bar-Tal, Schori, Chernyak-Hai & Gundar, 2009; Bar-Tal, Raviv, Raviv & Dgani-Hirsch, 2009; Halperin, Bar-Tal, Nets-Zehngut & Drori, 2008; Gayer, Landman, Halperin & Bar-Tal, 2009; Halperin, 2008, 2010; Hammack, Pilecki, Caspi, Strauss & Ruber, Nicol, 2008; Maoz & Eidelson, 2007; Maoz & McCauley, 2005, 2009; Reifen., Federico & Halperin, 2008; Schori, Klar & Roccas, 2009; Sylvan & Nadler, 2005.

theories about groups, authoritarianism, and political orientation); (2) conflict-supporting societal beliefs, including specific long-term beliefs (self-perception of collective victimhood of the in-group and de-legitimization of the rival group) and circumstantial beliefs about the current situation of the conflict; and (3) negative lasting emotions. As dependent variables (i.e., the results of the barriers), openness to information about the conflict and support for compromises for peace were assessed.

Analysis of the results confirmed the basic patterns proposed in the theoretical model presented. First, the results showed that the Israeli public expressed low levels of support for compromises (m=2.60) and low to medium levels of openness to new positive information that is related to the conflict (m=3.28).[4] On the other hand, levels of self-victimhood (m=4.33) and de-legitimization of the Palestinians (m=4.65) were relatively high. Interestingly, levels of negative emotions towards Palestinians (3.57) and support for the belief that time is on Israel's side (3.06) were not very high.

More importantly, the general worldviews that were assessed in the study served to decrease the levels of openness to conflict-related information and of support for compromise, mainly because of conflict-supporting societal beliefs. Specifically, people who accept entity theory about groups and those with a predisposition to support authoritarian personalities tended to de-legitimize the Palestinians and, in turn, to be less open to new information and less supportive of compromise. These two personality characteristics (i.e., entity theory and authoritarianism), combined with a tendency towards conformist-traditionalist values, also led to higher levels of perceived victimhood, which in turn stimulated the same process of closed-mindedness and rejection of compromise.

Interestingly, those who adhered to the circumstantial belief that time is on Israel's side and those who experienced relatively high levels of negative emotions (e.g., fear, hatred, and anger) towards the Palestinians were also less open to new information about the conflict or about the Palestinians. In addition, the belief that time is on the Israeli side also led Israelis to be less supportive of making compromises for peace.

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[4] All items were assessed on a scale of 1 (totally disagree) to 6 (fully agree).

Conclusions

Conflicts are an inseparable part of human relations, including intergroup relations. Groups as individuals have contradictory goals and interests, which ignite the conflicts. There is no doubt that some disagreements are very deep and hard to resolve because human beings do not readily relinquish resources, control, power, or prestige. But the great difficulty in resolving conflicts peacefully lies also with the socio-psychological barriers that accompany many of the intergroup conflicts.

The Israeli-Palestinian conflict is a prototypical longstanding conflict that resists peaceful resolution. Almost since its beginning, various attempts have been made, using a variety of formulas, and all were rejected either by one of the sides or by both sides. The 1990s witnessed a systematic and intensive attempt that looked as if both sides were nearing settlement, but these attempts did not yield the desired solution. We attribute these failures mostly to the barriers, which are so entrenched in both societies that they are very difficult to overcome within a few years, after their having been constructed, crystallized, established, fed, and extended throughout decades of conflict.

In this chapter we focused on the socio-psychological barriers that have plagued Jewish society within Israel. This focus does not imply that socio-psychological barriers do not operate on the Palestinian side. We focus on Israeli Jewish society, showing that Jews in Israel have developed a well-entrenched national ideology that provides solidly grounded arguments for leaving the current situation as it is. The foundations of the current ideology lie with Zionism and Judaism and served well the initial return of Jews to their homeland and the eventual establishment of the state. The 1967 war, with the occupation of new territories and with its unintended results, led to reconstruction of the ideology that aimed to present a new view regarding the situation that emerged. Basically, this ideology reformulated the ethos of conflict that dominated Jewish society prior to the 1967 war. In principle, it provided a system of organized societal beliefs that came to justify holding the occupied territories for various reasons – religious, historical, national, and security-based. In addition, these beliefs de-legitimized the Palestinians, negated their national identity, delegated responsibility to them for continuation of the conflict, and portrayed them as a threat. All this stood in

contrast to their glorification of the Jews and to their own deep sense of being the victims in this conflict.

These ideological societal beliefs of ethos of conflict were transmitted through channels of communication and societal institutions. Over the years, Jewish society in Israel has undergone a major change. Nevertheless, many of the core societal beliefs of ethos of conflict and collective memory have remained dominant. This ideological system is reflected in the well-established view of a majority of Israeli Jews that only they are conceding territories and commodities in favor of settling the conflict. This means that the Israeli point of departure, even for many of those who favor settling the Israeli-Palestinian conflict peacefully, is that the West Bank and Gaza Strip, including their resources, belong to the Jewish nation and that Jews are the only side that contributes to peacemaking. This view explains well the difficulty, reluctance, and refusal of some to withdraw from the occupied territories, to divide Jerusalem, and to dismantle the Jewish settlements. No nation yields its territory willingly, and the growing readiness of Israeli Jews to withdraw from at least some of the territories is mainly a result of the insight that keeping them is very costly for the Jewish nation and for the State of Israel.

The ideological conflict-supporting beliefs are accompanied by circumstantial conflict-supporting beliefs, which appear under various circumstances at various periods of time. These beliefs support and provide additional concrete rationales for postponing the peace process. These two sets of beliefs constitute a coherent system with a consistent structure and a teleological basis that inhibits peacemaking. This system of beliefs is rigid as a result of structural and motivational factors and is resistant to change. Moreover, this system is often supported by general worldviews that provide a conservative outlook on the world. In addition, it should be noted that this system of beliefs is intertwined with, and related to, the emotional system that is an inseparable part of the socio-psychological repertoire.

The described socio-psychological barriers greatly affect the information-processing systems of members of society, as individuals and as a collective. They lead to a selective, biased, and distorted flow of information, which in essence prevents the acceptance and internalization of alternative information that can shed light on the conflict, the rival, one's own society, or the history of

the conflict, in a way that might contradict the ideological beliefs and advance new ideas about the necessity of peacemaking.

We would like to end our paper with a question: how do we overcome the socio-psychological barriers in order to move societies immersed in an intractable conflict towards an era of peacemaking? We realize that it is easier to elucidate and explain the socio-psychological barriers than it is to respond to this question with practical approaches. Nevertheless, we will try to outline a short conceptual response that can serve as a basis for developing more comprehensive thoughts.

We suggest that flexibility usually results from the appearance of a new idea (or ideas) that is inconsistent with the heretofore-held beliefs and attitudes and therefore creates some kind of tension, dilemma, or even internal conflict that might stimulate people to move away from their basic position and look for alternative ideas (e.g., Abelson, Aronson, McGuire, Newcomb, Rosenberg & Tannenbaum, 1968; Bartunek, 1993; Festinger, 1957; Kruglanski, 1989). In the case of our conflict, the new idea (a belief), which we call an "instigating belief," contradicts the previously strongly held beliefs that there is a need to continue the conflict. We suggest that the instigating belief that fuels the motivation towards flexibility is based upon recognition of the incompatibility between the desired future, on the one hand, and the emergent future, the current state, and/or the perceived past, on the other hand. Thus the instigating belief provides motivation to re-evaluate the previously held beliefs and, in fact, leads to flexibility with respect to the possible adoption of alternative beliefs. The instigating belief or beliefs may appear spontaneously in the minds of people and not under any special circumstances, but usually they come to mind as a result of external conditions that force a re-evaluation of the previously held conflict-supporting repertoire (see the comprehensive analysis of the conception in Bar-Tal & Halperin, 2010).

Specifically, the realization that facilitates openness to alternative information supporting peace processes is that the costs of continuing the conflict exceed the costs of compromise in peacemaking. It is also known that recognition of the costs is weighed more heavily than recognition of the possible gains resulting from peacemaking (Kahneman & Tversky, 1979). This principle can be easily applied to the case of those parts of Jewish Israeli society that accept the principle of a two-state solution mainly because of "the demographic threat," which suggests that the much higher rate of population growth of the Palestinian communities

in Israel and in the Palestinian Authority will soon affect the population balance and proportionality between the two largest ethno-religious communities in the region and, as such, is expected to lead to the creation of a Palestinian majority within the next few decades (Gayer, Landman, Halperin & Bar-Tal, 2009; Soffer 2008). This realization led to the relaxation of attitudes among known ideological hawks such as former Prime Minister Ehud Olmert and former Foreign Minister Tzipi Livni and to their acceptance of alternative beliefs that support considerable compromises.

Undoubtedly, there are other arguments and processes that lead under certain conditions to a relaxation of attitudes that, in turn, could later lead to the acceptance of beliefs that support peacemaking and even reconciliation. In any event, these processes, as indicated, almost always begin with a minority and, in some cases, successfully spread throughout society until the ethos of peace becomes dominant. We must always remember that human beings are the ones who decide to launch bloody conflicts and that they must also, therefore, be the ones to decide to initiate and finalize a peace process.

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Chapter 2

Barriers to Resolution of the Conflict with Israel – The Palestinian Perspective

Yohanan Tzoreff

> "For our reservoirs of pride have run dry…"
> Nizar Kabani (Al-Aharam 1995)

Background

More than 30 years have passed since the signing of the first Camp David Accords (1979), which removed Egypt from the cycle of conflict with Israel and established calmness and stability along their mutual border. The Arab League's boycott of Egypt following the signing of the Accords as well as Egypt's alienation from inter-Arab institutions were retracted after a few years and, not unexpectedly, additional Arab states and organizations embarked on a path of political negotiation and also withdrew from the cycle of conflict. The Palestinians, who had watched the developments with Egypt with concern and had been among its boycotters, understood within a few years that their problems could not be solved only by force or "armed struggle" but had to rely on new routes that would draw external support and translate into political language the changes that had already begun to take place in their sphere a few years prior to President Sadat's initiative.

This process, which was starkly apparent during the first *Intifada* (1987-1994) and concluded with the signing of the Oslo Accords (1993-1995), essentially opened a new chapter in the blood-drenched Israeli-Palestinian history. The PLO and Israel formally recognized each other, and Israel withdrew from many parts of the Gaza Strip and West Bank, transferring them to Palestinian control as part of a gradual process that was intended to bring the two sides to a permanent arrangement, providing for Palestinian independence and putting an end to the conflict.

Although Israel's agreements with Egypt and Jordan introduced the motifs of self-examination and mutual blame into the intra-Arab discourse, established stability along the borders, and generated collective interests, Palestinian opposition members tried to sabotage Israel's agreements with the Palestinians from the outset through terrorism and the instigation of frequent crises between Israel and the leadership of the Palestinian Authority. These efforts undermined the trust between the two sides, created powerful internal pressures, and sparked anger that made progress on negotiations extremely difficult. This shaky relationship experienced one wave of violence after another, with attempts to advance the process during the breaks between such waves. Events reached a peak with the confinement of Palestinian Authority Chairman Yasser Arafat to the *Mukataa* (headquarters) in Ramallah (2003-2004) and with the destruction of the Palestinian Authority's security apparatus and parts of its civilian institutions, thus undercutting its ability to rule, weakening its position in the public eye, and rendering it irrelevant.

How is the Palestinian arena different from the other arenas? Why is it not possible to apply what succeeded with Egypt and Jordan to the Palestinian arena? In order to explain this phenomenon, is it enough to note that these two political entities have clearly delineated territories of their own, while the Palestinian entity lacks sovereignty and seeks to be freed from "foreign" rule, or are there additional explanations? The Arab satellite channels, which first appeared around the time of the signing of the Oslo Accords, have contributed significantly to our understanding of this issue. They shed light on the content of the internal discourse taking place in the intra-Arab arena, its common denominators, the problems that preoccupy it, and the many weaknesses it exposes. Alongside many other weighty problems, the Palestinian problem apparently serves as a uniting factor in the intra-Arab arena because it is shared by all, preoccupies all, and serves as an intra-Arab test of solidarity. Those devoted to the concept of pan-Arabism fear that resolution of the Palestinian problem will hurt the cause of Arab unity because that problem has been a central factor in the formation of this unity since 1948. From their point of view, reaching a settlement with Israel over this problem could break down all barriers between Israel and many Arab countries, especially the wealthy Gulf countries, and provide legitimacy for normalized relations. On the opposing side are proponents of particular state nationalities, who view resolution of the Palestinian problem as the removal of

a heavy burden that has made it difficult to address internal Arab problems and the backwardness of Arab societies. This is a highly emotional discourse, which exposes all of the intra-Arab divisions and presents two opposing sets of claims: One approach does not tolerate the laying of blame for failures, backwardness, and defeats on "the Arab People" and does not accept any rummaging through the roots of the culture and history of Arab society and Islam. These views are presented in strident and angry voices, with antagonism, and with the laying of blame on Arab regimes that maintain relations with the West, alongside voices that lament, bemoan, and weep for the bitter fate of this People. The second approach takes this reality as leverage for change and an unrelenting push towards a new state of affairs in which every society would take responsibility for its own fate,[5] freeing itself from the ideological fervor that has fuelled these societies for many years and was responsible for their backwardness.[6]

The most indicative characteristic of this debate is the verbal exchange of blows between conservatives, fundamentalists, radicals, and keepers of the faith, on the one side, and change-seeking liberals who challenge the old establishment and the clerics whom they blame for the backwardness, on the other. The former, who enjoy majority status, see themselves as representatives of an oppressed, underprivileged, and neglected public, and they seek to channel the rage of the masses against the regimes and winds of change and modernization coming from the liberals and the Arab regimes of "oppression" that are forever being accused of submission to Western states and Israel. These, they claim, are selling out the Palestinian problem, driving a wedge within the Arab nation, and exposing its weaknesses. The second group floods the media with statistical facts, with efforts to "expose the truth," with reflections of and on the conservatives, as if to say: "this is how we appear," "our situation is most bleak," "this not because of Western influence," "the root of the problem is within us," "we must be strong and look closely into the mirror" because "if we do not work quickly we will become

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[5] See for example the discussion on Al Jazeera, 11 May 2004:
http://www.aljazeera.net/channel/archive/archive?ArchiveId=92932.
[6] See also the first UNDP report (2002) prepared by Arab sociologists, presenting a very bleak picture of all Arab societies in the region. The researchers sought to present to pan-Arab and pan-Islamic authorities a picture of the condition of the Arab individual, his backwardness, and the backwardness of the Arab society generally. In doing so, they provoked a highly charged intra-Arab debate.
http://www.arab-hdr.org/publications/other/ahdr/ahdr2002e.pdf

irrelevant in the international arena, thereby nullifying those fundamentalist aspirations to return to the Golden Age of Islamic caliphates."[7]

This chapter will focus on the principal barriers that affect Palestinian decision-making in finding a solution to the conflict with Israel, and on the judgment of the Palestinian leader who is interested in solving this problem. These barriers are indeed similar to the barriers that Egypt and Jordan faced as they prepared to sign peace agreements with Israel, but they are harder to dismantle in the internal Palestinian arena.

The Palestinian Barriers

The character of these barriers is shaped by the character of the Palestinian problem – a problem that has undergone many changes, developed a dependence on many factors, has attempted to be freed of them, but has yet to find its way to a solution. These barriers have varying characters, each of which influences the Palestinian decision-making process in its own way. Some of these are structural, and their origin is in the uniqueness of the Palestinian problem, its place in the inter-Arab arena, and its implications for this arena. Some of these are religious and national, intertwined with each other, extending the problem to distant geographical areas, drawing in the entire Arab world, intensifying the divisions and internal struggles, and at times even causing paralysis that prevents any action. Some of these are cultural and represent patterns of behavior and reaction that have developed over the years and taken hold among Arab and Palestinian societies and groups.

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[7] Many similar expressions of opinion are voiced frequently on satellite stations with high ratings. See for example:
• Debate on Al Jazeera, 11 May 2004:
http://www.aljazeera.net/channel/archive/archive?ArchiveId=92932
• Another debate on "the causes of the Arab individual's frustration," 12 August 2003:
http://www.aljazeera.net/channel/archive/archive?ArchiveId=92210
• A different debate dealing with intra-Arab struggles under the headline "struggle between protégés (the West) and oppositional forces," available at:
http://www.aljazeera.net/channel/archive/archive?ArchiveId=1034319
• Debate on the significance of the first U.N. report, 13 August 2004:
http://www.aljazeera.net/channel/archive/archive?ArchiveId=90935.

In the following I will detail the barriers, examine the extent of each barrier's influence, and attempt to propose ways to deal with them.

Structural Barriers

One of the factors that shape the identity of a population, community, or people, whoever or wherever they are, is territory, especially when it is delineated by clear and recognized borders. In Arab countries, the state-territorial identity has developed since the First World War, when the Western powers of the time divided the Middle East into states. The borders that were then demarcated, to a large extent arbitrarily, came to have the status of something sacred with time, and they influenced the formation of the identity of the society living within the state borders: Syria for the Syrians, Saudi Arabia for the Saudis, Jordan for the Jordanians, and of course Egypt, whose identity as a natural and territorial entity was recognized going back to the time of the Ottoman Empire. This identity is indeed subject to internal pressures, the aim of which is to undermine it in favor of aspirations towards Arab unity, which, in the past – when it was dominant – stirred the hopes of the masses. But with time these aspirations faded, and the Six Day War put an end to them. Despite its fragility, the particular state identity overcame the Pan-Arab identity, and many of those who settled within known geographic borders made their homes there and often sought to be freed of the demanding Palestinian burden. In this context, one can cite the following barriers:

Uniqueness and Commitment

The Palestinian territorial identity is not limited to the borderlines of 1967 and is not focused only on the territories of the West Bank and Gaza Strip. International boundaries delineating the Palestinian territorial area were never determined.[8] The conflict with Israel cannot end or begin with the 1967 boundaries, as was the case with Egypt and Jordan, which relinquished responsibility for the fate of the Palestinians when King Hussein announced disengagement from the West

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[8] See also: Susser, A. (2006). "Collective Identity, the Middle Eastern State, and the Peace Process." In D. Menashri (ed.), *Religion and State in the Middle East: A Tribute to Prof. Shamir.* Tel Aviv: Tel Aviv University, pp. 201-202.

Bank at the height of the first *Intifada* (1988). The conflict with the Palestinians is rooted in the borders that were established in 1948. This means that Palestinian identity cuts across the 1967 boundaries, permeates the core of the state of Israel, and creates a reality in which disconnecting the two sides of the border might generate an identity crisis and difficult internal problems. In other words, the *Nakba* is not just loss of territory, home, or property, but loss of the capacity to achieve national coherence, to consolidate national identity, and to return to the agenda that was interrupted in 1948. Moreover, Palestine and the Palestinians are, in the eyes of many in the Arab world, the "frontline" – they are at the center of a clash between different worlds that have yet to find a way to co-exist. This is a clash between East and West, among two rival monotheistic religions and a third (Christianity), which also has ties to this territory and sees it as a Holy Land, although the relatively small number of its adherents in the region makes it a lightweight contender within the struggle. The situation creates a reality in which engaging with the Palestinian problem is often the business of every entity with ties to the Arab "nation" and often of those with ties to the Islamic "nation" as well.

For these reasons, a serious crisis was created within the national Palestinian movement in November 1988, when the Palestinian National Council signed a declaration of independence and accepted, with reservations, Resolution 242, the essence of which is recognition of the 1967 lines as borders of a Palestinian state alongside Israel. This decision marked a turning point in the nature of the struggle with Israel from an existential struggle into a struggle over borders. When the PLO signed the Oslo Accords (1993), it encountered the very same barriers that the uniqueness of the Palestinian problem generates.[9] These are matters of

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[9] The decision of November 1988 led to the withdrawal of many of the organizations that make up the PLO from its Executive Committee, including the Popular Front of George Habash and the Democratic Front of Nayef Hawatmeh – the two largest organizations after Fatah. Within the internal Palestinian discourse, this decision was never seen as an achievement but as a compulsory move that was forced on the Palestinians because of their weakness. The significance of this decision, however, extends far beyond the context of the Executive Committee's member organizations. Even Hamas, which defines the 1988 declaration as *Nakba*, cannot ignore it. It is highly doubtful that it would have announced, following its 2006 elections victory, that it is willing to accept the 1967 borders for the time being were it not for the 1988 declaration. In other words, the huge chaos created by this declaration clearly illustrates the difficulties faced by Palestinian decision-makers when they seek to address cardinal questions. See, for example, a paper published on the Hamas website on the occasion of the 61st anniversary of the *Nakba*:

emotion and impression that expose the weaknesses of the Palestinian sector, and the Arab world generally, as a result of the unbearably difficult engagement with burdensome questions of identity and belonging, questions that were forced upon the Palestinians. Even the status of the PLO as the sole representative of the Palestinian people has not enabled it to overcome these barriers.

Geographical Dispersion

The experience of exile and detachment has been one of the identifying marks of the Palestinian people since the 1948 war. The war scattered Palestinians throughout the Middle East into refugee camps, leaving them without the status of regular citizens. Rather, their status was that of visitors who usually receive a restricted type of citizenship that strictly limits their ability to work, earn a living, and – in many cases – to travel. The question of representation of this scattered population generated harsh divisions of opinion within the Arab world since of end of the 1948 war. When the PLO was formed and recognized as the "sole representative of the Palestinian people," it acquired most of its power from the Palestinian diaspora. The leadership in territories that were under Israeli control, defined as "internal residents," was viewed with suspicion by the leadership of Yasser Arafat's PLO because of the former's contacts with Israel and its resulting power in relation to the local population. The situation threatened the status of the leadership abroad as the sole representative, and for this reason Arafat worked hard to establish the principle of unity within the population. It was a very successful gamble, at least for a while, because the PLO's many failures in Jordan in September 1970, leading to its expulsion to Lebanon and from there to Tunisia in 1982, raised questions about the PLO's leadership ability but not necessarily about its status as the sole representative of the Palestinian people. Indeed, the internal leadership, which had many opportunities after these failures, maintained the status of the organization and did not undermine unity even when Israel sought negotiations with it to establish an alternative leadership to the PLO and to discuss various approaches to settling the conflict without relying on the Palestinian diaspora or recognizing the PLO as the sole representative of the

Palestinian people. The Oslo Accords created a new reality. Israel recognized the PLO as the representative of the Palestinian people, although this raised concerns among many in the Palestinian diaspora that the PLO would ignore their needs and focus on the West Bank and Gaza Strip. These concerns were among the sources of strength of the Palestinian opposition, and they gave the Islamic organizations preference over other opposition forces. The failed attempts to implement the Oslo process led to loss of seniority status of the PLO in its current form as the sole representative of the Palestinian people. The question of who represents the residents of the diaspora and who represents the internal residents is more relevant today than it ever was. Can leaders with a questionable ability to represent in fact make decisions regarding an arrangement with Israel, without resolving these questions internally? The answer is affirmative, but conditional on a serious and extensive Palestinian discourse that would submit the various alternatives to the Palestinian public. Abu-Mazen has managed this discourse with unprecedented effort since his election as president, and if we consider all of the weaknesses of the opposition, which does not actually offer an alternative and does not accept the existing international rules of the game, then it would appear that the PLO does have a good chance.

Inter-Arab Intervention

As noted, the Palestinian problem was originally expected to be solved by those Arab states that were founded before 1948, states on which the Palestinian refugees pinned their hopes. In the early stages of their formation, the Palestinian organizations' leadership rarely stressed the Palestinian identity. Originally they defined themselves as Arab first and Palestinian second, and they sought to be counted as part of the Arab People. The aspiration for a Palestinian state was not explicit before 1967. After despairing of the Arab states, Palestinians tried to find a way to be freed of their need for, and dependence on, these states.[10]

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[10] The establishment of the PLO (1964) was apparently an Arab attempt to take control of the Palestinian issue and to subsume it within the interests of the Arab states. Yasser Arafat and his cohorts, who formed the Fatah movement around this time, challenged this organization and Ahmet Shukeiri, who headed it. They saw it as a puppet controlled by Egypt in order to control the Palestinian problem to a certain extent without fomenting unrest within the countries themselves. After the Six Day War, Arafat and his cohorts reached the conclusion that there were no benefits for them to be had from the Arab states and that they should develop independent Palestinian capabilities.

Yasser Arafat, the undisputed Palestinian leader, knew how to "tiptoe through the tulips," knew the limitations on freedom of maneuverability within these states, saw himself as the last symbol of historical Arab leadership, and submitted his own will to the restrictions that this status demanded. His weakness was the result of his complex personality, which damaged his credibility in the eyes of those who came into contact with him. His capacity to maneuver was also limited in comparison to the capacities of other Arab leaders, as the Palestinian issue comprises a vast array of pan-Arab problems that place a burden of responsibility on the Palestinians and expose them to a wider range of pressures.

The lines of division among Palestinians follow the contours of intra-Arab divisions. In other words, the salient question is: does resolution of the Palestinian problem depend on submission to the West, or agreement with it? Does it depend on abandoning national and religious principles, or on actualizing them by way of compromise? Is defeatism or is negotiation while "standing tall" the appropriate way to act? Should concession or intransigence be the attitude? Should one adopt a Realpolitik approach or escape from reality? Should the *Nakba* be maintained or abandoned? All of these indecisions are often heard in the internal Palestinian discourse, and to nearly the same extent, in the pan-Arab discourse as well. This is a dialogue of the deaf, paralyzing and preventing any action aimed at escaping the harsh reality in which the average Palestinian – and his Arab brother in many parts of the Middle East – finds himself. It was this phenomenon that also undermined those bold leaders who sought change and swam against the currents, such as Sadat, who instigated highly significant changes in the Middle East with his visit to Israel, and later King Hussein and Yasser Arafat, who – after taking the bold step of recognizing Israel – unfortunately tried to play it both ways.

Any Palestinian move towards Israel, therefore, can have far-reaching ramifications for intra-Arab struggles. Moreover, some of the Arab states – especially the radical ones – use the Palestinian problem as a bargaining chip and are able to influence the achievability of an agreement or its implementation after signature. Syria, for example, views non-resolution of the Palestinian problem as key to maintaining the potential to have all its demands of Israel met with regard to the Golan Heights and to maintaining its interests in Lebanon. Resolution of the Palestinian problem could weaken Syria and the radical stance it represents.

This infuriates the PLO leadership, given the obstacles Syria raises and the pressures it places on Hamas and the other resistance movements it backs, lest they reach an agreement with the PLO or compromise their principles. On the opposing side, some Arab states have for years been expressing impatience with the Palestinians, and they see lack of resolution of this problem as a yoke on the neck of the Arab world.

The Demand to Remedy Historic Injustice

The demand for justice has been central among Arab and Palestinian demands since the beginning of the conflict. This demand portrays Israel as a foreign implant brought to the region by Western imperialism, and it calls for the elimination or expulsion of Israel from the region as the only way to achieve justice. No compromise whatsoever is acceptable in this view. Until 1967, Arab rhetoric regarding Israel used demonic terms such as defilement, crime, racism, colonialism, fake Judaism, international conspiracy (Harkabi: 67-80), greatest land-snatcher in history, and the like. Any Israeli initiative or concession was seen as insufficient and as a partial and unacceptable remedy. When the 1967 war concluded, and the extent of defeat became apparent, additional weaknesses were revealed. When the Palestinian leadership sought compromise agreements, various Palestinian and Arab weaknesses were exposed in all their severity, exacerbating the painful probing into national and pan-Arab wounds and intensifying these weaknesses. In other words, the change that took place after 1967 was manifested as a coming to terms with a Middle Eastern reality of which Israel was now a part, but it did not eliminate the need for remedying injustice. In fact, this need was perhaps increased by the defeat, as it served as an expression of continuing weakness, allowing the other side to generate further injustices. With the onset of a negotiating process that requires compromise, the question of remedying injustice becomes a barrier in the path of the Palestinian leadership because of the divisions that such compromise creates.

Religious and National Barriers

The religious character of the Israel-Palestinian conflict grows more intense as efforts of the national camp to resolve the conflict fail. When the process reaches

the critical stage – at which point it is no longer possible to delay dealing with the cardinal questions of borders, holy sites, refugees, and other sensitive issues – then as a matter of course, religious leaders and a broader range of concerns enter the picture. These additional players and concerns all require consideration, as do the implications that spill over from the Palestinian issue to the Islamic sphere and place further obstacles before decision-makers. If we add to this the already visible public loss of faith in the national leadership that maintains relations with Israel – whether this loss is because of corruption, because of the way Arafat managed the Palestinian Authority and its relations with the Palestinian public, or because of the success of Hamas and religious authorities in demonstrating their incorruptibility and in fostering some sense of national pride – then we may conclude that not only is the range of considerations more complex, but that it is not yet possible to resolve the dispute, or even negotiate its resolution, without including or involving these factors. There is a certain parallel on the Israeli side, where the religious factor is more significant than in the past. The strengthening of religious-national forces on both sides of the conflict has a significant influence on its character. At times, this strengthening serves as a mirror, reflecting for the religious sectors how reality appears on each side. In this context, one can cite the following barriers:

Inter-Organizational Rivalry

Inter-organizational rivalry has become one of the most salient barriers within the Palestinian decision-making process with regard to all of the issues on their agenda, and particularly the conflict with Israel. For the first time in the Arab world, two political forces that are more-or-less equal in size and influence faced off against each other when the Islamic opposition movement, Hamas, ran against the veteran and experienced Palestinian liberation movement, Fatah, in elections of an unprecedented nature. An Islamic opposition movement challenged a ruling national movement and offered an alternative, downplaying failures and leading to a victory that none disputed, and some even envied for the democratic process that enabled it.[11] In other words, unlike Arab countries in which one

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[11] See, for example, the study published on Hamas's internet site shortly after elections to the Legislative Council in January 2006. According to this study, the election results were of an unprecedented nature in the Arab world and serve as proof that Arab nations can establish democratic rule: http://www.palestine-info.info/arabic/books/2006/5_2_06/5_2_06.htm, pp. 2-5.

party or group rules for generation after generation, within the Palestinian arena a balance was created between two groups, each of which prevents the other from operating independently and even puts obstacles in the path of the other. This is a reality with far-reaching implications for the possibility of resolving the conflict with Israel and for the Middle East as a whole. Many Arab states and companies are watching closely to see how this internal Palestinian rivalry develops. Will a cooperative mechanism be found, allowing these two central streams – the likes of which there are many within Arab countries – to dwell together and to unite Palestinian society, or is this impossible? To date, Palestinian society has failed to find such a mechanism. The conflict with Israel is a litmus test. On the one hand, it operates as a barrier to finding such a mechanism, but on the other, it could serve as a catalyst precisely because it amplifys the need to overcome this internal Palestinian division.

The Sanctity of (Armed) Resistance (*Moqawama*) Against the "Occupation"

As the Oslo Accords were about to be implemented, Hamas thoroughly rejected the claim that the PLO leadership and Yasser Arafat had committed to preventing armed struggle (resistance) in Israel. They asserted that it is inconceivable that a nation under occupation be denied legitimate resistance to this occupation. This assertion had many supporters within Fatah. Abu-Mazen himself, who consistently opposes the use of violence, reiterated this slogan of Hamas in his broadcast speech at the opening of the Sixth Fatah Congress (4 August 2009), although drawing a distinction between popular resistance and armed resistance: "It is inconceivable that resistance to occupation be denied. It is guaranteed by international law."[12] Even after signing the Oslo Accords, Arafat believed in maintaining the military option, as Abu-Mazen claimed in an interview after the death of his predecessor. In his words, Arafat did not believe that it was possible to achieve the desired independence by political means alone, and he feared that Israel would take advantage of Palestinian weaknesses.[13] Today this issue takes central place in the inter-Arab discourse and is one of the distinguishing dividing

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[12] Radio London, BBC, 4 August 2009, 11:00.
[13] http://www.alhayat.com/special/dialogues/03-2006/Item-20060301-b7421a5d-c0a8-10ed-001e-064ced0586fe/story.html.

lines. The struggle within the Arab world today is not between moderates and extremists but between those who oppose resistance and those who support it. The resistance against Israel in Gaza and Lebanon, against the United States in Iraq, and against other foreign forces in Afghanistan is very damaging publicly in the eyes of those who object to it. It leads to anarchy, disrupts daily life, hurts the economy, and in the end, does not yield any benefits. Supporters of resistance, in contrast, make frequent reference to *karama* (national pride), to neglecting the "future" of the "nation," and to the defeatism of those who oppose resistance without demonstrating that their way is more successful. In this context they cite the Oslo Accords as an example.[14]

This perspective, although rooted in early Islamic and Arab tradition, in fact reflects the weakness of the side propounding it. Supporters of resistance maintain their position despite awareness of its futility because it is an expression of "not giving in" and maintaining a strong position, a complete antithesis to the continuing defeatism. Even when supporters of resistance are criticized, they come across as prouder and more honorable precisely because they are transferring the burden of action onto the other side. In the Israeli-Palestinian context, two sides can be identified. One side is well-resourced and has power, but is subject to international moral rules of the game and is preoccupied with secure stability and quiet along its borders and lines of friction with the other side; it therefore finds it difficult to use, and is even fearful of using, all of the resources it has at hand. The second side is angry, unsatisfied, busy bemoaning its bitter fate, oppressed, and aware that the first side is not meeting its demands or understanding it. Its anger therefore swells, and its resistance *(moqawama)* continues, with the aim of provoking a reaction from the other side and making itself appear heroic. Islamic tradition also plays a part here, as the Prophet also displayed tolerance towards the enemy originally, waited patiently, did not break down, and in the end succeeded. Indeed, if the Prophet demonstrated tolerance and succeeded, there is no reason for his followers to act any differently. These voices have a galvanizing effect, even if they are not acceptable to all supporters of resistance, because they offer strength during times of distress and a way to seek relief from frequent crisis. It is noteworthy that in the Palestinian context, an intense dispute developed at the very beginning of the Al Aqsa *Intifada* between Fatah and Hamas members,

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[14] See the debate on this issue on Al Jazeera (16 June 2009):
http://www.aljazeera.net/NR/exeres/B85B0155-B266-48FA-BB07-9F8F7819F24F.

and within the Palestinian public generally, regarding suicide attacks. Many members of Fatah and the public claimed that this approach should be avoided because it hurts Palestinian interests, does not advance a solution to the problem, and creates a situation in which one's contribution to the national struggle is measured by one's willingness to commit suicidedie. At the same time, Hamas justified this approach with claims of revenge and deterrence, saying, "Israel uses the Apache and we use suicide bombers; this is the first time that not only we cry, but the Israelis do as well."[15]

The current armed resistance in the Middle East against non-Arab forces is led almost exclusively by Islamic organizations – Hamas, Hezbollah, Sunni and Shiite organizations in Iraq, and Al Qaeda and the Taliban in Afghanistan. National forces that once used resistance in their struggle against Israel, such as Fatah, have come to the conclusion that it does not serve their pursuit of national objectives and have now come to prefer the political approach, even if they did not entirely abandon the option of armed struggle. Resistance thus became the specialization of Islamic organizations, who gave it a holy status. This fact, combined with the legitimacy ascribed to resistance in the national discourse as well, means that it is impossible to prevent or eliminate resistance altogether. It will continue to be adopted by new or renewed entities that will profess a deeper loyalty to Islam and greater patriotism. These entitites thus challenge any leader with a history of such resistance, forcing him to waffle and make tricky excuses that expose his weakness and often make him appear absurd and, thereby subjecting him to ridicule.

The Tension Between Loss of Identity and Achievement of Independence

This tension is largely a product of the gap between the sanctity of resistance on the one hand and its failings and damages on the other. If the approach chosen embraces the sanctity of resistance, how is it possible to achieve independence through negotiation? Is negotiation compatible with the revolutionary slogans that the Palestinians propounded since the formation of their national movements? If so, how will this shape the formation of national identity? Will we not lose

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[15] See *Al-Ayyam*, 26 May 2002; *Al Hayat Al Jadida* ,14 June 2002; *Al Quds,* 29 May 2002.

our identity, come across as defeatists, or adopt the values of the other side by following this route? These are the questions posed by the conservatives. Thus, even when they have abandoned the path of resistance and terrorism, or have formally declared their intentions to abandon it, they have felt submissive and frustrated and have sought to conceal the fact out of shame, out of a sense of weakness in the face of internal rivals, and out of fear of undercutting the glory of heroism and sacrifice that has become part of the formative identity of the younger generation. Negotiations with Israel, one of the litmus tests of this tension, thus place the Palestinian side under the spotlight in a position of weakness from the outset and generate widespread international support for Israel. How is it possible, therefore, to speak of independence? After all, negotiations are no more than a prescribed solution that the other side generously provides – they are not negotiations between competing equals. This is a situation whereby the Palestinian weakness is exploited in favor of the other side's interests.   That is the feeling that continues to generate resistance to any initiative or political process aimed at bringing the Palestinian problem to a resolution. Ahmed Yassin, the most visible of Hamas's leaders until his assassination in 2004, was asked by many media sources to comment on the Arab Peace Initiative when it was first announced at the Beirut Summit (March 2002). He replied that any initiative generated by Arabs anywhere is an expression of defeat. Arabs should avoid proposing initiatives altogether, he claimed, because "they [Israel] stole, murdered, and expelled – so let them propose the solutions and 'we' will decide whether to accept them or not."[16]

Erosion of the Concept of Two States for Two Peoples

The concept of two states for two peoples has long been the slogan for those who seek territorial compromise on both sides of the conflict. The abovementioned decision of the Palestinian National Council of 1988 essentially anchored the concept as a Palestinian commitment. In fact, however, this had been an externally prescribed concept, a demand of the international community that was based, among other things, on the PLO's interest in being accepted as part of that community. Since Yasser Arafat's first appearance in the United Nations (1974), the PLO has tended to view international decisions as granting legitimacy

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[16] *Al Jazeera*, 28 March 2002, 22:00.

to every process and every demand directed at Israel. Arafat frequently spoke of the importance of "international legitimacy" since that time. It is because of this that international legitimacy was also a source of crises within and outside of the PLO. It is highly doubtful that Hamas would have recognized the 1967 lines as the borders of a Palestinian state in its long-term *Hudna* political plan, were it not for the PLO's 1988 decision. In essence, that decision obligated the PLO's opposition as well. In practice, however, Israeli negotiators who have interacted with the Palestinians during the Abu Mazen era have sensed that the two-state solution does not "burn in their belly"[17] as it does for Israel, nor are the Palestinians going out of their way to actualize it.

It is possible that this impression reflects the erosion of the two-state concept on both sides since the onset of the Al Aqsa *Intifada* (September 2000). The difference is that on the Israeli side, the number of those who support this solution has grown because of loss of faith in the possibility of a permanent solution, interest in preserving Jewish sovereignty, and fear of the demographic threat, while support has declined on the Palestinian side. Since the Hamas uprising, life in the Gaza strip has entailed both a sense of crisis that paralyzes political life and a loss of faith in Israeli willingness, following disengagement, to freeze and dismantle its settlements. Is there still a Palestinian commitment to the two-state concept? Palestinian Authority representatives respond to this question in the affirmative, but the number of voices calling for its rejection is increasing.

The power of the two-state concept lies in the international support it receives and in the absence of any alternative at this time. The concept of a bi-national state is seen as unrealistic because of each side's adherence to its own national identity and because of the potential for violence implicit in this concept. Realization of the two-state concept depends, therefore, on overcoming the sense of paralysis that has taken over the Palestinian side since the split between Gaza and the West Bank.

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[17] Haim Ramon, who served as a minister in the government of Ehud Olmert and was involved in negotiations with Abu Mazen at that time, said this during a conference at Tel Aviv University in response to a question about expectations of the two-state concept on 9 December 2009.

Cultural Barriers

This broad range of barriers reflects a deep sense of weakness, frailty, and inferiority, gradually contributing to a culture of "poor and oppressed people" expressed primarily through the parameters by which it measures itself. Progress, new construction, individual development, the state, the national interest, and society – none of these is at the forefront of this culture's interests; rather, it is the preservation of unity in face of external forces that seek "to take advantage of our weakness, of our resources… to extort concessions from us… to make us a pawn in their hands … to control us…" and so on.[18] The term "*sumud*" (strong stance) is one of the prominent expressions of this culture. It regards as an achievement the ability to absorb blows without collapsing, as opposed to weakening the enemy and actualizing tired slogans about "banishing the occupation," "destroying the enemy," and "liberating the land." According to this mindset, weakness is a matter of fate and, in the course of time, things will turn around and it will be possible to realize what now appear to be empty slogans.

This culture thwarts the efforts of those of its members who try to take charge of their own fate and break away from the harsh reality that they see as the source of backwardness and paralysis imposed by the culture itself. Adherents of this cultural attitude will forever charge with defeatism, excessive concession, submissiveness, and betrayal anyone who tries to think differently or to reach an agreement with the "other," whom they view as responsible for their weakness and suffering. In this way they block any leader who tries to take the fate of his people into his own hands and enter into negotiations with the non-Arab other. In this context it is possible to cite the following barriers:

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[18] This is a salient claim on the part of Palestinian opposition members, Hamas, Islamic Jihad, and others of the secular left, aimed at preventing a flood of concessions relating to important national principles (*Thawabat*). In this context it is worth noting a letter, exposed by Hamas, sent by Muhammad Dahlan (2003), former minister of defense in the Palestinian Authority and overseer of the Ministry of Interior, to Shaul Mofaz, minister of defense at the time. In the letter Dahlan promises to do everything possible to eliminate opponents of co-existence with Israel and to isolate and weaken Arafat: http://www.palestine-info.info/arabic/palestoday/reports/report2003/dhlan.htm.

The Defeatism Complex

The sense of defeatism is a leitmotif appearing throughout the statements and expressions of every Palestinian and Arab speaker who comes in contact with non-Arabs, even in debates between supporters of pan-Arabism and its detractors. The context for this is to be found in hundreds of years of failures: 200 years since Napoleon captured Egypt (1798) or, according to some, over 800 years, since the victory of Salah Ad-Din over the crusaders in the Horns of Hattin Battle (1187).

Even the terminology that Palestinians themselves use to describe their condition reflects this sense of defeatism. The *Nakba* is the catastrophe marking the end of the 1948 war, while the *Naksa*, which marks the defeat in the 1967 war, expresses recurring suffering or catastrophe. All of this reflects the culture of the poor and oppressed (*istiz'af*) in which weakness is seen as an integral part of the internal dialogue, making it a tool in the hands of the other, who exploits it to his advantage. In the context of the Oslo Accords, the claim is that Israel consistently exploited Palestinian weakness. Not only did it have massive leverage to apply pressure, it also continued in practice to control the Palestinian way of life. The Palestinians, who feel extremely humiliated in the face of this power, do not have even one bargaining chip that would enable them to respond in a way appropriate to their condition.[19] Indeed, during the first year of implementation of the Oslo Accords, the Palestinian Authority was already being portrayed by the opposition, and sometimes even by itself, as a "Lahad Army" (referring to the South Lebanese Army which collaborated with Israel in southern Lebanon), that is, a "collaborator" or "yes man" for Israel rather than a partner to a balanced agreement. The rhetoric of Hamas in its public confrontations with the Palestinian Authority up to the time of the 2006 elections and in their aftermath was also infused with expressions of this sort. According to Hamas, Israel is misleading and deceiving the Palestinians, has no intention of fulfilling even one of its obligations, is conducting a dialogue that corrupts and sells out national principles, and so on.[20] These assertions fall

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[19] See, for example, Rishmawi, M. (1995). "The Actions of the Palestinian Authority Under the Gaza/Jericho Agreement." In *The Palestinian Authority: A Critical Appraisal*. Washington: the Center for Policy Analysis on Palestine, pp. 4-5.

[20] See, for example, the accusations leveled by Hamas against Fatah during the anarchy that erupted following the January 2006 elections:
http://www.palestine-info.info/Ar/default.aspx?xyz=U6Qq7k%2bcOd87MDI46m9rUxJEpMO%2bi1s7GnBcnYKBxMhRCu0L%2fD%2bAVIlcpcnSyaqOSkjxN%2f3vHVqEaCPYsdibbhNukUil3WqzwGZ7HF5cdbvumICVoz4BXz3YO%2bSUITuVsCiHKGN8yPg%3d.

on eager ears and reflect the speaker's fear of having his weakness exploited or of not receiving any compensation for his demands.

A Culture of Denial

Because the sense of defeat carries with it feelings of shame, it generates both aversion to the failures and a culture of denial. During a debate with the Palestinian poet Mahmud Darwish, the Lebanese author Elias Khouri, who dealt with the Palestinian problem extensively, claimed that the Palestinians have not written their own history because they do not want to recognize what has happened. In his opinion they have denied the reality that came to be after 1948.[21] Darwish, in contrast, claimed that history is usually written by the stronger side and in this case by Israel.[22] The memory that came to be entrenched in Palestinian public consciousness is that the defeat occurred because the Palestinian side was not organized, and it continues to be disorganized; thus, the *Nakba* continues to recur: "*Kibia Nakba,*" "*Samu'a Nakba*," "the *Nakba* of 82," Sabra and Shatila, and others.[23] In order to prevent *Nakbas* of this sort it is necessary to be organized. In other words, this is not a problem of structural foundational problems but a situation that can be changed. By the same token there are those who claim that the Palestinian refugees cannot relinquish the right of return because they continue to deny the defeat and have not come to terms with the irreversibility of reality. Even Arafat, after arriving in Gaza in 1994, preferred not to deal too much with the implications of the Oslo Accords in his appearances before the Palestinian public, perhaps because he sought to maintain the military option of armed struggle, or perhaps for fear of the Palestinian opposition's reactions, which would expose his weaknesses as a leader and the weakness of the Palestinians as a party to these agreements. When Abu Mazen appeared in Gaza soon after the signing of the Oslo Accords, he asked his audience not to take for granted everything that Arafat said, and he claimed that the Oslo Accords placed a heavy and difficult burden

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[21] Hadidi, S. (1999). *Bab Al Shams, Al Hikaya Al Taarihia Wa'al Riwaya Al Palestinia Al Kubra.* Haifa: Al Karmel, 85, 9.

[22] "Interview with Abbas Bithun." (1990). *Masharif,* 3, 86.

[23] These refer to military retaliations carried out by Israel in Palestinian villages in the years after Israel's founding, when the Palestinians suffered heavy losses. Sabra and Shatila are two Palestinian refugee camps in Lebanon, where Christians carried out a massacre (1982) following the assassination of Bashir Jamil, who had been a candidate for president of Lebanon. At the time Israel control the area where these camps were located.

on the Palestinian side.[24] This was an open secret, known to all, and exploited by Hamas in order to sabotage the Accords and to gain legitimacy for continuing acts of terrorism against Israel.

Divisions and Rifts

The roots of division within Palestinian society are as deep as the rifts between similar groups in the other Arab societies in the region. As long as the national sector maintained prominence and enjoyed hegemony, however, these divisions were not a very salient aspect of Palestinian weakness. The appearance of Hamas as a competing political organization at the start of the first *Intifada* (1988) can be said to mark the stage at which the division became a dominant cause of inter-Palestinian weakness. With its appearance, Hamas offered a new element that had not been present in the platform of the Muslim Brotherhood, to which it belongs ideologically. Hamas created a new synthesis, previously unknown in Arabic, Islamic, and Palestinian terminology. It defined itself as a movement based on compound ideology: national-Palestinian and Islamic. In other words, Islam is the context but the focus is Palestine. "We have no aspirations beyond Palestine," Hamas leaders reiterate, thereby making clear that they do not in fact intend to serve extra-Palestinian causes, despite continuing loyalty to the widespread Islamic notion of pan-Islamic statehood (Litvak: 160-162). The contrast with organizations that had comprised the PLO until then was clear. Fatah defined itself as a national, non-ideological movement composed of those who seek Palestinian self-determination, while the Popular Front, Democratic Front and other PLO member organizations identified with theories of socialism or Marxism, or with certain Arab countries. Hamas in essence proposed a new alternative that challenged the PLO and made clear to the masses that these approaches can co-exist and that it is not necessary to submit blindly to the rhetoric of the PLO leaders whose verbosity exceeds their loyalty to Islam and its values.

During the years of the first *Intifada*, however, the Palestinian public did not accept Hamas's political plan, which called for a Palestinian state from the Mediterranean Sea to the Jordan River, because it largely reiterated a concept that had eroded and proven itself as unrealistic. The majority of the Palestinian

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[24] http://www.alhayat.com/special/dialogues/03-2006/Item-20060301-b7421a5d-c0a8-10ed-001e-064ced0586fe/story.html.

public, though heavily influenced by Islam, was convinced that reality is stronger and thus continued to respect the seniority of Fatah and the PLO as leaders and representatives of the Palestinian consensus when it came to resolving the Palestinian problem.

This division reached its peak during the early years of the *Al-Aqsa Intifada* when Israel destroyed the structures and mechanisms of the Palestinian Authority that had been established following the Oslo Accords. That development was seen in the eyes of the public as unequivocal evidence of the failure of the political approach of the PLO and Fatah and as proof of the validity of Hamas's approach, which consistently stressed the connection between the Palestinian Authority's corruption, the unjust Accords, and Israel's lack of credibility, thus greatly undermining the credibility of the Authority and its status in the eyes of the public.

Hamas members took great joy in this development and asserted that the approach based on negotiations had failed and that "Islam is the solution." This was also the stage at which Hamas's interest in membership in the ruling body and participation in elections to the legislative council increased, reflecting self-confidence and faith in power on the one hand, and erosion and loss of support for the opposing side on the other hand. Matters reached a peak in the elections to the legislative council (January 2006) when Hamas achieved what it could not have imagined: a majority of seats in the legislative council.

At this point the struggle took on the character of a fight for survival. The questions on the agenda are existential in nature. Fatah fears that transferring control to Hamas will effectively bury the democratic process, foil all of the PLO's political achievements, including United Nations recognition of the PLO as the sole representative of the Palestinian people, appointment of ambassadors to the United Nations and to several other countries that had recognized the PLO, and the Oslo Accords, which Hamas announced it does not intend to honor. These concerns preceded any discussion of internal societal matters, social lifestyles, the status of women, family, and tribe, and the role of Islam in daily life.

The gulf between the two sides steadily increased. Attempts at mediation that required concession on the part of Hamas regarding matters of principle with religious implications were not successful. Fatah members feared that Hamas

would not honor its commitment (Mecca Agreement, February 2007) to the letter of appointment for a unity government, which called for adherence to previous agreements and decisions of the PLO. Therefore they held on to their positions of power and resisted transferring them. Hamas refused to accept this resistance. Its leaders saw it as an inter-Arab and international plot to prevent their accession to power and thus instigated the Gaza Strip uprising (June 2007). Given their experience and superior power, Hamas took control of the Gaza Strip within hours, expelled the Fatah members, and became sole rulers of Gaza.

The territories of the Palestinian Authority were thus divided into to separate entities. The rift was deep and obvious. Contact between the two organizations, through Egyptian mediation, began several months after the uprising. Two sister entities were created, each blaming the other for the uprising and accusing it of not respecting the rules of the game of democracy and of refusal to relinquish power. Caught in the middle, the residents of Gaza fell victim to the long-term isolation that was forced upon them.

Mamoun Fendi, a Washington-based Egyptian publicist who is frequently sought out on matters of inter-Arab divisions, is certain that these divisions are one of the greatest obstacles to internal conciliation, all the more so to a peace agreement with any non-Arabs. For these reasons it is necessary to clarify and resolve these divisions before "we subject ourselves to ridicule and disgrace by entering peace negotiations with the American, Israeli, or Western other."[25]

The Lack of a Procedural Mechanism in Cases of Disagreement

At this time and in the current reality it is not possible to reach agreement, even on procedure under conditions of disagreement. The rift created following Hamas's takeover of the Gaza Strip reflects one of the more complex barriers facing the two Palestinian leaderships at this time. This is a case of longtime divisions and crises that have never been solved through mediation and understanding. Since the start of the first *Intifada*, when Hamas appeared, clashes and confrontations between Hamas and Fatah activists have taken place with varying frequency, against a background of struggles over centers of power. Some of these clashes

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[25] See the newspaper *Al Sharq Al Aoust*, 1 December 2008:
http://www.aawsat.com/print.asp?did=497139&issueno=10961.

were violent and bloody. In all cases investigation and reconciliation commissions were established, but they never published their conclusions as obligated and never managed to prevent the next crisis. This is the result of a loss of faith that prevents the formation of a mechanism for managing daily life when there is no agreement.

When Hamas announced its intention to run for the most recent elections to the legislative council (January 2006), all hoped that such a mechanism had been found and that from now on the public would determine who was to handle its affairs. Reality, however, made clear that this would not be the case, even though no one – not even from the defeated Fatah – questioned the election results. But Hamas's consistent refusal since that time to recognize both the Oslo Accords and the PLO's decisions on the one hand, and Fatah's fear of loss of its status and power centers on the other hand, sabotaged everything. Although Hamas announced prior to the elections that it was not obligated to abide by these Accords, Fatah claimed that one of the principles of democracy is continuity and that it is impossible to guarantee continuity if those elected dismiss commitments made by their predecessors. Moreover the system of international relations does not accept dismissal of previous decisions, and if Hamas seeks to be part of the international community, as it claims, then it has to accept the rules of the game. Hamas continued to insist on its position and demanded political rule based on the assumption that they could prove the viability of their alternative. Fatah had difficulty coming to terms with loss of political rule and their accomplishments over 45 years of existence. They saw in the Hamas position the intransigence and amateurishness of those whose international and political understanding is extremely limited.

At this point Hamas's status did indeed begin to erode because all of the other players involved made clear that the international rules of the game cannot be ignored. Loyalty to the principles of Islam, however, as interpreted by Hamas, reject recognition of foreign sovereignty over land considered to belong to the *Waqf* or areas defined as "*Dar Al-Islam*" (territory ruled by Islam), and Hamas's dependence on radical Islamic states and groups such as Iran and Hezbollah makes it extremely difficult to indentify a mechanism for managing such crises. Egyptian efforts to mediate and arbitrate in order to identify an agreeable mechanism have not yet borne fruit because, among other reasons, the Egyptian regime for the

most part represents the interests of Abu Mazen and the Palestinian Authority in Ramallah in the eyes of Hamas. The result is a deepening rift. The basic needs of the residents of the Gaza Strip are being met, and even if a political solution were achieved it would not be implementable. In practice this exacerbates the deterioration of Palestinian society and with time might also demolish the dream of an independent state.

The Israeli operation in the Gaza Strip ("Cast Lead," December 2008 – January 2009) exposed the magnitude of internal Palestinian division and the extent to which it reflects division within the Arab world. No Fatah member condemned Israeli action at the onset of the operation in Gaza. The voices coming from Ramallah at the start of the operation ascribed responsibility to Hamas and underscored the advance warnings that the latter had received regarding possible Israeli attack in response to the firing of rockets at Israeli cities and communities. Egypt and Saudi Arabia acted in a similar way. Efforts to convene an Arab summit under the initiative of radical Hamas-supportive states to deal with Israeli aggression in the Gaza Strip also failed. In the end two separate summits took place: one in Doha for extremist states, where Hamas leaders represented the Palestinian side, and a second in Saudi Arabia, where Egyptian President Hosni Mubarak and Saudi King Abdullah met. These separate conferences illustrated the extent of the rift that had formed between the two sides in the Palestinian arena and between the two blocs in the inter-Arab arena.

Strident Rhetoric and Slogans

Given that a solution is not within reach and that the overall context poses many barriers, each of which blocks progress from a different angle, words have come to take the place of action. Words have become the principal bargaining chip in the struggle against Israel and in the dispute between the two hawkish forces in the internal Palestinian arena.

In the Palestinian arena, Hamas and Fatah showed us how reality in all its complexity translates into symbolism of this sort for them as well. A few months after IDF operations in the Gaza Strip (July 2009), Hamas convened a special conference in Gaza under the title "Culture of Resistance." It dealt with the question of how to preserve a culture of resistance in a reality where everyone

wants to eliminate it – not only Israel but Arab and Palestinian brethren as well. The substance and recommendations that emerged from the conference all dealt with culture, art, literature, and the question of how to express resistance through these channels. There was not one word about continuing attacks against Israel, not one call for armed struggle; nor was there any explanation of how the culture of resistance would fuel armed resistance.[26] The newspaper *Al Quds*, which is published in East Jerusalem, reproduced the impressions that had been published in the American "International Herald Tribune" of a journalist who had followed the conference discussions and noted that the leadership of Hamas was emphasizing new means of struggle. It was starting to use a new idiomatic phrase: "cultural resistance," the purpose of which was to instill in the public the notion of resistance through literature, art, and culture. As evidence he cited a number of plays performed at the conference; one of these even regarded suicide attacks with a certain amount of cynicism. As further context the newspaper cited a series of quotes from Hamas leaders making clear that this is the proper approach at this time.[27] Whether or not there is validity to this report, it is clear that the context for the conference included Israel's operation in the Gaza Strip, which cast doubt on the value of continued armed struggle. This is the lesson that Fatah learned in the years preceding the Oslo Accords, and at this conference Hamas gave indications of the start of a process whereby resistance maintains its status as a sacred slogan while losing some of its status as an effective means to advance national aspirations. The purpose of this new terminology is to make clear that the movement does not intend to submit to demands to "abandon the path of resistance," to infuse the public consciousness with tools for expressing a culture of standing firm (*sumud*), without submission or defeatism, or to serve as an obstacle to any political process that seeks compromise and the turning over of a new leaf.

Fatah also has difficulty freeing itself of these weaknesses, and it uses words to express its anger towards Israel for the latter's superiority, and towards Hamas for accusing it of abandoning the path of resistance. The spirit and style of recommendations that participants in the most recent Fatah conference (4-13

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26   http://www.palestine-info.info/ar/default.aspx?xyz=U6Qq7k%2bcOd87MDI46m9rUxJEpMO %2bi1s7wM6wV5%2b1c5rqT7WF%2b8BcqL9pxbUFTwQ9vOieUjGmdfm4Pi4Y3fssinNHkRk1 yLhlWIW6YJMm1Au4Nh4mR1cSseRffzun4l7QuKme%2bimnO2A%3d.
27   *Al Quds*, 25 July 2009.

August 2009) tried to dictate illustrate this point. One of these decisions asserted that the sanctity of resistance "in all its manifestations, using all available means" is to be preserved. The opposition within and without, both inside and outside of Fatah, argues vehemently that these are no more than words, and that this formulation actually gives resistance the opposite meaning: no more armed resistance.[28] This is lip service for the masses, the main purpose of which is to say: we have not abandoned our sacred principles. But in practice, this was the demand throughout the political process. Israel and Western countries demanded words and declarations from the Palestinians and Arabs in all their negotiations: "recognize Israel," "relinquish terrorism," "put an end to all forms of violence." It is much easier to engage in processes that accord with these demands than to declare so publicly because an explicit statement indicates change, and change indicates coping with all of the barriers noted above, that is, paying a huge price at home, possibly amounting to an existential threat. For this reason there is a tendency to gloss over the issues: to say one thing as well as its opposite, and to use rhetoric as a substitute for inability to act or accomplish the goal.

Loss of Faith in the Leadership

The result of these cumulative obstacles and barriers is the Palestinian public's loss of faith in their leadership. From the perspective of the ordinary citizen, resident of Ramallah or Gaza, the routes of both leading movements – Fatah and Hamas – have reached a dead end. This is particularly apparent after operation "Cast Lead" (January 2009), but there were indicators even before that. Hamas failed to advance the Palestinian cause, and the more than two years of its exclusive rule in the Gaza Strip have proven that armed resistance is not able to provide even the most basic needs to the ordinary citizen. For his part, Abu Mazen repeatedly expresses his disappointment with the political process, announces that he will not run in the next elections, threatened to resign, and persistently blames Israel and accuses the United States of not doing enough to advance the political process. The burst of joy in Gaza sparked by Israeli disengagement and

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[28] See, for example, Abu Mazen's opening remarks at the conference, on the Hamas website: http://www.palestine-info.info/ar/default.aspx?xyz=U6Qq7k%2bcOd87MDI46m9rUxJEpMO%-2bi1s7LDPQCH%2fJlQHOiJKwYYCv9FQdpiOVwwiHihHSanu71magA2yo2xiNAFEomxFfzQl cBnzaeengs%2b9izhzHza7SUwmAlzL44sUMQTJj25a0jUs%3d.

withdrawal from Gush Katif (Summer 2005) was short-lived. It lasted a few weeks, but then the hard questions about the future resurfaced with even greater force, accompanied by unprecedented anarchy until the takeover by Hamas (June 2007). The blow that Hamas suffered during "Cast Lead" and the drastic decrease in rocket launches that followed prove what its rivals, particularly Abu Mazen, have long claimed: this resistance is useless (*abathiya*) and serves only to destroy and embitter the lives of the citizens.

Hamas even admits that it is convinced that, in the aftermath of "Cast Lead," this is not the time to continue with armed resistance and that it is time to allow "rest for the warrior" and to "respect the needs of the public." Hamas even prevents other organizations from launching rockets into Israel or planting bombs. This exposes Hamas's weaknesses in the eyes of the public because it validates Abu Mazen's claim that resistance is useless, but for the time being it has not significantly reduced public support for Hamas. The situation also exposes Hamas to further pressure from Iran, which sees "resistance" as something sacred that should not be forsaken for too long.

Whose approach, therefore, is the right one? Is the right political approach that of Abu Mazen, Fatah, and the Palestinian Authority, an approach that sees reality for what it is and speaks openly to the public but is perceived as having undergone Americanization and Israelization – polite terms for collaboration – or is the right approach that of Hamas, which brings about catastrophe and destruction but provides a shred of national pride, which is so lacking at a time of weakness, exploitation, and division?

Does the national common denominator, which has united Palestinian society to date, continue to exist, or are we witness to societal collapse and the loss of uniting common denominators? In such a reality, is there a Palestinian leader who can offer his people some way of resolving the conflict with Israel and win popular support? Within the Palestinian population there are voices, which are not heard publicly, that long for the day when Israel will again take control of the West Bank and Gaza Strip because of Israel's relative accessibility under those circumstances, in contrast to current difficulties and heavy dependence on Palestinian bureaucracy. Is unification not a precondition for reaching agreement with Israel? Is it not an Israeli interest?

Coping Mechanisms

Israeli-Palestinian relations have undergone many changes since 1948, when the founding of Israel was declared. Throughout these years Israel sought individuals, public figures, and groups with whom to negotiate an end to the conflict. Israel saw the Arab ruler as a public figure who holds the key to everything, and it attributed to him capabilities that the leaders of Western states and bodies do not have. The opinions of the public and the opposition were seen within Israeli discourse as a negligible factor with marginal influence. This perception was also the proffered explanation for historical intelligence failures, such as the start of the Yom Kippur War (1973), Sadat's visit to Israel (November 1977), the end of the Iran-Iraq War (1988), the Iraqi invasion of Kuwait (1990), the outbreak of the first Palestinian *Intifada* (1987), and others. After all, if the ruler has full control, does not tend to draw on many advisors, and sometimes even takes decisions on his own, then clearly significant developments such as those noted cannot be foreseen.

The first *Intifada* proved, however, that a public with its own viewpoint exists and is capable of expressing itself in its own unique way. The *Intifada* was revolutionary from a societal perspective. Opponents of Arab regimes and pan-Arabism supporters saw this uprising as proof of the power of the people, something they had been preaching all along. In contrast to early expectations, however, the people were guided in other directions by the leaders of this *Intifada*. They were led not to increased conflict with Israel but to a new type of struggle, the aim of which was discussion rather than confrontation. Paradoxically, Palestinians prisoners who had been released in the Jibril Deal (1985), which was condemned in Israel, contributed to changing the character of the Palestinian struggle with Israel. At the core of this struggle there was a process of intense inquiry and analysis regarding the causes of Palestinian failures, Fatah's weaknesses on the eve of the *Intifada*, and other possible options. In due course two guiding principles of the instigators of the *Intifada* became apparent. One of these was loss of faith in the effectiveness of armed struggle (terrorism) – known today as resistance (*moqawama*) – as the exclusive means of advancing a solution to the Palestinian problem, both because of the nature of terrorism, which triggers contempt throughout the world, and because of Israel's power and international backing. The other principle was recognition of Israeli public opinion as a

weighty factor, which can be decisive and can bring about significant changes in support of the Palestinian issue. This was the outcome of extensive study of Israeli social trends, the issues that preoccupy Israeli society, Zionist history, and the roots of Jewish existential fears, which the Arab world still had difficulty grasping. This struggle was also influenced by the frequent interaction resulting from unmediated contact between Israel and residents of Gaza and the West Bank who were exposed to the Israeli job market. For Gaza residents in particular, this contact delineated the path they needed to follow and the model by which they wanted to shape the future Palestinian state. In other words, in contrast to other Arab countries, this state could succeed only if it maintained contact with Israel, received its assistance, and emulated it. This combination of discussion and non-violent struggle, at least in its early states, brought the leadership much international approval from the international community, enabled the start of wide-ranging dialogue with the Israeli public, generated international pressure on Israel, and imposed historic changes on the veteran PLO leadership, including the aforementioned declaration of independence of November 1988.

Behind all of these developments, however, there was a hidden message from the Palestinian public, a message that Israel and many in the Israeli public either did not absorb or refused to accept. The message sought to relay that there is cooperation between Gaza and West Bank residents on the one hand and Israel on the other hand regarding preparation for a future Palestinian state. Such an entity could only succeed if Israel provides assistance and education so that it does not follow the path of other Arab states. As long as it did not break its "contract" with Palestinian public opinion, Israel was expected to guarantee the existence and prosperity of the Palestinian state and society.

With that, many in Gaza are convinced that Israel once again gambled on the solitary ruler as someone who could "provide the goods." It forgot about the existence of the Palestinian public as an entity for which the Palestinian Authority is responsible and it abandoned this public to the hands of leaders who did not see the growing closeness with Israel in the same light as the leadership of the first *Intifada* saw it, but sought to minimize the increasing familiarity with Israel and to set limits on it. As a result, the territories under control of the Palestinian Authority became subject to a ruling culture similar to that of Arab countries, characterized by doublespeak, corruption, nepotism, protectionism (*mahsubiya*)

and, above all, absolute dependence on rulers who made life for the population worse than it had been before the agreements.

The victory of Hamas in the 2006 elections and similar events preceding the elections raised fundamental questions for Israel regarding the priorities of Palestinian public opinion, which had originally been regarded as supportive of the peace process and as seeking to emulate Israel. These questions were accompanied by a sense of contrition and harsh criticisms of Israel for abandoning the Palestinian public and forgetting that it had supported the changes brought about by the first *Intifada* to the position of the PLO and the Palestinian camp generally (Schiff, *Haaretz*, 27 January 2006). This popular position would have gone a long way towards marginalizing many of the aforementioned barriers. Without this collective backing, which had infused hope among the masses throughout the Arab world, it is highly doubtful that the change, which had begun but was cut off in its infancy, would be possible.

Is change possible? Can Israel reconnect with the Palestinian public? Or have Islamic movements taken over the public and infused it with a culture identity of being poor and oppressed, along with lack of faith in Israel? Does the spirit of the first *Intifada*, which sought to place the fate of the Palestinians in their own hands, no longer exist? How is it possible to cope with these difficulties, and are Israelis and Palestinians fated to continue paying the price of violence? Does the failure of negotiations towards a permanent solution teach us that these barriers are insurmountable? Will there always be someone who removes the solution from our grasp whenever we approach it? After a failed military action, many observers tend to claim that more force is needed. After a failed political process, many tend to assert that the failure proves that there is no partner on the other side.[29]

Israel's widespread use of force during the last *Intifada* greatly exacerbated the phenomenon of suicide bombings. In its efforts to overpower Palestinian violence, Israel disregarded previous restraints, re-occupied towns that had been turned over to the Palestinian Authority, destroyed most of its infrastructure, brutally struck Palestinian terrorist organizations, and eliminated many of their activists and, tragically, many innocents as well. The Palestinians, for their part,

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[29] See also Steinberg, M. (2008). *Masters of Their Own Fate: Palestinian National Consciousness 1967-2007*. Tel Aviv: Miskal, pp. 400-401 (Hebrew).

were not able to withstand the massive force that Israel inflicted on them, and they succumbed to the propaganda of the extremist organizations during the first two years of the *Intifada*. According to this propaganda, Israel was determined to physically eliminate the Palestinian problem.[30] The many funerals, which took place almost daily, intensified the urge for revenge. Revenge became a central factor shaping the Palestinian response. Many Palestinian organization, include secular ones, participated in the trend of suicide attacks despite their principled position opposing such actions. The culture of the poor and oppressed was reinforced. The suicide bomber came to be seen as a hero who has succeeded, even if partially, in enabling his people to stand firm in the face of the "Israeli war machine." The mythology of the weak individual who stands up to more powerful forces took hold, and it became a key factor in motivating many young Palestinians to approach various organizations and seek to carry out suicide attacks.

When this escalation passed, however, the search for solutions began. The two sides were exhausted by violence and suffering. The Palestinians collapsed under the weight of the heavy price they had paid, and Israelis felt soul-struck by the violent confrontation and by Palestinian rage, which forced them to resort once again to force and to fear that their security was still in jeopardy.

Israel opted for a unilateral approach and initiated a widespread public debate on its advantages and disadvantages. The Palestinians, whose internal affairs are largely dependent on Israeli developments, entered a phase of internal struggles and conflicts in which the unilateral approach took center stage. From an internal Palestinian perspective this approach validated, at least initially, the arguments against negotiations with Israel – the position of Hamas and its supporters and the failings of the national mainstream that had accepted the path of negotiations before the signing of the Oslo Accords. From this perspective, the grave implications of that process were that Israel was once again violating the Palestinians' right to determine their own fate. The struggle was accompanied by two phenomena: first, the dramatic weakening of the ruling power; and second, severe anarchy that greatly undercut the security of citizens.

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[30] See, for example, comments by Ahmed Yassin in 2003:
http://www.gazapress.com/arabic/modules.php?name=News&file=article&sid=4855.

This process accelerated the growth of Hamas's power, beginning with the second *Intifada* when Israel announced that there is no Palestinian partner. The Palestinians interpreted this claim as an assertion that a partner is someone who accepts the dictates of Israel. Destruction of the governing infrastructure of the Palestinian Authority, Israel's "partner," added force to that interpretation. The unilateral disengagement following the death of Arafat further reinforced the interpretation, and it culminated with Hamas's election victory (2006), which allowed expression of this interpretation in the voting booths.

What, then, is the value for Israel of the iron fist it employed during the first years of the *Intifada*? Would Israel have maintained this approach had it known that it would eventually lead to Hamas's accession to power? The answer is most likely yes, because the tendency during crises of this sort is to repel every threat. Self-examination takes place later, when the fires have died down.

Is a situation possible whereby Israeli deterrence can provide the hoped-for quiet and prevent rocket launches and terrorism against Israel permanently? In other words, is it possible to count on the results of the operations "Defensive Shield" (Jenin 2002) and "Cast Lead" (Gaza Strip, 2009) as a response to the Palestinian threat? What is the lifespan of this deterrence and for how long is it effective? Most likely, it is limited. A reality of neither peace nor war is not viable – as the Egyptians taught us prior to the Yom Kippur War (1973) and all the more so in the Palestinian case, which continuously preoccupies the Arab world and international community. Moreover, the voices of frustration and dissatisfaction that seek to escape the stalemate and daily tribulations and to work towards a solution to the problem are clear and visible. The governance void in this case attracts foreign intervention by outsiders such as Iran, Hezbollah, Al Qaeda, and global *jihad* organizations that would never accept an agreement or ceasefire in the region. These players usually bolster one side at the expense of others and seek to establish a permanent reality of terrorism and *jihad*. Add to this the demographic trends indicating that within about two decades the population balance between the Mediterranean Sea and the Jordan River will shift, and we can only conclude that Israel cannot rely on Palestinian weakness as a permanent source of Israeli strength and security unless it adopts the stance of right-wing Israeli groups that believe the status of non-Jews in the region is that of guests who do not have rights of sovereignty or ordinary citizenship. This would mean

engaging in dangerous internal disputes based on a clash of values between a Jewish morality that sees human beings as equal creatures formed in the image of God on the one hand, and the attitude towards non-Jews, the political instability, and the international pressure that would result from grappling with an immoral attitude on the other hand.

The Israeli side – which enjoys political and economic strength, relative stability, and the status of a free and democratic society with relatively stable mechanisms for managing disputes and disagreement – cannot ignore the many barriers facing the other side. Negotiation in itself serves as a source of support for the Palestinian side in its struggles with rivals from within. When the rivals claim that Israel has no intention of reaching an agreement and that Israel's sole interest is in leading the Palestinians astray, the reality of negotiations is proof that it is possible to pursue a solution to the Palestinian problem.

What Should Be Done?

The salient characteristic of the barriers described above is the way that Palestinians and Arabs view the "other" and the patterns of behavior that developed as a result of interaction with the "other." Here are a culture and a local religion that have developed a relationship of double standards towards the West, which controlled the region for many years and of which Israel is an integral part. The result is a sense of humiliation and inferiority alongside an uncontrollable urge to emulate.

Israel cannot ignore these heavy burdens that the Palestinian carries in his heart. At times it would appear that internal Jewish barriers prevent Israel from properly seeing what is happening on the other side. For example, while conducting negotiations with the Palestinians, Israel did not take into account the significance of those social and national changes brought about by the first *Intifada* – changes that included the experience to cope with all of the barriers described above. Arafat and the PLO would never have come to sign the Oslo Accords had the leadership of the first *Intifada* not imposed upon them the 1988 declaration of independence, which, as noted, changed the nature of the struggle with Israel. Arafat's arrival in Israel was supposed to be part of the process and not its essence. Palestinian society continued to need Israel even after his arrival. From their perspective, Israel was the key to preventing unwanted developments

within the Palestinian Authority as well as "crooked" implementation of the Oslo Accords, if it would only take into account the Palestinian public. If Israel had only been less forgiving and if it had only held Arafat to account for all his doublespeak regarding the commitments he accepted under these Accords, then he would have been forced to speak the truth to his own public and to deal with the barriers and obstacles posed by his opponents from within. Public support would have increased if Israel had regarded the corruption as a threat to continued implementation of these Accords.

The Arafat era came to an end. Arafat himself personified most of the aforementioned barriers but there was apparently no avoiding him. With the end of his era came the transition from internal politics of "divide and conquer," doublespeak, and lack of transparency, to the politics of truth, where two opposing and rival worldviews openly compete with each other, and the public knows of and participates in this competition. This reality is in itself the result of contact with Israel or of the Oslo Accords. Indeed, except for the Palestinian case, the Arab world has no example of such a balanced, egalitarian, and popular relationship between two rival political forces. As noted, the geographic disconnection between Gaza and the West Bank since the Hamas takeover in 2007 created, alongside the internal rift, a political paralysis as well and possibly even a mutual dependence on the part of both sides regarding weighty, cardinal, national questions.

Israel, despite its "otherness," was and remains a central player in the Palestinian arena, particularly relating to the question that has been on the Palestinian agenda since Abu Mazen's election as president: whether to follow the political path of negotiation or the military path of resistance and *jihad*? Which will allow the Palestinians to realize their aspirations? Israel's position can bolster or weaken one of the sides of the issue. Negotiation with Israel is a key to continuation of the internal Palestinian dialogue and a challenge that forces the Palestinians to deal with complicated internal complexes and barriers.

From the Palestinian perspective, it is not clear what Israel wants. For years, Hamas has asserted claims that often have an element of propaganda – though they reflect a widespread Palestinian sentiment – that to this day, Israel has not clarified what its borders are. Does it intend to continue occupying additional territories? If it is so interested in a permanent solution with the Palestinians, why is it not prepared to declare the 1967 borders as permanent? Even Abu Mazen,

in response to assertions that he rejected the generous offers of Ehud Olmert in late 2008, explained that he had tried to clarify where Israel's borders are on the map.

In other words, there is an expression of lack of faith in Israel that – even if it is not sincere and its sole purpose is in fact to cope with another Palestinian barrier – relies on a reality that gives it popular backing. Israel did not show respect for the 1988 decision of the Palestinian legislative council. Although Israel could not ignore its substance, it continued to express lack of faith in the sincerity of this decision and to regard dismissively, at times even with scorn, the sense of concession that the Palestinians felt as a result of this decision regarding a large part of what they see as their land. Israel is also unclear about the framework for a permanent solution, and it demonstrates weakness when it comes to clearing or removing illegal settlements and freezing the construction of settlements. The combination of these two factors creates a most problematic reality from the Palestinian perspective, shifting the balance within the internal debate in favor of the supporters of armed resistance.

It becomes apparent, therefore, that the extent of credibility and willingness on Israel's part is extremely important to the other side. Credibility without willingness and willingness without credibility lead to the unraveling of any system that is intended to handle the impressions and emotions described above, in addition to rights and lands. To this day, many in the Jewish community do not accept the term "nation" in the Palestinian context. Palestinians view this as an effort to blot out the Palestinian or Arab presence that existed in Israel when the first waves of Zionist immigration took place.

The way to overcome the Palestinian barriers is by having a fixed strategy for sincere pursuit of an agreement, a strategy that includes the public on both sides, prepares it for the agreement, and is accompanied by a sense of initiative and creative ideas. Prime Minister Menahem Begin and President Anwar Sadat changed the face of the Middle East when they cooperated sincerely, often transmitted identical messages in joint public appearances, and signed a peace treaty in 1979. This process compelled the Arab side to confront a wide range of questions dealing with internal barriers relating to identity, culture, and Arab common denominators that could enable them to cope with internal Arab problems. Jordan and the Palestinians further developed the internal Arab discourse on these

questions in the mid-1990s, when they signed peace agreements with Israel. Jordan reached its finish line and abandoned the cycle of conflict, but the Palestinians have yet to be freed of the negative impressions that Arafat left behind.

Today the Palestinian Authority is headed by Abu Mazen, whose credibility is not in doubt among Israeli decision-makers, despite his weaknesses. He has proven his ability to stand before his people and speak the painful truth. His governance could yield many benefits for Israel if it leads the discussion towards questions of substance, i.e., what is meant by agreement, what is the framework it seeks at the conclusion of negotiations, and what sort of relationship might develop between the Palestinian and Israeli people? To this end, however, Israel must lay a three-part foundation that will dispel Palestinian concerns regarding its intentions:

Public acceptance of the principle of the 1967 boundaries as the borders between Israel and the Palestinian state, alongside a demand for negotiations on exchange of territories where there are blocs of settlements that Israel is interested in keeping, in exchange for other areas within its sovereign territory.

Israeli preference for unification of the Gaza Strip and the West Bank, recognition of Hamas as an inseparable part of the Palestinian people, who are subject to its leadership, and cognizance of the political paralysis and mutual neutralization that the disconnection imposes on both sides.

Adherence to the principle of consensus, i.e., providing popular backing to every agreement that is concluded, in order to avoid a situation in which a signed agreement is acceptable to only part of the Palestinian people. Abu Mazen did in fact frequently promise to put relevant questions to a referendum, but an Israeli demand along these lines could bolster this commitment and kick off an important public debate in both arenas, Palestinian and Israeli.

An honest debate of this sort would reduce doubts regarding Israel's intentions and would pose challenges to the Palestinians, requiring them to deal with the many barriers that they generated for themselves or that were placed before them over the years. To date, Abu Mazen has demonstrated that he is able to put to public debate many issues that were considered taboo from an Arab and Palestinian perspective in the past. Since his election as president, he has brought about an internal Palestinian discourse that has no parallel in the Arab world.

In this way, his contribution is likely to be significant in overcoming the main barriers:

The Sanctity of Resistance: This is the main barrier from Israel's point of view. An Israeli announcement of the sort described above could nullify the sanctity ascribed to resistance because it would make clear where the borders lie, and Hamas has already announced its willingness, even if temporary, to accept the 1967 boundaries as the borders of a Palestinian state.

Political Negotiations or Armed Resistance: This debate could be settled by the aforementioned Israeli announcement. It would give Abu Mazen a big advantage over the tactic of resistance because in the internal discourse that would develop, the Israeli move would bolster his position.

Loss of Identity vs. Achievement of Independence: This concern would vanish in light of the bargaining that would accompany negotiations and the public debate that would provide a sense of struggle, without casting the Palestinians as being at the mercy of the other side, and in light of the independent policymaking of Abu Mazen and his prime minister, Salam Fayyad, regarding the planning and construction of institutions in preparation for an independent state.

Divisions and Rifts: These could intensify during this public debate, but this time the claim that Israel does not mean what it says would be neutralized, possibly leading to disputes over "new" problems such as the character of the Palestinian state and the place of Islam in the state, i.e., engagement in questions of which Israel is not necessarily part.

Agreement Mechanism: Such a mechanism is likely to form as a result of the Israeli move because otherwise both sides would have something to lose – the Palestinian Authority as the responsible body and Hamas as its senior partner. The interest in sharing the "pie" that Israel puts on the table is likely to pose challenges to the Palestinians but also to encourage creativity and agreement.

Loss of Faith in the Leadership and Internal Decay: An internal debate of this sort, within a changed reality, has the potential to unite Fatah and Hamas and compel them to compromise and reach an agreement. Since the takeover in

the Gaza Strip, and all the more so since "Cast Lead," the Palestinian public has increased its demands for reunification of these two sides.

These moves also require an honest and probing public debate in Israel regarding the future of the state. Can the Jewish character of the state be guaranteed "forever" when Israel continues to rule over a Palestinian population in Judea and Samaria? If so, what would be the status of this population? This debate has been going on for years but in the form of wrangling between one internal camp and another – a process that does not lead to any conclusion and repeatedly casts the ball into the court of the political rival, as if matters depend only on the other camp. A real debate, managed by the senior political level, could provide answers to politicians and party leaders who are hesitant to take a public stance on this issue for fear of the effect on elections, which take place in Israel quite frequently.[31]

A debate of this sort is likely to encourage a debate on the Palestinian side as well. It would reinforce trust in Israel and make apparent the magnitude of the process that Israel is undergoing. It is likely to provide more substantive angles to the internal Palestinian debate and to deal also with the root causes of the barriers to which Palestinian society is subject as well as efforts to overcome them. This would be a lengthy process that could continue for years, not months, and there is no guarantee that the outcome would satisfy both sides. With that, in light of the state of Israeli-Palestinian relations, it is clear that there is no escaping such a debate and that the initiative for it has to come from Israel, which holds all the bargaining chips, including control of territories subject to dispute and a cultural, democratic foundation that has an established mechanism for decision-making and open, honest, and aware public debate.

If, in parallel, Israel coordinates its approach with moderate Arab countries such as Egypt, Saudi Arabia, Jordan, and the Gulf states, then the process would lay a solid foundation for the formation of a regional coalition, of which Israel would be part. This coalition could provide support for such a process and more

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[31] In a debate of this sort, each side would expose itself to a reality that in the past it cast in sharper colors and now forces it to look at the other side not in terms of the enemy but in new terms that require overcoming impressions of antagonism, demonization, hate, and many other emotions that result from the generalizations it had made regarding the other side. In this context, see Bar-Siman-Tov, Y. (1994). **"**The Arab-Israeli Conflict: Learning Conflict Resolution." *Journal of Peace Research*, 31(1), 78-79.

easily handle the Iranian threat and the sabotage efforts of extremist organizations that object to resolution and settlement of disputes and would no doubt do all they could to disrupt the process.

These ideas are based on an examination of the trends and developments that Palestinian society is undergoing and on the substance of its internal discourse and that of the Israeli population. From the Palestinian point of view, the major concession took place in 1988. Israeli recognition of this concession is the Palestinian litmus test for the sincerity of Israeli intentions. Today, therefore, words and declarations on this issue have added importance in relation to the past because of the significant time that has passed since initial contact between the two sides and because of Palestinian concerns about exploitation of its weakness, as well as the Palestinian need to know what Israel is trying to achieve in the end.

These ideas will not be of use for anyone who is unwilling or unable to consider the unambiguous delineation of borders for the Jewish state or for anyone who does not see the value of Palestinian unity for Israel. They require new thinking and the ability to view Palestinians as a neighboring nation rather than a population represented by leadership that is to be evaluated in terms of whether it is "good or bad for the Jews." The process described here is aimed at grounding negotiations in new notions of trust and consideration of internal Palestinian problems as well as Israel's needs. It does not necessarily guarantee that negotiations would indeed result in a speedy resolution of all the complex problems on the agenda, given that coping with the existing barriers could take many years, but it would challenge the Palestinians to deal with the barriers that prevent their reaching agreement and embarking on a process of finding a solution to their internal divisions and their conflict with Israel – two fronts that have a clear interdependence.

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Chapter 3

National Narratives in a Conflict of Identity

Yehudith Auerbach

Introduction

The Israeli-Palestinian conflict has claimed many victims and has taken a high toll on both sides. Simultaneously, many efforts have been made to resolve or settle it by means of traditional diplomacy (Track I diplomacy), which consists of negotiations between formal representatives of both sides, such as the Oslo process, or by means of alternative diplomacy (Track II diplomacy), which is based on direct contact between the two hostile parties, either with the aid of a third party (Kelman, 1979, 1987, 1997) or without it (Maoz, 2000).

This chapter posits that the Israeli-Palestinian conflict is a conflict over identity, anchored in opposing meta-narratives and national narratives, and is therefore difficult to resolve. Nonetheless, the gap between the two sides can be reduced by distinguishing between meta-narratives and national narratives (a distinction to be discussed below), thereby lowering expectations for the revision of contradictory meta-narratives and focusing instead on efforts to bridge clashing national narratives.

First, I will present a theoretical discussion in which I draw a distinction between a conflict over identity and a material conflict, and between meta-narratives and narratives. I will then offer examples of conflicts that were resolved with the help of the mechanism of narrative incorporation, and finally, I will focus on the Israeli-Palestinian conflict as a conflict over identity. I will present the meta-narratives of both sides and show how focusing on national narratives, rather than meta-narratives, could promote resolution of the conflict.

Material Conflict and Conflict over Identity

A material conflict is a conflict over "real" material assets such as territory, water, oil, border, security, and the like. For example, the territory of Alsace-Lorraine

was the cause of a dispute between Germany and France over the course of many years, repeatedly changed hands (in the wars of 1870, 1914, and 1939), and fanned the flames of hostility between the two countries. The Allied victory over Germany in World War II resulted in the return of the territory to France as part of the resolution of the conflict. This is an example of a material conflict that was settled by traditional diplomatic means. Israel's agreement to return the Sinai Peninsula to Egypt (including the disputed area of Taba) following prolonged negotiations between representatives of the two countries, even though it was not enough for a warm peace.

These and other examples demonstrate that material conflicts are subject to agreement and solution. At times they are part of a larger conflict, with ideological and symbolic dimensions, in which case they are more difficult to resolve (such as the territorial dispute between Israel and Syria over the Golan Heights, which is overshadowed by the national-ethnic conflict over identity with the Palestinians, or the conflict among India, Pakistan, and China regarding Kashmir). At times the conflict is purely material, such as the conflict between Japan and Russia regarding what Japan calls "the northern territories" and Russia calls "the southern Kuril Islands." The resolution of such a conflict can be a lengthy and complex process, but when the parties decide that the cost of prolonging the conflict over the disputed territories exceeds the cost of the compromise necessary for its resolution, they will presumably bring the conflict to an end by traditional diplomatic means.

A *conflict over identity*, in contrast, is a conflict in which at least one side sees the national identity of the other side as a threat, or, translating this identity into the political sphere – that is, into a "nation-state" – as a danger to its independent national identity. The one side therefore rejects the definition of the other side as a nation or, at a minimum, denies its right to realize this identity in the context of national statehood. The Israeli-Palestinian conflict is, in essence, a conflict over identity because its origin and the cause of its continuation are rooted in denial of the nationality of the other side and that side's right to establish a state in the territories of Israel/Palestine. Throughout more than 100 years of conflict, the Palestinian side, backed by Arab countries, refused to recognize the right of the Jewish people to establish a state in part of the land of Israel. The Palestinians, for their part, regard denial of their national identity and their right to establish

a state in the territory of Israel/Palestine as justification for continuing acts of violence against the Jewish community and the State of Israel. A significant change in the Israeli-Arab conflict took place with the signing of a peace treaty between Egypt and Israel in 1979. In contrast, no real change in the identity-based character of the Israeli-Palestinian conflict has taken place. At least until 1988, the Palestinians saw their struggle with Israel as geared towards eliminating Israel as a Jewish state, as expressed in the Palestinian Covenant. On the other side, Israel took steps the essence of which, in practice, was denial of Palestinian rights to establish a state in the West Bank and Gaza Strip, which Israel had captured in 1967. The Israeli- Palestinian conflict was somewhat moderated with the Oslo process, but this process never sufficiently progressed to resolve the conflict. In recent years, Israeli-Jewish willingness to acknowledge the national identity of the Palestinians has increased,[32] while among Palestinians – especially Israeli citizens – the voices denying the national identity of the Jewish people and their right to a nation-state have become clearer and harsher. We will return to this point later.

National Narratives and Meta-Narratives

A *narrative* is a story about events that took place in history or are taking place in the present. A narrative has a dramatic plot that develops over time, with clear starting points and endpoints. A narrative is etched in the memory because of its internal cohesion, which is achieved by means of a clear and solid foundation based on the five elements (Shuman, 1903) known in journalism as the five W's: Who, What, When, Where, and Why. Later the question "How?" was added (Manoff and Schudson, 1986). The plot's unity is based on a logical relationship among these five elements, and it gives the narrative force and helps make it memorable.

National narratives are concrete stories about dramatic events in the recent history or distant past of a nation. These stories are centered on a national hero

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[32] In their paper "Public Opinion and National Security" (2007), Ben-Meir and Shaked present the results of public opinion surveys that were published over the course of three years (2005-2007) and had been conducted by the Lucille Cohen Center for Public Opinion Surveys at Tel Aviv University, by request of the Institute for National Security Studies. The surveys indicate no less than 55% support among Israel's Jewish population for a solution of two states for two people. This support is grounded in an assumption regarding the existence of a distinct Palestinian national entity.

who has legendary spiritual or physical powers, embodies the ethos of the people and its national identity, and provides it with a source of national pride and comfort at times of trouble. One example among many is Yosef Trumpeldor, the amputee hero who was killed in battle while defending Tel Hai. As in other cases of this sort, the hero has been immortalized in history books, songs, stories, and a monument that has become an annual pilgrimage site for youth on the anniversary of his death.

Academic researchers turned the story of Trumpeldor into a "myth" – a legend-story of doubtful historical credibility (Zrubavel, 1996). For children who sang Abba Hushi's song "In the Galilee in Tel Hai," however, Trumpeldor is a real, true hero. His story, like the story of Judas Maccabeus's battle with the Greeks or Bar-Kochva's with the Romans, is a link in the chain of stories about suffering and courage that are passed down from generation to generation and identified as "chosen traumas" and "chosen glories" by Volkan (2004). These are national narratives that illustrate for the people – especially for youth in the pre-state community and the newly formed state fighting for its existence – the values of Jewish activism and of uncompromising struggle to the point of self-sacrifice. The power of these narratives comes from their close affinity to the meta-narrative.

A *meta-narrative* is a *super-story*: it is the holistic, hierarchical framework that embraces the national narratives and creates and feeds them, while the national narratives revive, reinforce, and feed the meta-narrative. Jean-François Lyotard, one of the foremost post-modernists, asserts that one of the salient characteristics of post-modernism is the increasing skepticism towards the grand meta-narratives: Christianity, the Enlightenment, Marxism, liberalism, and the like. At the same time, he admits that national meta-narratives continue to affect people deeply (Lyotard, 1988, 1992). This assertion is apparently especially true for people in the early stages of building their national identity and consequently – in many cases – in conflict with another national entity, against which they are building their own identity. The national meta-narratives include the ideological and moral foundation of the nation being formed, and they represent its ethos as well as the legitimacy of, and justification for, its establishment and existence. From this follow the sanctity and authority of the meta-narrative and the resistance to, and difficulty of, questioning or changing it.

The national meta-narrative addresses three very important questions for a group that is struggling against another group over its right of national identity and the translation of this identity to sovereignty over the disputed territory that both claim: 1.) Who are we? 2.) What are our ties and our rights to the disputed land? 3.) What is our role in history generally and in relation to the second group specifically?

The academic discourse on the objective-primordial significance of national identity (Smith, 1993) – as opposed to its subjective, "imagined" significance (Anderson, 1983; Gellner, 1983; Hobsbawm, 1990) – is echoed in the "real" argument among various national groups. Often the argument gets away from itself, to the point of contradictory stances such as: we are an ancient nation with proven historical ties to the territory of which you – a religious (or cultural, social – anything but national) group – claim ownership. That is, the primordial theory is embodied and proven within us, while you artificially invented yourselves as a people (or nation or nationality – the distinctions are unclear both within the academic discourse and outside of it) with a groundless claim to our territory.

The meta-narrative that rests on the abovementioned postulates regarding identity and links/rights to territory is reinforced by another argument, which, as of the mid-1990s, has become the core theme of the meta-narratives of the parties to the national conflict: we are the victims of those who have risen up against us throughout history and especially of "you" who rob us of our identity, our own land, and our victimhood.

Every people, in the early stages of establishing its identity, will seek to bequeath its meta-narrative to the next generation and to generations to come in order to fortify and nurture its identity and the solidarity surrounding its identity. Its abstract nature, however, makes granting it to the general public difficult, which is why national narratives are necessary.

While meta-narratives are super-stories establishing the national identity of each side in an identity conflict and are very hard to modify, particularly so in the early stages of conflict resolution, national narratives are plot-centered stories that derive their force and inspiration from the meta-narratives. Were it not for these tangible narratives, the abstract values of the meta-narrative would remain a dead letter, devoid of meaning. On the other hand, were it not for the meta-

narrative, the national narrative would lose its power and its ability to serve as an educational lighthouse towards the consolidation of the nation in formation.

The Role of National Narratives in a Conflict over Identity

In a conflict over identity, the national narratives are usually formed as a series of binary opposites. All five of their elements are clearly and sharply marked in a way that does not leave any room for confusion between "our" side and the other side. The mirror image formed by the dichotomous gap between the narratives of one side and those of the other side causes each side to identify with its own stories and to vehemently deny the "distorted" versions of the other side. The "ideal type" of national narrative in a conflict over identity is structured according to the following format:

Who? The hero of a national narrative is the embodiment of the good and the noble of this world, someone who personifies the entire national entity as it is or as it should be. Examples include Trumpeldor or Bar-Kochva on the Jewish side of the conflict, and alternatively, Salah Ad-Din, who defeated the Crusaders on the Palestinian-Arab side. On the other hand, the hero can also symbolize the suffering of the people and its continuing sacrifice. Trumpeldor's missing arm, like Samson's blindness, invite empathy and compassion alongside admiration and, thus, identification as well. On the Palestinian side, Mohamed A-Dura, the boy who was killed (according to the Palestinian version, which some question) on 30 September 2000, at the beginning of the second *Intifada*, turned into the ultimate *shaheed* (martyr) of the Palestinians, through stories, songs, monuments, and stamps (Auerbach with Lovenstein, 2010).

What? The central plot of the national narratives turns on the existential war of the two sides. In each of the above examples, as in other national narratives, the narrative tells of a glorious victory – usually miraculous as well – that was achieved with the intervention of God. Alternatively, it might tell of a humiliating defeat on "our" side, the side that is right, brave, and heroic, at the hands of the other side, which is murderous and rose up to destroy "us" with no justification.

Why? The answer to this question matches the expectations of attribution theory, which actually relates to the individual, but the postulates of which seem applicable to the collective as well, all the more so in the case of a collective

engaged in a conflict over identity. The attribution theory postulates that in such a case, the sides will act as follows: each side will attribute its good deeds – peace initiatives, release of prisoners, etc. – to internal factors such as the pursuit of its own inherent sense of peace and justice, while negative acts – the killing of children, terrorist attacks, targeted killings, etc. – will be attributed to external factors and usually to the enemy, as it is the enemy, in its wickedness and aggression, that forced us to act this way out of self-defense. This pattern is reproduced in inverse form with relation to the enemy: its seemingly good deeds, such as a cease-fire initiative, result from constraints such as military inferiority or pressure from the superpowers, while its atrocities are the natural result of its inherent baseness.

The questions of time (When) and place (Where) are also subject to this binary pattern:

When? When the event took place is not just a point in time on the calendar; rather it is a mythical point in time that links what happened "in those days" to "these times." For both parties in a conflict over identity, time undergoes a process of "collapse" (time collapse) in which "the interpretations, fantasies and feelings about a past shared trauma commingle with those pertaining to a current situation" (Volkan, 1997, p.35). Trumpeldor is the successor of the heroic Samson, Judas Maccabeus, and Bar-Kochva. Just as Samson reached the peak of his heroism alongside the peak of his inferiority – his blindness – while making his declaration: "Let me die with the Philistines," so too Trumpeldor the amputee declared upon his death: "It is good to die for our country." The two mythical declarations embody the ethos of sacrifice by which the Jewish people are to be educated in light of its continuing suffering and military inferiority in the face of enemies bent on its destruction. From the Israeli-Jewish angle, the Arab rioters whom Trumpeldor fought are the symbolic successors of the Philistines, the Greeks, and the Romans, who sought to eliminate the Jewish people physically and culturally. Likewise, the Jews' "invasion" into the Land of Israel/Palestine is compared in the Arab world to the Crusaders' invasion. Then as now, this invasion is expected to conclude with the glorious victory of the Arabs over their enemies from the West.

Where? Where the event took place is not a meaningless geographical point; rather it is a "place of legend" charged with historic connotations that illustrate the

age-old ties to the homeland. The dispute over names of places *within* the Land of Israel/Palestine and *over* the name Israel/Palestine itself echoes the dispute over the link between the place and those who fight for and over it while making use of the national narratives that have come to be tied to this place.

The national narratives are intended to unite members of the collective and instill them with the values embodied in the meta-narrative. The history taught in Israeli schools draws on identity-forming narratives from various sources, starting with the Bible and its heroes, through the myths of the Second Temple (Judas Maccabeus, Bar-Kochva, El'azar Ben-Yair), to the period (skipping over 2000 years of Diaspora), before the founding of the state (such as Trumpeldor, Hannah Senesh, Mordechai Anilevich), and concluding with the heroes of the Israel-Arab wars. These narratives embody the basic values of heroism, sacrifice, daring, and love of the people and the land, without which it would be hard for the people to survive the existential war against its enemies.

The recurring and repeated story of the national narrative is intended not only to establish the people's belief system, but primarily to infuse these beliefs with emotions that motivate action of the sort that is needed for defense of the people and the homeland: admiration, identification, aspiration to emulate, and a powerful motivation to belong to the community and to adopt its values (Oren and Bar-Tal, 2004).

It is worth noting that the jingoistic, closed, and coherent national narrative described above is an "ideal type" in the Weberian sense of the term. The fit between the ideal type and reality is constantly shifting. The veracity, meaning, and operative force of the meta-narrative and the national narratives are subject to constant debate among various sectors of the community. Within what is known as the "nationalist right" camp, there are those who usually see the national narratives as solid historical facts that must be recalled and retold to the youth in order to reinforce belief in the righteousness of the cause – certainly against those perceived as enemies who threaten the people's very existence. Among the academic and literary elites, in contrast, there are usually those who call for a "softer" reading – or even opposite reading – of one's own narratives, alongside awareness of the other side's narratives. The regarding of biblical and historical stories as myths worthy of review and research (Ohana and Witrich, 1996) implies the possibility of casting doubts on the absolute veracity of the national narratives

and sparks a debate on the issue. Those who dig into the historical foundations of the Jewish meta-narrative (Grinberg, 2000; Zand, 2008) are at odds with the representatives of Zionist orthodoxy (Eisenstadt, 2004; Shapira, 2009), and so the debate continues.

Nonetheless, the academic debate about national myths and narratives has not permeated all levels of society. As long as the people continues telling itself – through prose, poetry, and drama – the national narratives that support its national meta-narrative, the latter will continue to withstand all challenges. Even if subversive versions about "what Trumpeldor really said" have produced cracks in the shell of the accepted narrative, these are not enough to dismantle the core that has been instilled in the people's consciousness through more than 30 poems and songs (Tahar-Lev and Naor, 2003, p. 74) that glorified the Galilean hero and turned him into the ultimate representative of the Zionist ethos.

The narratives are subject to the influence of the "zeitgeist" (spirit of the time). Modernism displaces memory generally, and national memory specifically, in favor of imagination, creativity, sobriety, and criticism. Orthodox reiteration of narratives from the past is considered old-fashioned and reactionary. Modernism and post-modernism meet in the realm of doubt, which seeks to question existing truths and undermine them, whether in order to find a new truth (modernism), or to show that there is no absolute truth (post-modernism). The further along that societies progress from modernism to post-modernism, the less willing they are to exalt the stories of the past, and thus their doubt about the truth of these stories grows. It follows from this that the greater the synchronization of progress towards post-modernism between two nations engaged in a conflict over identity, the greater their chances of drawing nearer through recognition of the other's narratives and willingness to accommodate them alongside their own narratives or within them. Conversely, if only one side shows willingness to doubt and critique its own myths and to recognize the narratives of its rival, while the other continues to buttress itself behind its national myths and to use them in order to establish its identity by way of absolute denial of the other's narratives, then the chance of their drawing nearer on the basis of mutual incorporation of narratives decreases.

Globalization, the essence of which is exchange of material and symbolic products among companies and nations throughout the world, is also likely to

contribute to the softening and loosening of national narrative boundaries. In contrast to the past, there is no problem of real-time knowledge today. Each side to a conflict can learn the other side's narratives with respect to every development in the conflict. Moreover, the cumulative knowledge enables both sides to realize how similar in structure their narratives are, even if they contradict each other in content, and the extent to which each side tells itself that it is right and the other is wrong. This knowledge could lead to understanding and empathy, thus lowering the walls of ethnocentrism and hatred behind which each side fortifies itself. At the same time, globalization carries the risk of obscuring the uniqueness of each society and culture. Even a people whose national-cultural identity is grounded and solid will have concerns about assimilation through globalization, which most see essentially as "Americanization," and try to handle it by returning to their roots. In France, for example, the law states that 60% of television programs must be locally produced (Zuckerman, 1999, p. 85).

If this is the reality in western European countries – whose national identities have been consolidated over the course of hundreds of years and who could perhaps allow themselves the permissiveness of post-national globalization – the fear of cultural assimilation is all the more powerful among Islamic nations that are trying to revive past glory (Antonius, 1938; Lewis, 2004, 2006). It would appear that the more the collective is preoccupied with establishing its national identity and with the need to consolidate it, the greater its belief in the exclusive righteousness and justness of its national narratives. Similarly, the greater the belief in the exclusive truth of its national narratives, the more these play a strong and central role as barriers to resolution of the conflict over identity between the warring nations.

In a conflict over identity, at least one side cultivates its own national narratives and does not tolerate any questioning of their force and validity. These narratives serve to strengthen the national ethos and to educate the young generation to be prepared to fight and even sacrifice their lives for this ethos. In the Israeli-Palestinian conflict, which is a double conflict over identity (each side denies the national identity of the rival), there is no symmetry in the stages of the identity-building process between the two sides. The Palestinians are in an earlier stage of their identity-building and very much need solid, unifying national narratives in order to fortify their meta-narrative. But neither has the Israeli-Jewish side fully

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come to terms with its identity, which is threatened by a multitude of schisms. The asymmetry in the balance of power between the two nations intensifies the need for national narratives to compensate each side for its weakness in relation to the other. The Palestinians' sense of humiliation as a conquered people (in the territories captured in 1967) or as second-class citizens (in the State of Israel) drives them to try to compensate by cultivating narratives about past heroism in the face of current victimization. The Israeli-Jewish side as well – in its double stance as an occupier and as the target of threats from the Arab and Islamic world, to which the Palestinians see themselves as belonging – seeks remedy in stories of the past in which glory and victimhood are inextricably intertwined.

On the face of it, therefore, it would appear that the conflict over identity is caught in a vicious cycle: the meta-narratives of the two sides are consolidated and contradictory belief-systems. The collision between them is increasing as more and more national narratives are accumulated to illustrate and intensify the meta-narrative and infuse it with new blood (literally and figuratively). Nonetheless, there have been prolonged, violent conflicts that were resolved in one way or another, usually on the basis of political and principally economic interests, though also on the basis of an understanding that progress is not possible without addressing national consciousness, collective memory, and narratives. The key mechanism for furthering such a process is the incorporation of narratives through joint writing of history books.

The Incorporation of Narratives as a Means of Conflict Resolution

Incorporation of the other's narratives is a complex process that requires awareness of the other, recognition of its legitimacy – that is, the right of the other side to tell the story from a different angle – and, finally, integration of the other's narrative in the national narrative or alongside it – in particular by means of joint history books (Bar-Tal, 2007; Dwyer, 1999).

The Chinese and Japanese, for example, undertook such a process in relation to the "Nanking massacre," which had been a stumbling block to the closer relations that the two countries sought for political and economic reasons. China expected

that Japan would acknowledge its culpability for the slaughter of approximately 400,000 Chinese, but Japan refused to do so for a long time. In 1972, after years of silence, a public debate began in Japan regarding Japanese war crimes after the newspaper *Asahi Shimbun* published a series of articles about crimes against the Chinese, including the "Nanking massacre." The massacre returned to headlines in Japan in 1982 after the Japanese Ministry of Education erased all mention of it in high school textbooks, claiming that there was insufficient historical evidence of its occurrence (Nanking Massacre, Wikipedia).

Even though political and economic relations between the two countries had improved greatly since the establishment of diplomatic relations in 1972, public opinion in China shifted in the opposite direction. Strong anti-Japanese demonstrations erupted from time to time. Ninety-three percent of Chinese surveyed in public-opinion surveys said that Japan's stance in relation to its past – that is, the denial of its atrocities – is the principal obstacle to improvement of Chinese-Japanese relations and that the first association that comes to mind when they hear the name Japan is "Nanking massacre" (Qiu, 2006, p.41).

The governments of China and Japan understood that political and economic cooperation was not enough to eradicate the mutual hostility and that resolution of the conflict required them to come to terms with history and specifically with the history of the conflict as each side related it to itself. Historians from both sides gathered, under instruction of their governments, to study this history. They focused on the elements of the conflicting narratives, particularly with respect to the events of Nanking. Eventually a new version of the story was published, one that presented each side with its own version as well as that of the other side (Chinese, Japanese, 2007).

Germany and France took an advanced step in the direction of conflict resolution by learning and including both narratives in April, 2008, when they presented their high schools with history textbooks entitled *Europe and the World from the Congress of Vienna Until 1945*. This was the second history book written cooperatively by German and French historians (the first one surveyed the period after 1945). Its importance lies in its engagement with the profound dispute that continued over the course of three bloody wars, which claimed a massive number of casualties on both sides. As it turned out – perhaps surprisingly – the points of dispute in the writing of the book were not many (Rollot, 14.4.08).

The French-German initiative served as a model for emulation by the governments of Poland and Germany, which, in June of 2008, announced their decision to jointly compose history textbooks for high school students as a step towards improving relations between the historical enemies (Poles and Germans, 2.6.08). The challenge facing these two countries is much more difficult because the wounds of past hostilities between Poland and Germany run very deep. Poland was brutally conquered by the German army and, unlike France, was divided and deprived of its independence. Its citizens were made serfs, and many were expelled, killed, or tortured. Poland began to reestablish its national and independent identity only after the fall of the Soviet Union in 1989. An important element in the formation of a new Polish identity was the embracing of a collective memory in which relations with Germany occupied a central, and negative, role. One form of proof of these difficulties was the great tension between the two countries surrounding the Germany suggestion to establish a monument for Germans who had been expelled from Europe – including Poland – after World War II. This suggestion gave rise to Polish concerns over the possibility of demands for compensation. The Poles were no less offended by the attempt to compare the suffering that they had inflicted on the Germans with the suffering that the Germans had inflicted upon them. In other words, the Poles are unwilling to relinquish their sense of victimization, which is a central element in the formation of the national ethos of nations that have a history rife with chosen glories and, all the more so, chosen traumas (Volkan, 2004).

Another example of the importance of national narratives – both as barriers and as enablers of the resolution of a conflict over identity – is the agreement signed between Armenia and Turkey in Zurich on 11 October 2009 establishing diplomatic relations and opening the borders between the two. There is no doubt that economic interests (especially on Armenia's part) and political interests (Turkey's desire to join the European Union and strengthen its stance as a regional power) drove the two countries to resolve the conflict that had been dividing them for close to 100 years. Both sides understood, however, that complete resolution would not be possible without addressing historical memory. At the heart of this memory are the conflicting narratives of the two sides regarding what Armenia views as genocide – the planned slaughter of a million to a million and a half Armenians by the Turks – and what Turkey views as a legitimate act of war during World War I. Political and territorial confrontations (the struggle over

the region of Nagorno-Karabakh between Armenia and Azerbaijan, Turkey's ally) did indeed serve as the principal justification for the closing of borders between the two countries and did create tension, but the bitter war over the historical "truth" regarding the events of 1915 was the main stumbling block to resolving relations between the two. Because of its relative weakness, Armenia was forced to relinquish its demand that Turkey recognize the genocide and take responsibility for it, but Turkey was forced to agree to the formation of an international commission of historians to examine the issue. Neither the meta-narrative regarding identity nor the territorial rights of either side will be explored here, but the narratives of each side in relation to the specific event over which their opinions differ serve to fan the flames of the conflict. A final resolution of the conflict between Armenia and Turkey depends very much on the readiness of Armenian public opinion, particularly in the Diaspora, to regard the mechanism of a commission of historians as an adequate response to their demand for investigation into the "truth."

These examples illustrate the centrality of national narratives as barriers to the resolution of conflicts over identity, as well as the possibility of overcoming these barriers by both sides' recognition of the importance of coming to terms with conflicting national narratives and through their efforts to include the other side's national narrative in their own or alongside it.

It is important to understand that, in all of the abovementioned examples, the rival parties had made significant progress in resolving the conflict between them before they approached the process of embracing contradictory narratives. In contrast, the Israeli-Palestinian conflict is still very far from a solution or settlement. Many fundamental issues still stand between the two sides to this conflict, and the perception of existential threat fans the flames between the rival sides. It would appear that the chances of joining the circle of states that have resolved their dispute by, among other means, incorporation of narratives are slim. Next we will present the difficulties in incorporation of narratives within the Israeli-Palestinian conflict and will further refine the distinction between the meta-narratives and the national narratives in the Israeli-Palestinian conflict.

Narratives and Meta-Narratives in the Israeli (Jewish)-Palestinian Conflict

Researchers of the narrative aspect of the Israeli-Palestinian conflict emphasize the deep divides between the two sides' narratives and conclude that these divides cannot be bridged (see, for example, the collection of papers in Rotberg, 2006; Scham, Salem, and Pogrund, 2005).

It would seem that this decisive conclusion results from a blurring of the distinction between meta-narratives and narratives. Salem, Scham, and Pogrund place what they term "the traditional Israeli narrative" against the "traditional Palestinian narrative" and, in the process, they confuse the principal tenets of the two sides regarding basic questions of identity, rights to territory, and victimhood (hereafter termed "meta-narratives") with the two sides' versions of historical events that took place during the course of the conflict, which I have termed "national narratives" (Scham, Salem, and Pogrund, 2005: 1-12).

Bar-On also explores the possibility of bridging the Palestinian and Israeli narratives and claims that it is impossible (Bar-On, 2006, p. 143). In contrast, Bar-On and Sami Adwan are slightly more optimistic. Their cautious prediction regarding the possibility of bridging the narratives is based on their experience with meetings between Palestinian and Israeli-Jewish teachers who sought to present the national narratives of both sides to their students (Bar-On and Adwan, 2006). It should be emphasized that although the two researchers did not distinguish between the terminology of national narratives and meta-narratives, they focused on narratives – that is, stories surrounding difficult events in the history of the conflict – and they ignored the meta-narratives. The meta-narratives are the key article of faith of the two sides and the foundation of their existence, their identity, and the internal and external legitimacy behind their demands. The need of each side to fortify its meta-narrative and cultivate solidarity around it is so great that the chances of agreeing to any change within it are miniscule to nonexistent. The national narratives, in contrast, for all of their importance, are slightly more flexible, and it is possible to bring the two sides' positions closer to each other in some of their aspects (those linked to the five elements detailed above). Next I will present the principal points of the two sides' meta-narratives in the Israeli-Palestinian conflict.

The Palestinian meta-narrative received its first formal expression in the framework of the "Palestinian National Covenant" (Harkabi, 1971), which provides clear answers to key questions comprising the meta-narrative of collective entities struggling over their self-definition and for their rights in the face of an enemy who denies them. The question of "*who are we and who are they?*" receives a clear response: the Palestinians are the people who have been residing for generations in Palestine, and the Jews are a religious, not national, group with an executive body in the form of the Zionist movement. Zionism is a fanatical, racist movement in its essence, aggressive, expansive-colonialist in its goals, and fascist-Nazi in its methods. Israel is the tool of the Zionist movement and a base for global imperialism.

The question of *links or ties to the territory* is also beyond any doubt: only the Palestinians have a right to the homeland of Palestine, and from this follows the right of return of all Palestinians who were expelled from the homeland as well as the right of their descendants. The Jews who resided permanently in Palestine until 1947 are permitted to live there as Palestinian citizens without any national rights.

International decisions that recognize the right of the Jews to a homeland in Palestine (the Balfour Declaration, the Mandate, the partition proposal), the Zionist movement, and the State of Israel's treatment of Palestinians in the occupied territories, including the territory of Israel as per the 1967 borders, turned the Palestinians into a **victim** of aggression within territory that belongs to them and for which they therefore have a right to fight against the perpetuators of injustice. The armed struggle for the liberation of Palestine, which is grounded in these rights and is intended to repel the Zionist and imperialist invasion of the Arab homeland, is a pan-Arab national duty.

On 15 November 1988, the Palestinian National Council announced the "Palestinian Declaration of Independence." This declaration was formulated by Palestinian poet Mahmud Darwish, and its answers to the three fundamental questions of the meta-narrative (Who are we and who are they? What is our link and what is their link to the territories in dispute between us and them? Who is the victim in this conflict?) are identical to the answers provided by the Palestinian Covenant, but with greater emphasis on the Palestinians as victims. Unlike the Covenant, the Declaration regards the 1947 proposal in a positive light,

even though it denies the Palestinians their right to all the territories of Palestine, if only because it provides international legitimacy to the Palestinian demand to establish a sovereign state in Palestine. Recognition of the State of Israel is implied by recognition of the partition proposal but is not explicitly stated. Although the Declaration does not explicitly call for war against the Zionist entity, it does express admiration for the PLO for its management of the just struggle of the Palestinian people against those who deny its rights and slaughter it (Text of the Palestinian Declaration of Independence – Algiers Declaration 1988). The Declaration was not intended to replace the Covenant and does not repeal its main paragraphs.

As part of the Oslo Accords, the Palestinians were required to repeal those paragraphs of the Palestinian Covenant that contradict the Oslo Accords, in particular the central paragraph, which denies recognition of the Israeli nation and declares that the Palestinians have the exclusive national claim to the Land of Israel/Palestine. The question of whether the Palestinians honored their promise to do this is not the subject matter of this article. In any event, no alternative document that would clearly present the foundations of the Palestinian meta-narrative, for both internal and external purposes, has been formulated to date.

The initiative to redraft the basic principles of the Palestinian meta-narrative actually came from Israel's Palestinian citizens, who composed the documents known as "The Future Vision of the Palestinian Arabs in Israel" (detailed below). The documents are a challenge of sorts by the Palestinians within Israel to the Palestinian Authority for having, since the signing of the Oslo Accords, ignored them and neglected its duty to advance the national rights of Palestinians, whoever and wherever they are. Paradoxically, this initiative expresses, on the one hand, frustration and disappointment of Palestinians who are citizens of Israel over what they regard as a policy of exclusion and detachment on the part of state authorities towards the Arab population, as well as, on the other hand, a growing confidence in their position as a collective with rights, demands, and especially the option of making their voices clearly heard on fundamental matters of Palestinian identity that touch upon not only Palestinians living in Israel but also *all members of the Palestinian nation, whoever and wherever they are*. In addition to functioning as a basis for negotiations with Israeli authorities regarding the private and collective rights of Israel's Palestinian citizens, the "Vision" documents are a

clear conceptual and ideological manifest that no initiative for resolution of the Israeli-Palestinian conflict can ignore, and for this reason they matter as a barrier to resolution of the conflict.

The "Vision" documents include a piece written by Dr. Yousef Jabareen, "An Equal Constitution for All?" and published by the Mossawa Center in November, 2006; "The Future Vision of the Palestinian Arabs in Israel," published by the National Committee for the Heads of the Arab Local Authorities in Israel in December, 2006; a proposal for "The Democratic Constitution," published by the Adalah Center in February, 2007; and "The Haifa Declaration," sponsored by Mada al-Carmel – The Arab Center for Applied Social Research in Haifa – published on 15 May 2007, the date marked throughout the Arab world as the day of the *Nakba*, and deliberately designed in the format of the State of Israel's Declaration of Independence.

In response to the *question of identity*, the "Vision" documents define the Palestinians as the original inhabitants – "a homeland minority" (Haifa Declaration, 2007, 14) – in the place over which Jewish Israelis claim ownership. By presenting this claim, the authors of the "Vision" have sharpened the identity dimension of the Israeli-Palestinian conflict.

The Jews in the State of Israel, in contrast, are not recognized in these documents as part of a people with a national history and a distinct, solid identity. In the Haifa Declaration, unlike the Vision document, there is indeed mention of a "Jewish people" (Haifa Declaration, 2007, 7; 14) but without any historical context or aspect of continuity. The Jewish state is "the outcome of a settlement process initiated by the Zionist-Elite in Europe and the west and realized by Colonial countries contributing to it and by promoting Jewish immigration to Palestine, in light of the results of the Second World War and the Holocaust" (Future Vision, 2006, p. 9)**.**

With respect to the question of the *ties to the territory*, the various founding documents unequivocally define Palestine as the exclusive historical homeland of the Palestinian people and deny any authentic historical ties of the Jewish people to this piece of land. The Jews' link to the place is by force of colonialism and conquest. All Jewish settlement activities in "Palestine" are nothing other than judaization of the Palestinian land and erosion of the Palestinian history and civilization (Future Vision, 2006, p. 10).

The Haifa Declaration defines the Palestinians as the ultimate *victims* of the conflict and of the State of Israel, which "carried out policies of subjugation and oppression in excess of those of the apartheid regime in South Africa" (Haifa Declaration, 2007, 13). The formative "victimizing" event was the *Nakba*, during which many of the Palestinian people were murdered; a majority of the people was uprooted from its homeland, and the remaining became a minority with citizenship that is "without the genuine constituents of citizenship" (Haifa Declaration, 2007, 14).

Palestinian acts of resistance, such as the events of Land Day in March 1976 and the Jerusalem and al-Aqsa Day in October 2000 (the violent eruption of the second *Intifada*), are mentioned under the heading "milestones traversed in our collective journey, which served to strengthen our identity," and they are a source of "pride" (Haifa Declaration, 2007, 9).

The Holocaust is a "catastrophic event, which concerns the whole of humanity" and is what grants the Jews the title of victims and earns them empathy ("We sympathize with the victims of the Holocaust"), but its main role, in the eyes of the drafters, is in "exploiting [it] … in order to legitimize the right of the Jews to establish a state at the expense of the Palestinian people" (Haifa Declaration, 2007, 15-16).

The treatment of the three key questions – identity, territorial ties, and victimization – forms a solid, coherent meta-narrative that is diametrically opposed to the Jewish-Israeli meta-narrative as the latter is expressed in the Declaration of Independence.

The first words of the Declaration of Independence weave together the answers to the two most important questions of the meta-narrative: who we are and what our ties are to the land of our dreams: "The Land of Israel was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped. Here they first attained to statehood, created cultural values of national … significance." The opening words contain three various mentions of the national character of the people of Israel: "people," "statehood," "national[ity]." This is the blunt response to anyone who casts doubt, or might cast doubt, on the veracity and force of the Jewish answer to the question "who are we?" The ties between the Land of Israel and the people of Israel are reinforced by the following sentences: "After being forcibly exiled from their land, the people kept faith with

it throughout their Dispersion and never ceased to pray and hope for their return to it and for the restoration in it of their political freedom. Impelled by this historic and traditional attachment, Jews strove in every successive generation to re-establish themselves in their ancient homeland. In recent decades they returned in their masses….” These historical ties between the people and the land are confirmed by international recognition and documents such as the Balfour Declaration, the Mandate of the League of Nations, and the United Nations resolution of 1947 (Declaration of Independence, 1948).

The motif of *victimization* is presented as proof of the need to find a national-territorial solution for the Jewish people in its land – the Land of Israel: “The catastrophe which recently befell the Jewish people – the massacre of millions of Jews in Europe – was another clear demonstration of the urgency of solving the problem…. Survivors of the Nazi holocaust in Europe, as well as Jews from other parts of the world, continued to migrate to Eretz-Israel … and never ceased to assert their right … in their national homeland.” Nonetheless, according to this document, the Holocaust was not the reason for the establishment of the state in the Land of Israel. It was “*another* clear demonstration” (emphasis added) of the need for a territorial solution for the ancient nation that had been exiled from its land. In this way the Holocaust reinforces – but does not justify – the age-old claim of the people of Israel, not once abandoned throughout the course of history, to re-establish its sovereignty in its land.

The Declaration’s drafters avoided placing blame on the Arabs or the Palestinians and were content with intimation: “We appeal in the very midst of the onslaught launched against us now for months – to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions.” Although the Palestinian residents of Israel are not granted distinct national recognition and not referred to as “Palestinians,” they are not denied national membership in the “Arab nation,” to whom full and equal citizenship in the state of the Jewish people is promised.

The question of the extent to which Israel upheld the commitments it made in the Declaration of Independence is not the subject matter of this article. Our intent is to examine, side by side, the two nations’ founding documents, which include the meta-narratives of each.

As we see, the answers provided by the Declaration of Independence to the key questions contradict what is written in the founding documents drafted by the Palestinian citizens of Israel. The importance of the founding documents derives from their having been deliberately designed as a meta-narrative response of the Palestinian people, throughout the world and within Israel, to the Zionist meta-narrative. The documents, which reflect a tendency to "converge inwardly," are indeed directed primarily towards the Palestinian-Israeli population and even sparked many debates within this community, particularly on social issues affecting the Palestinian population itself or the relations between it and the authorities in Israel (Rekhess and Rudnitzky, Chapter 2, pp. 33-34). Nonetheless, there is full agreement among Palestinians, within and outside of Israel, regarding the principles expressed in the Vision documents, which are echoed in every negotiation towards a possible resolution of the conflict.

Founding documents such as these, which unequivocally present the articles of faith of a community engaged in a conflict over identity with members of another community, are usually grounded in a culture that includes formative beliefs and implicit assumptions about the "collective identity" of this group, as well as its motives, goals, and means of action. Among other things, the culture also defines its threshold of vulnerability and its reactions to suffering and catastrophe.

The Palestinians see themselves as part of the Arab nation, which some characterize as a *shame-based culture* shaped by a heightened sensitivity to humiliation and to offense to honor at both the personal and the collective level. The humiliation of the Arab nation by the West – from the Crusader conquests, through Napoleon's invasion of Egypt, and up to the Sykes-Picot Agreement in 1916 – forms part of a live memory, painful and embarrassing, sparking hopes for revenge against Israel, which is regarded as the ultimate agent of the West in the region (Fattah & Fierke, 2009).

The media generally, and Al-Jazeera in particular, channel the humiliating images from various fronts into every home. Pictures of Israeli soldiers on the land of "occupied Palestine" and pictures of Iraqi brethren being degraded by the Americans turn the historical memory into an experience of "here and now."

The contrast between the Palestinian-Arab meta-narrative and that of the Jewish people is further fuelled by the Jewish people's cultural affiliation with the Western (Judeo-Christian) world, steeped in a *guilt-based culture*. Members of

this culture cope with suffering and catastrophe in different ways than members of a culture of honor. While members of the *shame-based culture* will put the blame for their misfortune on the "other," members of a *guilt-based culture* will search for the source of their failures in their own behavior and deeds, will try to cope with them through self-examination and retrospection, and will expect their rival to do the same. The differences between a culture of honor/shame and a guilt-based culture contribute to the communication breakdowns between these two cultures.

Additional foundations of the Jewish meta-narrative that deepen the divide between the nations are choice and covenant. A constant theme throughout Jewish tradition and the collective Jewish subconscious is the sense of choice and the faith in a special covenant with God. The covenant with God was formed in the days of Abraham and was sealed forever at Mount Sinai. Even if the people knew torment in the Diaspora, the pogroms, and the Holocaust, they are still promised redemption in the chosen land (Smith, 1999).

Admittedly, these inflated perceptions of national aggrandizement, which emphasize the elements of choice and covenant, are not predominant in the mainstream of Israel's Jewish population and are to be found primarily among national-religious Jews. Along the continuum between the right-wing/national-religious extreme and the leftist/post-national extreme, a vigorous and often highly animated debate takes place with respect to the fundamental postulates of the Israeli meta-narrative.

On the Palestinian side as well, collective identity can take on various forms with different points of emphasis against a background of changing political and social contexts. Moreover, different expressions of the culture of shame and honor are subject to internal criticism in the documents themselves. The meta-narrative of the national Arab humiliation, however, has a strong foothold in diverse sectors of the Arab world, including the Palestinians. The acute sense of humiliation that the Palestinians experienced twice in 20 years (1948 and 1967) creates a powerful barrier to resolution of the conflict with Israel, which, in their view, bestowed upon them their greatest – and, in particular, their most humiliating – catastrophes.

The polar opposition between the "super-stories" of the Jews and the Palestinians and the central role of these stories in the reinforcement of both sides'

national identities do not allow for any compromise between them, certainly not at this stage of the conflict, which is still intense and bloody. Arguably, attempts to reconcile these meta-narratives will aggravate hostilities. Indeed, the effort undertaken by the "Israel Democracy Institute" to bring Jewish and Palestinian intellectuals together in order to formulate a charter laying out joint guidelines for coexistence between these two communities, based on incorporation of the essence of both their meta-narratives, concluded with disappointment on both sides and no agreement (Benziman, 2006).[33]

The disappointing results are not surprising. It is reasonable to expect that, under circumstances of a conflict over identity, each side will fortify itself behind its positions and buttress them in the face of the other side's denial of its legitimacy. This claim is especially valid with respect to the Palestinians, whose efforts at building their collective-national identity began relatively late and are only now at their peak. Moreover, in contrast to the Jewish side, the Palestinians have not yet actualized their aspirations to statehood. In contrast, the Jewish-Israeli public – which is still dealing with problems of identity in the face of many divides, of which the national divide is only one – is better prepared for a "post-national" self-examination that tends towards tolerance of the meta-narrative of the "other." Yet, the more the Jewish public is confronted with the Palestinian meta-narrative, which questions its very legitimacy (in the midst of continuous violence), the more it feels threatened and will, therefore, harden its stance and fortify itself behind its own national meta-narrative.

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[33] Between January 1999 and January 2001, 20 women and men, Jewish and Arab intellectuals with Israeli citizenship, gathered in the Israel Democracy Institute in order to try to formulate a charter that would define the relations between the majority and the minority populations in the state and their mutual relations. This was an exceptional effort: the participants shed all their "protective layers" and spoke from the heart about their self-identity, how they define their nationality and civic participation, and their expectations of their co-discussants. The participants struggled with fundamental questions touching on their ability to live together according to the definition of "citizens of the State of Israel."

The discussions took place over the course of 17 meetings and focused on defining the identity of the state, on ways to find a common denominator among the experiences of Jews and Arabs as citizens, and on the chances of bridging the internal tension in defining Israel as a Jewish and Democratic state. The group also discussed proposals for legislative change to address the Arab minority's expectations of improved standing, on the one hand, and preparedness to take on civic duties such as military service, on the other hand.

Nevertheless, it is possible to create discussion fora for engaging with specific narratives, a discussion that would deal with concrete events and be structured on the basis of answers to the question of the five W's mentioned above. Such efforts are undertaken from time to time where there is goodwill on the part of both sides. Thus, for example, the late Prof. Dan Bar-On from the Department of Behavioral Sciences at Ben-Gurion University and Prof. Sami Adwan from Bethlehem University initiated a project to compose textbooks for Israeli and Palestinian students to enable members of the two nations to learn the relevant and contradictory narratives of the formative events in their shared history, such as "the 1920-1921 riots or events" (in the Jewish narrative) vs. "the national uprising of 1920" (in the Palestinian narrative); "the 1929 pogroms" (Jewish) vs. "1929 revolt" (Palestinian); "the Great Arab Rebellion" (Palestinian) vs. "the 1936-1939 riots or events" (Jewish); "the War of Independence" (Jewish) vs. "the *Nakba* of 1948" (Palestinian), and likewise for the wars of 1956, 1967, 1973, and 1982, the first *Intifada* in 1987, the Oslo Accords, and up to the start of the second *Intifada*. The meetings between the teams of teachers who tried to cope with the contradictions between the different narratives were not easy, but nonetheless they achieved their purpose. In contrast, the authorities on both sides rejected the books out of fear that such a far-reaching move would not be well received by the general public (Kashti, 8.4.07).

As we can see from the examples described earlier in this paper (Japan-China, Germany-France, Germany-Poland, Turkey-Armenia), the process of conflict resolution does not begin at the narrative level. All of the abovementioned examples required years of reducing tension and drawing closer on the basis of shared interests between the countries, as well as agreement – among elites as well as the general public – that the time has come for normalization and real peace. Only when these conditions are ripe is it possible to embark on a process of addressing the national narratives of the two sides.

As noted, the conditions are not yet ripe for resolution of the Israeli-Palestinian conflict. A significant characteristic of the conflict, which distinguishes it from other conflicts, is its complex and multi-layered nature. On one side of the barricade is a state, and on the other side, a national entity lacking sovereignty. Some of the Palestinians are on "occupied territories" that are not even clearly defined. Although in Israel this term represents the territories that Israel

captured in 1967, the official positions of the Palestinians, as expressed in the abovementioned formal documents (the Palestinian Covenant of 1964, the Declaration of Independence of 1988, and the "Vision" documents of 2006-2007) and in statements of Palestinian leaders in all their negotiations with Israel, regard all the lands of the British Mandate, including the territory of the State of Israel preceding 1967, as occupied Palestinian territories. There is a large Palestinian Diaspora outside of the Middle East that includes many academics, such as the late Edward Said, and Walid Khalidi, who provide ideological support to the conflict and prevent it from fading away. Every compromise proposal put forward during talks between Israeli and Palestinian representatives is examined through the multitude of prisms of the Palestinian public in all of its variety and, indeed, of the Arab countries, which have a shared Arab nationality with the Palestinians and each of which also has its own interests, at times leaning towards compromise but more often towards aggravation of the situation. This complexity makes the Israeli-Palestinian conflict extremely difficult and predicates its resolution on a mixture of uncontrollable international, regional, and internal developments. On the other hand, the physical proximity between Israelis and Palestinians and the interaction between the rival populations – making the conflict so tangible and taking such high human and material tolls from both sides – are likely to spur the two nations to resolve the conflict. One of the ways – not necessarily the only or initial way – is through awareness of the national narratives.

Awareness of the other's narrative can come from "above" – for example, a government decision – or from "below" – such as an independent initiative of the media in its many forms. It is worth recalling that the debate in Japan about war crimes against the Chinese – including the "Nanking massacre" – was sparked after a mainstream Japanese newspaper published a series of articles on the issue. Still, a media debate does not guarantee readiness for compromise. In-depth and accusatory investigative stories about events (national narratives) in the joint and bloody history of the two nations might have a "boomerang" effect of renewed fortification behind the national meta-narrative.

The media is usually regarded as inflaming conflicts because of its tendency to highlight "interesting" developments, such as war and violence, and to play down "boring" stories about reconciliation and rapprochement between enemies (Gilboa, 2000; Kempf & Luostarinen, 2002; Shinar, 2002). In contrast to the

values of immediacy, simplicity, and drama, which guide journalistic practice, a peace process is long, complex, and gradual in nature; thus an inherent tension exists between the two (Wolfsfeld, 2004; Wolfsfeld, Alimy & Kaliani, 2008). The phenomenon of talkbacks, which encourage emotional and unrestrained expression (Cohen and Neiger, 2007), further exacerbates the situation. Nonetheless, the media can also play a positive role in the lowering of hostilities by bringing the narrative of the "other" and recognition of their suffering to the attention of its audience. This happened in Northern Ireland, for example, where news agencies that followed the peace process helped to advance the peace (Wolfsfeld, 2001).

In addition, the media has become more "global" and less obligated to forms of national ethos (Liebes & Kampf, 2007). The process of surveying national narratives can help transcend the binary nature of identities and introduce other, transnational identities. Parents of children who were hurt by Palestinian terror could find a common language with parents of children killed in retaliatory acts of the IDF, and another type of narrative discourse, different from the official discourse, could develop between them.

The case of Mohammad al-Dura (September 2000) exemplifies the two faces of the national narrative, both as a barrier and as enabling the two sides to draw closer. Its significance as a barrier is clear: when the story, filmed by a Palestinian photographer and showing the boy Mohammad al-Dura killed in the arms of his frightened father, was broadcast on FRANCE 2, it became a mythic narrative in the Palestinian media. The Palestinian newspapers that had followed the developments at the Netzarim junction fully embraced the first version, as detailed on the French channel. According to this version, Mohammad and his father were innocently caught up in the "Shuhada junction" (martyrs junction) and killed in cold blood by IDF soldiers, who have been trained since early times to murder children. The Palestinian press completely ignored later revelations of the German reporter Esther Shapira and the French media analyst and businessman Philippe Karsenty, who questioned the credibility of the report to the point of determining that Al-Dura's death was staged by Palestinians for propaganda purposes. The Palestinian media rebroadcast the original version and repeatedly described and praised the various acts of immortalization (naming of streets and town squares after the boy, printing of stamps and posters in his memory, and the like), which took place throughout the Arab world for the sake of preserving

Mohammad al-Dura's name as the ultimate *shaheed* (martyr). The boy became a symbol of Palestinian sacrifice in the face of Israeli brutality and occupation. He enabled every Palestinian father and mother to identify with Mohammad's parents and enjoy the material and symbolic compensation that victims deserve without themselves losing their children.

The Israeli talkbacks in response to internet news reports (Ynet, Walla!) formed the mirror image to this presentation. They reacted vehemently to the revelations by Karsenty and Shapira: web surfers expressed anger towards Israeli and world sources that supported the Palestinian narrative, including, for example, Major-General Giora Island ("the leftist general"), the Israeli public relations system ("fucked-up"), journalists and intellectuals ("Rappaport the leftist journalist"; "Meir Shalev, who represents the traitorous media"), and global media ("it's time to get off our backs"). They used the new version that questioned the IDF's role in killing the boy in order to support the Israeli meta-narrative that was "betrayed" by these sources, in their words. Reactions of the following nature appeared with great frequency: "it's just like the Palestinians to shoot him and blame us," "please don't let the facts confuse those who hate us," "Jews are always charged with blood libel," as well as: "The IDF is the most moral military in the world" (Auerbach with Lovenstein, 2010). These declarations were meant to tell the world, and to no less extent the public at home, that we the Jews, not the Palestinians, are the victims; that from the earliest of times we have been the victims of pogroms and blood libels, and that in this case as well we are the victims of Palestinian lies, propaganda and brutality.

On the face of it, it would appear that both sides have withdrawn behind their national narratives, reinforcing the opposing meta-narratives regarding national identity, territorial ties, and especially victimization. Yet, as noted, the Al-Dura story has another aspect: the traditional Israeli media (news stories in the papers Haaretz and Yedioth Ahronoth) had been prepared to accept the Palestinian version of the circumstances of Al-Dura's death almost in full, although this version threatened the Israeli meta-narrative and reinforced the Palestinian one. Even the investigations of foreign sources, such as Shapira and Karsenty, which could reinforce the national meta-narrative, were received in the Israeli media with silence. Moreover, one of the Israeli reporters (Smadar Peri, Yedioth Ahronoth) initiated an "identity breaking" meeting between Mohammad al-Dura's parents

and the parents of a Jewish girl – Bat-Chen Shahak – who had been killed in a terrorist attack in Tel Aviv. The parents were prepared to meet in the context of a shared identity of grief.

A meeting between grieving parents is a significant step in the breaking of barriers of mistrust between the sides. Grieving parents from both sides of the barricades who meet with each other are essentially saying: let us not forget what happened to us, but let us try to channel our painful memory in a positive direction. We will try to draw conclusions from this experience with respect to our similarities, not only our differences. In every story along the lines of Mohammad al-Dura or Bat-Chen Shahak, the heroes embody the two sides with their clashing collective identities: the Palestinian people and the Jewish people, who are fighting over the same territory and inflicting great suffering on each other. When victims from both sides meet, however, and discuss shared experiences of loss and sorrow, they can inspire understanding and empathy that transcend the national consciousness embodied in the meta-narrative, which pits them against each other.

In contrast, deliberate efforts to undermine the validity of the other's meta-narrative will encounter fierce resistance. Questioning of the other's meta-narrative is tantamount to eliminating the very basis of its existence. If and when people are ready, however, to come down from the symbolic peaks of the conflict – from the meta-narratives of both sides – to the narrative plains and to focusing on the plotlines of their story regarding the "what," "who," and "why" of the plot – then the story becomes more human and takes on universal significance. Then they will discover that on both sides there are fathers, mothers, and children whose world of experiences and senses is formed not only by their national identity but also by other aspects of their identity. Familiarity with the stories of the other side and awareness of its suffering are necessary cognitive stages in the process of reducing the conflict over identity. It can produce emotional empathy and lead to political action, such as compensation and apologies by leaders of both sides. Gradual progress of this sort on the path to conciliation will pave the way for a warm and stable peace between nations that have been engaged in a prolonged ethno-national conflict (Auerbach, 2009).

The Israeli-Palestinian conflict is not yet ripe for the process described above. The Israeli media, with the exception of talkbacks, did indeed demonstrate

willingness to recognize the Palestinian narrative regarding Mohammad al-Dura, but the Palestinian media is holed up behind its story and its reinforcing implications for the Palestinian memory and meta-narrative. A clear illustration of this approach can be found in the Palestinian press's reporting on Mohammad al-Dura's mother's pregnancy and her quote: "the womb of Palestinian women is more powerful than the reactor in Dimona." In other words: we, Palestinians, are still not willing to see a woman and a mother as "just" a woman and a mother, of the sort that exists on the Israeli side as well. The Palestinian mother is first and foremost a womb, that is, a weapon that can compensate the Palestinians for their military inferiority in the face of the Zionist enemy.

Conclusions

At the close of the first decade of the 21st century, predictions about resolution of the Israeli-Palestinian conflict appear to be highly pessimistic. Attempt after attempt to bridge between the two sides through traditional diplomacy has failed. A realistic survey of the situation led the researchers Agha and Malley to assert that it might be impossible to move forward without a serious effort to come to terms with the past. In their opinion, it is perhaps time to deal with the painful chapters of the past on both sides of the conflict and to bridge between them. In our words: to try the path of national narrative incorporation (Agha and Malley, 2009).

National narratives are a "cornerstone" of nations engaged in a conflict over identity. Fortification through these narratives provides the strength and endurance to survive the long-standing, bitter, and bloody conflict between them. Nonetheless, we see that people who have been engaged in bitter and protracted conflicts have found a way to overcome the barrier. The governments of China and Japan, Germany and France, Germany and Poland, and, to a lesser extent, Turkey and Armenia have discovered that the path to conflict resolution requires examining conflicting national narratives and making an honest attempt to incorporate at least some elements of the other's narratives into their own. Is the Israeli-Palestinian conflict ready for such narrative incorporation? The answer in this article is, unfortunately, no. Yet, alongside this pessimistic conclusion, there are also seeds of hope. This study argues that a distinction between meta-

narratives and national narratives could pave the way for incorporation of narratives and, consequently, for overcoming barriers of mistrust between the sides. The meta-narrative – that is, the super-story that embodies the national ethos of the warring nations – is not subject to bargaining or compromise. Questioning it exacerbates the sense of threat and the urge to defend national existence by taking a more extreme patriotic stance. It is possible, however, to examine narratives surrounding identity-forming stories about specific events by breaking the narrative down to its five basic components and trying to reach agreement with respect to all or some of them. Recognition of the other side's national narratives can take place – and in fact has taken place in recent years in parallel to escalation of the Israeli-Palestinian conflict – as a private initiative of academics, by way of less ethno-centric media coverage, or through the initiative of meetings between grieving families from both communities. These seemingly small steps can produce hybrid identities that break the binary nature of "us and them" and generate understanding and empathy for the other side. The path from here to the resolution of the conflict is long, but even "a journey of 1,000 miles begins with a single step," according to the Chinese. The Chinese-Japanese experience of incorporation of narratives as a means to overcoming a barrier between enemies, like the examples of other countries mentioned in this article, can help chart a course for the warring sides in the Israeli-Palestinian conflict.

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Chapter 4

Barriers to Peace: Protected Values in the Israeli-Palestinian Conflict[34]

Shiri Landman

"No Jew is entitled to relinquish the Jewish nation's right to exist in the Land of Israel... This right will not cease under any circumstances. Even if some at times declare that they relinquish this right, they have neither the power, nor the authority to deny this right to the next generations... Our right to this land, all of it, is forever valid and legitimate."
David Ben-Gurion, Speech to the 21st Zionist Congress, Basel, 1937

"The Land of Israel is not annexed. She is liberated. She is returned to her rightful owner, the Jewish people... We dare not speak of the possibility that even one inch of our land...go to any foreign ruler."
Menachem Begin, *Hayom*, 28 June 1967

"Peres will divide Jerusalem!"
Binyamin Netanyahu against Shimon Peres, 1996 elections campaign

"Realization of the right of return will bring about the end of Israel as the state of the Jewish people. It is morally wrong to rescind the Jewish people's right of self-determination in its historic homeland."
Prof. Asa Kasher, *Haaretz* interview, 12 May 2002

"Simply discussing the Temple Mount is 'touching a nerve' of the Jewish people. I have sat in focus groups, and this is one of the things that most unites the Jewish people and that they are unwilling to discuss."
Yehiel Leiter, Director of "One Jerusalem" www.onejerusalem.org, 28 November 2007

The Israeli-Palestinian conflict is one of the most researched conflicts of our time. It has produced mountains of documents, studies, and papers, many of them devoted to analyzing the core issues of the conflict and attempting to resolve them. Enormous effort and much money have been invested in the pursuit of a creative formula for neutralizing the three most intractable obstacles to resolving the conflict through agreement:

♦ The question of the permanent borders for the State of Israel (including the issue of the settlements);
♦ The status of Jerusalem;
♦ The issue of the Palestinian refugees from 1948.

Generally speaking, most of these attempts to find a solution to the core issues of the conflict were based on the prevailing and perhaps elementary assumption regarding negotiations: that both sides are motivated by an aspiration to maximize their interests and thus will be inclined to compromise on certain issues in dispute, in exchange for significant compensation on other issues. The inability to date to find a formula that is acceptable to both sides is evidence that the accepted compensatory approaches to conflict resolution do not offer appropriate means of resolution for the unique problems posed by these disputed issues.

This chapter will attempt to broaden the scope of the discourse on the core issues of the Israeli-Palestinian conflict by presenting a new conceptual perspective for exploring the characteristics that distinguish the *resistance* to compromise on the core issues from the *difficulty* of compromising on other issues in dispute (i.e., how is the difficulty of solving the issues of water or security arrangements different from the difficulty of finding an acceptable agreement to the future status of Jerusalem?). This perspective is based on a term borrowed from socio-cognitive psychology – "protected value."

The concept of "protected value" in psychological research serves to describe values perceived by a particular social group as so fundamental that they have been granted protected status against any compromise, concession, or tradeoff. In fact, protected values have the status of a taboo, the violation of which is considered a violation of the society's fundamental rules of ethics (Tetlock, 1999, 2003). This chapter will explore the argument that the widespread opposition to compromise on the core issues of the Israeli-Palestinian conflict may be defined

as opposition to violation of protected values and, therefore, should be analyzed in terms of ideological commitment, which is not subject to utility-measurement or compensation. In other words, the logic on which the accepted tools for conflict resolution are based has no validity in problems of this sort.

The chapter will open with an overview of research on protected values to date. Then it will examine the relevance of this concept for explaining the opposition to compromise on core issues of the Israeli-Palestinian conflict and, specifically, will present the argument that there are two discernable types of opposition to compromise on these issues: opposition based on interests and opposition based on perception of the core issues as protected values. The two types of opposition to compromise are distinguishable from each other in their origins, in their manner of reacting to peace agreements that include such compromise, and in the nature of the expectations that they yield with respect to resolution of the conflict. The final part of this chapter will address the key question: how can this theoretical conceptualization help in overcoming the barriers that make progress in the Israeli-Palestinian peace process so difficult?

Protected Values / Sacred Values

Sacred values (Fiske & Tetlock, 1997; Tetlock, 1999, 2003; Tetlock et al., 2000) or protected values (Baron & Spranca, 1997) are two of the names used in research for describing a phenomenon observed from various disciplinary perspectives, which found that a vast range of human societies – secular and religious, primitive and modern – have cultural values that members of the group see as so essential to defining their identity that they forbid any violation of them, whether by compromising, dividing, exchanging, or sharing.[35]

Sacred values such as these are at times defined as abstract values (for example: human rights, justice, or even a person's concern for family members). At times they are embodied in a physical symbol (such as a holy site or an extinct

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[35] Values are central and relatively stable beliefs that a person holds and that include abstract ideals regarding behavior or goals to which he should aspire or from which he should refrain (Rokeach, 1972, 1973). A person's set of values defines the standards for evaluating, judging, and taking a stance on specific issues including, for example, political problems (Feldman, 2003). Protected values are a special category of values because the social or cultural group ascribes them unlimited importance, above all other values.

animal species), and at times they are ascribed to a specific policy that reflects, in the eyes of society, the abstract values (such as a prohibition on abortion as an expression of the sanctity of life).

In an ideal world, an unlimited amount of resources would be devoted to protecting and cultivating the sacred subjects. In our world of limited resources, however, people have to deal with dilemmas that force them to answer the question, "how much is this truly worth to you?" or, "what is more important to you?" regarding values or assets that they cherish as absolute and priceless.

For example, every parent would agree to commit to a declaration committing to "anything for the sake of my children's health," but each and every family also has to determine what (necessarily limited) portion of its budget will be allotted to baby-safety equipment or family healthcare. Governments face a similar dilemma when they need to decide how much of their budget to allot to reducing road fatalities or subsidizing patients' medication. In other situations it might be necessary to choose between two competing sacred values that cannot be realized simultaneously, for example, the dilemma of what price a state should pay for the release of a captured soldier. Decision making in such circumstances sometimes becomes an ethical, normative, ideological, or even heated political predicament.

(1) The psychological characteristics of responses to compromise on protected values

Psychological studies of protected values seek to describe how human beings respond to situations where they must resolve difficult dilemmas that require them to compromise on values sacred to them: What characterizes their emotional response to the dilemma? Which principles guide the decision-making process and resolution of such a dilemma? Which conditions will lead people to relax their absolute commitment to protecting the value in question? Indeed, people tend to declare that their commitment to protected values is absolute and unchangeable whatever the circumstances. In practice, however, it appears that reality poses challenges that in certain circumstances produce flexibility with respect to these values as well. These values are therefore sometimes termed "pseudo-sacred values" (Baron & Leshner, 2000; Bazerman, Tenbrunsel & Wade-Benzoni, 2008).

Studies of the psychological nature of protected values can shed light on the question of how the ideological commitment to protecting sacred values translates into unique processes of judgment and evaluation that shape individuals' political thinking and policy-makers' decisions.

Indeed, when psychological theories are applied to the study of political and policy phenomena, it is important to distinguish between their application for the purpose of understanding the factors that affect leaders' policy choices and their application for the purposes of analyzing psychological processes that shape the attitudes of the general public. This distinction is particularly important when researching judgment and decision-making processes. On the one hand, it may be assumed that, in principle, leaders and policymakers make decisions on dilemmas involving protected values through a process that is fundamentally similar to that of "average citizens." Thus, researching the psychological nature of the protected value can teach us about barriers that affect both decision makers and the public that they represent when negotiating a compromise. On the other hand, many studies have demonstrated the influence of accountability, which binds policymakers, on the way that they adopt decisions (Lerner & Tetlock, 1999, 2003). Specifically, because decision makers are obligated to deal with the variety of consequences resulting from the policy they choose to implement, their judgment and decision-making processes are characterized by greater complexity and deeper analysis and consideration of the alternatives (Fiske & Tetlock, 1997). This chapter will therefore focus on the manner in which individuals and groups in society evaluate and resolve dilemmas involving concession with respect to protected values. Because public opinion in democratic states is known to have a decisive influence on the choices of decision makers, this discussion has significant implications for the policies that a state adopts in practice as well. We will begin with a survey of existing research on this issue.

A. **The Psychology of the Taboo.** One of the most influential researchers who studied the psychological nature of protected values is Philip Tetlock, a social psychologist from the University of California, Berkeley. Tetlock focused on situations in which people confront dilemmas that include a "mix" of a protected value and materially mundane topics in a way that demands explicit comparison between them. An example is the dilemma of allowing trade

in human organs for the purpose of transplantation. He argued that every societal tradeoff that includes "pricing" a protected value – or even the act of raising the possibility – will be perceived as threatening the basic moral norms that define the identity of the individual or society and will, therefore, be defined as absolutely prohibited or a "taboo tradeoff" (Fiske & Tetlock, 1997). The individual who is exposed to such an exchange – even if only observing from the sidelines – will fear the challenge to his image as a moral person and will, therefore, be beset by a series of psychological reactions aimed at protecting his values and social identity from "contamination." This experience has been termed "moral outrage" and is expressed through rage, anger, disgust, and repugnance regarding the proposed tradeoff and contempt towards those who propose it. The latter will be accused of violating a taboo and will be ascribed irrationality, immorality, and even evil. This moral outrage is usually accompanied by enthusiastic support for punishing the taboo violators and their supporters, with the aim of reinstating the moral status quo. A person who has undergone such an experience will usually seek to participate actively in activities that confirm and reinforce his commitment to the social value that has been violated (McGraw & Tetlock, 2005; Tetlock et al., 2000).

B. **Homo Moralis.** Another approach to protected values is based on the argument that because moral values are central elements in the self-definition of a person, human beings will aspire to reinforce their self-definition by adopting extreme and inflexible positions on specific issues that represent the values in which they believe. These issues are chosen selectively and are termed "moral mandates" (Skitka, 2002). Studies have shown that violation of a moral mandate, or even the threat of its violation, has led people to react with moral outrage (Mullen & Skitka, 2006), to become more actively politically engaged (Skitka & Bauman, 2008), to disengage, to display intolerance, or even to behave violently towards others whose positions differ from the moral mandate (Bauman & Skitka, 2009, Mullen & Nadler, 2009; Skitka & Mullen, 2002; Skitka, Bauman & Sargis, 2005; Wright, Cullum & Schwab, 2008).

The perception of a societal issue as representative of a moral mandate has significant implications for the legitimacy, propriety, and justice attributed

to political and judicial decisions on this issue. Specifically, the prevailing stance is that proper judicial and policy-making processes (for example, through courts or equal representation) increase the likelihood that people will submissively accept decisions that conflict with their preferences (because of what is termed "procedural justice"). In contrast to this approach, however, it has been found that if the judicial or political decision involves violation of a moral mandate, the propriety of the process does not affect the perception that the decision is unjust. Moreover, when a judicial or political decision has consequences that violate a moral mandate, it leads people to devalue the ruling system (Skitka, 2002; Skitka & Mullen, 2002; Bauman & Skitka, 2009). Experimental studies have even shown that when issues were perceived as moral mandates, people were not even able to reach an agreement as to the type of process that could be considered just for resolving the issue or the person with legitimate authority to lead such a process (Skitka et al., 2005).

C. **The Ends Do Not Justify the Means: Protected values as a rule of thumb for guiding judgment and decision making.** The reaction to violation of protected values is described, and not without cause, as a reaction to violation of moral principles. Many studies have found a recurrent link between perception of a value as protected against any compromise or tradeoff and its perception as a moral value, that is, a value with universal, objective validity that commits every individual, independent of personal preferences, and should even be imposed on every individual (in contrast, for example, to a social norm or convention) (Baron & Ritov, 2008; Baron & Spranca, 1997; Skitka, 2002).

Many theoreticians have explored how moral perception affects decision-making processes, relying on the assumption that moral principles are not subject to the cost-benefit assessments that are customary when deciding on other issues. One of the most salient arguments holds that people tend to resolve moral dilemmas on the basis of predetermined dichotomous rules regarding appropriate and inappropriate modes of behavior ("deontological rules") and not on the basis of results (that is, whether the action led to the best or most moral possible outcome – what is termed "consequential rules"). In the context of protected values, it has

also been argued that because commitment to them is absolute, the judgment and resolution of dilemmas relating to them must be based on a rule of thumb that absolutely prohibits participating in activities that impinge on that value (such as "thou shalt not murder") and cannot be based on considerations of outcomes (or utilities). The reason for this is practical: if the significance of commitment to a protected value is the commitment to achieve an "absolute" outcome – that is, to a "perfect" realization of the value in reality – then those who adhere to this value would be obligated to devote their entire lives to working for it, and even then, presumably, they would not succeed in achieving their goal (Baron & Ritov, 2008; Baron & Spranca, 1997).

It follows that adhering to a protected value means refusing to violate the prohibition on compromise under any circumstance, even if such compromise leads to a better result in terms of the protected value itself (and thus, "the ends do not justify the means"). Indeed, psychological studies have shown that those with protected values regarding various issues have tended to object more than others to activities that undermine the protected value, even if this means more impingement of the value itself as a result of not engaging in the activity (this phenomenon is termed "omission bias," Ritov & Baron, 1990; Baron & Ritov, 1994). For example, when 20 species of fish would have become extinct as a result of changes in currents, people objected to the building of a dam if they were told that the dam would save those species upstream but would also cause the extinction of six other species downstream. This tendency was especially strong among those with protected values on ecological matters (Ritov & Baron, 1999; Baron & Ritov, 2008). Because the preference for non-action, as we saw above, could lead to a choice that does not bring about the best possible result (in this case, saving more species from extinction), it is defined as an irrational or biased choice.

According to rational theories, a person will tend to choose the option that will yield the greatest benefit for him, at the lowest cost, and with the highest degree of certainty of actualizing the tradeoff. If the decision involves principles linked to the absolute prohibition on violating a protected value, then these two "outcome-related" elements will have no relevance for the decision.

Because the prevalent approaches to conflict resolution and to negotiations are based on the assumption that the players are rational, the above-described

psychological aspects of reaction to compromise on protected values will have significant implications for the possibility of conducting negotiations using the generally accepted tools for such situations (Wade-Benzoni et al., 2002). In fact, one can anticipate an absolute veto on any compromise arrangement that would include concession with respect to a protected value, even if the concession is minimal and involves a substantial compensation. Thus, in disputes of this sort, the protected values themselves become a barrier to resolution of the conflict.

Protected Values and the Core Issues of the Israeli-Palestinian Conflict

It follows from the discussion above that protected values pose unique barriers to conflict resolution and require distinct approaches for dealing with them. When the protected values are at the crux of an inter-group conflict, there are three situations in which these values might have implications for the possibility of an agreed-upon resolution of the conflict:

(A) When the various issues in dispute are perceived as protected only in the eyes of one of the parties to the conflict;

(B) When the various issues in dispute are perceived as protected by both sides to the conflict, but the associated significance is not symmetric; and

(C) When both sides see the issues in dispute as protected values and ascribe equal significance to them. This final possibility will be the most difficult to resolve because both sides will absolutely veto any compromise and present identical justifications for doing so. In this case it will be extremely difficult to find a creative formula for agreement that would address the demands and needs of both sides. Unfortunately, this situation is characteristic of the majority of intractable conflicts around the world (and is one of the reasons for their protracted nature).

When the concept of "protected value" is examined in terms of its relevance to understanding the barriers that prevent reaching an agreed-upon solution to the core issues of the Israeli-Palestinian conflict, a number of questions surface:

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1. Does one of the societies involved in the dispute, do both of them, or does a subgroup within them indeed perceive the core issues as protected values? If both societies do indeed perceive the core issues as protected values, do they ascribe similar significance to these values?

2. What distinguishes the reaction to compromise on protected values in the context of an international conflict, as compared to protected values in other ethical-social contexts?

3. If the core issues of the conflict are indeed perceived by both sides as protected values, how can existing knowledge in this field help to advance an agreed-upon solution to the dispute over these issues?

(1) Are the core issues of the Israeli-Palestinian conflict perceived by the involved parties as protected values?

In a press conference following the failure of the July 2000 Camp David Summit, then-Prime Minister Ehud Barak said, "We did everything to resolve the dispute. We touched the most sensitive nerves but, regrettably, had no results" (*Globes*, 25 July 2000).

The Camp David Summit was one of many attempts to implement one of the key principles agreed upon in the Oslo Accords of September 1993 – that the permanent arrangements, primarily the resolution of the sensitive and substantive core issues of the conflict, would be brought to the negotiating table "not later than the beginning of the third year of the interim period" ("Declaration of Principles on Interim Self-Government Arrangements" Article 5). The decision to delay dealing with the core issues of the conflict to a later stage of the peace process – not to mention the failure to implement the decision or even start a discussion on the agreed-upon date – illustrates the strong opposition to engaging in compromise on these issues.

Indeed, even since the beginning of the Oslo process, and despite (or, as some would say, because of) the lack of clarity surrounding the arrangements expected to address the core issues of the conflict, the process generated vociferous political and public opposition within both societies, which saw the Oslo process as leading to an "intolerable" compromise; thus, what was known as the "struggle

over the home" (Meital, 2004) was initiated. The first issue on which the struggle centered was the territorial division of the land between the two nations. This was also the only of the core issues of the conflict that was discussed (partially) in practice in the intermediate phase of the process, when various areas within Judea and Samaria were partially or fully transferred to the rule of the newly formed Palestinian Authority. Groups opposed to the process on both sides (Palestinian resistance movements on the one hand and Jewish objectors to the Oslo process on the other) reacted angrily because of the same principle: relinquishing control over part of the land means relinquishing the historical-religious right of the national movement to control over its historic homeland (be it Israel or Palestine) (Meital, 2004: 64-74; Naor, 1999: 11-17). For instance, a letter written by reserve officers claimed that by signing the agreement with the PLO, the government was "abandoning Jewish identity and values…" (*Haaretz*, 20 July 1995, cited in Naor, 1999: 13). In an interview with the newspaper *Haaretz* approximately six months after the first signing of the Oslo Accords, Yitzhak Shamir said, "… removing Jews from their homeland is like murdering their mother or father, their history…" (*Haaretz*, 1 April 1994).

In contrast to the territorial issue, which was already on the negotiating table (at least as a matter for temporary resolution) from the beginning of the Oslo process, the issue of Jerusalem was taboo, and discussion of options for its resolution was forbidden even at the height of the process. Immediately upon signing the declaration of principles, then-Prime Minister Rabin stressed his commitment to the consensual position on this issue: "there are no differences of opinion in this home regarding Jerusalem as the eternal capital of Israel. A whole and united Jerusalem is not a matter for negotiation; it was and will always be the capital of the nation of Israel under Israeli sovereignty" (Knesset Record, 21-23 September 1993).

The holy sites in the heart of Jerusalem have made the city a symbol that inspires strong emotions among the three monotheistic religions. Over the course of the years, the distinction between the city's holy and historical sites and its municipal territory has been blurred, as well as the distinction between the religious-historical myth and the national-political ethos of the two peoples claiming sovereignty over the city. Thus the entire area known as "Jerusalem" or "Al-Quds" became a territory with deep symbolic significance for both nations

(Lapidoth, 2007; Amirav, 2007). For Israelis, Jerusalem represents the historical link between the Jewish people and its homeland – the religious-cultural-historical basis of the legitimacy of the Zionist movement's demand to establish a national home for the Jewish people in Zion. In the Palestinian view, the Temple Mount (and therefore the area surrounding it) is not just a holy site and a symbol of the justness of their claims for sovereignty, but also the most important asset that they expect to receive and that will define their status in the Muslim world generally and in the Arab world in particular (Amirav, 2007: 329-330).

Barak's willingness to place the issue of compromise regarding Jerusalem on the negotiating table during the 2000 Camp David Summit demonstrated the shattering of the taboo regarding negotiations over Jerusalem. On the one hand, this reflected, at the very least, Israeli recognition of the need to negotiate the status of the city in the context of the peace process with the Palestinians. On the other hand, the blatant failure of the Summit, which marked the collapse of the Oslo process and set the stage for the second *Intifada*, demonstrates the absolute importance of this issue for both sides and the intractability of their positions on the matter, particularly with respect to the problem of the Temple Mount. Gilad Sher quotes Yasser Arafat providing guidance to his negotiators during the Summit: "Just do not budge on one thing: Al Haram is dearer to me than anything else" (Sher, 2008: 305). At the same time, Ehud Barak also made a point of publicly reinforcing his commitment to maintaining Israeli sovereignty over the Temple Mount: "The Temple Mount is the cradle of Jewish history and under no circumstances will I sign a document transferring sovereignty over the Mount to the Palestinians. For Israel, this would be betrayal of the holy of holies" (Letter from Barak to U.S. President Bush, Jr., quoted in *Haaretz*, 25 January 2001 and in Klein, 2001: 80).

The problem of the Palestinian refugees from 1948 presents at least as significant a barrier to the resolution of the conflict, and many see it as the core of the conflict. This issue, perhaps more than any other, symbolizes the claims of two peoples to national self-determination and to recognition of their legitimate right to sovereign existence on their land. Alongside this symmetric significance, the refugee problem carries with it distinct historical and political meanings for each party to the conflict.

In the Palestinian view, the traumatic events after which hundreds of thousands of Palestinians lost their homes, their property, and their traditional social framework are seen as a historical injustice, which has driven their collective struggle for the past 60 years. The phrase "right of return" embodies, first and foremost, the demand for justice at the personal level – the right of every refugee to return to his original home. Only after that does the phrase refer to the demand for historical justice at the collective level by remedying the injustice that led to the uprooting of Palestinian society as a collective. For the Palestinians, any compromise on the right of return means rendering decades of struggle meaningless (Friedman, 2004; Peled & Rouhana, 2004).

In contrast, if Israel is required to acknowledge its responsibility in creating the Palestinian refugee problem and their right of return, not only would this threaten the historical narrative on which the collective Israeli identity is based, but it would also subject it to a real existential threat: the fear of Israel being flooded by millions of Palestinians who would undermine its character as a Jewish state and threaten its very existence (Friedman, 2004; Zakay, Klar & Sharvit, 2002: 62).

It follows that the three core issues of the conflict are perceived as protected values by the two opposing sides. Both parties express fierce opposition to any compromise and even to placing the issues on the negotiating table.[36] Moreover, there is symmetry in the ideological significance that the two sides ascribe to the core issues: the opposition to compromise on the three issues rests on the perception of these issues as symbols that are essential for justifying the demand for national self-determination of both movements – Zionist and Palestinian – in their homeland. The holiness of the land is also symmetric across both sides. The issue of refugees is an exception, perceived as a protected value by both parties, but each side ascribes it a different meaning: Israel sees it as a threat to its very existence as a Jewish state, that is, a threat to the right of the Jewish people to self-determination in a state with a Jewish character and majority, while the Palestinians link it to the historical injustice that violated the human rights of the refugees as individuals and as a society.

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[36] Some claim that the core issues have become protected values for one or both sides as a result of the conflict over them, or that they are defined as such for the tactical purpose of reinforcing the demands made of the other side (see, e.g., Naor, 2001; Luz, 2004; Lustick, 1993). This chapter will focus, however, on how these issues are perceived in the present and will not deal with the historical-cultural process that generated their corresponding narrative.

So far we have touched upon the roots of opposition to compromise on the core issues of the Israeli-Palestinian conflict within the two societies involved. This survey, however, has not revealed how prevalent the "protected" opposition to such a compromise is within the two societies, if at all. The basic characteristic defining a protected or sacred value is a declaration that it is an absolutely obligatory value. It follows that the way to examine whether the two sides to the Israeli-Palestinian conflict perceive the core issues as protected values is to test to what extent members of the society feel the issue is one to be preserved "under any and all circumstances."[37]

Protected values, like other values, might change over the course of time at the individual as well as the national level (for example, in light of significant events in the political or security environment). Thus, it is to be expected that the relative percentage of those who support a declaration expressing absolute and unconditional opposition to any compromise would vary over time (and as a function of the specific phrasing of the question). Nevertheless, it is possible to extrapolate data – from various surveys and studies – that create the general impression that absolute opposition to compromise on the core issues does possibly exist within Israeli and Palestinian societies. Below are a number of examples of such data from recent years.

A. **Compromise on the Core Issues – Positions of Jewish Society within Israel:** In a series of public opinion surveys conducted in Israel, the Institute for National Security Studies found that in 2007, 41% of the Jewish public in Israel opposed any removal of settlements under any circumstances (Ben Meir & Shaked, 2007: 59). In the context of a "peace index" survey conducted by the Tami Steinmetz Center for Peace Research, a representative sample of the Israeli public was asked in May 2009 whether Israel should agree to dismantle illegal outposts and isolated settlements only, if these were the sole obstacles

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[37] Our purpose in this chapter is analysis of the resistance to compromise on the core issues of the conflict, and therefore the term "protected value" is explored and applied only in relation to those who resist compromise on these issues. Nevertheless, protected values might also form part of the base of support for compromise on core issues. For example, some of the Israeli supporters of compromise on core issues – such as Israeli withdrawal from territories beyond the Green Line – see such concessions as categorically necessary for the realization of absolute principles such as human rights. A future study might explore the significance of the concept of protected values by analyzing activism on behalf of compromise on the conflict's core issues and by comparing protected values on both sides of the political and ideological divide.

to achieving a peace agreement. Of the Jews surveyed, 21.2% responded that "Israel definitely does not have to agree" (Yaar & Hermann, 2009). Also in the context of a "peace index" survey, a representative sample of the Israeli Jewish public was asked in July 2008 whether they would agree to transfer East Jerusalem to the Palestinians if achieving an agreement depended only on this. A total of 48.3% responded "definitely not" (Yaar & Hermann, 2008). In contrast, a survey conducted in November 2007 by the "One Jerusalem" movement among a representative sample of the Israeli Jewish public found that 86.1% of respondents do not think that Israel should transfer the Arab neighborhoods of Jerusalem, the Old City, or the Temple Mount to a Palestinian state in the context of a peace agreement (One Jerusalem, 2007). In a September 2007 "peace index" survey, 87.2% of Jews responded that Israel does not have to agree to the return of a single Palestinian refugee to within state borders (Yaar & Hermann, 2007).

B. **Compromise on the Core Issues – Findings of a Joint Israeli-Palestinian Survey:** Since the year 2000, the Truman Research Institute for the Advancement of Peace of the Hebrew University in Jerusalem and the Palestinian Center for Policy and Survey Research in Ramallah have conducted a series of joint Israeli-Palestinian surveys (Joint Israeli-Palestinian Poll, JIPP), which take place in parallel among representative samples across both sides of the divide and the focus of which is the positions of the two publics regarding practical questions linked to the Israeli-Palestinian conflict. In such a joint survey conducted in August 2009 (Shamir & Shikaki, 2009), respondents from both societies were asked to rank their degree of support for various elements of an optional permanent agreement resolving the Israeli-Palestinian conflict.

Regarding the territorial issue, the survey proposed a compromise according to which Israel would withdraw from most territories of the West Bank, excluding the large settlements (3% of the West Bank), which would be exchanged for territories of the same size in the Gaza Strip. Approximately 17.9% of the Jewish respondents said that they would "absolutely oppose" such an agreement (while an additional 29.1% said that they would oppose it), and among Palestinians, 14.5% of respondents "absolutely oppose" such a compromise (with 35.3% opposing it). In response to a question posed

only to the Jewish sample, 9.6% absolutely opposed dismantling of the illegal outposts in Judea and Samaria (20.7% opposed).

Regarding the issue of Jerusalem, the survey sought responses to a proposed compromise in which the Arab neighborhoods of Jerusalem, the Muslim Quarter, and the Temple Mount would be transferred to Palestinian state control in the context of dividing the city between the Palestinian state and Israel. Of the Jews surveyed, 37.2% stated that they would "absolutely oppose" dividing Jerusalem according to this formula (and 27.2% opposed it), while among Palestinians 22.4% expressed absolute opposition to such a compromise (and 45.3% opposed it). Regarding the proposal that the refugee issue be resolved through monetary compensation for refugees and their resettlement in various countries – with a small minority in the state of Israel – 25.8% of Jews responded with absolute opposition (32.9% opposed), and among Palestinians 19.9% expressed absolute opposition (and an additional 40.6% opposed). Similar results were found in an identical survey conducted by the two institutes approximately a year earlier, in December 2008 (Shamir & Shikaki, 2008).

C. **Compromise on the Core Issues – Palestinian Authority Positions:** The principal findings of public opinion surveys in Palestinian Authority territories present a picture similar to that described above regarding public positions on proposed solutions to the core issues of the conflict. Thus, for example, a survey conducted by the AWRAD Institute in November 2007 (just before the Annapolis Summit) revealed that 46.5% of Palestinians in Judea, Samaria, and Gaza opposed the establishment of a Palestinian state in the West Bank and Gaza that would involve exchange of territories and Israeli annexation of the large settlements blocs. An additional 6.6% expressed "some opposition" to the proposal (AWRAD, 2007:4), as opposed to 42% that objected to such a proposal in a survey conducted in the summer of 2009 by the International Peace Institute (IPI, 2009). The AWRAD survey found that 53.1% expressed opposition to the division of Jerusalem between the two states (7% expressed "some opposition"), while an International Peace Institute survey found that 52% of Palestinian respondents opposed such a solution. In an AWRAD survey, 17.9% of respondents objected to resolution of the refugee problem by repatriating most of them in territories of the Palestinian state and a

minority in Israeli territory (4% expressed "some opposition"), compared with 27% who oppose this proposal in a 2009 International Peace Institute survey. (These findings do not accord with the high percentage of those who oppose such a compromise regarding refugees' right of return as found by the Joint Israeli-Palestinian Poll cited above, Shamir & Shikaki, 2009, JIPP).

In contrast to the above statistics, drawn from samples that represent the general Palestinian public, an academic study that entailed 719 interviews with Palestinian students in 14 universities in the West Bank and Gaza (in May 2006) found that over 50% of those interviewed absolutely opposed any compromise over the right of return of Palestinian refugees and Palestinian sovereignty over Jerusalem. In the course of this research, Palestinian refugees residing in Palestinian Authority refugee camps were also interviewed. Over 80% of interviewees in these camps expressed absolute opposition to any compromise regarding refugees' right of return (Ginges, Atran, Medin & Shikaki, 2007).

From the data presented, we can see that a significant portion of the Jewish population in Israel and Palestinian Authority residents strongly opposes any compromise whatsoever regarding the core issues of the conflict (of course there are significant differences in the percentages of those opposed to compromise on the various core issues). Thus the public on both sides constitutes a pressure group that can greatly influence any attempt to advance a political process for resolution of the conflict. Nevertheless, the surveys cited do not constitute sufficient evidence of the existence of an absolute prohibition on compromise over the core issues according to the definition of a "protected value." This is because of the customary method of measurement in surveys aimed at characterizing public positions on political issues – a method based on description of positions along a continuous scale reflecting degree of opposition to, or support for, compromise (with the ends of the scale representing the most extreme position supporting or opposing the stated policy). This measurement tool does not reflect the distinction at the center of this chapter, which posits that positions opposing compromise on core issues of the conflict are not distinguishable from one another only on the basis of the intensity of opposition – which is a continuous, quantitative distinction – but are substantively and qualitatively distinguishable from one another when divided into two types of opposition to compromise over core

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issues of the conflict: absolute opposition to compromise and opposition that is not absolute.

(2) The types of opposition to compromise on the core issues of the Israeli-Palestinian conflict

Most of the research undertaken to date regarding psychological barriers to conflict resolution has sought to describe the emotional, perceptional, and cognitive biases that are common to most members of the parties to the conflict and which lead to a one-sided and intransigent view of the conflict generally. Alternatively, the concept of a "protected value" offers a framework for analyzing public opposition to compromise on the core issues of the conflict that focuses on *the differences* among the psychological barriers to compromise that are characteristic of various social groups, as these relate to compromise on *specific issues*.

According to this approach, it is possible to divide opposition to compromise on the core issues of the conflict into two types: *absolute opposition to compromise, resulting from maintenance of protected values regarding the core issues of the conflict, and non-absolute opposition to compromise, which is driven by interest-based, utilitarian calculations.* The argument will later be made that substantive and multidimensional differences distinguish between opposition to compromise on the part of those people who have "protected values" regarding the core issues of the conflict – and thus reject any negotiation over them – and opposition to compromise on the part of people who see important interests in the core issues but are willing to consider compromise when it can lead to significant gain or prevent extreme harm.

While the prevalent variables used for researching public opinion on Israeli-Palestinian peace process issues relate to broad ideological perception of the conflict (particularly the distinction between doves and hawks), our proposed distinction allows us to focus on barriers that distinguish the issues perceived as protected values from other disputed issues. Moreover, because this analytical approach focuses on the meaning that a person ascribes to a certain issue, it does not require that someone who ascribes protected-value status to a specific core issue ascribe such status to the other core issues. For example, someone might perceive the issue of Palestinian refugees' right of return as linked to a protected

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value and therefore absolutely oppose compromise on this issue while at the same time supporting compromise on the issues of Jerusalem and borders.

In addition, classifying people's positions regarding the core issues into these two categories of opposition does not completely overlap with the other prevalent methods of classifying individuals' political and ideological positions on the Israeli-Palestinian conflict (left-right or secular-religious): although absolute opposition to compromise is more prevalent in the religious and hawkish sectors, it might also cut across political and demographic camps. For example, it was found that a sizable percentage of those who absolutely oppose compromise on the refugee issue were secular and identified with the political center or left (Landman, 2009). Thus the distinction between these two types of opposition to compromise provides added value in explaining and predicting responses to optional peace proposals, above and beyond the variables prevalent in analyzing political positions among the public.

It is perhaps appropriate at this stage to disclaim any pretenses that the rough division into two types of opposition is intended to represent the full complexity of reality, and it can even to be expected that, in practice, there will be many overlapping elements between the two types of opposition in the perception of individuals and groups. Nonetheless, as an analytical framework this differentiation allows identification of various layers of opposition to the Israeli-Palestinian peace process and definition of the unique psychological barriers to resolution of the conflict that are linked to every such layer.

(3) What is unique about the opposition to compromise on core issues that are perceived as protected values? Research findings among the Jewish population of Israel[38]

Are the types of reaction to deals involving compromise on protected values, as described in the psychological literature, applicable to description of the reaction to potential peace agreements within the Israeli public?

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[38] For reasons of data accessibility, this chapter focuses on describing the differences between types of opposition to compromise among the Jewish population of Israel, but it may be postulated (and confirmed by a future study) that similar results would be found within the Palestinian population.

In order to answer this question, a study was undertaken comparing the types of reactions of those whose opposition to compromise on the core issues of the conflict is *absolute* (and who agreed with the statement "not permissible under any circumstances" regarding compromise on one of the core issues) with the reactions of those whose opposition is *not absolute* ("permissible only in extreme cases where it would lead to sufficient gain or would prevent harm") (Landman, 2009).

In order to explore the division into types of opposition to compromise among the general public, and in order to avoid ascribing the phenomenon only to extreme right-wing groups, the study was conducted among groups of varying demographic and political characteristics – primarily among students and instructors in various learning institutions: universities, high schools, and pre-military programs.

The study found that certain psychological characteristics of the reactions to compromise were common to all those who opposed it, while other characteristics, which accord with what the theoretical literature predicts, were unique to those who were absolutely opposed to compromise on the core issues of the conflict.[39] In addition, the percentage of respondents who adhere to a protected value did indeed vary from one core issue to another,[40] but the characteristics of the opposition distinguishing those who maintained protected values were identical across the three core issues explored, as detailed below.

A. **Roots of Opposition to Compromise – Guiding Considerations in the Formulation of Peace Agreements:** When asked about the political considerations to which they ascribe importance in evaluating proposals for

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[39] The effect of respondents' belonging to one of two types of opposition to compromise was isolated from the effect of their political position (right or left) and degree of religiosity on the characteristics of their reaction to compromise through statistical techniques. Thus, all the characteristics presented below describe the distinct value of the division into two types of opposition in predicting the nature of a person's reaction to compromise, above and beyond the ability to predict reactions on the basis of political stance or degree of religiosity. Likewise, the findings described were consistent across the three core issues, independent of the content of the issue being examined.

[40] Within the sample studied in the research presented here, which was not a representative sample of the Israeli public, 12.6% were found to have a protected value regarding compromise on the permanent border of Israel, 42.0% forbade any compromise on the holy sites of Jerusalem, and 22.1% absolutely opposed any compromise on the return of any Palestinian refugee.

a peace agreement that includes compromise on the stated core issues, all of those opposed to compromise expressed complete agreement regarding the immense importance of the implications that compromise would have for the security of Israel and its residents. Strong agreement was also found regarding the importance of concern that concession on the issue would create a precedent for further demands from the other side as a critical consideration in the question of whether to support a particular peace agreement. (Theories regarding central strategic barriers to resolution of international conflicts also explore these considerations in depths; see, e.g., Toft, 2003.)

On the other hand, when debating whether to support a particular peace agreement, only those absolutely opposed to compromise ascribed great importance to the characterization of compromise on a specific core issue as a concession in relation to a national right or to a key symbol of their national identity. That is, it appears that all of those opposed to compromise on the core issues are concerned about the ability of the agreement to protect the main utilitarian interests of the group, but only those who absolutely oppose compromise see it as a symbolic injustice that violates their rights. Accordingly, it was found that those absolutely opposed to compromise – but not the others who opposed it – supported the statement that the compromise conflicts with essential fundamental values. They also claimed that everyone must work against such a compromise, independent of their personal stance. That is, they viewed opposition to compromise as an obligatory moral principle.

B. **The Emotional Reaction to Compromise:** Although feelings of concern, suspense, and fear regarding the signing of a compromise agreement were shared by objectors in both groups, only those absolutely opposed to compromise identified with strong emotional reactions of anger, rage, and sadness, in relation to both the compromise itself and the supporters of such compromise. Feelings of anger and even of contempt were expressed towards these supporters (in accordance with the pattern termed "moral outrage," Tetlock et al., 2000). Psychological research indeed demonstrates that anger usually surfaces in situations perceived as unjust when the identity of those perpetuating the injustice is known, and the aspiration to remedy the injustice

also arises in such situations. In threatening situations when a person does not feel able to handle the threat factor, however, fear and suspense are the emotions that surface (Halperin, 2008; Huddy, Feldman & Cassese, 2007). These correlations are also reflected in the findings described above regarding the characteristics that differentiate between groups opposed to compromise.

C. **Would an "Attractive Agreement" Result in Decreased Opposition to Compromise?** When those opposed to compromise on the core issues were requested to address *the criteria that guide them in evaluating proposals for compromise* in the peace process, significant differences were found between the two opposing groups: those not absolutely opposed claimed that their evaluation of the proposed compromise was influenced by the guarantees that would ensure realization of the agreement and that their opposition to agreement would decrease as the size of the required concession decreases. In contrast, those absolutely opposed to compromise regarded these criteria as less relevant to evaluation of proposals for compromise, and they expressed the same degree of opposition to any concession, whether small or large. Moreover, those absolutely opposed to compromise refused to support any concession on what they considered a protected issue, even if the opposition to agreement led to greater harm in terms of outcome (and thus they reflected a particularly strong bias toward inaction). For example, the absolute objectors rejected a proposal to dismantle outposts in Judea and Samaria, even in exchange for a much larger (territorial) expansion of "established" settlements. This finding is relevant for predicting expected opposition to agreements that might be considered between the government and leadership of the settlers.

D. **Confrontation with Ideological and Political Rivals:** If people perceive their political stances and values as sacred, obligatory, and absolute, how do they then explain the existence of other perspectives among their political rivals? As noted, one of the characteristics found to be linked to adherence to a protected value is the tendency of its adherents to attribute negative qualities (such as irrationality or immorality), and to have strong negative feelings (such as rage or even contempt), in relation to "moral rivals" who are willing to endorse compromise on the protected value. Those ascribing

to the protected value even expressed preference for maintaining social and physical distance from their rivals (Skitka et al., 2005; Tetlock et al., 2000). Thus, it can be expected that those who hold absolute values will seek various means of delegitimizing competing ideological and political perspectives.

When protected values are at the heart of an international conflict, the moral rivalry has a double meaning: at one level there exists an internal rivalry between supporters of and objectors to compromise within each of the societies involved in the conflict, as in any other ideological conflict; at another level those adhering to the protected value must confront the existence of a national rival who poses parallel arguments claiming an absolute right to the same disputed issue. Because the ways in which those opposed to compromise deal with each of these political-ideological rivals are a key element of the ability of leaders to promote peace processes, their characterization – as well as a comparison between characterizations of reactions at both levels of rivalry – carries importance.

A study that focused on Israeli perspectives towards the issue of sovereignty over Jerusalem produced interesting findings with regard to the above comparison (Landman, 2009). In the study, Jewish Israeli respondents were asked to express their position regarding the legitimacy, morality, and justice of various stances on the issue of sovereignty over the city. The study found that all respondents, regardless of their political positions, attributed an equal degree of legitimacy, morality, and justice to the Palestinian claim over Jerusalem and the Temple Mount. This legitimacy was even relatively high (on a scale of 1 – meaning the stance is just/moral/legitimate – to 7 – meaning the scale is not just/moral/legitimate – the average of responses was at the center of the scale, approximately 3.5). On the other hand, when respondents were requested to assess the stances of Israeli political groups that support concessions on the issue of Jerusalem, those absolutely opposed to compromise expressly denied the legitimacy, morality, and justice of Israeli support for compromise (an average of approximately 6, when 7 indicates absolutely illegitimate/unjust/immoral); these results differ from those whose opposition is not absolute and who attributed high legitimacy and morality to other Israelis' willingness to support compromise (averaging around 3.5). That is, those absolutely opposed to compromise on Jerusalem were not distinguishable from Israeli Jews who held other positions regarding

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the legitimacy, morality, and justice they attributed to Palestinian demands for sovereignty over Jerusalem, but they were distinguishable from other Israelis in the illegitimacy that they attributed to political groups of their own fellow countrymen who support compromise over the future of the city. Moreover, those Jewish-Israelis absolutely opposed to compromise on this issue attributed much higher legitimacy, justice, and morality to Palestinian claims of sovereignty over the city than to Israeli support for compromise on the future of Jerusalem!

This gap is perhaps the result of the Israeli-Palestinian conflict being a conflict over historical, religious, and cultural values that define the identity of a national group and are perceived as obligating mainly the members of the group (as opposed to other protected values perceived as universal, valid, and obligatory for everyone). It is therefore possible that adherents of protected values expect that a member of their group be a partner in the defense of symbols of their identity, and they perceive his willingness to compromise on a protected value as a betrayal of the group's values. In contrast, the position of the rival – who, as an outsider to the group, is *a priori* not expected to identify with or support the group's values and symbols – is perceived as less threatening to the identity of the adherent to the protected value and therefore also as more legitimate and moral.

A review of the findings indicates that the concept of protected value makes it possible to distinguish between two types of opposition to compromise on the core issues of the Israeli-Palestinian conflict: those *not absolutely opposed* to compromise focused on evaluating and judging it on the basis of the costs and benefits involved and their concern about the utility of such agreement, i.e., instrumental calculations, while those *absolutely opposed* to compromise saw it as an illegitimate moral injustice with respect to national rights and symbols, giving rise to strong emotional reaction and not subject to utilitarian compensation, that is, a protected value. *These findings indicate that those absolutely opposed to compromise do not simply represent a marginal extreme of intense opposition to compromise on the core issues of the conflict but are characterized by a substantively distinct discourse in their reaction to compromise, a discourse that may be described as opposition to compromise on protected values.*

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This leads us to the key question: whether and how this distinction can help promote resolution of the conflict.

(4) How can the concept of "protected value" assist in the formulation of strategies for reducing opposition to compromise on the core issues of the conflict?

Those who engage with reducing public opposition to the Israeli-Palestinian peace process usually focus – at least in the context of Israeli society – on drafting the "ideal" agreement: reducing the necessary concessions as much as possible, maximizing Israeli interests (personal and collective security being foremost), and ensuring guarantees for the realization of conditions set by the peace agreement. Several discussions have also dealt with the question of which process for ensuring a peace agreement could also contribute to its legitimacy. Would a popular referendum increase the public's perception that signing a peace agreement is the correct approach, or would a proper parliamentary process of approval suffice? The arguments presented in this chapter indicate that a significant oppositional portion of the Israeli public is convinced that even realization of these criteria – in which much effort has been invested by public personalities within the societies involved in the conflict and by the international community – would not neutralize opposition to compromise.

The discourse on "moral opposition" to compromise on the core issues of the conflict is perceived both by Israeli institutions and by the world at large as a marginal and extremist discourse, insignificant in terms of its ability to block political processes. The findings presented here, however, indicate that at least with regard to the core issues of the conflict, this is a substantive discourse involving feelings, claims, and positions that must be taken into account in any process that seeks to resolve the Israeli-Palestinian conflict with as comprehensive and stable an agreement as possible. On the basis of the theoretical insights presented here, I will now propose a number of tools with the potential to help reduce the opposition to compromise on the part of those ascribing to protected values, in accordance with their distinct perception of the compromise.

(1) Legitimate exchanges of protected values? From "mixed" tradeoffs to "pure" tradeoffs

What types of tradeoffs and agreements could lead to relaxation of people's opposition to compromise on an issue that they see as significant? The accepted answer in the theoretical and practical literature of negotiations is, as noted above, an increase in the compensation to be received in exchange for concession, in accordance with the importance of the issue being sacrificed. Would a particularly large proposed compensation indeed encourage agreement to compromise on the core issues of the conflict? A study that explored this question among the social groups involved in the Israeli-Palestinian conflict found that among Israeli Jews and among Palestinians who had *not* expressed a protected-value perspective regarding compromise, compensation (in the form of a large monetary grant to the state or directly to its citizens) did indeed greatly increase the percentage of supporters for a compromise agreement.

On the other hand, among Jews and Palestinians who expressed *absolute* opposition to compromise on the core issues of the conflict, the promise of a greater material compensation actually increased resistance to the agreement and inspired a greater willingness to support acts of violence against its realization (Ginges et al., 2007). That is, increasing the material and utilitarian incentive to compromise on a protected value had a backfire effect – the proposal only increased the rage of protected-value adherents, who saw it as an attempt to "buy their values." Given that the strategy of monetary compensation is a commonly voiced alternative in discussions of issues such as the right of return of Palestinian refugees or dismantlement of settlements, these findings are significant for the formulation of an optional agreement.

As discussed above, the severe opposition to agreements based on monetary compensation can be explained in terms of protected values by defining them as "taboo tradeoffs" – deals (or agreements) in which a sacred value is sacrificed in exchange for a material reward (Fiske & Tetlock, 1997). The act of mixing sacred and profane – pricing a moral value in market terms – provokes a fierce reaction against the agreement. The theory posits that – in contrast to the taboo on "mixed deals" of this sort – "pure deals" will be perceived as legitimate tradeoffs. Specifically, two such types of pure tradeoffs are proposed. One type is "routine tradeoffs" in which a material or utilitarian asset is exchanged for another material

asset. These are tradeoffs of the sort that people carry out on a daily basis across a wide variety of spheres of life. A second type of pure tradeoffs is termed "tragic tradeoffs," in which the decision maker must choose between two protected values that cannot be realized simultaneously. An example of a tragic tradeoff is the medical dilemma of whether to save the life of one patient or another when there is a shortage of organs for transplant, or a decision about releasing terrorists who have committed murder in exchange for the life of a captive, or even the rule that "saving a life overrides the Sabbath," which reflects a clash between two protected values. The decision to pay with one protected value for the sake of "saving" another protected value, or enhancing such a protected value, has been found to generate less opposition and more empathy than tradeoffs in which the compensation for concession on a protected value is material. The greater legitimacy attributed to a "tragic tradeoff" can be explained by its being a "pure tradeoff" that does not cross the forbidden divide between sacred and profane, between values and interests (Tetlock, 2003; Tetlock et al., 2000).

It follows from the above that one of the possible keys to reducing opposition to compromise on protected values is the exchange of taboo tradeoffs for pure tradeoffs. As noted, there are two possible strategies towards this end: framing the agreement as a "tragic" tradeoff that proposes an exchange of protected values, or "translation" of the agreement to a routine tradeoff that proposes an exchange of utilitarian interests. The relevant exchanges for each of the strategies in the context of the core issues of the Israeli-Palestinian conflict are detailed next, followed by a proposal for an intermediate phase to bridge between them.

A. "Tragic" tradeoffs in protected values: Two versions

"Tragic" tradeoff – first version: concession on a protected value in exchange for the rival conceding on a protected value of his own. As noted, a tragic tradeoff exchanges one protected value for another protected value. The first application of this principle to be proposed in the context of the Israeli-Palestinian conflict involves the international framework for negotiation itself: a "tragic" tradeoff in these negotiations would be an Israeli-Palestinian agreement in which one side's symbolic concession of a protected value is traded for the other side's concession of one of its protected values. An example would be a peace agreement in which Israel relinquishes control over the Temple Mount in exchange for Palestinian

relinquishment of the demand to actualize the right of return. Such a tradeoff requires that the involved leader would emphasize the significant symmetric sacrifice that each side is making; that is, the difficult sacrifice the rival is also making for the sake of the agreement has to be stressed to ensure that the deal is portrayed as "tragic" in the eyes of the public. The psychological literature predicts that this type of agreement will lead to reduced public opposition to the concessions involved (although it is understood that reaching such an agreement requires additional preconditions, such as political and public readiness and a supportive international context).

"Tragic" tradeoff – second version: concession on a protected value in order to "save" another protected value – framing the compromise as a national moral dilemma. One of the qualities that characterize adherents to protected values is their tendency to deny the possibility of a conflict or contradiction between these values because of the difficulty of deciding between two issues perceived as infinitely and absolutely important (Tetlock, Peterson & Lerner, 1996). At the same time, however, studies that presented respondents with dilemmas emphasizing the clash between two values that they define as protected have shown that readiness to compromise increases when the value is presented in such a challenging context (Baron & Leshner, 2000).

The concept of "framing" is widespread in psychology and refers to the possibility of making prominent the different aspects of a situation or problem in a way that shapes understanding, evaluation, and interpretation of it on the part of the recipient of the information (Entmann, 1993: 52). If the key to reducing opposition to compromise on a protected value lies in defining the tradeoff as a dilemma juxtaposing two protected values, then framing the agreement as resolving a conflict between two protected values of the same group would also lead to reducing opposition to it.

This phenomenon was illustrated in the context of the Israeli-Palestinian conflict in a recent study that presented Israeli Jews with a short paragraph claiming that if the conflict is not resolved soon in the framework of two states for two peoples, then international pressure leading to implementation of one bi-national state – meaning the end of the Jewish character of Israel – is to be expected. Israelis who were exposed to this paragraph showed greater willingness to accept a compromise on the core issues of the conflict than Israelis who were

presented with a neutral paragraph outlining the history of the conflict. This framing of opposition to territorial compromise as an act that might lead to violation of a central value – the Jewish character of the state of Israel – caused even respondents with right-wing and hawkish positions to relax their opposition to compromise (Gayer, Landman, Halperin & Bar-Tal, 2009).

Is such an effect possible outside the bounds of a scientific survey as well? It is possible that the reversal of perspective that took place among clearly hawkish leaders – Ariel Sharon, Ehud Olmert, and Tzipi Livni – is a supportive example. All three explained their retreat, after many years, from absolute opposition to territorial compromise regarding the Land of Israel by pointing to the realization that such absolute opposition will lead to violation of another protected value shared by all three – maintaining a Jewish majority in the State of Israel. This clash of values also appears in the principal platform guidelines of the political party "Kadima" in the 2009 Knesset elections, as presented on the movement's website (http://politic.co.il/kadima/kadima-manifesto-.html):

♦ The people of Israel have a national historical right to all of the Land of Israel.

♦ In order to realize the overriding goal – Jewish sovereignty in a democratic state that constitutes a secure national homeland for the Jewish people in the Land of Israel – it is necessary to maintain a Jewish majority in the State of Israel.

♦ The choice between the desire to allow every Jew to live anywhere in the Land of Israel and the existence of the State of Israel as a national Jewish home requires relinquishing part of the Land of Israel.

♦ Relinquishing part of the Land of Israel is not a relinquishment of ideology but the realization of an ideology that aims to ensure the existence of a Jewish and democratic state in the Land of Israel.

This framing of the policy of support for territorial compromise as a means to preserve the Jewish character of the State of Israel helped "Kadima" to become one of the largest parties in Israel in the last elections (2009). Thus, it appears that framing (in the media, in political speeches, and in party platforms) that emphasizes the conflict between an individual's or a social group's protected

values can help reduce resistance to compromise on these values, even among absolute objectors.

B. "Routine tradeoffs" in protected values – shattering the taboo on the protected issue

The definition of a physical property (such as territory or a historical site) as having protected status requires making a social-cultural link between the tangible asset and an abstract value of some sort, that is, creating a symbol (Albin, 1991; Azar, 1985; Hussner, 2003; Skitka, 2002). This is a lengthy socio-cultural process, which includes delineating the physical borders of the property defined as protected. It follows that a reverse socio-cultural process, which loosens the association between the protected value and the tangible symbol or redefines the borders of the protected tangible asset in a way that reduces its physical size, might make it possible to view the asset as negotiable and could open the door to creating alternatives for resolving the conflict. This process can be described as a transformation of a "value into an interest" (as important and costly an interest as can be, but still a negotiable one). It is a lengthy, complex, and sensitive process, and its success depends on the fulfillment of a variety of conditions; thus the strategies drafted below reflect only the general outlines for a very delicate and continual process. These strategies would be divided into two clusters: negative and positive.

The "negative cluster" – demystifying the physical issue. There are two principal means for removing the mystical shroud that covers the tangible issues in dispute. The first means is by *setting concrete precedents*: creating *de facto* realities that remove parts of the physical symbol from the space defined as protected, thus providing practical proof of the possibility of continued existence of the abstract value even without sovereignty over the tangible symbol ("actualizing the inconceivable," for example: withdrawal from certain territories despite public opposition, such as the withdrawal from Sinai, which over the years neutralized the protected status that some Israelis had attributed to the peninsula and its settlement).

The second means for demystifying a tangible issue is the creation of a *"hypothetical precedent"* for compromise on the issue, that is, infusing ideas into

the public discourse regarding alternatives to compromise on the same value. Such ideas regarding possible compromises on protected values could enter the discourse through the publications of peace organizations, academic or security institutions, or even the media. This is a gradual and lengthy process, which is likely to encounter public condemnation initially, but in many cases the ideas will, over time, be internalized as part of the legitimate public discourse and will even be adopted by leaders, and as a result, would be even more readily embraced by public opinion (Bar-Tal, Landman, Magal & Rosler, 2009). An example of such a process is the trend of increased support for concessions on Jerusalem since Ehud Barak, as prime minister of Israel, proposed a far-reaching concession on the city at the Camp David Summit of 2000. This proposal was initially received like a bombshell and provoked many cries of resistance. Yet following the public debate that it inspired on an issue that until then had been considered absolutely taboo as a matter for negotiation, the details and scope of compromise on Jerusalem became a routine and legitimate topic within public discourse, and slowly the percentage of supporters for such compromise rose within Israeli public opinion surveys (Ben Meir & Shaked, 2007: 57; Klein, 2001: 56-57).

One goal of such a process is to reshape the contours of the physical asset perceived as a protected value. Again, Jerusalem is a good example of such a process: the political and media discourse regarding compromise on Jerusalem led to a shattering of the "holistic" perception of the municipality of Jerusalem as a single unit in the public discourse and to differentiation among different parts of the symbol, mainly between Arab neighborhoods in East Jerusalem and the sacred (or "historic") basin as matters of differential importance in negotiations (Lapidoth, 2007; Klein, 2001).

Separating an issue into its elements and prioritizing the elements according to their importance is a customary technique in negotiations and pre-negotiation preparations, and it has also been used in the context of the core issues of the Israeli-Palestinian conflict by policy-research institutes, as well as by the negotiators themselves. For example, Gilad Sher describes a discussion that took place among members of the Israeli delegation at the 2000 Camp David Summit, where they were attempting to "peel the external layers of the 'onion' of Jerusalem" and define the true essence of "our Jerusalem, which we really do not want to divide" (Sher, 2008: 310-311). This is basically a discussion aimed at defining "the true red lines" of negotiation.

This analytical approach, however, is indeed widespread among policy-makers but is relatively rare among the agencies that work on preparing Israeli public opinion for a possible peace agreement. One exceptional example is the explanatory efforts of the organization "*Ir Amim*" ("city of nations"), which uses campaigns, tours, seminars, and other means to show the public the separation that exists in practice between East and West Jerusalem, thereby promoting the differentiation within public discourse among various aspects of negotiations over the future of the city. Activities of this sort are even rarer with respect to the other core issues, in particular with regard to the "right of return," which is perceived by the public as an almost demonic threat (Zakay et al. 2002). A more specific debate on the meanings and implications of the different facets of this issue – including a refinement of the different implications of a symbolic recognition of the refugees' sufferings, granting financial compensations to the refugees, or the specific demographic implications of granting some of them the right of return – might allow a more rational discourse on this issue.

The promotion of a discourse that differentiates among the various elements and aspects of a symbol is not intended to "break the taboo" but to reduce the area to which it applies and isolate the specific aspects over which utilitarian-rational negotiations are perceived as illegitimate. Thus this process is intended to expand the range of flexibility of the two sides during negotiations.

The "affirmative" cluster – cultivating alternative symbols to represent the protected value. An alternative strategy for loosening the connection between a tangible-physical issue in dispute and an abstract moral-cultural value is the use of "affirmative" means, that is, strengthening the association between the abstract value and alternative tangible symbols that are not the focus of an international dispute. For example, commitment to the value of the Jewish people's self-determination in its homeland could be expressed through policies of the Israeli government and of international bodies involved in resolving the conflict that have been designed to strengthen other symbols that reflect this value, such as cultivation of ideological Zionist settlement of the Negev and the Galilee, or practical cultivation of heritage sites with symbolic national significance in West Jerusalem or central Israel. These could broaden the perceived contours of the symbol and allow society to express its commitment to the same value through

other means that do not require exclusive control over the matters in dispute. Like every social-cultural process, this process is gradual and slow, but in the long run, it is likely to reduce somewhat the exclusivity of the current focal points of the symbol (even without replacing the superior status of the sacred value), thereby allowing relaxation of the corresponding demands.

(2) Intermediate strategy – addressing the protected value separately from the protected issue

A fundamental principle of modern integrative theories of negotiations and conflict resolution holds that in order to resolve a conflict, it is necessary to distinguish between the positions of the parties on the matter in dispute and the basic interest, or the underlying need, that gives rise to their position. The basic assumption is that while the positions of the parties to the conflict are a "zero sum game" – that is, one side's gain is necessarily the rival side's loss – their underlying needs are subject to realization and actualization simultaneously, in a way that is not divisive or competitive (Fisher & Ury, 1991).

This chapter has focused on the argument that behind the absolute opposition to compromise on the core issues of the Israeli-Palestinian conflict – which are essentially material problems subject to physical partition – lies the perception of these issues as a necessary symbol of the collective self-definition of the rival nations and specifically of their right to national self-determination in their historic homeland. By relying on the analytical distinction between the position and the underlying need, it is possible to propose alternative ways of satisfying this value, independent of the position regarding the tangible issues that represent it. One of the important means available for satisfying the need for legitimization of national self-determination is its recognition by all the players involved: Israeli society, Palestinian rivals, Arab nations, and the international community.

In a conference that took place in the Knesset on 25 May 2009 under the title "Alternatives to the Two-State Approach," the conference initiator, Knesset Member Tzipi Hotovely of the Likud, described its key message as follows: "We must return to the language of rights. Agents have shaped public consciousness so as to erase the discourse about our right to exist in Israel and in Jerusalem. If we rely on other arguments and do not respond to the Palestinians using the

language of rights, our moral right to the land, then we shall lose… The moral argument needs to be at the basis of our discourse. We need to speak in the name of the Jewish morality that is linked to our roots and our history… It is our turn to become part of the consensus."

At the same conference, Moshe Ya'alon, Minister of Strategic Affairs in the Netanyahu government, reiterated the demand to return to the discourse of rights: "The Oslo process increased asymmetry in favor of the Palestinians and against Israel – the Palestinian claim of rights to the land, as opposed to the Israeli demand for security. The Palestinians claim a right to live anywhere, and the Israelis make no such parallel claim. This is a convention that must be broken."

Moshe Arens also proposed at the same gathering, "a number of necessary axioms for a just future solution" and foremost among them: "the Jews have a right to settle in the Land of Israel. That is a given in this hall, but it is not a given to Obama or to others in this country. They propose as a precondition to any agreement that the area be "free of Jews" before establishing a Palestinian state. This is a demand that conflicts with human rights."

These words express the sense among those who oppose division of the country that the fundamental values for which they are struggling are threatened not only in tangible terms – the possibility of a territorial compromise – but also in terms of the recognition of their justness, both at home and abroad. Their words present a demand for recognition of the ideological-moral basis of their claim as an initial condition for any type of discussion, internal or international, regarding a solution to the conflict, as Minister of Public Diplomacy Yuli Edelstein claimed at a later stage of the conference: "The fundamental premise is that the Land of Israel belongs to the nation of Israel – and on this basis I am willing to discuss how to compromise given the reality facing us. But we must begin with this fundamental premise as our starting point for talks." This argument parallels the demand voiced by Prime Minister Binyamin Netanyahu in more formal venues on April 2009 as a condition for the renewal of negotiations with the Palestinians.

Similar conclusions can be drawn from a series of interviews conducted by Scott Atran and Robert Axelrod (2008) of political personalities who represent the Israeli and Palestinian hawkish right. Their conclusion is that both sides perceive the rival's recognition of their own protected values as an initial and necessary condition for the opening of negotiations. Thus, for example, in an interview

with Binyamin Netanyahu in 2007, when he headed the Knesset opposition, he described Palestinian recognition of Israel as a Jewish state – alongside symbolic measures such as changing the content of history textbooks in the Palestinian Authority – as a necessary condition for the start of negotiations. Mousa Abu Marzook, the former head of Hamas, described an Israeli apology for the injustice perpetuated against Palestinians in 1948 as an initial condition for the start of peace negotiations from his point of view.

Finally, empirical support for this argument can be found in a study that showed that opposition to compromise on the core issues of the conflict, as well as the sense of insult and rage against compromise and support for violent acts to prevent it, decreased among those with protected values when the agreement included the rival's recognition of the sacrificed protected value, even if this recognition did not produce any utilitarian advantage for the protected value adherent (Ginges et al., 2007). For example, the study showed that Palestinian opposition to an agreement that includes dividing the land into two states, Israeli and Palestinian, decreased when the agreement included a declaration by Israel recognizing the rights of Palestinians to the West Bank, while the opposition to territorial compromise on the part of Israelis with protected values decreased when the agreement included Palestinian recognition of the historic right to a Jewish homeland in the Land of Israel.

Public recognition of a group's protected value is a means of intermediating between the two polar opposite strategies proposed above for dealing with the conflict: on the one hand, a strategy was presented in which the conflict is regarded as a struggle over purely tangible assets and its resolution is sought in these terms (translating the agreement into a "routine tradeoff"), while ignoring the value- and identity-related elements involved. The danger is that this strategy could be perceived as a grave injustice by those with protected values and could increase their opposition to the agreement. On the other hand, a strategy was proposed whereby the conflict would be regarded as a pure struggle over protected values and rights and its resolution would be sought in these terms (a "tragic tradeoff"). Such a definition of terms, however, would make resolution very difficult because it would place the most sensitive and charged issues on the negotiating table. Mutual recognition of the other's protected values is the intermediate path between these two strategies because it regards the physical assets in dispute

as instrumental issues subject to compromise and partition. At the same time, it does not neglect their value-laden nature because it guarantees the societies involved that tangible compromises embodied in the agreement do not entail a compromise with respect to the moral and identity-related values represented.

Conclusions

The aim of this chapter was to propose a new conceptual framework for analyzing public opposition to compromise on the core issues of the Israeli-Palestinian conflict. This framework proposed distinguishing between two types of opposition to compromise, each resulting from a different perception of the core issues of the conflict. The non-absolute opposition to compromise is an instrumental opposition: those who hold this position view the core issues of the conflict as central and essential interests for the existence of their national group, and willingness to compromise on these interests in the context of a peace agreement requires substantial compensation and guarantees that will ensure actualization of the benefits expected from the agreement. Today this type of opposition to compromise receives the most attention among the various agents dealing with promotion of the peace process.

A second type of opposition to compromise – which received marginal attention – is absolute opposition, based on protected values: those who hold this position view the core issues of the conflict as representing deep-rooted and essential values that serve to define their individual and collective identity, and therefore any compromise (or even the mere act of raising these issues for discussion) is perceived as a threat to the existential foundation of society and its self-perception, and as an injustice in terms of their basic rights, thus giving rise to strong emotional reactions. The chapter concludes that any peace process that seeks to gain public legitimacy will have to take into consideration the needs and perceptions of these absolute oppositions to compromise on the core issues on the part of both sides to the conflict. Three strategies were proposed in order to reduce this type of opposition to compromise:

1. Framing the conflict over the core issues as a conflict over protected values, and dealing with the dilemmas embodied in its resolution as moral-ideological dilemmas;

2. Framing the conflict over core issues as a utilitarian conflict of interests and promoting a policy aimed at loosening the link between the physical assets in dispute and the abstract values that they represent;

3. An intermediate approach based on public recognition of the rival's protected value as a means of differentiating between negotiations over the tangible asset and negotiations over the identity-defining moral-cultural value.

It is appropriate at this stage to note a few reservations: the function of a theory is to identify regularities that make explanation of complex phenomena possible. This chapter has attempted to explain a particularly complex phenomenon – the opposition to compromise on the core issues of the conflict – a phenomenon that combines psychological, sociological, historical, cultural, religious, and political foundations. Against this expansive backdrop, the explanation proposed in this chapter focuses on a very narrow angle for analyzing the phenomenon – the psychological angle – and further narrows the focus by isolating the opposition to compromise on the core issues from the analysis of the broad ideological perspective of the conflict. In addition, the proposed analytical framework is a dichotomous framework, which necessarily cannot accurately represent all aspects of reality. Finally, it may be argued that the phenomenon examined in this chapter is an "artificial" phenomenon: the absolute opposition to compromise on the issues in dispute might at times serve as a tactic for reinforcing the bargaining positions within negotiations (e.g., Goddard, 2006), and it is difficult to distinguish between such tactics and authentic adherence to a protected value regarding the issues in dispute as defined here.

Nevertheless, the proposed analytical framework makes it possible to fine-tune certain aspects of the social and political reality of the conflict, aspects that are often neglected by those who engage in this work. In attempting to deal with the complex barriers to the Israeli-Palestinian peace process, the concept of "protected value," at the very least, makes it possible to redefine a long-standing, stubborn problem using new terminology, which has the potential to inspire original thinking and thus moves us, if only one small step, closer towards identification of the formula for its resolution.

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Chapter 5

Justice and Fairness as Barriers to the Resolution of the Israeli-Palestinian Conflict[41]

Yaacov Bar-Siman-Tov

> "Justice will destroy all of us,
> so let's think of less than justice."[42]

The reasons for the failure of the Oslo process and the eruption of Israeli-Palestinian violence in September 2000 have been explored in depth in the memoirs of peace process participants and in many academic studies. Several of these have characterized the Israeli-Palestinian conflict as intractable, uncontrollable, and insoluble. Others have attributed the failure of the talks to the parties' lack of readiness to make the concessions necessary for resolving the conflict, and some have focused on psychological, cultural, and internal political barriers or the ineffectiveness of the American intermediary (Ben-Ami; Sher; Miller; Ross; Bar-Siman-Tov, 2005).

Some researchers, Palestinians in particular, have argued that the Oslo process failed because the parties to the conflict avoided discussing and addressing the widespread problems of injustice that Israel has perpetuated against the Palestinians since the beginning of the conflict and especially in 1947-1949. These researchers claimed that the conflict cannot be resolved unless Israel accepts the following Palestinian demands: recognition of its responsibility for the expulsion of Palestinians from the land of Palestine in the 1947-1949 war and acceptance of the Palestinian demand for a just solution to the refugee problem

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[42] Baram, H. (2008). "Roundtable: 1948: Independence and the *Nakba*." *Palestine-Israel Journal*, 15(1 & 2), 114.

through the implementation of their right to return to their homes in Palestine (within the territory of the State of Israel). A just solution to the conflict – or, in their view, a just peace – therefore depends on Israeli acquiescence to these demands (Said, 1994, 1995a, 1995b, 2006; Karmi, 1996; Peled & Rouhana, 2004; Rouhana, 2006).

Israel, for its part, refused to accept these Palestinian demands as preconditions for resolution of the conflict and, to date, has continued to refuse to do so. Its argument is that the Palestinians and Arab countries bear the responsibility for the outcomes of the 1947-1949 war and the Palestinian refugee problem. Israel argues that the Arabs' refusal to recognize the November 1947 Partition Plan and their initiation of a war intended to prevent, by force, the establishment of the State of Israel are what led to the historic injustice perpetuated against the Palestinians. Moreover, the Palestinians are aware that their demand for implementation of the right of return means the end of Israel as a Jewish state, and their insistence on this right is therefore a barrier to the resolution of the conflict.

The conflicting historical narratives of the two sides regarding the question of responsibility for the injustice and for its remedy turn the Israeli-Palestinian conflict into a classic case linking the issue of justice with peace. Given that the two sides often define the conflict in terms of injustice and unfairness, these issues have particular relevance for the peace process, and it is precisely this that makes dealing with them as barriers to resolution of the conflict so problematic.

This chapter holds that the Palestinian demand for a just peace, or for the inclusion of the issue of justice as a precondition for resolution of the conflict, has the potential to harm the prospects of resolving the conflict and is therefore a severe barrier to its resolution. The link between justice and peace is an important issue requiring both sides' attention, but – given the wide and currently unbridgeable gap separating the two sides on this issue – it should be postponed to the phase of reconciliation rather than being included in the process of conflict resolution.

The argument offered here will be examined in the following way: first, a theoretical discussion will be presented on the concept of "justice," the link between justice and peace as a necessary condition or as a possible barrier to achievement of peace, and the link between historical narratives, on the one hand, and peace and justice, on the other hand. Then an empirical discussion will be presented, focusing on examination of the narratives of the two parties to

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the conflict and on the Palestinian demand for a just peace in all its aspects, as expressed by Palestinian intellectuals and in the peace process since its beginnings in Oslo (1993) and until Taba (2001), as well as in the second track of talks: the Ayalon-Nusseibeh Initiative and the Geneva Initiative.

The Concept of Justice

Justice is the quality of being just; the quality of being correct or right; righteousness, equitableness, or moral rightness; upholding the justice of a cause; the moral principle determining just conduct; fair representation of facts; vindictive retribution (Webster's Encyclopedic Unabridged Dictionary of the English Language, 1994: 776, 993); conformity, rectifying the wrong, restitution, and fairness (Lederach, 1997: 28).

Truth and justice are among the more positive attributes of human activity and the natural characteristics of human interaction (Rawls, 1971). Justice is not necessarily a universal, objective, or consensual concept but is, rather, subjective and perceptual, a relative matter and a matter of judgment, and a controversial concept not subject to a singular, agreed-upon definition.

Despite the differences in the perceptions of justice among various societies and cultures – including even conflicting views – there is a common perception of justice as a source of harmony and cooperation among individuals, groups, societies, and states. In the absence of agreement or common understanding regarding a definition of justice or its implementation, however, parties will have difficulty cooperating and might even find themselves in conflict over this issue (Rawls, 1999: 5-6). John Rawls argues that in the absence of the possibility of basing principles of justice on real agreement, the parties must try to achieve what he terms "overlapping consensus" in order to formulate a strictly political perspective that would express "an idea that every reasonable comprehensive doctrine can accommodate in its own terms, based on the understanding that this is essential for purposes of coexistence" (Attas & Heyd: 9).

Justice is also linked to the distribution of goods, the manner of their distribution, and the procedure involved. The link between the manner of distribution and the procedure is what connects justice and fairness. Principles of justice are linked to the outcome of a procedure based on equitable agreement

between the parties. Notions of justice are influenced by the attitudes of the parties to a certain situation and context, as well as by their expectations (Rawls, 1971, Deutsch, 2000).

The discussion of justice includes attention to basic needs and fundamental rights of individuals and groups in society. The concept of "basic rights" is a matter of controversy, especially when it is defined in terms of unique interests and translated into rights that pose demands of others (Solomon: 188-191). Justice is often expressed through negative emotions such as rage, oppression, and revenge – emotions characteristic of individuals, groups, and societies that feel their basic rights and needs have been denied. They tend to think of justice in terms of placing responsibility on others who are responsible for their situation, and they do not tend to take this responsibility upon themselves. They tend to see themselves as real victims of injustice and they demand its immediate remedy. The demand for justice includes recognition and acknowledgement by the other side of its responsibility for the unjust act that denied their fundamental rights and basic needs, as well as a demand for a thorough remedy of the situation. From the moment that these demands are framed as fundamental rights and basic needs, they tend to persist, harden, and become a non-discussable issue. When both sides present conflicting and irreconcilable demands for justice and remedy, they are likely to find themselves in a state of permanent conflict, unless they are wise enough to negotiate an agreeable compromise (Solomon: 181-183; Deutsch, 2000: 41-46, 52-55).

The Relationship Between Justice and Peace

Justice and peace have been intertwined since early days. In the Book of Psalms, it is written that, "Mercy and truth are met together; justice and peace have kissed. Truth will spring out of the Earth, and justice will look down from Heaven."[43] Justice is thus reciprocally linked with peace, as well as with truth and mercy. Their combination is a necessary condition not only for achieving peace but also for its existence and preservation.[44] Justice and peace are also intertwined in Article 2 of Chapter 1 of the United Nations Charter, where they are, however, also tied to the issue of security: "All Members [of the United Nations] shall settle

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[43] Psalms 85, 11.

[44] Lederach holds that these concepts are a precondition for reconciliation.

their international dispute by peaceful means in such a manner that international peace and security, and justice, are not endangered."

The relationship between justice and peace is seemingly natural and obvious. It is a normative and moral relationship. Peace must be just. Justice is at the basis of peace. Peace without justice is not peace. Without justice, peace cannot exist and is likely to collapse after being achieved. A peace that is perceived as just by only one side will not last, and therefore, the relationship between justice and peace must be acceptable to both sides. Similarly, injustice is also perceived as a source of conflict and of its continuation.

Issues of justice and fairness are intertwined with peace processes and, in recent years, have been the focus of theoretical and practical work on peaceful conflict resolution. We can identify two approaches to this issue: the first approach requires a close tie between justice and peace because peace that does not strive for justice is not a true peace, and as such, cannot be achieved or actualized; the second approach, although not denying this link in principle, denies complete interdependence between justice and peace and sees such interdependence as a barrier to the resolution of conflicts.

The first approach, requiring a link between justice and peace, has two principal sub-approaches. The first not only requires a link between justice and peace, but also sees their combination as a necessary condition for dealing with the injustice or historic wrong that one of the parties to the conflict has perpetuated against the other, or even an injustice that both sides have inflicted upon each other. This sub-approach holds that it is not possible to advance a peace process, to achieve a peace agreement, to stabilize peaceful relations, or to ensure reconciliation without addressing the wrongs and injustice inflicted on one or both of the parties to the conflict. The demand for justice usually includes three different elements and types of justice. The first of these is admission, recognition, and acceptance of responsibility by the side that perpetuated the injustice, as well as punishment of this party. The second is an apology and a request for forgiveness (transitional, restorative, and retributive justice). The third element is actual compensation for the victim (compensatory justice). These conditions for ensuring justice are usually indicated by reconciliation, which is perceived as an advanced stage of the process of building or establishing peace, and not necessarily a stage of conflict resolution (Deutsch, 2000: 42, 49; Bar-Siman-Tov, 2004). There are, however,

conflicts in which these conditions or demands are already raised at the conflict-resolution stage. The Palestinians, for example, raise this demand as a condition for resolving the conflict (see below).

The second sub-approach requires a relationship between justice and fairness on the one hand, and peace on the other, but it does not necessarily regard justice as a means of dealing with wrongs or with injustice in the relations between the parties; rather, it holds that the peace process and peace agreement must be based on principles of justice, fairness, and equality, which in turn are based on the free and genuine will of the parties to draft a peace without coercion or constraint and with a guarantee of procedural and distributive justice (Albin; Deutsch, 2000: 41-44). These requirements are especially necessary when there are clear power asymmetries between the parties to the conflict because the latter, by definition, do not allow for justice and fairness in peace processes. Power discrepancies tend to ensure clear advantages to the stronger side at the expense of the weaker side. The stronger party usually tends to take advantage of its power in order to maximize its gains during negotiations at the expense of the weaker side, while the weaker side is compelled to make greater concessions. In the absence of clear criteria for justice and fairness, the key principle that translates these values into a pragmatic rule is *full equality* between the parties (even in cases of power-relation asymmetries) in the conduct of negotiations (*procedural justice*) such as, for example, through agenda-setting and determination of issues for discussion, rank of participants, equality of concessions and outcomes, and benefit and cost of the agreement (*distributive justice*). Like the first sub-approach, this sub-approach also holds that not abiding by principles of justice and fairness could, in fact, sabotage the process and the peace agreement or undermine its formulation and continuation, although the weaker side does have a *right of veto*, which can prevent the initiation or conclusion of a peace process if it perceives these as unjust (Albin).

In accordance with these two sub-approaches, which require a link between justice and peace, the link itself is not necessarily limited only to the principles of transitional, restorative, retributive, compensatory, procedural, or distributive justice. The link is, in essence, a matter of principle and values, entailing basic needs as well as rights. This relationship is perceived as a sacred and protected value that is not subject to negotiation or bargaining. It also serves as the only

criterion for judging the quality of the peace process and peace agreement and for their justification. The importance of this relationship increases when it becomes an organic part of the collective, historical memory of the parties to the conflict.

Why Justice Should Not Be Linked to Peace

The second approach is also composed of two sub-approaches. One of them, the realistic-rational approach, denies a link between justice and peace, while the second, which may be termed the liberal approach, recognizes the importance of the relationship between justice and peace, but objects to peace being defined in terms of justice and to use of the concept of a "just peace."

The realistic-rational sub-approach is based on the assumption that the negotiating parties have embarked on the process out of goodwill and in order to reach an agreement that is necessarily better than the pre-existing situation. The parties to negotiations and peace processes operate on the basis of the interests and power relations between them, and thus there is no conflict between justice and peace or between justice and power asymmetries. Each side is naturally aware of, and familiar with, the difference in power relations, and logic dictates that each side will also work to maximize its benefits through the negotiations, although it should be aware that one-sided benefit maximization in a peace process can lead to failure of the process and inability to reach an agreement (Mnookin and Ross, 1995). This sub-approach holds that a just agreement is an agreement that is reached freely and consensually and is perceived as beneficial to both sides, which are "equals" in their capacities to accept or reject it. The respect of the agreement and the complete fulfillment of its obligations in letter and spirit are what constitute justice. Past injustice can be remedied and compensated through the negotiating process as long as it is agreeable to both sides and does not have the potential to undermine the benefits they gain from the agreement. It follows that acceptance of the principles of justice during the peace process constitutes a necessary compromise between the interests of two sides who want to achieve an agreement (Albin; Barry, 1995; Gauthier, 1986; Snyder and Diesing, 1977; Zartman, 2000, 2005a, 2005b).

The liberal sub-approach holds that a conditional link between justice and peace suggests that a just peace is a prescriptive and ideal peace – the only kind of

peace to be pursued – that there is no other, and that any peace not defined in this way will not be recognized as a just peace. Moreover, this distinction between a just peace and an unjust peace is likely to generate opposition to peace – based on the claim that it is unjust – when a dispute regarding the links between justice and peace erupts. Given that issues of justice and fairness in international relations are complex, varied, and grounded in inter-personal and inter-social relations, they cannot be generally and consensually defined or formulated in a precise and detailed way. There are differences of opinion and varying criteria regarding the links among justice, fairness, and peace. What is perceived as a just and fair solution in one case might not be just or fair in another case. The relationship between justice and peace is thus a controversial one. It is perceived differently in different religions, cultures, and societies and is even presented differently in different historical narratives. In the absence of an agreement regarding the definition and elements of justice, conditioning it on a peace process is problematic (Albin; Beilin, 2006).

Moreover, justice and peace can even clash, and the preference for justice over peace could prevent the achievement of a peace agreement and even serve as a barrier. There are circumstances in which one or even both sides might refuse to reach a peace agreement because they see it as unjust, but it later turns out that the injustice, in fact, lies in not achieving a peace agreement because this situation generated war between the parties and led to unnecessary suffering and greater injustice (Roberts, 2006; Beilin, 2006). Excessive focus on justice and fairness could lead the sides to make irrational choices and not realize or maximize benefits. In addition, it could lead to lack of receptivity to new information, diminished cognitive capacity, insistence on demands, unwillingness to compromise, greater willingness to take risks, and even resort to violence (Welch; Bazerman & Neale, 1995).

In addition, differences of opinion regarding the relationship between justice and peace are likely not only to prevent peace, but also to lead to war. The demand for justice could be a barrier to conflict resolution, especially in cases where there are conflicting perspectives on the issue of justice and where the only criteria for judging are each side's own historical narrative regarding the conflict and its development. The danger here is that the national narratives of the parties have already become their sources for the definition of justice. Moreover, experience

has shown that it is not possible to bridge between conflicting historical narratives and that any effort to do so will inevitably fail (Bland & Ross, Welch).

The pursuit of justice is often more tactical than strategic and is intended to reinforce the moral position of one side in relation to the other. The adoption of such a stance has negative implications for the chances of achieving peace because it reinforces the bargaining position and makes flexibility regarding the negotiating positions more difficult to achieve in light of the glorification of the just position. The conflict then tends to become one of justice and morality, an ideological conflict rather than a conflict of interests and, therefore, a zero-sum conflict (Deutsch, 2000: 54-55).

Adherence to a one-sided interpretation of justice could create a barrier to peace and even an "ideological" excuse for unwillingness to resolve the conflict. In this situation, the conflict will tend to persist and its continuation will be explained as a quest for justice (Allan & Keller). The liberal sub-approach also holds that a demand for compensatory justice during a peace process – a demand based on past wrongs perpetuated against one of the parties to the conflict – could clash with the party's current and future needs, independent of the past harms inflicted upon it. The preference for remedy of past injustice could prevent realization of current needs and make the sense of injustice permanent (Albin; Byron & Bland).

How to Bridge Between Justice and Peace

Although it is possible to combine the two sub-approaches that require a link between justice and peace, it would appear that the first sub-approach, which combines justice and peace in cases on injustice and the need to remedy them, is the more complex and problematic. This approach views justice as a precondition not only for reconciliation, but also for a peace agreement. The issue of justice according to this sub-approach goes beyond distributive justice in the sense of equal benefits in a peace agreement or equal distributive peace. The demand here focuses on transitional, restorative, and compensatory justice. While transitional and restorative justice mainly involves clarifying and examining the injustice perpetuated – including taking responsibility and apologizing – compensatory justice refers to the compensation requested.

The demand for transitional, restorative, and compensatory justice during a peace process tends to be based on principles and values and is linked to the historical narrative of the injustice as well as to national identity. Without actual attention to the demands for transitional, restorative, and compensatory justice, it is not possible to reach an agreement. It is not possible to achieve transitional and restorative justice without compensatory justice. While transitional and restorative justice is seemingly declaratory in nature and is essentially a matter of admission of wrong, acknowledgement, responsibility, and apology, compensatory justice is a real and tangible justice in that it demands actual compensation for the wrong that was committed.

These demands, corresponding to the two types of justice, become part of the narrative and the *ethos of the conflict*. They undergo indoctrination processes and tend to develop into "*protected values*" (Tetlock et al.), that is, sacred and mystical values intertwined with national identity and therefore not subject to negotiation, bargaining, or compromise of any sort.

Insistence on these demands by one of the parties to the conflict can create a barrier to peace or an excuse for aborting the peace process if the other party is not willing to accept them because it does not acknowledge the injustice or does not feel responsible for it, or because of a clash between two opposing concepts of justice – as expressed in the national narratives – that do not correspond with the first party's definition of injustice or its demands for justice. The central problem in the case of two conflicting views of justice is that both sides are partly right in one or another aspect of their claims, and thus it cannot be expected that a peace agreement will fully and satisfactorily address all of the problems related to justice. It follows that parties that are interested in bridging between peace and justice should adopt the following strategies:

(1) The two sides should agree that justice needs to be among the issues subject to discussion as part of negotiations and the peace process, like other issues. The two sides should develop a joint perspective regarding matters of justice that are linked to the peace process and ways of dealing with them (Albin: 15-19).

(2) Given that every peace process includes concessions, compromises, and costs, these apply to questions of justice as well. The real issue that the

parties need to confront is not whether the peace agreement is just, but whether the concessions made – including the issue of justice – are mutual, balanced, and bearable, and whether the benefits of peace outweigh its costs, including those linked to the issue of justice. Moreover, the parties need to consider whether the benefits of peace outweigh the sense of incomplete justice. This problem is especially salient in cases of asymmetrical power relations between the parties, when the weaker side feels that any agreement that does not correspond with its perception of justice is negative and serves to perpetuate its sense of injustice, and it therefore rejects the peace agreement (Bland and Ross).

(3) Presentation of moderate demands for justice, addressing only some of the problems of injustice but not completely resolving them, is another strategy. A party interested in resolving the conflict but unable to accept all the demands for justice of the other side will sometimes tend to recognize that party's suffering, and even agree to reduce it, more readily than it would agree to solve the problem in its entirety (Bland & Ross).

(4) Another strategy is to opt for dealing with the current injustice, rather than the injustice linked to the past. Bland and Ross propose prioritizing the remedying of the current injustice because its negative influence is ongoing and requires immediate redress.

(5) A trade-off involving justice-related values between the parties is also a possible strategy. When both sides demand the remedying of an injustice caused by the conflict, it is possible to reach an agreement if each side relinquishes some of its demands for justice in exchange for the other side relinquishing some of its demands. This trade-off is intended to balance conflicting demands for justice rather than resolve them.

(6) Issues of justice can be framed in terms of interests rather than values. Such framing is likely to make the possibility of compromise easier by transforming the concessions necessary for resolution of the conflict into a matter of interests, which – unlike values that are not subject to compromise – can be subjected to bargaining and compromise.

(7) The parties could decide to employ a mediator who would search for an equitable formula to bridge between their conflicting demands.

(8) It is possible that the parties will have already failed in their efforts to formulate a joint framework linking justice with peace and that the demands for justice have only generated a barrier to peace, yet the parties are still interested in reaching a peace agreement. In such a case, they should consider postponing efforts to address the issue of justice to the reconciliation phase. This would entail the parties' agreeing – within the peace accord that they sign – that they consider the question of justice to be very important and that the peace between them cannot be stabilized until this question is addressed. Delaying the discussion to the reconciliation phase, however, could make it easier for the parties to overcome the justice barrier in the peace process and enable them to examine the issue of justice after having built trust and reaching a stage of readiness to engage in this difficult and value-laden issue.

The Link Between Justice and Peace in the Israeli-Palestinian Conflict

The Israeli-Palestinian conflict is, as noted, one of the classic cases wherein justice and peace are intertwined. Indeed, both sides see themselves as victims of the injustice caused exclusively by the other side. The Palestinian demand for a just peace as a *condition* for resolution of the conflict is particularly salient. In the absence of objective or agreed-upon criteria for evaluating and defining the historic injustice, the historical narratives of the parties to the conflict – or the collective memory of each side – become the only sources for defining justice. The collective historical narrative, which develops over time and describes the history of the conflict to its own group, includes a set of social beliefs about justice that addresses the justice of the goals, the collective self-image, the sense of victimization, the unity of members of the group, and the de-legitimization of the rival.

1. Narratives as definers of justice

The historical narrative has two salient characteristics. First, it is not necessarily intended to describe the past in objective terms but to describe it in such an intermediary way as is needed for the continued survival of the society in light of

its conflict with the other side. The historical narrative, although based on real events to a certain extent, is biased, selective, and distorted for the purposes of addressing the society's needs in the present. The narrative tends to emphasize certain facts and ignore others, and it interprets events that took place in a tendentious way. A second characteristic of the historical narrative is its being shared by the members of society, who see it as historical truth, as also represented and underscored by government and social institutions (Bar-Tal, 2007: 33).

The narrative is a social and national structuring of the conflict, and it combines four basic perspectives in the context of peace and justice:

(1) Justifying the objectives of the conflict – including its causes, its conduct, and its lack of resolution – as well as emphasizing the absolute importance of these objectives, the essentiality of their realization, and the danger of not realizing them, while denying the objectives of the other side and presenting them as unjust and immoral;

(2) Presenting a self-image as a victim of the rival's objectives and conduct while emphasizing the injustice, suffering, and loss caused by the conflict;

(3) Shedding all responsibility for creation of the injustice and attributing it to the other side;

(4) Conditioning resolution of the conflict on the remedying of the injustice, suffering, and loss, including a demand for admission of guilt, assumption of responsibility, apology, and appropriate compensation for the consequences of the injustice (Bar-Tal, 2007: 33-34).

The historical narrative contributes to the development and cultivation of the ethos of injustice, which has present-day implications for the characterization of the society's current problems. This narrative generates a moral commitment to remedying the injustice, informs the positions of leaders in remedying the historic injustice, provides these positions with moral justification, and conditions resolution of the conflict on the unequivocal remedy of the injustice. The ethos of injustice becomes part of the collective identity, binding society and its leaders and preventing them from reaching compromise or making concessions in the peace process. The ethos of injustice exalts the important role of *justice* in changing the situation. Any attempt at a political solution to the problem must be

defined in terms of justice as defined and agreed upon by society. Any deviation from the accepted and agreed-upon perception of justice is seen as a betrayal of sacred values (Bar-Tal, 2007: 38-41).

2. The clash of narratives and the ethos of injustice in the Israeli-Palestinian conflict

The issue of injustice is deeply embedded in the Israeli-Palestinian conflict. Each side is certain that the other side perpetuated injustice against it during the conflict, and each has developed and cultivated a collective historical narrative and opposing ethos of injustice that reflect its perception of the conflict and image of the other. Each side sees the justice in its claims and denies the justice of the other's claims. The gap and contradiction between the narratives, like each side's claims of justice, are vast and not bridgeable at this stage. The gap and contradiction between the positions of the two sides have already erupted into outbursts in the course of the conflict and blocked the possibility of its resolution. They surfaced during the Oslo process, throughout Track II agreements and understandings attempted by the parties, and in the course of meetings between intellectuals and academics from each side. The historical narratives of the two sides, like the ethos of injustice, are the "organizing principles" of their beliefs and positions in the conflict (West; Scham, Salem, and Pogrund; Lesch and Lustick; Rotberg).

The Jewish-Zionist Narratives

In Israel's historical narratives, as in its ethos of injustice, it is possible to distinguish between basic, fundamental narratives that justify the establishment and existence of Israel as a Jewish state in terms of distributive, restorative, and compensatory justice, on the one hand, and narratives linked to the 1947-1949 war and its outcome, on the other. The basic, fundamental historical narratives focus on the right of the Jewish people to political independence and to the establishment of a state on the basis of the right of self-determination. According to this narrative, the Jewish people were uprooted from their country and homeland and persecuted throughout history, and they have the right to return to their original place of residence even if that place has been settled by another people.

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The right of the Jewish people to return to the Land of Israel, where their national and religious identity was forged, and to rebuild their state is also justifiable through the principles of restorative and compensatory justice. The oppression and persecution of the Jewish people in Europe, which reached its peak during the Holocaust, gave rise to an obligation to remedy the injustice and compensate the Jewish people through their return to their homeland and the establishment of an independent Jewish state (Israel's Declaration of Independence; Ganz, 2004). These principles of justice were recognized by the British and the international community in the Balfour Declaration (1917), the League of Nations' Mandate Plan (1922), the 1937 Peel Plan, and in particular, the United Nations Partition Plan (1947).

The historical narrative of the 1947-1949 war also justifies Israel's objectives with respect to the war and its conduct during the war and places full responsibility for the outbreak and outcome of the war on the Palestinians and the Arab countries. If the Palestinians and Arab countries had accepted the Partition Plan proposed to them in November 1947 and refrained from initiating a war intended to prevent implementation of the plan and to destroy the State of Israel and its Jewish community, then it would have been possible to resolve the conflict peacefully. For Israel this was a defensive war intended to prevent its destruction as a political entity and the slaughter of its citizens. Moreover, the war led to the death of 6,000 Israelis (1% of the population), several thousands wounded, and an enormous economic cost. According to the Zionist narrative, Arab leadership is solely responsible for the outcome of the war, for the fact that an Arab state was not established according to the Partition Plan, and for the creation of the Palestinian refugee problem. The war ended with unstable ceasefire agreements rather than a peace agreement because the Arabs refused to accept its outcome and recognize the existence of Israel as a Jewish state. Most Israelis do not believe that the Arabs would have accepted Israel as a regional state even if it had adopted a more conciliatory stance.

The Palestinian demands for justice, which include a demand that Israel acknowledge responsibility for the injustice perpetuated against them (transitional justice) and agree to the return of the refugees (restorative and compensatory justice), are utterly rejected by Israel and perceived by it as a threat to its existence as a Jewish state (Bar-On; Bar-Tal & Salomon; Bar-Tal, 2007). In the

context of its efforts to justify its goals over the years, Israel rejected the rights of the Palestinians in the Land of Israel. The land was often described in the Israeli narrative as an unsettled land. According to the Zionist perspective, the Palestinians are not the original residents of the Land of Israel, and they only migrated there in recent centuries. This perspective holds that there is in fact no Palestinian nation and that the Palestinian entity is only a recent concept. Until the Jews returned to their land towards the end of the 19th century, the Land of Israel had been barren, neglected, and backward (Bar-Tal & Salomon; Bar-Tal, 2007).

The Israeli ethos of injustice is based on the opposition of the Palestinians and Arab countries to the resolution of the conflict through peaceful means and on their violent and unrelenting plotting against its very existence and security. Rejection of the United Nations' Partition Plan, the initiation of a war against Israel with the aim of preventing its establishment or destroying it after establishment – like the wars that followed, including other means of violence such as guerilla warfare, terrorism, and economic and political boycott – caused Israel great human, political, and economic suffering. In addition, the unwillingness to recognize Israel as the state of the Jewish people and the demand to repatriate refugees are a serious threat to the existence of Israel, and they further illustrate the lack of Palestinian willingness to come to terms with Israel's existence and to make peace with it.

The Palestinian Narratives

The Palestinian narratives and the Palestinians' ethos of injustice were developed and cultivated both separately from the Jewish-Israeli narratives and in reaction to them. As with the Jewish-Israeli narratives, it is possible to distinguish between basic and fundamental Palestinian narratives regarding their right to political independence and the narrative of the 1947-1949 war, on the one hand, and its outcome, that is, the *Nakba*, on the other. The Palestinian narratives and the Palestinian people's ethos of injustice are perceived by the Palestinian side as a legitimate and necessary means of expression of the injustice, their opposition to its continuation, and their demand for its remedy (Rouhana, 2006).

The basic and fundamental Palestinian narratives are grounded in principles of distributive, restorative, and compensatory justice, which grants them the right of self-determination according to the following arguments:

(1) The Palestinians are an ancient people with historical roots in Palestine that date back to before the emergence of the Zionist movement. Palestine is the exclusive homeland of the Palestinian Arab nation within the borders of the British Mandate.

(2) Had it not been for the Zionist enterprise, Palestine could have developed into a Palestinian state under rule of the British Mandate, as did other Arab countries.

(3) If the Jews have a right to an independent state on the basis of their long-time suffering, including the Holocaust, then this right should be realized outside of Palestine because the latter is the land of the Palestinian people (The Palestinian National Covenant, 1968; Rouhana, 2006; Jawad).

The Palestinian narratives of the 1947-1949 war include the following:

(1) The major powers, especially Britain, are responsible for the perpetuation of injustice because of their efforts to establish a Jewish state in the heart of the Arab world. There is no moral justification for the establishment of a Jewish state in Palestine at the expense of its Palestinian residents. All of Palestine belongs to the Palestinians and they do not need to share it with the Jews.

(2) Palestinian rejection of the Partition Plan was just and legitimate, as was the violence employed in order to forcibly prevent the establishment of the Jewish state. Palestinian armed resistance in order to prevent their lands from being stolen and to demand the return of stolen lands is a human, natural, and legitimate reaction to injustice. The use of violence is justified given that violence and use of force are also embedded in the Zionist idea and in the conduct of Israel. The State of Israel would not have come into being without use of force and violence.

(3) Resistance includes rejection of unjust diplomatic conflict-resolution proposals that perpetuate the injustice and reflect the power asymmetry between Israel and the Palestinians.

(4) Israel alone is responsible for the expulsion of hundreds of thousands of Palestinians from their homes and is the source of the refugee problem. Israel's objective in the war was ethnic cleansing because it cannot exist unless it has a Jewish majority.

(5) Only Israel is responsible for the suffering of the Palestinians since 1947. Its refusal to absorb the refugees after the war is another basic injustice.

(6) The 1967 occupation and further expulsion of Palestinians, particularly from the West Bank, only aggravated the suffering of the new refugees as well as of Palestinian residents of the West Bank and Gaza. The establishment of settlements and roadblocks, collective punishment (including curfew and siege), and the building of the security fence or separation wall are further expressions of the injustice perpetuated against the Palestinians (Rouhana, 2006; Jawad; Said, 2006).

In the context of the arguments justifying their rights, Palestinians tended to deny the right of Jews to a state, all the more so in Palestine, for the following reasons:

(1) The historical Jewish presence in Palestine, even during the times of the First and Second Temple, was marginal and negligible, and it came to an end 2000 years ago.

(2) Judaism is a religion rather than a nationality, and therefore, the Jews are not a nation that deserves a state.

(3) Israel will never be recognized as a Jewish state, even after resolution of the conflict and establishment of a Palestinian state, because there is no legitimacy to a Jewish state in the Palestinian homeland.

(4) The Palestinians cannot accept Israel's demand for the conclusion of the conflict because the moment they do, they will no longer be able to raise the issue of justice.

The Palestinian ethos of injustice includes a long list of atrocities that Israel committed throughout the course of the conflict: the establishment of a Jewish state in territory that belongs exclusively to the Palestinians, expulsion of Arabs from Palestine and creation of the refugee problem, the *Nakba* and the Palestinian

suffering, which has continued since that time and includes unwillingness to repatriate refugees, the Israeli occupation since 1967, and the establishment of settlements in the West Bank and Gaza.

A summary glance at the narratives and ethos of injustice of both sides to the conflict indicates a great deal of similarity between them. Each side sees itself as a victim of the other's unjust acts. Their historical narratives center on a yearning for rights, justice, and truth. Both sides recognize that without a solution to the issue of justice (the injustice and the wrong committed), it is doubtful that the conflict can be resolved or that peaceful relations between them can be established. Indeed, it would appear that the two sides are not yet ready to frame their basic historical narratives and ethos of injustice in a way that would allow them to put an end to the conflict. Both sides frame their historical narratives and ethos of injustice as protected values that are not subject to negotiation, bargaining, or compromise.

3. The Palestinian demand for just peace, transitional justice, and compensatory justice

The Palestinian demand for a just peace is based on a perception of the ethos of injustice and the need to remedy it. According to this demand, a just peace will be achieved only if Israel responds affirmatively to two Palestinian demands for remedy:

(1) Israel acknowledges its responsibility for the expulsion of Palestinians from their homes in Palestine and apologizes for it.

(2) Israel accepts the Palestinians' right of return, that is, allows them to return to their homes in Israel. While there is a Palestinian consensus regarding the right of return as a matter of rights and justice (remedying the injustice of the expulsion), there are varying interpretations regarding the implementation of this right. There is a spectrum of possibilities for implementation of this issue, beginning with a return of the refugees and their descendants to their original residencies in Palestine (within the territory of Israel) and concluding with a return of some of them and monetary compensation for others who are not interested in returning (Peled & Rouhana; Abu Sway; Jubeh; Sha'ath; Salem).

Two Israeli researchers – Palestinian and Jewish (Nadim Rouhana and Yoav Peled) – have presented the Palestinian demands in terms of transitional justice and compensatory justice. The terminology of the two types of justice is particularly prominent in research dealing with reconciliation in South Africa, research in which special efforts were made to present claims for justice in a scientific and persuasive way. While an admission of responsibility for the expulsion of Palestinians from their land and recognition of their right of return are basic principles of transitional justice, they are also preconditions for implementation of the right of return, which is a matter of restorative and compensatory justice. Peled and Rouhana recognize that demands for historical-transitional justice are essential for the achievement of reconciliation in societies experiencing internal conflict rather than international conflict, but they are certain that the idea of transitional justice can be implemented in the Israeli-Palestinian conflict as well because its characteristics resemble those of internal conflicts (including Jewish-Arab relations within Israel).

Peled and Rouhana adopt the historical narratives and ethos of injustice of the Palestinians in full. In their view, Israel is solely responsible for the injustice of the Palestinian *Nakba*, which they unequivocally define as a "historic injustice." Therefore, Israel must recognize the right of return into its territory. This right is not subject to denial or bargaining, even if more than 60 years have passed. The two researchers hold that it is possible to differentiate between the right of return – which, being a right, is not subject to negotiation or bargaining from the Palestinian point of view – and ways of implementing it, which are subject to negotiation between the parties regarding the number of refugees to be returned. The reason they make this distinction is that they recognize that implementation of the right of return is perceived in Israel as a threat to its Jewish character. Nevertheless, they unequivocally hold that implementation of this right must occur within the borders of Israel itself, independent of the question of where the permanent borders are to lie. Israeli recognition of the right of return places a moral and ideological obligation on it, and thus there is no moral value to implementation of the right outside of the borders of Israel because this recognition has no meaning if it is implemented in another country, including a future Palestinian state or even territories that Israel might transfer to the Palestinians in the context of territorial exchange.

Peled and Rouhana hold that Israeli recognition of the right of return would express its willingness to acknowledge responsibility for the uprooting of most Palestinians in 1947-1949. Such recognition could satisfy the basic Palestinian demand, which has become a fundamental feature of the national Palestinian identity, and it would assist both sides in negotiating implementation of the right of return. The two researchers are convinced that Israeli recognition of the right of return would be an important reply to the Palestinians' demand and would enable them to recognize the right of Israelis (rather than Jews) to maintain their national existence in their part of the disputed land. Surveys by Palestinians indicate that the number of refugees interested in actualizing their right of return is not as great as originally projected; therefore, implementation of this right would not seriously threaten the character of Israel.

Peled and Rouhana offer an original way to solve the problem of injustice, by distinguishing between recognition of the right of return and its implementation. Yet they ignore three factors:

(1) The demands for recognition of the right of return and of its implementation are perhaps necessary for reconciliation (in light of the demands for transitional and compensatory justice), but they are barriers to resolution of the conflict.

(2) The demand for the right of return to lands within the borders of Israel remains unchanged, although it is possible to negotiate the number of refugees who would actualize this right.

(3) The demands for recognition and implementation of the right of return are admittedly based on full acceptance of the Palestinian ethos of injustice, which in turn is based on their narrative of the 1947-1949 war and on absolute rejection of the Israeli ethos of injustice. Attributing the entire perpetuation of injustice to Israel, while ignoring the Palestinian and Arab countries' responsibility in rejecting the Partition Plan and initiating a war, makes their demands completely unacceptable – lacking in justice and fairness – to Israel.

The rationale of the concept of "transitional justice" is based on in-depth and fair assessment of the parties' responsibility for the events that led to the war and its outcome, including creation of the refugee problem. Placing all of the

blame on Israel, without a thorough, fact-based, and objective evaluation of what really happened, actually excludes the possibility of implementing the principles of transitional justice in the Israeli-Palestinian case. Peled and Rouhana reached their conclusions without such an evaluation. Like many others on both sides of the Israeli-Palestinian conflict, they too are certain that the issues for discussion or solution are not necessarily historical and factual. From their point of view, the collective historical narratives are what matter. They see the historical narratives and ethos of injustice (which cannot be bridged) – not necessarily the historical facts – as the root of the problem, and they do not take into account that historical narratives are themselves barriers to conflict resolution when they shape positions, beliefs, values, and policies in practice.

4. Procedural, transitional, and compensatory justice in the peace process: from Oslo to Taba

A. The Oslo talks

The historical narratives – and in particular the ethos of injustice and the Palestinian demands for justice, fairness, and equality – played a central role throughout the Oslo process. Although they did not prevent the initiation and pursuit of the process, these narratives did contribute significantly to its failure through the enormous divides that they generated between the parties. The Palestinian negotiators presented their demands for procedural justice and for transitional and compensatory justice during unofficial talks that took place at the start of the Oslo process and during the official talks that followed. The Palestinians stressed their concerns that, in light of the power imbalance between the sides and the relationship of occupier-occupied, they doubted that fair and just negotiations can be conducted or that a fair and just agreement can be achieved. They demanded the establishment of a new balance between the two sides, based on full equality and respectful of their status as the other party to the process. They warned that they could not accept any agreement that exploits Israel's greater relative power, which would prevent their realizing their own demands and just and fair rights and would impinge on their honor. This position was expressed by Abu Alaa, head of the Palestinian delegation to the negotiations, who stressed the point to Uri Savir, head of the Israeli delegation, in saying, "You may try to force your

approach on Arafat. And if you use your strength to push him into a corner, he may have no choice but to accept your approach. But remember: if you do that: you will isolate him. A one sided agreement will not stand" (Savir: 180).

Even in the signing ceremony where the Oslo accords were initialized, Abu Alaa emphasized the Palestinian demands for equality as a condition for the success of the peace process: "Our two nations are equal, despite the differences in their material means. As long as cooperation is based on equality and respect, then we shall be able to overcome the obstacles of doubt and fear that have accumulated over the decades. Relations between us must reflect this equality" (Hirschfeld: 144).

The Palestinian demands for procedural justice were not acceptable to Israel. Although its negotiators certainly knew that without Palestinian agreement it would not be possible to advance the negotiations and reach resolution and that it was necessary to embark on a new political relationship that would recognize the Palestinians as a partner and would be based on mutual dependence, they found it difficult in practice to relate to the Palestinians as equals. They tended to demonstrate their unwillingness to alter the basic conditions of inequality, as the Palestinians demanded, or to refrain from taking advantage of their relative power in the negotiating process and in the agreements signed (Oslo 1, the Cairo Agreement, and Oslo 2). The obvious gaps in the positions of the parties and the power balance between them, as well as the nature of the prolonged conflict, the occupier-occupied relations, and the basic lack of trust, did not make possible negotiating conditions that comply with the classic requirements of procedural justice.

These were not negotiations between equals. While the Palestinians felt that Israel did not treat them as equals and, instead, took advantage of their weakness, the Israelis felt that they were conceding and granting the Palestinians real compensation (territories) while the latter were not making any such concessions and were all the while driven by demands of honor, justice, and fairness, which can derail the process.

Some of the Israeli negotiators do, however, admit that they had adopted too patronizing an attitude and that the process could have been conducted on the basis of a more direct and egalitarian dialogue, one that respected the Palestinians'

honor and did not resemble that of an occupier dictating to the occupied (Savir, Sher).

In sum, it can be argued that, in practice, it was Israel that primarily determined the agenda of the Oslo process and its conduct, a process that was essentially an interim arrangement for five years while the discussion of core issues was postponed to the later stage of permanent arrangement. The Palestinians' failure to secure the status of an equal partner was characterized as an unjust, unfair, and disrespectful peace, as described by Palestinian and Arab intellectuals. According to Fouad Ajami: "There was no honor in this unequal peace, the true believers said. The language, the preserve of the intellectual class, came to the aid of the opponents of the peace. In a play on words, normalization, *tatbi*, was dismissed as *tatwi* (domestication) and peace, *salam*, as nothing other than surrender, *istislam*" (pp. 274-5).

The Palestinian negotiators' demands for transitional and compensatory justice were categorically rejected by their Israeli colleagues, who even conditioned the Oslo process itself on not engaging in this issue, claiming that they were there to deal with the future rather than the past, as focusing on the past only creates a barrier to peace. The Palestinian demands for recognition of Israeli responsibility for the injustice perpetuated against the Palestinians (primarily the 1947-1949 war) and their demand for a right of return were rejected by the Israelis as entirely unacceptable. The latter claimed that peace negotiations necessitate a pragmatic approach that sets aside the historical divisions and charges of injustice. They argued that the negotiations must focus on the results of the 1967 war, not the 1947-1949 war. Indeed, Savir noted in his memoirs that he had already made this abundantly clear to the Palestinians at the first stage of the Oslo process: "I am sure that we can debate the past for years and never agree. Let's see if we can agree about the future…Never again would we argue about the past…Discussing the future would mean reconciling two rights, nor readdressing ancient wrongs" (Savir: 15).[45]

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[45] At the start of the Oslo process, Yitzhak Rabin was certain that there was no chance of reaching an agreement with the Palestinians because of the problems of Jerusalem and the refugees, as described by Yair Hirschfeld: "Rabin was sure … that it would not be possible to reach agreements regarding Jerusalem or the Palestinian refugees" (Hirschfeld: 153). Nevertheless, Rabid did hope, as did other Israeli leaders, that eventually it would be possible to reach an agreement.

Although the Palestinian negotiators felt from the outset of the negotiations that the Israelis' refusal to discuss past wrongs and the right of return was unjust and unfair, they felt compelled to acquiesce. They correctly assumed that the Israelis would absolutely refuse to negotiate the outcome of the 1947-1949 war and that it would not be possible to coerce them to do so because of the power imbalance, on the one hand, and the vital and burning Palestinian interest in reaching an agreement that would enable the establishment of a Palestinian state, on the other hand. The Palestinians assumed that their insistence on recognition of the injustice and on its remedy would immediately derail the negotiations and prevent any possibility of establishing a Palestinian state. The injustice in not establishing a state was seen by the Palestinians during the first phase of negotiations as a greater injustice than the failure to deal with past wrongs.

Indeed, Abu Alaa explained the Palestinian concession on the issue of injustice during the first phase of the Oslo process by pointing to the Palestinian weakness: "The balance of power drastically favored Israel and worked against the Palestinians. This was reflected in the behavior of the Israeli negotiators on all issues and at every stage. For this reason, the Palestinian negotiators were obliged to use the few cards in their hand with patience, endurance and skill. We also needed to deploy logical argument. *We derived our power from the justice of our case, as opposed to the Israelis, who sought to define what was just on the basis of their power*" (Ahmed Qurei: 296-297, emphasis added).

Nonetheless, the Palestinians sensed that the Oslo process would not lead to a just agreement from their point of view, and that Israel was taking advantage of their weakness, rendering it impossible, under these circumstances, to reach a just agreement (Albin).[46]

B. The Stockholm talks, or the "Swedish track"

The Palestinians did not give up on the issue of injustice and its remedy, and they raised it when later stages of the negotiations addressed the question of a permanent arrangement during the era of Ehud Barak. During the Stockholm talks, or what

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[46] In interviews that Cecelia Albin conducted on behalf of her research on "justice and fairness in international negotiations" with negotiators from both sides, both of the sides agreed that justice and fairness were not among the issues in which they had engaged.

was also termed "the Swedish track" (May 2000), which was an official but secret track preceding the Camp David Summit, the Palestinians presented the issue of right of return as the most important from their point of view and requested that any discussion of this issue be conducted in accordance with U.N. General Assembly Resolution 194.[47] They demanded that Israel recognize the right of return and agree to return a substantial number of refugees to lands within Israel, although they refrained from presenting numbers (Ben-Ami: 20, 33, 40, 47).

Israel's positions on the issues of transitional and compensatory justice did not change during the Barak era. Israel rejected Palestinian claims regarding responsibility for creating the refugee problem and the matter of return, arguing that "there is no turning the wheels [of time] back" (Sher: 41). Nevertheless, the Israeli negotiating team did explore a number of new proposals for addressing the questions of responsibility and refugees. In order to diminish its responsibility for this issue, Israel proposed establishing an international commission and an international fund to develop a mechanism for compensation and resettlement of the refugees in a Palestinian state, in their host countries, or in other states. "We wanted a mechanism that would internationalize the issue instead of allowing it to serve as an eternal barrier between us and them, as the exclusive responsibility and burden of Israel" (Ben-Ami: 47). Even so, Israel expressed willingness to absorb a limited number of refugees (a few thousand), over the course of decades, in accordance with its sovereign judgment, and only on the basis of family unification. Regarding compensation for refugees, Israel agreed to allocate a sum of money to be determined and disbursed over a number of years as part of an international effort to establish an international fund totaling 20 billion dollars. Israel sought to set a final upper limit in advance, on the assumption that a third party would ensure the funds were raised. Although the Palestinians agreed to establish an international commission and international fund, they continued to demand implementation of the right of return according to Resolution 194, which means actualizing the right to return to the territory of Israel and using the properties that were abandoned there for the purposes of substantive compensation. The link that they sought to establish between "properties that were abandoned" and

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[47] Paragraph 11 of Resolution 194 of September 1948 states, "…the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law…"

compensation was, in their view, principled and ideological. They wanted Israel to acknowledge officially that the country was built on the basis of abandoned property of refugees.

Although the issues of responsibility and the right of return were not resolved in the Stockholm talks (or the "Swedish track"), the sense of Israelis was that the Palestinians had relaxed their stance and that real progress had been made because a joint perspective had been developed regarding the practical aspects of resolving the refugee problem, the essence of which was compensation (Ben-Ami: 47, 54; Sher: 86, 104, 107-108, 142; Pressman). It would appear that this was a false impression, however, because soon afterwards, during talks in June 2000 in Tel Aviv, it became clear to the Israeli team that the Palestinians had retreated from what the Israelis saw as joint understandings reached during the Stockholm talks, namely, that the principle of "family unification" was not acceptable to them and that Israel needed to acknowledge its responsibility for creating the refugee problem and agree to the principle of "right of return" to be implemented through a quota of 5,000-10,000 refugees per year, "until the issue naturally dissipates" (Ben-Ami: 77, 82).[48] On the eve of the Camp David Summit, the Palestinians made clear to the United States that they would not accept any agreement that did not include a just solution to the refugee problem (Hanieh).

C. Camp David Summit

The Palestinian demands for justice were not discussed substantively during the Camp David Summit. Akram Hanieh is certain that the reason for this was "the lack of will on Israel's part." According to Hanieh, the refugee committee at Camp David, which was supposed to deal with this issue, became "the greatest failure of the Summit" because of Israel's position (Hanieh: 82). Hanieh, who described the Palestinian version of the Camp David talks, held that the discussions of the refugee issues focused mainly on the past, on the roots of the conflict, and on

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[48] Ben-Ami holds that on the matter of refugees there was a certain degree of retreat during the period between the Stockholm talks (which preceded the Camp David Summit) and the Camp David Summit because of divisions within the Palestinian camp. He claims that Abu Mazen persuaded Abu Alaa not to engage in any discussion of numbers but to adhere to the right of return (Shavit, A. (2001). Interview with Ben-Ami. *Haaretz*, 14 September). In a meeting with Ben-Ami on 25 June 2000, Arafat noted that he cannot understand why Israel is not willing to recognize the right of return but is willing to annex 300,000 Palestinians to Jerusalem (Ben-Ami: 115).

the Palestinian *Nakba*, although both sides also presented their perspectives on a solution to the problem. The differences in the narratives of the two sides regarding the past and a solution to the problem were vast. Regarding a solution to the problem, which was discussed within the committee between the two sides exclusively, as well as in the presence of President Clinton, the Palestinians demanded both Israel's acknowledgement of its legal and moral responsibility for creating the problem and its acceptance of the right of return, according to Hanieh. Their demand was that the right of return must be actualized for each refugee, as per U.N. Resolution 194. The Palestinians also called for the establishment of a mechanism for implementation of this right as well as repatriation of the Palestinian refugees from Lebanon first, in light of their particularly difficult circumstances and family connections with Palestinians living in the Galilee. The mechanism for realization of the right of return had to include a timetable and a count of the number of Palestinians desiring to implement their right of return. The Palestinians also argued that after recognition of this right and establishment of a mechanism for its implementation, it would be necessary to set up a fund for compensation. They believed that the issue of compensation for Jews who left Arab countries is not part of the Palestinian issue and therefore not a subject for discussion (Hanieh: 94).

According to Hanieh, Israel categorically denied any legal or moral responsibility for the refugee problem, but was willing to express regret for the Palestinian suffering that resulted from the 1948 war. The Israeli delegation also absolutely denied a right of return. Hanieh argues that every discussion of the right of return is a taboo subject for Israel because it means a declaration of a war of annihilation against it. There can therefore be no discussion of a timetable for its implementation. At the same time, Israel expressed willingness to compensate the Palestinians, albeit indirectly through the international community. Israel also demanded that some of the monies from the international fund for compensation be granted to Jews from Arab countries that had come to Israel. Israel did, nevertheless, agree to allow a few thousand refugees to return to Israeli territory over the course of 10 years in the context of family reunification and humanitarian considerations (Hanieh: 82, 94).[49]

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[49] Hanieh argues that the Israeli delegation tried to persuade the Palestinian delegation that Israel did not undertake a scare campaign or slaughter in 1948 and that there had not been any expulsions or destruction of villages. According to their version, the Arab countries are responsible for the

In his version of the Camp David talks, Hanieh also presents the negative impressions of the Palestinians regarding the non-implementation of their demands for procedural justice. He claims that Israel tried, with full U.S. support, to maximize fully (by 100%) its achievements during the negotiations, while completely ignoring the positions, rights, and demands of the Palestinians as partners to the peace process. With U.S. support, Israel tried to force its desired agreement on the Palestinians, but the latter, of course, forcefully rejected this effort. The failure of the Camp David Summit is therefore, according to Hanieh, directly attributable to Israel and the United States (Hanieh: 81).

The Israeli version of the discussion of refugees during the Camp David talks differs from that of Hanieh. According to the former, the Palestinians demanded that Israel acknowledge its responsibility for creating the refugee problem, recognize their right of return, and accept between 10-20% of the refugees, amounting to **400,000-800,000** persons. They primarily demanded the return of refugees from Lebanon to their homes in the Galilee, and they rejected Israel's demand for compensation for Jewish refugees who had fled Arab countries. Israel, for its part, made clear to the Palestinians and Americans that the right of return is a Palestinian narrative that Israel cannot accept, just as the Palestinians cannot accept Zionist narratives, and that recognition of the right of return would be a moral defeat for Israel. Nonetheless, Israel is open to practical solutions to the refugee problem in the framework of compensation through an international committee and fund. Israel also agreed to recognize a right of return to a *Palestinian* state and even to receive within its territory a "modest number" of refugees on humanitarian grounds over the course of an extended period of time (Ben-Ami: 142, 205, 208).

The Israeli negotiators to the Camp David talks were surprised by the intensity of Palestinian demands on the issue of justice, and primarily by the issue of a right to return. They had assumed, or deluded themselves, that the Palestinians accepted that they were not there to discuss the past and the right of return, having presumably internalized Israel's absolute opposition to this issue,

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Nakba because they called on the Palestinians to abandon their homes and await the Arab liberation of Palestine. Although these Israeli claims have long been denied by serious historians, including Israelis, the Israeli delegation refused to retreat from its stance. Nor did the Israeli delegation revise its view when the Palestinians presented memoirs and testimonies of Israeli generals who affirmed Israel's responsibility for the *Nakba* (Hanieh: 82).

and that the refugee problem could be resolved through compensation. The Israeli policy-makers first realized at Camp David that the Palestinians had not actually limited themselves to demands for transitional and compensatory justice, which are linked to the outcome of the 1947-1949 war, but had expanded their demands to the issue of the very existence of Israel, at their expense.

Shlomo Ben-Ami described his impressions in this context as follows: "The Israelis arrived ready to seek a compromise solution to the problems of 1967 and found themselves crashing into the wall of 1948 problems… with the Israelis speaking of a dream come true through a process of reasonable compromise during which they relinquish some of their dearly-held myths about Jerusalem and the Land of Israel, while the Palestinians are refusing to abandon their perception of Israel as a state born in sin that needs to admit as much and pay the price. The apparently weaker side, the Palestinians, strove for Israel's moral defeat, to the point of dealing a fatal blow to its legitimacy as a Jewish state" (Ben-Ami: 464).

Ben-Ami claimed that the Palestinian demands for justice were an obstacle to peace: "We can say in all honesty that we tried everything and that we found, to our regret and sorrow, that the Palestinian leadership rejected the boldest possible proposals – including, in fact, a complete return of the territories – while trapped in myths of return, exile, and Islam, and that it is not capable of a compromise that would recognize a Jewish state's moral right to exist in this part of the world" (Ben-Ami: 455).

According to Ben-Ami, the Palestinian leadership was not searching for a solution but for justice. He states that on more than one occasion, he warned the Palestinian negotiators that striving for justice would undermine the chances of peace, but they saw the peace process as "a political journey to justice and to the sanctity of Islam, which – if it fails – becomes a violent journey intended to compel the Israelis to recognize and acknowledge the justness of the Palestinian cause and the Islamic claims of ownership in Jerusalem" (Ben-Ami: 487).

Ben-Ami concluded that the Palestinian ethos is determinative of the future of peace and relations between the parties. The question in his mind is whether the Palestinians will succeed in "letting go – which will not be easy for them – of the ethos of revenge and remedy for injustice directed against Israel, the state that – in collective Palestinian memory – murdered, expelled, and inherited" (Ben-Ami: 506).

Ehud Barak, who shared Ben-Ami's perspective, held that Arafat could not, in his heart of hearts, morally and legally accept Israel's right to exist as a Jewish state and that Arafat's obsession was not for the establishment of a sovereign Palestinian state in part of the Land of Israel, but for a remedy to the injustice of 1948 or, in other words, the destruction of the State of Israel (Interview of Barak by Ari Shavit, *Haaretz*, 6 September 2002).

Although the Israeli policy-makers rejected Palestinian demands for justice, and especially the right of return, they understood that Israel needed to find a way to deal with these demands for justice. During discussions within the Israeli team at the Camp David Summit, differences of opinion on the matter surfaced. Barak held that "we must distinguish between our justice and the patently clear observation that without some sort of satisfactory response to the other side, there will be no agreement" (Sher: 164). Ben-Ami was also convinced that, given that the Palestinians are the main victims of the conflict, "we must not shrink away from one fundamental, moral aspect of the conflict: we, a nation of victims, also insist on living within the culture of victimhood without a real ability to acknowledge that another nation was – even if mainly through the fault of its leaders – our constant victim…. We are obliged to give them back their dignity and compromise on their rights" (Ben-Ami: 507). He held that even if the agreement on refugees is "very narrow and measured," it "must include some element of moral compensation" (Sher: 164). In contrast, Elyakim Rubinstein denied the possibility of relating to the Palestinian narrative: "History cannot be rewritten. The State of Israel has an ethos and does not need to abandon it" (Sher: 164).

The attitude of the Israeli negotiators towards "moral compensation" or "some sort of satisfactory response" to the other side was limited to an Israeli willingness to recognize the suffering and hardship of the Palestinian refugees and the reality that they were the primary victims of the bloody Israeli-Arab conflict and a willingness to receive a few thousand refugees over the course of many years solely on a humanitarian basis and not, heaven forbid, on the grounds of a right of return, which would amount to an admission of injustice and recognition of this right (Barak, 2005; Beilin, 2002 ; Ben-Ami: 277).

After the Camp David Summit, the parties continued negotiating these issues with each side retaining its accepted position. The Palestinians continued to demand that Israel recognize its moral responsibility in creating the refugee

problem and agree to a right of return, though implemented in a way that maintains the internal demographic balance within Israel. They made it clear that if Israel wants to conclude the conflict and put an end to demands, it must recognize the right of return. Israel, for its part, categorically denied the Palestinian demands and put forward yet another reason for its absolute resistance to the right of return to Israel: the right of return should only be actualized within the territory of the Palestinian state because it is not conceivable that Palestinian refugees would return to live within Israel if a Palestinian state were established, as there is a clear contradiction between the Palestinian aspiration for a state and the return of refugees to Israel. Israel's acceptance of the unrestricted return of Palestinian refugees to a Palestinian state amounted to a new Israeli concession. Israel also raised the idea, which President Clinton later adopted as one of his parameters, that refugees would be able to return to those territories that the Palestinian state receives from Israel in the context of territorial exchange, and that the Palestinians could define this as implementation of the right of return. In addition, Israel held that the foundation for a discussion of the refugee question was not Resolution 194, but Resolution 242. At the same time, Israel expressed willingness to adhere to the Stockholm draft and receive 15,000 refugees over the course of 20 years (Ben-Ami: 277, 285, 372-373; Pressman).

D. Clinton's parameters – transitional and compensatory justice

Through United States President Bill Clinton's parameters, which were presented to the parties on 23 December 2000, just before the conclusion of Clinton's presidency, the American intermediary for the first time proposed ways of resolving the conflict that addressed the questions of justice and resolution of the refugee problem, among others. Under the heading "refugees," the president noted that he *believes* that Israel is prepared to acknowledge the moral and material suffering caused to the Palestinian people as a result of the 1948 war and the need to assist the international community in addressing the problem. This approach was not rejected by Israel, as it was essentially limited to "willingness to acknowledge the moral and material suffering" but did not include a willingness to recognize Israel's responsibility for the suffering or its remedy. Indeed, President Clinton stressed that the fundamental gap in the positions of the parties relates to the right of return. The president noted that, being familiar with the history of the issue, he

knows how difficult it is for the Palestinian leadership to appear to be neglecting the principle of the right of return, but on the other hand, Israel simply cannot acquiesce on this issue because a Palestinian right of return endangers its Jewish character.

The solution, according to Clinton, has to address the needs of both sides and accord with the perspective of "two states for two peoples" – the Palestinian state as the homeland of the Palestinian people and the State of Israel as *the homeland of the Jewish people* – a perspective on which both sides agreed as a way of concluding the Israeli-Palestinian conflict. In the two-state solution, the Palestinian state would be the "focal point" for Palestinian return to the region, without ruling out the possibility that Israel will accept some of these refugees. Regarding the right of return, the president stressed that he *believes* that the parties need to adopt a formula that makes clear that there is no specific right of return to Israel itself, but that does not negate the aspiration of the Palestinian people to return to the area. In this context, the president proposed two alternatives to the parties: (1) Both sides recognize the right of Palestinian refugees to return to historic Palestine; or (2) Both sides recognize the right of Palestinian refugees to return to their homeland.[50]

In the president's opinion, the agreement between the parties should define actualization of this right in a way that would accord with the two-state solution. Within this context, Clinton proposed five alternatives for permanent residence for refugees: (1) The Palestinian state; (2) Areas that Israel transfers to the state of Palestine in the context of territorial exchange; (3) Host countries; (4) Third countries; (5) The State of Israel.

In noting these alternatives, the agreement would make clear that return to the West Bank and Gaza, or to the territories that Israel transfers to the Palestinians in the context of territorial exchange, is the right of Palestinian refugees, while their rehabilitation in host countries, and resettlement in third countries, or absorption into Israel will depend on the policies of these countries. Israel could indicate in the agreement if it intends to establish a policy that some of the refugees would be absorbed into Israel, consistent with its sovereign decision. The president noted that he believes that priority should be given to the refugees living in Lebanon.

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[50] It appears that both alternatives are problematic for Israel because both "historical Palestine" and "homeland" could include the State of Israel itself.

The parties would agree that implementing these steps puts the stipulations of U.N. Resolution 194 regarding Palestinian refugees into practice.

President Clinton's parameters on the matter of responsibility and the right of return addressed Israel's aspirations. Israeli recognition of the moral and material suffering of the Palestinian people as a result of the 1948 war and limited reception of refugees over a long period of time – not on the basis of a right of return but solely on the humanitarian ground of family reunification – were solutions that Israel had no difficulty accepting. In contrast, Clinton's parameters generated a formula that did not address the Palestinian demands for justice. Indeed, rather than determining that Israel was responsible for the refugee problem, the president's formula only included Israeli recognition of the moral and material suffering of the refugees, and the right of return was limited only to the Palestinian state and territories that Israel would transfer to the Palestinians in a territorial exchange. Israel's willingness to receive an undetermined number of refugees over a long period of time was not sufficient to address the demand for a right of return.

On December 28 Israel did indeed accept Clinton's parameters as a basis for continuation of the negotiations towards a permanent arrangement, on the condition that the Palestinians accept them as they are and in the same manner. At the same time, however, Israel had various reservations. Regarding the refugee issue, Israel emphasized that its position opposing the right of return to its territory is necessarily firmer than what appears in the president's proposal (Sher: 373).[51] The Americans stated that they had the impression that Arafat was in principle willing to consider the president's ideas in a positive light, although they were not certain.[52] Later the Americans received the impression that Arafat had retreated from and changed his position when he understood that without a right of return, he cannot face the refugees because return is not only a matter of right but also of justice and honor.

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[51] Writers and "peace camp" personalities David Grossman, Meir Shalev, Nissim Calderon, Amos Oz, Zeev Sternhell, and A.B. Yehoshua published a notice in the newspaper *Haaretz* in which they expressed unequivocal opposition to acceptance of the right of return: "acceptance of this right amounts to elimination of the State of Israel" (Sher: 376).
[52] Sher: 375, 377.

E. The Taba Summit

Although the Palestinians requested that Clinton's parameters not serve as a basis for talks with the Israelis in January 2001 in Taba, it would appear that they did indeed serve as such. The negotiations in Taba regarding the refugee issue were headed by Yossi Beilin and Nabil Sha'ath and were, in fact, the most substantive negotiations on this issue since the beginning of the Oslo process. In Taba the parties dealt with three issues: the narrative, Israeli willingness to receive a certain number of Palestinian refugees, and international institutional arrangements for personal compensation to Palestinians through an international fund.

The first issue raised in Taba was the narrative. Beilin notes that the insight reached in the Taba talks was that it is possible to discuss the creation of the refugee problem without expressing willingness to receive the refugees in Israel. The very fact that they could discuss the refugees and respect both narratives was enough to satisfy each party that its narrative had not been neglected. Beilin recalls a formula that had been developed to address the Palestinians' demand for transitional justice and compensatory justice, which included three elements: refraining from demands for recognition of responsibility for creating the refugee problem; refraining from demands for a declaration cancelling the right of return; and refraining from demands for recognition of a right of return. Instead, the parties agreed on a concise description of the evolution of the conflict as each side sees it, humanitarian recognition of the refugees' suffering and hardship, and separate interpretations of Resolution 194, while agreeing that this right would be implemented according to the principles of the Clinton plan (Beilin, 2001: 208). Regarding the reception of a number of refugees – a topic discussed for the first time in Taba – Beilin (without consulting with Barak) expressed Israeli willingness (unrelated to the Palestinian demand regarding the right of return) to receive 25,000 refugees during the first three years in the context of a 15-year arrangement (Beilin, 2002: 12-17).[53] Regarding the third issue, the establishment of an international fund and personal compensation for refugees, it was agreed to adopt the principles that Clinton had proposed as to where the refugees would be received: (1) The Palestinian state; (2) The areas that Israel transfers

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[53] According to a different version, Beilin agreed to 40,000 refugees (Interview of Ben-Ami with Shavit, *Haaretz*, 14 September 2001). In his book, *Manual for a Wounded Dove*, Beilin notes, "the question of the number of refugees that Israel would be willing to accept symbolically was left to the decision of the leaders as part of the signing of a framework agreement" (p. 216).

to a Palestinian state in the context of territorial exchange after Palestinian sovereignty is established; (3) Third countries; (4) The State of Israel; (5) Current host countries.

The solutions, including compensation, would represent the implementation of Resolution 194, and with this the Palestinian demands would end.

Nabil Sha'ath presents the agreement about refugees reached at Taba in a different manner. Sha'ath claims that it was agreed that the right of return is a principle that Israel must accept if it wants to solve the refugee problem because without its acceptance in principle, a solution to the problem would never be achieved. Sha'ath holds that a conceptual understanding was indeed reached regarding Israel's responsibility for the suffering and problems of the Palestinian refugees, but that actualizing the right of return would have to be agreed upon by both parties to the negotiations.

In a document he submitted to the United States, Sha'ath indeed agreed to include the term "agreed" as part of a just solution to the problem (Sha'ath, 2002).[54] Even so, the Palestinians were not willing to compromise on the number of refugees received by Israel or on the timetable, as Beilin had proposed at the Taba meeting. Israeli sources noted that the Palestinians had cited a total number of a million and a half refugees to be received over the course of ten years – 150,000 refugees per year (Interview of Ben-Ami with Shavit, *Haaretz*, 14 September 2001; Barak, 2005: 145).[55] Other sources cite different numbers raised by the Palestinians at Taba and other opportunities – between 100,000 and 300,000 refugees.[56]

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[54] In a press conference at the end of the Taba Summit, Abu Alaa declared that on the matter of the refugees, it should be noted that the Palestinians demanded the right of return and Israel refused. Although Beilin and Sha'ath claimed that this was not the case and asked him to relay the tremendous progress that had been made on the issue, including identifying a way to present the problem so that neither side is offended, Abu Alaa refused and said, "This is good for you [Israel] as well!" Beilin interpreted this as follows: "It's as if he said – why should you complicate things before elections through an agreement with us on the refugee issue? Better that each side sticks with its position." The impression created as a result was that in light of the conflicting demands of the parties on the issue of return, a permanent agreement is not possible (Beilin, 2001: 217).

[55] Barak noted that he never heard these numbers from Arafat (Barak, 2005: 145).

[56] In this context see Pressman, J. (2003). "Visions in Collision: What Happened at Camp David and Taba?" *International Security*, 28(2), 32.

Although both Beilin and Sha'ath claimed that an agreement was reached at Taba regarding the refugee problem, the Palestinians refused to define it as a "just solution" because their demands regarding the question of Israeli responsibility for creation of the refugee problem and Israel's recognition of the right of return were not in fact met (Ju'beh, 2002:11). Israel did indeed refuse to acknowledge responsibility for creation of the refugee problem and to recognize the right of return. Its willingness to receive 25,000 or 40,000 refugees was not reflective of recognition of the right of return and its implementation but was, rather, made in the context of humanitarian gestures such as family reunification.

Although Ben-Ami was not a partner to the Taba negotiations on the refugee issue, he notes that the principal demand that the Palestinians raised at Taba – that Israel recognize the right of return and then discuss the details of its implementation – "infuriated me no less than when they mentioned numbers in this or that occasion" (Interview of Ben-Ami with Shavit, *Haaretz*, 14 September 2001). Barak was even more adamant: "When we understood that Arafat is not willing to relinquish the Palestinian demand to allow refugees to return to the sovereign territory of Israel – something we realized at Camp David and Yossi Sarid realized at Taba – we informed Clinton and Arafat that even if we are willing, like previous Israeli governments, to receive thousands of Palestinian refugees in the context of humanitarian reunification of families, we cannot agree to Arafat's version of the right of return. Neither I nor any other Israeli prime minister would be willing to receive a single refugee on the basis of the principle of right of return" (Barak, 2005: 145).

5. Procedural, transitional, and compensatory justice in Track II talks

With the failure of the Oslo process and the ending of official negotiations after the Taba talks in January 2001, the discussion focused on issues of justice and injustice through unofficial channels: Ayalon-Nusseibeh Agreement (the People's Voice) and the Geneva Initiatives.

In the Ayalon-Nusseibeh Agreement of 27 July 2002, the matter of justice and its remedy is not mentioned, although the "right of return" is mentioned. The document limits the Palestinian return to the Palestinian state only and

denies return to the State of Israel. Article 4 of the agreement – entitled "Right of Return" – states, "Recognizing the suffering and the plight of the Palestinian refugees, the international community, Israel, and the Palestinian state will initiate and contribute to an international fund to compensate them. Palestinian refugees will return only to the state of Palestine; Jews will return only to the state of Israel. The international community will offer to compensate toward bettering the lot of those refugees willing to remain in their present country of residence, or who wish to immigrate to third-party countries." Interestingly, the first article in this agreement, entitled "Two States for Two Peoples," states "Both parties will declare that Palestine is the only state of the Palestinian people and Israel is the only state of the Jewish people."[57]

The Geneva Initiative of 19 October 2003 does not mention the injustice and its remedy, nor does it mention the term "right of return," or even the word "return." Yet Article 7, which deals with refugees, in Clause 1, under the heading "Significance of the Refugee Problem," states: "The Parties recognize that, in the context of two independent states, Palestine and Israel, living side by side in peace, an agreed resolution of the refugee problem is necessary for achieving a just, comprehensive, and lasting peace between them." Later, in Clause 2, it states: "The Parties recognize that UNGAR 194, UNSC Resolution 242, and the Arab Peace Initiative (Article 2.ii) concerning the rights of the Palestinian refugees represent the basis for resolving the refugee issue, and agree that these rights are fulfilled according to Article 7 of this Agreement."

During negotiations of the Geneva Initiative, the Israelis rejected not only the return of refugees to Israel but also the very word "return." They also rejected the Palestinian idea of territorial compensation based on territories beyond those of 1967 (what was termed the "101% option") in exchange for Palestinian relinquishment of implementation of the right of return to within Israel. Moreover, the Israelis also rejected the Palestinian demand that the agreement state that the parties recognize the right of Palestinian refugees to return to their homeland of Palestine, and they demanded that the word "state" be inserted before "Palestine"

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[57] In a speech at the Hebrew University on 15 October 2001, Sari Nusseibeh said that the Palestinians need to stop calling for a right of return. He states that the Palestinians must understand that if they want to reach a two-state agreement, there must be one state for Israelis and one state for Palestinians, not one state for Palestinians and also another state for Palestinians. (Greenberg, J. (2001). "Palestinian Offers Idea: Get Israelis on Our Side." *New York Times*, October 17.)

so that it would be clear that the return is limited to the state of Palestine, in contrast to the alternatives proposed in Clinton's parameters. The Geneva Initiative enables the individual refugee to retain the right of return in his consciousness, but if he chooses to reside permanently in Israel and if Israel agrees, then he will have to undergo an immigration process conditional on Israel's agreement. This distinction differs completely from the classic Palestinian conception of the right of return, which demands of Israel that the right be granted to each and every refugee. Moreover, according to the Geneva Initiative, a refugee who wants to actualize the right of return that exists in his consciousness cannot rely on international resolutions and decisions of U.N. agencies because these would be voided and the Palestinian refugee status no longer recognized (Klein: 57-8).

Article 7 of the Geneva Initiative further states: "The solution to the PPR [permanent place of residence] aspect of the refugee problem shall entail an act of informed choice on the part of the refugee to be exercised in accordance with the options and modalities set forth in this agreement. PPR options from which the refugees may choose shall be as follows: (i) The state of Palestine… (ii) Areas in Israel being transferred to Palestine in the land swap, following assumption of Palestinian sovereignty… (iii) Third Countries… (iv) The state of Israel… (v) Present Host countries."

Regarding the fourth option – the state of Israel – the Initiative states: "Option iv shall be at the sovereign discretion of Israel and will be in accordance with a number that Israel will submit to the International Commission. This number shall represent the total number of Palestinian refugees that Israel shall accept. As a basis, Israel will consider the average of the total numbers submitted by the different third countries to the International Commission."

Regarding Palestinian recognition of Israel as a Jewish state, the Geneva Accord explicitly states that "this agreement marks the recognition of the right of the Jewish people to statehood and the recognition of the right of the Palestinian people to statehood, without prejudice to the equal rights of the Parties' respective citizens."[58]

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[58] Within Israel there was criticism of the Initiative's handling of the refugee question. Two principal claims were voiced against the accord's formulation: first, the Palestinians had not actually conceded the right of return to Israeli territory; second, the text cites Resolution 194 of the U.N. General Assembly as one of the bases for resolution of the problem, something the Palestinians interpret as a right of return to Israel (Klein: 189-191).

Menachem Klein states in his book *A Possible Peace Between Israel and Palestine: An Insider's Account of the Geneva Initiative* that during the negotiations of the Geneva Accord, the Palestinians also raised the issue of the 1948 narrative, that is, the question of who is to blame for creation of the refugee problem and what would be the nature and rubric of the agreement. Klein claims that both sides had learned the lesson of the official negotiations' failure to agree on a joint narrative of the 1948 war (for example, at Taba). The Geneva Initiative proposed giving this assignment to civil society, with the support of both governments, a proposal that was not really disputed. Indeed, in February 2005, after the death of Arafat and election of Abu-Mazen, a series of announcements signed by writers and other personalities was published at the initiative of author David Grossman (not on behalf of the Geneva Initiative), calling for the government of Israel to commence negotiations "by addressing the Palestinian people and acknowledging their suffering, and recognizing that Israel bears partial responsibility for that suffering. We feel that, as Israelis, we today have the ability to make the first necessary step: to look directly at the neighboring Palestinian people and recognize their suffering, out of human sympathy and empathy…We expect that the new Palestinian leadership will also express its empathy for the suffering that Israelis have known over the years of conflict and recognize its partial responsibility for that suffering" (Klein, 60; *Haaretz*, 9 February 2005). This initiative did not receive a response from the other side.

In sum, the two above Track II agreements do not mention the issue of injustice, do not address the question of Israeli admission of responsibility for the injustice, and do not mention the right of return. The Geneva Initiative, however, does include an Israeli commitment to receive a certain number of refugees as it sees fit. For both agreements, the issues of justice and its Palestinian interpretation do not pose a barrier because the Palestinian representatives relinquished these demands following Israeli refusal to accept them. It is difficult to say whether the Palestinians conceded because of the power imbalance between the two sides or because they understood that it would not be possible to establish a Palestinian state without concession on these demands. Although these agreements are the result of informal initiatives, their significance lies in their relatively large success in creating joint understandings of how to overcome the barriers of the past and bridge the gaps between the parties. Nonetheless, it is doubtful whether policy-

makers and the public on both sides are ready at this stage of the conflict to accept either the Ayalon-Nusseibeh Agreement or the Geneva Initiative.

Conclusions

The relationship between peace and justice is at the heart of the Israeli-Palestinian conflict, particularly in light of the Palestinian demand for a just peace. The Palestinian demand for justice has two layers: a demand for procedural justice and a demand for transitional and compensatory justice. The demand for procedural justice relates primarily to Israeli recognition of the Palestinians as an equal partner in the peace process given the asymmetry in power relations between the two sides and the occupier-occupied relations between them. The demand for transitional and compensatory justice focuses mainly on Israeli acknowledgment of its responsibility for perpetuating injustice against the Palestinian people and for its remedy. The Palestinian demand for procedural justice was acceptable to some of the Israeli representatives, but they had trouble carrying it out in practice, and thus the relations between the parties were not grounded in real equality.

After the outbreak of the second *Intifada*, Israel found it difficult to recognize Arafat or Abu Mazen as a negotiating partner, the former because of loss of trust in him and the latter because of his weakness. At the same time, however, the Palestinians have veto power and there is thus no way of resolving the conflict without their agreement.

The Palestinian demands for transitional and compensatory justice are principally linked to the outcome of the 1947-1949 war, but also to the establishment of Israel as a state on Palestinian land, according to their view. The Palestinians demand that Israel acknowledge responsibility for expulsion of the Palestinians and creation of the refugee problem and that it agree to implementation of the right of return within its borders. The Palestinians, for their part, do not acknowledge their responsibility for the outbreak of the Israeli-Palestinian conflict or, specifically, for the 1947-1949 war and its outcome. Similarly, they do not accept the Israeli view of justice, which is focused on the right of Jews to establish a Jewish state in the Land of Israel and/or to recognize Israel as the state of the Jewish people. In the Palestinian view, such acknowledgment would add to the injustice that the Zionist movement inflicted upon them through the

establishment of Israel on their land, and it has the potential to deny their right of return and undermine the rights of Palestinians living in Israel.

The Palestinians presented their demands for procedural, transitional, and compensatory justice at the start of the Oslo process, but Israel completely rejected them. Israel conditioned the peace process on its focusing on the outcomes of the 1967 war, not those of the 1947-1949 war. Israel also objected to dealing with injustice and its remedy as defined by the Palestinians and, in fact, imposed the negotiating framework that it wanted, based on a gradual and multi-phased process including an interim arrangement to be achieved before the parties reach a permanent agreement, with the core issues postponed to the permanent agreement phase. The Palestinians were forced to accept the Israeli position at Oslo, recognizing that, in light of the power imbalance between them and Israel, their insistence on having their demands for justice met could be a barrier to peace and the establishment of a Palestinian state. Nonetheless, they did not reconcile themselves to removal of the justice issue from the agenda, and they saw the peace process as unjust and unfair, a result of Israel exploiting its power during the negotiations. Their demands for justice were renewed more adamantly at the Camp David Summit because of the massive criticism leveled against Arafat and the Palestinian negotiating team by other Palestinians, especially intellectuals, for abandoning their demands for justice and, in particular, the right of return. Although the Palestinian demand for justice was not the only cause of the failure of this summit, it did contribute significantly to this failure.

The Israeli negotiating team at Camp David was surprised by the renewal of the Palestinian demand for justice and by its intensity, and they saw it as a barrier to peace. They received the impression that the Palestinian demand for justice not only includes the right of return, which has the potential to endanger Israel as a Jewish state, but that it actually denies the very existence of Israel as the state of the Jewish people because its establishment was the primary source of injustice according to the Palestinian view.

Nevertheless, changes in the Palestinian demands did take place between the start of the Oslo process and the Taba Summit in January 2001. Although the Palestinians were insisting on transitional justice – that is, Israeli recognition of its responsibility for creating the refugee problem and Israel's willingness to accept the right of return in principle – they were willing to have implementation

of the right of return (compensatory justice) – that is, determination of the number of refugees that Israel would receive – achieved through negotiations between the parties, while recognizing that any massive return of refugees would endanger the Jewish character of Israel. Israel refused to acknowledge the change in Palestinian demands for justice as a substantive one because the latter were still focused on Israel's recognition of its responsibility for the injustice and on the right of return to its territory. Israel expressed willingness to receive a limited number of refugees on a humanitarian basis and in the framework of family reunification, but under no circumstances on the basis of a right of return. Similarly, Israel refused to accept any responsibility for creation of the refugee problem.

The Track II initiatives – the People's Voice and the Geneva Initiatives – dealt differently with the Palestinian demands for justice. In both of these initiatives, the parties decided not to engage in the Palestinian demand that Israel acknowledge responsibility for the injustice perpetuated against the Palestinians, and they associated the right of return solely with the territory of the Palestinian state. Even so, the Geneva Initiative included an agreement to receive Palestinian refugees into Israel, though not on the basis of a right of return. The two initiatives dealt with a solution to the refugee problem outside of the framework of the right of return, thus removing the right of return as a barrier to resolution of the Israeli-Palestinian conflict. It seems that while Israel can accept this solution, it is doubtful whether the Palestinian policy-makers and public are ready, at this stage, to abandon their demand for transitional and compensatory justice. This is because the demand for transitional and compensatory justice is a protected value that the Palestinians are not willing to relinquish, and any effort at such a concession on the part of Palestinian leadership will create a confrontation with the Palestinian public and in particular with the refugees who base their exile on the ethos of return.[59]

It would appear that the theoretical arguments that we have presented regarding the possibility of finding a compromise formula between peace and justice can only be of limited help in dealing with the problem of justice in the

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[59] In this context it is appropriate to note the decisions of the Fatah Summit in Bethlehem in August 2009 and the declarations of Palestinian Authority leaders: Abu Alaa (*Haaretz*, 26 May 2009); Abu Mazen (*Washington Post*, 29 May 2009); Saeb Erekat (*Al Dustur*, 25 June 2009), as well as Agha, H. & Malley, R. (2009). "Israel & Palestine: Can They Start Again?" *The New York Times Review of Books*, 56(19).

Israeli-Palestinian conflict. This is because even if both sides agree that justice is one of the topics for negotiation and the peace process, it is doubtful whether they are currently ready to develop a joint perspective regarding the issues related to justice and how to handle them.

The accepted proposal in the theoretical literature – a trade-off between protected values as a compromise that combines justice with peace – was rejected by the Palestinians. They rejected an Israeli proposal for exchange of protected values that had been raised during negotiations after the Camp David Summit and included Israel relinquishing sovereignty over the Temple Mount in exchange for Palestinian concession on the right of return. The Palestinians were unable to concede the right of return, given its status as a protected value, and it is surprising that the Israeli negotiating team raised this possibility, considering that it would be unlikely to receive religious, political, and public legitimacy (Ben-Ami: 367, 377). This proposal could present an apparently fair compromise, but it is doubtful whether it will be repeated given that it ignores the difficulty for both sides in exchanging protected values.

Another reasonable compromise would involve distinguishing between the Palestinian demands for transitional justice and their demands for compensatory justice. A moderate Palestinian demand for transitional justice, such as Israel's willingness to acknowledge the suffering of the Palestinian people (though not to take responsibility) – as proposed in Clinton's parameters – can serve as a compromise solution to the demand for transitional justice. Alternatively, both sides could adopt a formula acknowledging their joint responsibility for the injustice that each side inflicted on the other during the course of the conflict, apologize to each other, and forgive each other. This option is of course only possible if the Palestinians accept it, and it is doubtful whether they are ready to do so.

With respect to the demand for compensatory justice, the two-state solution and the establishment of a Palestinian state alongside Israel should be seen as an Israeli compromise and an actualization of the demand for compensatory justice. The Israeli and American proposals – that the refugees be relocated to territories that Israel would exchange with the Palestinians and would thus be regarded as having actualized their right of return – can also be seen as a compromise. The establishment of a Palestinian state would not only put an end to the current

Israeli occupation and Palestinian suffering, but would also allow realization of the right of return to within the Palestinian state. The Palestinians have rejected solutions that did not, in their view, address their demands for a right of return. The Palestinian demand for a right of return to the territory of Israel conflicts with the idea of establishing a Palestinian state because the establishment of a Palestinian state in itself is a rational, moral, and reasonable solution to the refugee problem. Palestinian insistence on the right of return to Israel will not only prevent the achievement of a peace agreement and the formation of a Palestinian state, but will also cause more suffering to refugees and residents of the West Bank and Gaza Strip and increase the sense of grievance and injustice. The Palestinian demands for transitional and compensatory justice are, therefore, a barrier to peace.

In a situation where the parties are unable to reach agreement regarding justice but are indeed interested in reaching a peace agreement based on a two-state solution, they should consider postponing engagement with the issue of justice to the phase of reconciliation. In so doing, they would agree, within the framework of a peace agreement, that the issue of justice is very important to them and that peace cannot be established and maintained until they have fully dealt with the question of justice in their relations. Delaying the matter to the reconciliatory phase could make it easier for the parties to overcome the justice barrier in the peace process and enable them to examine this issue after they have resolved the conflict and established trust. The parties would then be better prepared to engage in this issue, which is very value-laden and difficult to resolve through compromise.

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Chapter 6

Religion as a Barrier to Compromise in the Israeli-Palestinian Conflict

Yitzhak Reiter[60]

A. Introduction

The significance of religion within ethnic and religious conflicts has risen steadily in recent decades, and especially so within the Israeli-Palestinian conflict. The results of the Six Day War (1967), particularly the conquest of Jerusalem and territories of Greater Israel, inspired a messianic and settlers' movement among religious Zionist Jews in Israel. Following this, the first *Intifada* (1987) turned Hamas, which had represented a social Islamic trend, into a political movement. The settlement ideology of religious Zionism has been reinforced in recent years through the support of the Shas movement and various Ultra-Orthodox and Hasidic groups and individuals. On the Palestinian side, Hamas has achieved a status of influence: victory in the 2006 elections and control of the Gaza Strip. Being a religious movement, Hamas views the problem of Palestine as a religious problem and the conflict with Israel as a religious conflict in two senses: the sanctity of Jerusalem, which graces all of Palestine, and the image of the Jew as inherently evil. Nevertheless, Hamas is prepared, in principle, to accept a temporary ceasefire (Steinberg, 2002). Hamas recognized the power of Palestinian nationalism but found a way to combine it with its own worldview and bridge Islamic identity and national identity through the slogan "love for the homeland derives from [Islamic religious] faith." Hamas understood the will of the Palestinian people to be liberated from the yoke of Israeli occupation rather than wait for the liberation of all of Palestine and, therefore, formulated a phased

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plan with interim goals identical to those of the Palestine Liberation Organization (PLO). Eventually, Hamas plans to take over the PLO through democratic means while taking advantage of its popularity throughout the Palestinian Diaspora and refugee camps. The political discourse on both sides of the Israeli-Palestinian conflict is infused with religious symbols and values that incorporate the sanctity of the land, the religious commandment to control and settle it, the holy sites, and the war, terrorism, and sacrifice undertaken for the sake of these religious ideals. As long as the religious discourse was solely within the purview of a minority, religion did not pose a real barrier to resolution of the conflict. Since the Oslo process (1993) began, however, this discourse has expanded and taken hold even among secular leaders, as well as among members of the public that are not considered religious.

The status and sanctity of the territory in dispute – the Land of Israel/Palestine, including Jerusalem – add a significant religious-cultural aspect to the national conflict. Moreover, the actions of Israeli settlers (such as *Gush Emunim*, "bloc of faithful") – who are motivated by fundamentalist Jewish ideology (Lustick, 1988; Weisburd, 1989; Gorenberg, 2006) and whose activities the governments of Israel have supported, or at least not taken any significant steps to prevent (with the temporary exception of freezing new construction), for over four decades – also create the impression that the religious aspect (Jewish, in this case) is a central element of the Israeli-Palestinian conflict and poses an obstacle to the achievement of compromise and a solution. As for the other side, the acts of terrorism and resistance that armed Palestinian groups undertake against Israeli targets and citizens of Israel, and their religious perspective of sacrifice and martyrdom (*shahadah*), intensify the religious aspect of the national conflict for the Muslim world and among Palestinians, most of whom are Muslim. Whether the religious values are "exploited" or artificially "recruited" and whether or not they express a real sense of faith, there is no doubt that their very existence makes it much more difficult to find a solution to the conflict and might even frustrate efforts to resolve it. This chapter addresses the question of whether the religious values of Israeli Jews and Palestinian Muslims prevent the possibility of reaching a political agreement between the two sides.

For the purposes of our discussion, a religious barrier occurs when religious values and symbols prevent the possibility of negotiation and compromise towards

resolution of a territorial conflict. Religion is a barrier to conflict resolution when some or all of the following conditions exist within the societies engaged in the conflict:

1. Religious faith-based values sanctify war and the control of holy places and territories and defy negotiation or compromise;

2. A discourse about religious values has spread to the general public – including the secular and those who do not often engage in religious practice – in such a way that religious values and symbols form part of the indisputable social fabric over which members of the public will not be predisposed to negotiate or compromise;

3. The political power of religious movements that adhere to the principles of religion and work to infuse them among the general public is decisive (in its own right, in its ability to tip the scales within a turbulent political system, or in its ability to form broad political coalitions that can block others);

4. Extremist activities, which can frustrate political negotiations by means of assassination or sensationalist acts of terror, are perpetrated by individuals or groups motivated by national religious ideology; and

5. Recruitment of fervently religious "warriors" spreads around the world, beyond the territory in dispute.

Below I will examine whether these five conditions exist within each of the two parties to the Israeli-Palestinian conflict. I will start with a conceptual analysis of the role of religion in ethnic conflicts. Then I will examine religious values that have the potential to clash, as well as the extent of their acceptability within the general public. Following that, I will discuss the political power of movements with national-religious ideologies and their ability to determine or influence the outcomes of decision-making processes, and I will conclude with an analysis of the dangers posed by religious extremists who seek to prevent negotiation or compromise by any means.

B. The Role of Religion in Ethnic and National Conflicts

The modern era of nationalism is mistakenly perceived as the termination of an era of religious wars and the involvement of religious figures in determining the fate of nations and their mutual relations. In modern times it would appear that national sovereignty and concepts of nationalism based on secular values – such as freedom of religion, personal liberties, and the rights of nations to self-determination and sovereignty – have overridden the sovereignty of God. This is, however, a false impression that overlooks an important aspect of the new role of religion within the nationalist perspective. Theoreticians of nationalism have insisted that modern nations "imagine" the artifacts of their identity that are based on cultural heritage (Anderson, 1983). This cultural heritage often includes religion as an important element, or even the central element. The Zionist movement is perhaps a salient example of an ancient people – "the children of Israel" – as a prototype of Hebrew nationality; in the 19th century, the perspective of "national" continuity of the Hebrew/Jewish people was formed (Ben-Israel, 1998). Whether the Jews are an authentic nation, descendants of the ancient Hebrews, or a new nation that developed a myth of ancient continuity (Zand, 2008), there is no doubt that Judaism is a central element of the Zionist identity (Shapira, 2002: 212) and within Israel, which defines itself as a Jewish and democratic state and sees any questioning of its Jewish character (by Israeli Arab leaders and others) as a provocation and a threat to its legitimacy and rule.

The Jewish national movement grew out of a secular school of thought, but from its beginning it included religious movements and parties that saw Zionism as part of their religious mission towards redemption (in contrast to other movements and parties that believed redemption should not be speeded up by human intervention). Moreover, the leaders of the Zionist movement, like Israel's leaders, used religious symbols to establish national identity (Abu, 2008; Dubinski, 1996; Ravitzky, 1994). A salient example of this is the effort that Zionist secular leader Chaim Weizmann invested, after World War I, to acquire the Western Wall (Reiter & Seligman, 2009).

A similar blending of modern nationalism with religious values (Shenhav, 2007) occurs in Islam as well and prevents secularization of the nationalism (Hefner, 2000). This phenomenon has been described as "religious nationalism," which aspires to "religionalization" of the political culture and an exclusive

focusing of national identity on religion (Friedland, 2001). Most Arab states also define themselves as Muslim states, and some (if not all) of them ascribe much significance to Islamic law – *shari'a* – as a source of legislation. Islam is one of the salient elements of identity among Arabs in the Middle East, including Palestinians.[61]

Another indication of religious belief and religion as an element of ethnic and national identity is the characterization of national conflicts as struggles between religious groups. From World War II until the start of the 21st century, a significant portion of territorial conflicts had the characteristics of struggles between groups whose identities were religious. Such conflicts were more violent than conflicts between groups that did not have religious characteristics (Pearce, 2002), and their resolution by agreement or treaty was much more difficult (Svensson, 2007). The Israeli-Arab conflict – which various jihadist groups and the Muslim Brotherhood seek to "Islamicize" (Reiter, 2005) and national-religious Jews work to "Judaize" (Lustick, 1988; Hanauer, 1995) – is not exceptional in this sense. Well-known examples include the Catholic-Protestant divide in Northern Ireland, the Shiite-Sunni split in Iraq and the Middle East generally, the tension between Hindus and Muslims in India and between the latter and Pakistan generally, and over the future of Kashmir specifically, and the war and clashes between Serbia and Bosnia, during which the Christian Orthodox Serbs and the Bosnian Muslims destroyed hundreds of churches and mosques of the other ethno-national group and the identity of Balkan groups was described as "ethno-clericalism" (Perica, 2002). Some of the conflicts in Central Asia (Georgia, Chechnya, Tajikistan) and recently in Nigeria also have a religious slant. Even pacifist religions that do not embody war and violence in their teachings, such as Buddhism and Hinduism, are used as tools for recruiting followers to engage in violence against members of the other religion when there is an ethno-national conflict between religious groups. This is the case with the conflict between Sinhalese Buddhists and Tamil Hindus in Sri Lanka.

Jonathan Fox analyzed the theories that deal with ethnic and national conflicts in which religion is a central factor (Fox, 1999). He classified the theories into

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[61] An interesting example of this is the position of Israeli Arab personalities who are not practicing – in the religious sense – and even among Christian Arabs who, after the Al Aqsa *Intifada* broke out, said that for them the Al-Aqsa Mosque is a symbol of national identity and that protecting it from Israeli takeover justifies a struggle (Luz, 2004).

four principal models and juxtaposed them to an empirical survey of conflicts using the data of Ted Robert Gurr (1993, 2001) on ethnic conflicts. Fox posited four roles that religion can play in a conflict between groups. First, religion provides an ideological framework for understanding the world, and thus a group of believers will use the tools of confrontation to resist any effort to challenge this framework. Secondly, religion defines codes of behavior that link the faithful and their activities to that framework; these codes of behavior will usually be interpreted as instructions to engage in a holy war or confrontation. The third role of religion is to link the individual to an all-encompassing story and at times even to create the institutions that organize and recruit individuals towards realization of these goals. It follows that every group that has a claim against another group can invoke these religious institutions in service of its goals unless the leaders of the religious institutions have a political interest in maintaining the status quo. Finally, religion provides legitimacy for activities and institutions in pursuit of these goals. An empirical examination, according to Fox, indicates that religious frameworks can be used to justify political recruitment even when the source of the conflict is not at all religious. In other words, the history of the ethnic and national conflicts of our time reveals that religion and religious institutions are exploited for political purposes that did not originally have a religious basis. Fox concludes by saying that religion is one of the aspects of ethnicity, although the dominance of the religious element in ethnicity varies from one case to another. Religion becomes a significant element when one of the groups claims the existence of such an element. Thus, for example, in the Bosnian conflict of 1992-1995, Russia supported the Serbs (Christian Orthodox), while Saudi Arabia, Turkey, Iran, and Libya supported the Bosnians (Muslims), not on the grounds of prior interests but because of religious-cultural affiliation. The West refrained from aiding the Bosnian Muslims, but also from condemning the atrocities of the Croats (Catholic).

An examination of the Israeli-Palestinian conflict reveals that Fox's analysis is missing two important aspects of the role of religion in the conflict. The first is the "demarcating" of holy sites and holy spaces and the spreading of the belief that they require the sacrifice of lives, must not be relinquished, and are protected and sacred values not subject to negotiation, concession, or compromise (Tetlock et al., 2000; Ginges et al., 2007; Atran et al., 2007, 2008). The second aspect missing in the above analysis is the potential recruitment of ethno-religious groups

from beyond the region of the dispute (the Muslim world, the Jewish world, and interested groups in the Christian world) that can strengthen or contribute to the national group within the arena of the struggle in the Land of Israel/Palestine. These aspects explain why a population that is mostly secular, whose national identity rather than its religious identity is the salient elements of its nationality, needs the religionalization of the conflict.

We will next examine the weight of religious values in the Israeli-Palestinian conflict and their potential to block the possibility of reconciliation and compromise in accordance with the conditions defined above. First, we will discuss the existence of conflicting religious values between Israeli Jews and Palestinian Muslims on the following issues: the calls for war, terrorism, sacrifice of life, and rejection of negotiation and compromise; the sanctity of the territory and the religious obligation to conquer or liberate it, control it, and settle in it; and the focus of religious faith on holy places, foremost among which is the Temple Mount/Al-Haram Al-Sharif. For each of these three issues, we will examine whether these values are only within the purview of political and religious movements, or whether they have also come within the purview of the secular public. Then we will examine the political power of religious movements and their ability to influence political negotiations or prevent them. Finally, we will explore the potential of extremist acts by fanatic religious individuals and groups to frustrate political negotiations.

C. Parallel and Clashing Religious Values and Their Manifestation in the Israeli-Palestinian Conflict

Judaism and Islam have three central and parallel elements of religious faith that represent conflicting values and are therefore used in specific contexts to reinforce the religious aspect of the Israeli-Palestinian conflict. The first are the laws of war and peace, primarily regarding the question of whether it is permissible to settle a conflict through compromise with members of another religion. The second is related to the status of the territory of the Land of Israel/Palestine and the question of whether control over it must be exclusive or may be shared with members of another nation and religion. The third element is related to the status of Jerusalem and the Temple Mount/Al-Haram Al-Sharif and to the question of

whether any rights may be granted to members of the other religion at this holy site in this holy city.

C.1 War, Peace, and Occupation

In the holy writings of the monotheistic religions and religious faiths generally, one can often find internal contradiction. The laws of war in the Quran are quite reminiscent of the biblical laws of war (Deuteronomy 20:10). The Torah commands the People of Israel to "blot out the remembrance of ʿAmaleq" in the cruelest way possible (Deuteronomy 25:17) and to fight the seven peoples that were in the Land in order to attain full control.[62] On the other hand, one can cite the Bible regarding the vision of peace of Isaiah (5:1-5). The question of which of these two approaches will be accepted by religious scholars depends on the historical context and outlook. I will present the opinions of three rabbis, ruling on matters of state, who have opposing opinions regarding resolution of the conflict and territorial compromise. When Rabbi Amos Sharki, who belongs to the national-religious movement,[63] was asked whether we have a religious duty to defend the State of Israel from enemies that surround it and to recapture Gaza and Sinai, he replied, "There is a religious duty to conquer all of Greater Israel."[64] Rabbi Eliezer Melamed, former head of the *hesder yeshiva* (school for religious study in combination with army service) in Har Bracha (which was at the center of a public controversy in December 2009, after calling on his students and soldiers to refuse orders to assist evacuating illegal Jewish outpost-settlements), addressed the question of a possible compromise and wrote, "in any concession, however small, to the enemy, there is a great danger that the power of deterrence

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[62] In addition, it is a religious duty to fight a defensive war against an enemy that attacks Israel (Maimonides, The Laws of Kings 5:1-2). The People of Israel were forbidden to wage war or conquer lands of nations beyond the Promised Land. Thus, for example, in the book of Deuteronomy, Moses was not permitted to provoke the people of Moab because their land was not part of the heritage promised to the children of Israel (Deuteronomy 2:8-9). In addition, there is permissible war intended to "expand the border of Israel and enhance its greatness and reputation." Hebrew law from the time of Sanhedrin (from the days of the Second Temple until the year 425) held that the king, when deciding whether to engage in permissible war, must consult with supreme religious legal institution comprising 71 judges – the Sanhedrin.

[63] Born in Algeria and raised in France, he immigrated to Israel in 1973 and was among the students of Rabbi Tzvi Yehuda HaCohen Kook and Machon Meir (the Meir Institute). Today he serves as the rabbi of the "Beit Yehuda" congregation in Kiryat Moshe in Jerusalem.

[64] http://ravsharki.org/content/view/748/741.

will be undermined." Melamed interprets the verse "They shall not dwell in thy land" (Exodus 25:33) as "an obligation to expel the Arabs from the Land." He is certain that "any agreement [with the Palestinians] based on uprooting Jews from their homes is prohibited." According to him, withdrawal from the [Palestinian-populated] territories is akin to desecrating the name of the Lord, forbidden under any circumstances – even at the cost of one's life – because the Arabs are waging a religious war against Israel ("a war by those who hate us against our religion"). Regarding the validity of a government decision on withdrawal from the territories, Melamed is certain that decisions of the government and Knesset are obligatory only with respect to matters of tax payments, traffic regulations, construction, and trade, but not with respect to laws that conflict with the Torah (Melamed, undated). Rabbi Yaakov Zisberg (1996) provides an interpretation that goes even further and sees the Palestinians as 'Amaleqites who must be uprooted'.[65] In contrast, there are rabbis who support compromise on the grounds of the religious duty to save lives, fear of war, moral reasons, or so as not to provoke the *goyim* (gentiles). Rabbi Yehuda Amital, one of the founders of the political party Meimad, supported territorial compromise. Rabbi Eliezer Menachem Shach, who was leader of the Lithuanian Ultra-Orthodox, stated after the Six Day War that the territories must be returned if doing so can prevent a war. He was also certain that the *goyim* must not be provoked and that peace and security are matters of state (Brown, 2002: 315).[66] His basic position did not change, but he opposed leftist governments because of their attitude towards religion. Rabbi Ovadia Yosef ruled in the 1980s that for the sake of saving lives, it is permissible to return territories (see below). It follows from the above that the Jewish religion allows these opposing interpretations.

Classical Islam is reminiscent of the biblical position, although it differs in geographic scope and the intensity of its calls for war against nations that adhere to other faiths. Surah 8 of the Quran has two consecutive verses, 60 and 61, the first

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[65] According to him, the Palestinians of today are the Philistines. Rabbi Shmuel Ben-Meir held that Abraham committed a sin when he sealed an oath with Avimelekh and relinquished the land of the Philistines, which is part of Land of Israel. He was therefore punished, as were his sons over the generations that followed. According to Rabbi Ben-Meir, the religious command "no soul shall reside" holds not only for the seven peoples but for all the peoples that were in the Land of Israel at the time of the conquest, including the Philistines.

[66] Since 1990, however, he opposed joining a government headed by the Labor party because of the latter's attitude to religion, not because of its position on peace. Nevertheless, the religious public's identification with the political right, which had been dormant until then, received legitimacy.

of which calls for war and the second of which says to reach out in peace (Reiter, 2008). Islam does not specifically address a defined territory, as Judaism does with the "promised land." Rather, it calls for spreading the religion throughout the world by war, among other means. The classic Islamic doctrine holds that Islam is a political entity that is constantly expanding and does not legitimize coexistence with non-Muslim communities unless they accept its protection (if they belong to religions of People of the Book – Christians and Jews, as well as Zoroastrians and Sabians) and if they agree to abide by its political and legal framework.[67]

At the time of Islam's expansion, legal scholars of Islam defined the non-Muslim world as "the abode of war" (*dar al-harb*), that is, a region that Muslims who belong to "the abode of Islam" (*dar al-Islam*) should fight in order to bring under the rule of Islam, after first calling on the infidels to convert to Islam and, if they do not acquiesce, to convert them by force of the sword. It should be emphasized that this division of the world into two is the interpretation of legal scholars from the early medieval times and does not appear in the Quran or *hadith* (traditions that form part of the *shari'a* and are attributed to the Prophet and his close followers). Despite this, the Hamas Charter (Article 15) defines Palestine as part of *dar al-Islam* that must be liberated through "defensive *jihad*." The classic doctrine of *jihad* holds that war is an ongoing means that may only be temporarily suspended for purposes of reinforcement towards resumption of fighting when possible. It follows that the Islamic entity cannot *a priori* agree to a permanent peace treaty. Therefore, a pact of non-belligerence or an agreement not to engage in war may only be of a temporary nature and only in circumstances of inferior strength in relation to the enemy camp. If the Muslim ruler concludes that a quick victory over enemies is not achievable, then he may – for the purpose of enabling the Muslims to gather strength and renew the *jihad* later – pursue an agreement with the infidels not to attack (*hudna*), (Reiter, 2008; Herrerra & Kerssel, 2009). The answer to the question of when to fight and when to strike a ceasefire or peace agreement is a matter of interpretation, and here too there is a dichotomy between two schools of thought: a radical trend and a pragmatic trend. Commentators from the radical trend support the use of military force and "resistance" in the name of "liberation" of Palestine if political approaches do not work. Pragmatic

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[67] Khadduri, 1995: 60.

commentators rely on historical precedents in which compromise agreements with far-reaching implications were forged with enemies of Islam.

The preamble to the Hamas Charter quotes Sheikh Hassan Al-Banna, a founder of the Muslim Brotherhood: "Israel will rise and will remain erect until Islam eliminates it as it had eliminated its predecessors." On the other side is Sheikh Jamal Al-Bawatneh, who was the Palestinian *mufti* in 2005 and was later appointed to the position of Palestinian Authority Minister of the *Waqf*. When asked whether it was permissible to disrupt Israel's disengagement from the Gaza Strip in 2005 through acts of violence or to conduct negotiations over Palestinians territories, his response was, "Although all of Palestine is *Waqf* land, it is permissible to liberate Palestine by negotiations as well." He added that, "The president of the Palestinian Authority should be respected" (*Haaretz*, 8 August 2005). From the context of his answer, it is clear that the *mufti* supported the position of Mahmoud Abbas and the two-state solution.

Which of these two schools of thought does the general public accept? The historical narrative of most Palestinians sees the Jews as a foreign implant in a land that was always Arab-owned (Reiter, 2008). In addition, *jihad* and *istishhad* (sacrifice of life) serve Hamas and the Palestinian Islamic Jihad, as well as Fatah groups at times, in their confrontation with Israel.[68] Nevertheless, the actions of the PLO – the organization representing most Palestinians – in signing a Declaration of Principles for Peace with Israel (1993), and of the president of the Palestinian Authority, Mahmoud Abbas, in conducting negotiations on a compromise with Israel, indicate a differentiation between religious faith-based mythology and political pragmatism.

On the Israeli side, the radical interpretation has not penetrated the non-religious-nationalistic public. The notion of a religious war (*milchemet mitzvah*) is not familiar to most Israelis as a concrete concept. Most of the Israeli public, including many on the political right, are prepared to compromise over division of the land between two states – Israel and a Palestinian state. Today (2010) the public debate focuses on the settlements and on mistrust of the Palestinians' will

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[68] The Palestinians more often use the modern term "*moqawama*" (resistance) to indicate acts of violence (terrorism) against Israel. This term was coined during World War II in the context of the French resistance against the German occupation. The use of this term, borrowed from the lexicon of international relations, is indeed intended to bestow international legitimacy on acts of violence against Israel, but it also indicates an appreciation of political realism.

and ability to compromise and abide by their commitments, rather than on the need to undertake negotiations and make territorial compromises in Judea and Samaria for the sake of a peace agreement.

C.2   The Sanctity of the Land of Greater Israel/Palestine and the Duty to Settle and Exercise Sovereignty over It

A widespread theological outlook among Israeli Jews and Palestinian Muslims holds that the entire Land of Israel/Palestine is a holy land – the "Promised Land" for one side, the Waqf (pious endowment) for the other – and therefore, religious faith forbids conceding any control over the land. From a Jewish perspective, it is even a religious duty to settle in all parts of the land. The concept of the holiness of the land in its entirety derives from two parallel processes – a traditional one and a modern one. The traditional process is based on a conservative reading of holy writings. The modern process is related to the formulation of the right of self-determination in sacred national territory, a formulation that encourages willingness to sacrifice in order to defend the land.

Hedva Ben-Israel has identified the way in which territory comes to be defined as holy as a factor in the formation of nationalism in the modern era, looking at this process as it has taken shape primarily in Europe and in its transition to a perspective that God granted the "national" land to the people or nation (Ben-Israel, 1998). The national land is sanctified through the religion or history of the people and is intertwined with the history of the adherents of this religion. In the Land of Israel/Palestine, the conflict is over territory that was the cradle of Judaism and Christianity and has great significance for Sunni Islam. At least since the Crusader period, the land has been known as the "Holy Land" or "Terra Sancta."

In present-day religious interpretive discourse, religious and political actors and commentators on Jewish *halacha* and Muslim *shari'a* are influenced by the modern discourse and incorporate the modern concept of "sovereignty" in their commentary (Funk & Said, 2009). As in the matter of religious war, here too we find both conservative-radical and pragmatic approaches on both sides regarding all aspects of the question of sanctity of the territory in dispute in the Land of Israel/Palestine.

The Land of Israel has special status in Jewish writings. The modern term "national territory" appears often in discussions of the link between the children of Israel and the land of Canaan, the name of which was changed to "the Land of Israel." According to the biblical approach, God is the supreme sovereign over the earth and it is He who delineated the land (Canaan) and promised it to the descendents of Abraham, who are the children of Israel. The Land – the maximal borders of which are in dispute – must be settled and must not be abandoned. The commandment to settle the land is composed of two parts: a general commandment that calls on the whole nation of Israel to conquer and settle the Land of Israel and a personal commandment that obliges each and every person to live in the Land of Israel. There is a dispute in the Gemara (111:2) as to whether this commandment applies today. The source of the commandment to settle the Land of Israel is the verse, "and you shall possess it and dwell in it" (Deuteronomy 11:31), that is, first you possess and then you settle it.

A historical analysis of religious sages' perspectives on the duty to settle the land reveals a change of interpretation in accordance with changing political developments (Malachi, 1994).[69] In other words, the commandment to settle the Land depends on historical context. Rabbi Haim Druckman (former Knesset member for *Mafdal* – the religious-nationalist party – and later head of the State Conversion Authority) held that the commandment to settle the Land is fulfilled by exercising sovereignty over it, rather than by actual settlement of it. Although he objected to transferring possession of lands to Arabs, Druckman was convinced that those already possessing lands should be allowed to continue holding them, but that new properties must not be sold to them (Sheleg, 2006).

Religious Jews who believe in the Greater Israel rely on the commentaries of Maimonides and Nachmanides. Maimonides added the following saying to the

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[69] The *Tannaim*, sages of the Land of Israel during the second and third centuries, stressed the centrality of the duty to settle the Land of Israel and even saw it as a commandment with the weight of biblical commandments. This was because of the severe crisis that afflicted the Jewish community after the Bar-Kokhva rebellion; the *Tannaim* sought to halt the flow of emigrants from the Land. The *Amora'im*, who lived in the Land during the third and fourth centuries, maintained this approach, but their counterparts in Babylon took a different stance, justifying Babylon's having replaced the Land of Israel as a spiritual center, which therefore must not be abandoned for the sake of immigration to the Land of Israel. Medieval sages argued that the commandment to settle the Land cannot be fulfilled under foreign rule. Their position was that anyone immigrating to the Land of Israel would likely be punished for disobeying these commandments, and it was therefore forbidden to do so at that time.

commandment to conquer the Land: "We will not abandon it to the other nations or to bareness." Even so, he did not count the commandment to settle the Land of Israel among the 613 commandments that comprise Mosaic Law because he believed that this commandment is not valid in the Diaspora, where the People are subject to the rule of other nations. In contrast, Nachmanides added the commandment to settle the Land of Israel to the list of those commandments that Maimonides had, in his opinion, unjustifiably neglected (Navon, 2006).[70]

We turn now to interpretations from our times: the radical stance of *Gush Emunim* ("Bloc of the Faithful") presents a Gordian knot linking five concepts: The God of Israel, the People of Israel, the Torah of Israel, the Land of Israel, and the State of Israel. The land is the Promised Land that must be conquered, settled, and brought under sovereign rule because God promised it to the People of Israel. No part of the Land is more important or holier than any other part. The entire Land is sacred (Weisburd, 1989).[71] Rabbi Yoel Bin-Nun (Alon-Shvut and Ofra) is exceptional among the founders of *Gush Emunim* in having supported attainment of the maximal gains possible during negotiations with the Palestinians and opposing the perspective of "not one step [to be relinquished]." In this spirit he openly called for support for Yitzhak Rabin over Yitzhak Shamir on the eve of the 1992 elections (Sheleg, 2006).

Rabbi Tzvi Yehuda Kook (1891-1982, of the Mercaz HaRav Yeshiva in Jerusalem) was the most salient among religious leaders who proposed a radical

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[70] The differences between these two biblical sages are a result of the historical circumstances under which each one produced his writings. Approximately 70 years separate them; during the days of Maimonides, the Land of Israel was in the hands of Crusaders, whereas Nachmanides was banished from Spain under pressure from Pope Clement IV and spent his final years in the Land of Israel.

[71] The Haredi interpretation is close to the above interpretation (Rakhlevsky, 1998; Greenfield, 2001). The Lubavitch position is interesting. The Lubavitcher Rebbe held that protection of human life requires acceptance of the positions of military leaders regarding anything to do with the fate of the territories captured in 1967. It follows from his words, however, as relayed by Rabbi Eliyahu Taggar, that he was asserting expertise in security matters when he declared that returning the territories would endanger security (http://www.he.chabad.org/library/article_cdo/aid/497495).

The heads of Lithuanian *yeshivas* and Hasidic movements (Satmar, Belz) have always adopted a position opposing violence and bloodshed and supporting any activities that reject them, including peace agreements. But there are also non-Zionist Hasidic movements (Gur) for whom the relationship to the Land of Israel and access to holy places are very important, and it is hard to predict what their stance will be if and when a proposal for territorial compromise becomes practicable.

nationalistic interpretation to address the question of the Land of Israel. He held that the Land of Israel is a single organic unity infused with holiness and linked to the People of Israel, and therefore, no one has the right to concede any part of it because it does not belong to any single group (Ravitzky, 1993: 122). His students and followers took his interpretation to further extremes. Rabbi Eliezer Melamed (mentioned above) applied the commandment to settle the land to "the *entire* land in practice" (emphasis added), in accordance with the borders mentioned in God's promise within the following verse: "To thy seed I have given this land, from the river of Egypt to the great river, the river Perat" (Genesis 15:18).[72] In his words, "The commandment is not fulfilled by conquest of the Land alone; the second part must be fulfilled: settlement of Greater Israel in practice, in a way that leaves no part barren…. Every Jew living in the Land of Israel participates to some extent in settlement of the Land, which reinforces our national hold on the Land. Those who reside in relatively barren places, such as the Negev or the Arava, are participating more actively in fulfilling the commandment to settle the Land, by which it becomes settled and not abandoned to bareness. Those who settle in Judea and Samaria fulfill an even greater commandment in doing so because this act of settlement makes a twofold contribution, including reinforcement of Israeli rule over places that the Arabs want to usurp from us" (Melamed, undated). Rabbi Mordechai Eliyahu, who was Israel's chief rabbi during the years 1983-1993 and is highly venerated among the Sephardic national-religious public, issued a religious decree stating that Jews are permitted to pick the olives of their [Arab] neighbors in the territories of Judea and Samaria (*Haaretz*, 25 October 2002).

Rabbi Ovadia Yosef had a different interpretation. In his opinion, Israelis are not obliged to occupy lands over which they do not have full control, despite what Maimonides held, because one cannot do all of what they want to do there. He believes that the commandment to settle the Land cannot be fulfilled in those places where the rule is weak, the foreigners cannot be expelled from their homes and cities, and false religions cannot be expunged (Yosef, 1989).[73]

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[72] Yehuda Moriel (1977), for example, adds that according to the promise given Joshua (1:3) – "Every place that the sole of your foot shall tread upon, that have I given to you, as I said to Moses" – ownership of the Land depends on the actions of the People, whose foot must tread on every part promised to them by God.

[73] Rabbi Shaul Yisraeli, who was head of the Mercaz HaRav Yeshiva, in the 1980s in his book of responsa *Amud HaYemini* provided a detailed answer to the question of why the policy of "not one step" cannot be supported and why residents of Israel cannot be burdened with the responsibility

On the religious left, Prof. Uriel Simon (Meimad political party) drew a distinction between the holiness of the Land at the ceremonial and symbolic level and the applicable significance of this holiness. In his opinion, causing harm to non-Jews living in the Land contradicts the rules of the Torah and therefore is not only forbidden, but also interferes with faith-based living and thus impinges on the holiness of the Land as well (Simon, 1992).

The radical Palestinian interpretation also regards all of the Land of Israel/ Palestine as holy. The Hamas Charter asserts the sanctity of the entire land of Palestine because it was conquered by the Prophet Muhammad's followers, who gave their lives in the process. These lands, from the moment they were captured by the Muslim army, became Muslim lands. After being conquered by foreigners, they must be liberated through *jihad*, and it is the personal duty of every Muslim everywhere to act towards this end. Furthermore, the Holy Land contains holy sites, foremost among them the Al-Aqsa Mosque, which is connected to the sacred mosque in Mecca by way of the Prophet Muhammad's Night Journey (Quran 17:1). Article 11 of the Hamas Charter of 1988 holds that all of Palestine is holy *Waqf* land that Allah granted to his believers, and no one has the authority to concede it or any part of it. As I have demonstrated elsewhere, Hamas's argument on this issue is an invention that relies on a (wrong) interpretation of sources (Reiter, 2007). On the day that Yasser Arafat rejected U.S. President Bill Clinton's proposal, during the Camp David peace talks (22 July 2000), the Palestinian Grand Mufti Sheikh Ikrima Sabri issued a religious decree (*fatwa*) according to which it is forbidden for Muslims in Palestine to accept compensation in exchange for land conquered by the Zionists for the establishment of the State of Israel in 1948. The decree states, "Acceptance of compensation for Palestinian lands is akin to the selling of land, and both are completely prohibited by the *shari'a*. Anyone who receives compensation for his property is subject to the *fatwa* of the *ulama* (sages) of Palestine from the 1930s, which utterly prohibits this because the lands of Palestine are not a

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of living in a reality of continuous war. In the 1990s he retracted this position (and was among the foremost rabbis opposing the Oslo Accords). He published an article in which he took issue with the ruling of Rabbi Ovadia Yosef (Yisraeli, 1992: 94-106). Rabbi Moshe Zemer of the Movement for Progressive Judaism wrote that peacemaking is the greatest act of courage, more so than possessing all territories of the Land of Israel.

commodity to be exchanged, but holy and blessed *Waqf* land."[74] Sabri relied on a *fatwa* from 1935 signed by 249 *ulama*, including *muftis*, *qadis* (judges), and other officials of Palestine, according to which, "These holy lands are the first *qibla* (direction of prayer), the third mosque, the destination of the *isra'* and the *mi'raj* (the Prophet Muhammad's nighttime journey to the Al-Aqsa Mosque as per the Quran (17:1) and the story of his ascent to Heaven) of your Prophet, and the earth that is drenched with the blood of righteous Muslim warriors and the prophets, holy men, martyrs and righteous forefathers, and every step of these lands embodies all the glorified holy endowment deeds that survived over the generations, and they are what determine the Islamic nature of the Land, for there is no God but Allah and Muhammad is his Messenger. The Holy Land, which embodies all of the above is the deposit (*amana*) of Allah and his Messenger and entails a duty for all Muslims. Therefore, the sale of any piece to the Zionists is a betrayal of Allah and his Messenger and all Muslims, and its [significance] is extinguishment of the light that shines from the Holy Land, and [in addition, such a sale] promotes the expulsion of Muslims from their lands." An additional *fatwa* directed against land speculators defined the whole territory of Palestine as "a holy Islamic land" (Reiter, 2007). In issuing this *fatwa*, the Mufti Sabri sought to confront the Islamic opposition within Hamas leadership and prevent it from claiming that the Fatah/PLO were trading in Palestinian lands, but had consciously or subconsciously adopted (and spread) the Hamas perspective.

The pragmatic school of thought was heard only after the death of Yasser Arafat and was voiced by Palestinian Mufti Jamal Al-Bawatneh, whose stance was discussed above and who was appointed to this position by Mahmoud Abbas, Arafat's successor as PLO chairman and head of the Palestinian Authority.

C.3 The Holy Sites in Jerusalem and Foremost Among Them – The Temple Mount/Al-Haram Al-Sharif

The Old City of Jerusalem, particularly the site of the Temple Mount/Al-Haram Al-Sharif (or as it is frequently termed these days, the Al-Aqsa compound), as well as holy sites outside of Jerusalem, such as Rachel's tomb, Joseph's tomb

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[74] "Muslim Authorities Reiterate Islamic Stance on Palestine, Jerusalem, Refugees." (2000). *Palestine Times*, 110, available at http://www.palestinetimes.net/issue110/index0.htm.

in Nablus, and the Cave of the Machpela/Al-Masjid Al-Ibrahimi (burial site of Abraham, Isaac, Jacob, Sara, Rebecca, and Leah), are anchors for the national-religious and historical identity of a vast population, which includes people who are not necessarily religious or observant. The February 2010 decision of the Netanyahu government to include Rachel's tomb and the Cave of the Machpela among heritage sites intended for development led to an outbreak of violence and the threat of a religious war on the part of Palestinian leaders. This serves as a practical example of the highly charged nature of holy sites as symbols of religion and nationality. The Old City and the Temple Mount are perceived on both sides of the Israeli-Palestinian conflict as a protected value over which each side claims sovereignty that cannot be relinquished to the other side exclusively, although Israeli representatives did agree to relinquish sovereignty over the Temple Mount at the Bolling talks (December 2000). The proposed compromises being presented these days are suspension of sovereignty, transfer of authority to a third party, and international oversight. The cognitive changes taking place over the course of the last generation on both sides of the conflict are further polarizing the parties' positions on Jerusalem and the holy sites, making the search for a compromise that would be acceptable to the leaders and general public, including the religious and traditional, very difficult.

The first cognitive process taking place on both sides is the formation of a historical ethos that presents control of Jerusalem and the holy sites as a historical right of the national-religious people and as part of its identity. Jews regard Jerusalem in the context of Mount Moriah, site of the near-sacrifice of Isaac, which is associated with the site of the Temple. According to the biblical narrative, King David bought this place from the Jebusites over 3,000 years ago and made it the capital of his Kingdom. For Jews, Jerusalem is the place of residence of the *shekhina* (presence of God) within the First and Second Temples, which were the successive centers of Jewish ritual for approximately 1,000 years and are therefore also the focal point of Jewish experience. The destruction of the Temple on the ninth day of the month of Av has since been a national trauma and a day of fasting. From the perspective of Israeli Jews, one of the names of Jerusalem – "Zion" – is one of the sources of inspiration for Zionism and for the concept of "Return to Zion," a concept that is stressed in Jewish liturgy.

The Muslim Arabs, on the other hand, associate the antiquity of the Al-Aqsa Mosque with the creation of the world and assert a 5000-year Arab link to Jerusalem, based on the claim that the Jebusites and Canaanites were early Arab tribes. In their view, Jerusalem is the first direction of prayer within Islam, the desired destination of the Prophet Muhammad during his Night Journey mentioned in the Quran (17:1), and the place from which the Prophet ascended to heaven, according to Muslim tradition. From the Palestinian perspective, Al-Quds ("the holy" – Jerusalem) symbolizes the holiness of the entire Land because the "surroundings" of the Al-Aqsa Mosque were blessed by Allah (Quran, 17:1). The traditional story regarding Muhammad's Journey holds that the Angel Gabriel tied his magical horse, Al-Buraq, to the entrance of the Al-Aqsa Mosque, which Muslims today identify as the site of the Western Wall. As a consequence, Palestinian Muslims argue that the Western Wall, which is also a wall of the Al-Aqsa site, is holy to Muslims. In addition, the grounds (plaza) of the Western Wall are *Waqf* property (consecrated by the 14th century Mughrabi pilgrim Abu Midyan al-Ghawt). According to the Muslims, the Islamic character of Jerusalem derives from a continuous 1,400-year political rule over Al-Quds (excepting 90 years of Crusader rule, between 1099 and 1187), as evidenced by some 1,000 monuments, institutions, and holy sites created by caliphs, sultans, and Muslim rulers of the city (Reiter, 2009).

The second cognitive process, a product of the creation of a national-religious ethos about Jerusalem by both parties to the conflict, is denial by religious Muslims and many others of the historical link of Jews to the Temple Mount, the Western Wall, and the city in general, and on the Jewish side, non-recognition of the importance of Jerusalem to Muslims prior to the emergence of Zionism (Reiter, 2005).

The third cognitive process taking place is the widespread public acceptance of the national-religious ethos and its dissemination among the general public since June 1967. On the Jewish-Israeli side, the Ninth of Av represents the destruction of the Temple and is an optional holiday on the official Israeli work calendar, a day that has increasingly become a chosen holiday among public workplaces. In 1968, the Chief Rabbinate decided to mark the 28th of Iyar as a holiday – "Jerusalem Day" – as did the Knesset, which passed a special law in this regard in 1988. The government of Israel and Municipality of Jerusalem

made "Jerusalem Day" celebrations a national event.[75] Since the Oslo Accords, more and more rabbis who believe in Greater Israel have permitted entrance to the site of the Temple Mount or rituals around it in demonstration of the Jews' strong attachment to the site, in contrast to the position of the Chief Rabbinate in 1967. These activities have increased in recent years (Ramon, 1995; Inbari, 2008; Taub & Holander, 2010).

On the Palestinian-Muslim side, the setting of a fire in Al-Aqsa Mosque in August 1969 by a messianic Christian Australian generated the claim that "Al-Aqsa is in danger" because it is held captive by the Zionists and must be liberated through *jihad*. Massive numbers of Muslims visited the Al-Aqsa compound during the month of Ramadan in the 1990s (approximately 400,000 people, according to police reports) because of political motives as well as religious belief in the power of prayer at Al-Aqsa. Since the eruption of the Al-Aqsa *Intifada*, however, entry to the site has been restricted for security reasons, with admittance based on the criteria of age and place of residence. Today the Muslim world is engaged in an intensive discursive and symbolic political ritual surrounding Al-Aqsa and Al-Quds, expressed through special gatherings. Under the heading "Al-Quds Day" or "Al-Aqsa Week," many mosques throughout the world offer special sermons, thereby infusing the public discourse with an array of writings and speeches. These generate a ritual of admiration and sanctification, blurring the lines between the realms of politics and religion.

These three cognitive processes cause large sectors of the population on both sides – including the secular and traditional – to develop unyielding, inflexible attitudes regarding all aspects of the future of Jerusalem's Old City and holy sites. Religious values have permeated the non-religious public and have been marketed as a contemporary national ethos, shaping public opinion on every matter relating to negotiation and compromise. Thus, for example, after Yasser Arafat denied

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[75] A state ceremony with state and military leaders attending takes place on this day at the site of Ammunition Hill (a Jordanian fort heroically captured during the Six Day War by IDF soldiers and transformed into a symbol of bravery) to mark the liberation and reunification of Jerusalem in 1967. Later a march takes place in the (western) center of town, followed by a large demonstration at the Mercaz HaRav Yeshiva, the main institution for religious certification of national-religious Zionists. After that, national-religious groups undertake a dancing march with Israel's flags that begins in the city center, circumscribes the walls of the Old City, and concludes in the square by the Western Wall. On the eve of Jerusalem Day, national-religious synagogues tend to recite the "Hallel" prayer (six psalms recited on festivals, among other occasions).

that the Temple had actually been in Jerusalem, during the second Camp David Summit (July 2000), a public opinion survey showed that only 9% of Jews were willing to agree to exclusive Palestinian sovereignty over the Temple Mount/Al-Haram Al-Sharif, whereas 51% supported exclusive Israeli sovereignty.[76] This was despite the Israeli government's recognition, in June 1967, of *Waqf* control over the Haram (with certain restrictions). The issues surrounding this holy site were among the principal factors that led to the failure of the second Camp David talks (Ben-Ami, 2004).[77] Positions on the Palestinian side are even more inflexible. For example, while Yasser Arafat was conducting peace talks at Camp David in July 2000, Palestinian Mufti Ikrima Sabri, who had been appointed by Arafat, wrote, "There is no room for compromise on our right to Jerusalem because our presence there is a decision of God, not a human decision."[78] A survey of the International Peace Institute, headed by Terje Larsen and assisted by a Palestinian research center, found that 52% of Palestinians in the West Bank (including East Jerusalem) and Gaza Strip opposed a solution to the problem of Jerusalem that would be based on the principle of "Arab neighborhoods for Arabs and Jewish neighborhoods for Jews" (including the Old City) (*Haaretz*, 24 September 2009).

Uncompromising positions on the parts of Israelis and Palestinians regarding holy sites reinforce the arguments of social and political psychology researchers who claim that holy sites such as those in Jerusalem are "protected values" or "sacred values" not subject to concession, negotiation, compromise, or exchange (Tetlock et al., 2000; Ginges et al., 2007; Atran et al., 2007).

The centrality of the Temple Mount/Al-Haram Al-Sharif as a symbol of identity served to increase awareness – among those favoring an end to the conflict – that

[76] Shragai, N. (2005). "Survey: 91% of Jews are Not Willing to Relinquish the Western Wall for Peace." *Haaretz*, March 10.

[77] There are also pragmatic positions. In advance of the Camp David Summit, Sephardic Chief Rabbi Bakshi Doron supported a compromise when he wrote, "We must preserve and honor the current sacred status of the holy Temple Mount, known to others as the site of the Al-Aqsa Mosque…. Rather than defile the sanctity of the holy sites through endless fighting and discussion, we must honor and accept the status quo of all holy sites…" (*Haaretz*, 28 June 2000). Prof. Sari Nusseibeh, president of Al-Quds University, though not religious, is well versed in Islamic faith and tradition. At the time, Nusseibeh proposed dividing and sharing Jerusalem between Israel and the Palestinians, while regarding Jerusalem as a global city with two political capitals and a shared overall municipality under international supervision (PASSIA).

[78] *Al-Isra'*, April-May 2001, 116.

a possible compromise depends on relinquishing sovereignty and exchanging it for a special regime involving international oversight in the heart of the Old City of Jerusalem (Jerusalem Institute, 2000; Bell & Kurtzer, 2009) or, alternatively, division of the Old City so that the Western Wall and Jewish Quarter remain under Israeli control while the Temple Mount and other parts of the Old City (with the possible exception of the Armenian Quarter) come under Palestinian control (Reiter, 2008). The question we will try to clarify below is whether the abovementioned religious values can prevent negotiation and compromise on the problem of Jerusalem in the Israeli-Palestinian conflict.

D. The Influence of Religious Values on Politics

Can the clergy prevent negotiation and political compromise? In order to do so, they must have political power in their own right or as a result of political alliances with other forces over shared interests. Tepe (2008), who studied Islamic political parties in Turkey and Jewish religious political parties in Israel, argues that the popularity of religious parties results from the permeable borders between national, secular values and religious, sacred values. Religious parties can therefore merge relatively easily with secular parties in political alliances, thereby increasing their relative power. The electoral process and governmental coalition-building system in Israel give religious parties decisive power. As for the Palestinian Authority, Hamas has been the ruling body in the Gaza Strip since 2007 and has the ability to prevent the implementation of any agreement that does not accord with its values.

It is difficult to assess the extent to which religious values influence decision makers in the political sphere. First, as we pointed out in the above discussion, religious values regarding territorial issues have permeated the general public. Second, the secular versus religious character of Israeli society is a complex issue. A 2008 survey by the Guttman Institute found that most Israeli Jews (51%) define themselves as secular; 30% define themselves as traditional (with 12% traditional-religious); 10% as religious; and 9% as *Haredi*. A survey of the Central Bureau of Statistics, however, found that 83% of Jews in Israel are at least minimally observant in the religious sense. On the Palestinian side, a survey by Fafo (Institute for Applied International Studies) conducted in 1992 among

Palestinian residents of the West Bank and Gaza Strip found a relatively low level, 20-25%, who define themselves as "secular" (Heiberg & Øvensen, 1993). Researchers claim that religion is a fundamental aspect of Muslim societies – including Palestinian – that affects all areas of Muslims' lives and cannot be separated from the state (Yadlin, 2006).

The third aspect of the religious/secular duality is the political influence of representatives of the "religious barrier" to resolution of the conflict.

Israel has, on the one hand, a government that is mostly secular. The percentage of religious Knesset members is 25%, and they are split among various political parties. On the other hand, the religious parties carry great weight within the government and thus their positions carry weight, especially that of Shas (11 Knesset seats in the 2009 elections). During the period of the Olmert government and during the coalition negotiations between Shas and Kadima leader Tzipi Livni in November 2008, Shas made its continued participation in the government conditional on there being no negotiations with the Palestinians regarding Jerusalem. This was also their stance in 2009. In the 2009 elections, Shas, most of whose voters are traditional and *Haredi*, was an important player in the coalition government; after these elections it changed its internal guidelines, joined the World Zionist Organization, and affiliated itself with the World Likud Movement (*Haaretz*, 19 January 2010). The ideological radicalization of Shas regarding the conflict's issues occurred in part because a significant portion of Shas voters live in West Bank settlements today (Avirma Golan, "It's Not Ishai," *Haaretz*, 10 June 2009) and apparently also because the religious, traditional, and Sephardic public has right-wing positions resulting from religious values and ethnic impressions. It follows that the influence of ideological religious players is much greater than their relative power because of the political system of coalition-building as practiced in Israel. It also follows that economic interests (cheap and available housing beyond the Green Line) therefore contribute to changes in political and ideological positions within the *Haredi* population.

On the Palestinian side, Abu Mazen (Mahmoud Abbas, "the secular") of Fatah won a 62% majority during the January 2005 elections to Palestinian Authority presidency, but Hamas had not put forward its own representative during these elections. In the January 2006 elections to the Palestinian Legislative Council, however, Hamas earned 42.9% of the votes and a 56% majority of Council seats.

Later Hamas won the position of presidency of the Palestinian unity government. After taking the Gaza Strip over by force, Hamas today has enough power to set the political agenda in those areas that it controls. A September 2009 survey conducted by the International Peace Institute found that 45% of Palestinians expressed support for Fatah, as opposed to only 24% who supported Hamas, and that 52% supported Abu Mazen for president, 22% supported Ismail Haniyeh, and the rest were undecided. The survey also found that 55% of Palestinians supported a two-state solution, but their specific responses regarding this solution indicate a substantive gap between the Palestinian and Israeli positions on the issues of Jerusalem and the refugees (*Haaretz*, 24 September 2009).

Religious personalities, when they comprise part of the security forces, are able to influence the political process. On the Palestinian side, the military forces in the Gaza Strip are completely under Hamas control, whereas the current (2010) security apparatus in the West Bank is under Fatah control. In Israel, the number of representatives of religious Zionism in IDF fighting units, positions of command, personnel, and the Military Rabbinate is indeed small but is visibly rising, and the proportion of national religious within elite units of the IDF is greater than within the general population. At the end of the 1990s, some 30% of non-commissioned officers and petty officers were observant and identified with the national-religious stream, as were 11% of flight school graduates (while the percentage of graduates from *kibbutzim* dropped from 19% to 12%). In 1999 there were one major-general and five brigadier-generals from the religiously observant community in the General Staff (out of a total of 40 within the IDF) (Cohen, 2002: 237-8). During the "Cast Lead" operation (December 2008 – January 2009), this group stood out among the fighters, as did the motivational influence of the Military Rabbinate, whose representatives used radical religious discourse when addressing soldiers in the field (*Haaretz*, 26 January 2009). This is only one example of the growing influence of the national religious on the conflict. We can also mention the fifty *hesder* yeshivas, which have thousands of students from the national-religious movement serving in the IDF within each graduating class. The students are infused with the radical interpretation of religious and Zionist values, and some of their rabbis have even expressed support for those who refuse to follow orders to vacate settlements.

The influential power of religious representatives in the Israeli-Palestinian conflict is not unequivocal and is subject to change. Although religious parties (particularly Shas) are an important cornerstone in the formation of government coalitions, it is not clear how much of a "barrier" they pose to a peace agreement. Doron and Rosenthal (2009) argue that political parties representing the settlers (the extreme right) did not succeed in "tipping the scales" of coalitions, and thus their exercise of political power did not usually enable them to redirect policies and resources towards their own ends. Yet these researchers did not take into account all of the religious parties and their supporters, who have a decisive "swinging" role in Israeli politics. Past public opinion surveys have found a clear majority of Israeli Jews who support forging a peace agreement with the Palestinians on the basis of the formula of two states for two people, thereby granting leaders the freedom to negotiate. Erosion of the Jewish majority supporting an arrangement with the Palestinians, as reflected in the outcome of the 2009 Knesset elections, was not the result of "religious" factors but primarily of security considerations and loss of confidence in the intentions of the Palestinian side (the split within the Palestinian Authority, the continuation of terrorist acts emanating from Gaza, and uncertainty regarding the Palestinian ability to implement an agreement, if signed). Yet shortly after the elections, Benjamin Netanyahu was compelled to accept the two-state formula after being pressured by the U.S. president. On the Palestinian side, the president of the Palestinian Authority had significant freedom of maneuverability during the Annapolis process in 2008. Religious movements do not prevent the process of negotiations, but the possibility of religious values influencing both the outcome of negotiations and the chances of implementing an agreement, if and when the parties achieve one, cannot be dismissed.

E. Terrorism and Assassination on Religious Grounds as Barriers to Negotiation and Compromise

Religious extremists can frustrate political negotiation and compromise processes by means of provocation and terrorism as well as, in extreme cases, political assassination. The salient examples of political assassination on religious and ideological grounds in the context of political compromise are the assassinations of Egyptian President Anwar Sadat in 1981 by a jihadist group operating on the

basis of a religious manifesto (Jansen, 1986) and the assassination of Israeli Prime Minister Yitzhak Rabin in 1995 by an orthodox religious man operating on the basis of a religious decree ("the law of the pursuer" – permitting extrajudicial killings) provided to him by rabbis (Karpin & Friedman, 1999; Ben-Yehuda, 2004; Sheleg, 2006).

Political assassination based on religious values is liable to repeat itself. In March 2008, Rabbi Hershel Schachter, head of the rabbinical seminary at Yeshiva University in New York, was quoted as saying, "If the government of Israel indeed concedes Jerusalem, then the prime minister should be shot." After the publication of these words, Rabbi Schachter issued an apology and expressed regret for his statement (*Haaretz* 9 March 2008). In early 2010, Ehud Barak, then defense minister in Netanyahu's government, received letters with death threats following his strict enforcement of a freeze on settlement construction in Judea and Samaria. Political assassination is even more likely on the Palestinian side. In recent years it was revealed that Hamas had intended to assassinate the president of the Palestinian Authority, Mahmoud Abbas, using a booby-trapped tunnel that had been dug under the route of his commute.

A second type of violence used to undermine political negotiations is terrorism motivated by religious ideology and, in particular, attacks on sacred symbols of identity and holy sites. Examples include the following: many actions of Hamas and the Islamic Jihad, including the murder of Hebron *yeshiva* students as they were exiting from prayers (1980), and a murderous assault on the Mercaz HaRav Yeshiva in Jerusalem in 2008; the Jewish Underground's plan to blow up the Dome of the Rock and Al-Aqsa Mosque in the 1980s (which received the authorization of three rabbis);[79] the attack on the Islamic College in Hebron in 1986; and the murder of worshippers at the Ibrahimi Mosque (the Muslim site within the Cave of the Patriarchs) in Hebron in February 1994. These acts intensify hostility towards the other side among moderates as well, and that is the source of their negative effect on resolution of the conflict (Hanauer, 1995). Terrorism leads to calls for revenge and acts of vengeance on both sides.[80]

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[79] Shragai, N. "We Have Authorization to Demolish It; What Does the Rabbi Think?" *Haaretz*, http://www.haaretz.co.il/hasite/pages/ShArt.jhtml?more=1&itemNo=865572&contrassID=2&subContrassID=4&sbSubContrassID=0 (Hebrew).

[80] For example, following the attack against Mercaz HaRav Yeshiva in Jerusalem (2008), several rabbis called for revenge. Rabbi Israel Rosen, head of the Tzomet Institute, declared that the

Religious leaders also intervene with the political process through the indoctrination of military forces on both sides. On the Palestinian side, defense of Al-Aqsa is an inalienable asset of Fatah, not only of the Islamic movements (Frisch, 2006). On the Israeli side, religious intervention is expressed through the calls of senior clergy to IDF soldiers, especially to national-religious ones, to refuse military orders to vacate settlers. These calls triggered counter-reactions of moderate religious leaders, who declared that rabbis should not be obeyed as authorities on matters of state (interview with Prof. Moshe Kaveh, president of Bar-Ilan University, *Haaretz* supplement, 23 September 2005).[81]

In sum, religious fanaticism on the part of individuals and groups can aggravate conflict and escalate violence. Likewise, sensationalist terrorist acts focused on symbols of religion and identity, as well as political assassinations of moderate leaders by ideological religious extremists, can delay negotiations and frustrate compromise.

Palestinians are the 'Amaleqites of our generation (meaning that they must be uprooted). The Rabbi of Safed, Shmuel Eliyahu, and Rabbi Dov Lior shared this view. An entity called "New Sanhedrin" published a call for personal revenge by Jews because the government was not fulfilling its obligation (*Haaretz*, 23 March 2008). Rabbi Daniel Shilo, who at the time headed the Council of Rabbis of Judea, Samaria, and Gaza, called for government revenge against those who had sent the murderers. The rabbis' proclamation was also signed by Rabbi Yosef; Rabbi Daniel Stavski; Rabbi Yitzhak Shapira of Yitzhar; Rabbi David Druckman of the "*Pikuakh Nefesh*" (saving of life) rabbis; Rabbi Ido Elba, who was sentenced to imprisonment for racial incitement; Rabbi Gadi Ben Zimra, head of the ulpana in Ma`ale-Levona; Rabbi Shmuel Yaniv; Rabbi Uzi Sharbaf of Hebron, who participated in the murder at the Islamic College in Hebron; Rabbi Yigal Shadorfi of Nahliel; and Rabbi Yehuda Kreuzer, head of the Yeshiva of the Jewish Idea and identified with "Kach." There were also rabbis who expressed opposition to this stance, such as Rabbi Elazar Aharonson, head of the *hesder* yeshiva in Holon. (Shragai, N. & Etinger, Y. (2008). "Rabbis and Right-Wing Organizations Published Calls for Revenge and Attacks Against Families of the Terrorist." *Haaretz*, March 13; Shragai, N. (2008). "From Babe to Nursing Infant?" *Haaretz*, March 25.) The editorial board of *Haaretz* published an editorial opposing "rabbinical *fatwas*" on 21 March 2008.

[81] A few months prior to the assassination of Prime Minister Yitzhak Rabin, a group of 15 rabbis from the national-religious camp (four of whom were linked to *hesder* yeshivas) publicly called on soldiers to refuse any order to dismantle Jewish settlements in the Land of Israel (*Hatzofeh*, 23 June 1995, cited in Cohen, 2002: 237-238). It is appropriate to note here that one of the rabbis (Menachem Felix) described the Rabin government as "a government that rules by grace of Israel's haters," referring to Arab Knesset members (Ravitzky, 2002: 266).

F. Summary and Recommendations for Neutralizing the Barrier Effect of Religious Values and Extremists

The Israeli and Palestinian public arenas are not infrequently influenced by values and ideas that originate in the national-religious sector and are guided by actors from that sector. A clear link and a mutual influence that cannot be dismissed exist between the individual's attitude towards religion and the formation of his political views generally and in relation to a solution to the conflict specifically. For this reason, religious values and the political players who represent them have significant potential to prevent the possibility of resolution of the Israeli-Palestinian conflict. This results primarily from the framing of Jerusalem and the Temple Mount/Al-Haram Al-Sharif as a key and symbolic focal point in the sense of a "protected value" over which the general public on each side of the conflict refuses to compromise. The "barrier" potential is based on a number of capabilities, as discussed in this chapter:

1. Success in infusing the general public, which does not define itself as "religious," with religious values as symbols of their national identity;

2. The significant political power of political religious movements, such as Hamas (on the Palestinian side) and religious political parties, which can increase their power by merging with governmental coalitions and military forces and by forging alliances with other political forces (on the Israeli side); and

3. The use of terrorism by fanatic religious actors.

The status of religious values and the potential influence of religious actors are more salient in Palestinian society than in Israeli society because the former is less secular and because of the power of Hamas, which rests on military strength and widespread public support.

One of the ways to circumvent the principal religious-value-based obstacle – Jerusalem and the Temple Mount/Al-Haram Al-Sharif – is through temporary (not permanent) arrangements that would include a special regime in the Old City and nearby surroundings, with international oversight. These arrangements would be based on the situation existing since 1967 (sometimes described as the "status quo"), in which Al-Haram Al-Sharif/Temple Mount is under *Waqf* control

(but non-Muslim visitors may enter at designated times), but the Western Wall is under Israeli control. This sort of temporary arrangement would allow the leadership on both sides greater flexibility because they would not be accused of historic concession of essential long-term interests or of trading protected and sacred values. This temporary arrangement might be extended in the event that the parties cannot reach a permanent compromise. This formula could be acceptable to the secular leadership on both sides and could overcome the obstacles posed by religious players but only if political circumstances within both Palestinian and Israeli societies make it possible for moderate, non-religious actors to win an electoral majority and form a government. The moderate Palestinian side could accept such a temporary arrangement because this is actually the system that currently governs Al-Haram Al-Sharif in practice.

There are those who believe that the clergy must be involved in managing and resolving territorial disputes with a religious dimension. According to this view, religious leaders can re-delineate the sacredness of spaces within the conflict, just as they had provided uncompromising commentary on political problems earlier (Funk & Said, 2009: 269; Hassner, 2009). This is a complex issue because radical leaders do not tend to change their position, which derives from a theological as well as political perspective. Nevertheless, moderate religious leaders have an important role to play even if the public that supports them directly is not particularly large in number. They can provide moderate commentary on religious sources with respect to problems linked to the national and territorial conflict, and they can pave the way to compromise using religious sources. Their influence as moderate commentators will not sway the national-religious public but will primarily affect traditional or more moderate religious populations, and these constitute a large group in both Israeli and Palestinian societies. Given that a significant portion of both societies base their opinions on a range of considerations, moderate clerical leaders have the potential to remove emotionally charged elements from religious values and provide an alternative religious interpretation to that of radical rabbis and sheikhs. In a war over the hearts and minds of the public, moderate and alternative interpretations have an important role to play in recruiting support for an agreement based on compromise. Moderate religious leaders can weaken religiously-based opposition to compromise by isolating extremist circles on both sides and stressing that the latter's commentary on religious sources is akin to the "time of the desert" and has

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not progressed with time. Their role is to provide public relations services to the secular, traditional, moderately religious (including some *Haredi* within Israel's Jewish society), and general public. Governments and organizations interested in compromise can use the media to highlight the interpretive commentary of moderate rabbis and sheikhs. Governments have tremendous potential to market moderate and peace-oriented religious commentary, but for some reason they have not yet been particularly interested in doing so.

Another way to neutralize the harmful influence of those who represent uncompromising positions is through proactive and strict enforcement of the laws against the use of religious texts and values for the purpose of inciting violence. The imprisonment of Sheikh Ra'id Salah (Head of the Northern Islamic Movement) in Israel in 2010 for activities carried out in 2007 in the Mughrabi Ramp incident is an example of measures that governments can take against clergy who incite the public (he was sentenced to nine months of imprisonment following his trial). If those with the power to enforce the law would take action to prosecute clergy who inflame the public, and if every indictment were accompanied by an expert opinion explaining how extremist statements provide a "near certainty" of violence and bloodshed, then there would be a high likelihood of instigators being found guilty and accountable for their deeds.

In conclusion, we note that demographic data indicate that the natural growth rate of religious groups is high, and their political power is therefore likely to increase substantially. This means that as long as the process of conflict resolution is postponed, religious values will have an increasingly greater potential to prevent the possible resolution of the conflict through peace and compromise.

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Chapter 7

The Time Factor as a Barrier to Resolution of the Israeli-Palestinian Conflict

Dan Zakay and Dida Fleisig

1. Introduction

Time is a key factor in understanding the universe. A world without time is a frozen world where nothing happens and nothing changes.

Time is an essential factor in the life of every living creature, affecting its ability to survive and to adjust itself optimally to its environment (Michon, 1985). Time is also an essential and central factor in the life of every human being, as an individual and as part of a group.

Without attention to the factor of time, it is not possible to describe life in any human society, all the more so in western-technological society (Zakay, 1998).

This chapter explores the nature of attitudes towards time and the effects of the conceptualization of time on thought and negotiation processes, and it examines the extent to which these factors affect the chances of resolving conflicts between representatives of different cultures. First, we will discuss the concept of time generally and its relationship to an individual's personality and to culture. Then we will look at how the time factor is reflected in conflicts and negotiation processes. Following that, we will examine the concept and conceptualization of time in Arab-Islamic culture, on the one hand, and in Jewish-Israeli culture, on the other. Against this background we will then analyze the effects of the two cultures' different conceptualizations of time with respect to the conduct of the Israeli-Palestinian conflict.

1.1 Types of Time

There are various types of time. The principal ones are physical time (measured by the clock), biological time, and psychological time.

Physical time is objective and uniform. Its measurement by means of various clocks reflects a defined change of a defined physical element. This type of time is continuous, has a uniform pace, and moves from the past to the future.

Biological time represents the occurrence of biological processes that take place within living organisms, and it is controlled by biological and physiological timers. Its characteristics are similar to those of physical time.

Psychological time is time as experienced by one's consciousness, and it is the focus of this chapter.

In order to understand the distinctness of psychological time, consider the objective minute that passes while waiting in a queue, as opposed to the objective minute that passes while reading an engrossing book. The experience of time will differ in each case.

The first circumstance generates a sense of "crawling" continuous time, whereas the second circumstance generates a sense of time flying by, and the minute will perhaps pass without even being felt.

It follows that psychological time is not uniform. Its pace varies. It is not necessarily continuous. As happens in dreams or hallucinations, it can flow from the future to the past, and its essence may be affected by the essence of events that take place during its passing (Zakay, 1998). The writer Thomas Mann, for example, addressed the experience of time in his book *Magic Mountain* (1955, Hebrew version), in which he described the experience of time among hospitalized tuberculosis patients during their daily temperature measurements. The measurement was short in terms of time as measured by a clock, but it was long in the perception of the tuberculosis patients because it had great importance with respect to the diagnosis of their condition.

Expressions that describe time, such as "time froze," "time flew," "time crawled," "time stood still," and others, reflect the distinctness of the experience of psychological time. Another example of the complexity of psychological time is reflected in the difference between "retrospective" time and "prospective" time. The former describes a sense of time in "reverse," after the event – the duration of which needs to be assessed – has concluded. The latter describes the sense of

time created during the course of the event's occurrence. In each of these cases, the experience of time will differ (see Zakay & Block, 1997). It follows that the experience of psychological time depends on context.

1.2 The Essence of Time

Since the dawn of the human age, people have studied and explored the essence and meaning of time. The original reason for this was observation of the cyclical changes of the day, the change of seasons of the year, and the cyclical nature of the life cycle. Later, philosophers began to wonder about the meaning of time in a more studied way. Nevertheless, the essence of time has always been obscure and unclear.

The fourth-century philosopher St. Augustine described well the difficulty in understanding time when he wrote in his book *Confessions*, "What is time? When no one asks, then I know. But when I want to describe it, then I do not know."

St. Augustine's conclusion was that whatever time is, it is subjective by nature (Roecklein, 2008). This perspective is popular today as well. Time is more a product of consciousness than of the chronometric order naturally existing within life or society (Trautmann, 1995).

Emmanuel Kant, the 18th century German philosopher who also addressed the question of time, argued that space and time are two *a priori* concepts. That is, they are not the products of a process of perception; rather, they exist in our consciousness in the first place.

According to Jamal (2006), the importance of time in human society derives primarily from human beings' awareness of the end of their lives. This awareness makes the organization and management of time an important component of human behavioral patterns. Human beings aspire to fill their time with content as a way of controlling it, fully exploiting it, extending it, and even overcoming its limitations.

The question of the essence of time continues to serve as the subject matter of physical, philosophical, biological, and psychological research to this day. Clearly, time has implications for almost every aspect of human life because it is

an inseparable part of every event or occurrence and of every human experience (Flaherty & Meer, 1994).

Despite this, the significance of time and its implications for the formation and resolution of conflicts have been discussed and studied less than other subjects. The aim of this chapter is to contribute to a discussion of this topic both at the level of general principles and with respect to the Israeli-Palestinian conflict.

1.3 Time and Personality – Time Perspective

The attitude towards time is one of the traits that reflect the nature of a person's character. This is expressed in a number of ways, such as, for example, the trait known as "time urgency," which reflects the extent to which a person is subject to a sense of time pressure in the course of his regular conduct. This trait has been found to be linked to personality types termed Type A and Type B, as well as to mentally healthy personality types (Gastorf, 1981).

We will focus here on the aspect known as "time perspective."

Time perspective refers to the subjective organization of the past, the present, and the future and to the relative weight that a person attributes to them in his perception of the course of his life (Macey, 1994).

Time perspective is the frame of reference that provides order, organization, and significance to life events (Boyd & Zimbardo, 2005).

People may be characterized as having a past, present, or future time perspective. Accordingly, they base their behavior on the past, the present, or the future, respectively (Karniol & Ross, 1996).

Time perspective is therefore a fundamental and very influential aspect of human behavior, an aspect shaped and influenced by personal, social, and cultural events (Zimbardo & Boyd, 1999).

Thus, for example, it has been found that Holocaust survivors' time perspective tends to be based largely on the past, compared to other people of the same age who did not experience the Holocaust (Shmotkin & Lomrenz, 1998). Survivors perceive the Holocaust as spreading over the entire past, even though in "calendar time" it "only" lasted four years. The trauma of the Holocaust is apparently what

causes life to be focused on the past. Time perspective is possibly one of the factors that make it difficult for many Holocaust survivors to return to a way of life focused on the present and future.

A person's time perspective has implications for his lifestyle. It may be argued that a person who is focused primarily on his past will have difficulty planning the future, and his life might have no direction or purpose. On the other hand, a person whose life is only directed towards the future might find himself in a sort of fantasy life with no grounding in reality. A balanced personality, allowing normal living with a sound outlook on reality, requires the right balance among attitudes towards the past, the present, and the future (Zakay, 1998).

The effect of time perspective can be seen in the conduct of organizations as well. Thus, for example, Thomas and Greenberger (1998) point out that an organizational vision is defined as an image of the future. They present research findings that show a correlation – among organizational directors – between a future time perspective and the ability to construct a vision of the future.

1.4 Time and Culture

A culture is characterized by the system of beliefs and concepts of all who belong to it (Birx, 2009). This system of beliefs influences language, way of life, and behavior.

The attitude towards time and the nature of its conceptualization are key factors by which we can differentiate various cultures and aspects of human behavior, such as the pace of life, punctuality, and others (Macey, 1994).

Without an understanding of attitudes towards time, beliefs about time, and linguistic expressions involving time, it is difficult to understand the behavior that characterizes a given culture.

Roughly speaking, it is possible to classify cultures on the basis of their attitude towards time into two categories (unjustly in terms of the variety of cultures but of necessity for the purpose of descriptive brevity).

The first category is that of western, technological culture, and the second is the array of "non-western" cultures, such as eastern cultures or the indigenous cultures of South America and other places, e.g., Indian tribes predating western

conquest and continuing to this day (some observers describe the time factor associated with these cultures as "Indian time").

Below are a few salient differences between the two abovementioned categories of culture in their attitudes towards the concept of time:

The extent of differentiation among the past, the present, and the future:

In "techno-western" culture this differentiation is clear. Linguistic expressions that describe various times are well-defined, and linguistic grammar clearly delineates the conjugation of verbs in accordance with the time that they describe.

In "non-western" cultures there is often a merging of the past with the present or of the present with the future. For example, the language of the Hopi Indian tribe does not have any concepts representing the past, the present, or the future, and verbs are not conjugated according to various times.

"Techno-western" culture regards time as an economic resource. The essence of time is independent of what occurs during its passage. Time is neutral with respect to human beings, and time perspective is directed towards the future. This culture stresses the importance of planning and punctuality.

"Non-western" culture does not stress the economic value of time and is not neutral with respect to human beings. Time perspective is directed towards the past. Planning and punctuality are not necessarily key values within this culture. Descriptions of the conceptualization of time, as presented earlier, accurately reflect the conditions that prevailed in past centuries.

Today it is difficult to find pure "non-western" cultures, whereas "techno-western" culture is spreading further and further.

Nonetheless, we argue that in many aspects of life, the influence of different cultures' conceptualization of time remains strong and significant. One of these aspects is the nature of attitudes towards conflict and its resolution. This can be explained by the charged emotions and strongly held values associated with conflicts, which cause deeply embedded layers of personality – which in turn are linked to collective cultural myths and ethos – to "surface" and affect behavior. We will provide an illustration of this argument below.

1.5 Time and Religion

The conceptualization of time – being a necessary element of any effort to explain human existence – is a key, essential component of every religious belief system (Birx, 2009). A strong link exists between religion and culture as well. For this reason, almost all religions have regard for the factor of time and the nature of its conceptualization.

An analysis of the perspective of time will inevitably have to take into account the combination of culture and religion. This combination is of singular importance for efforts to understand conflicts with cultural and religious dimensions.

The Israeli-Palestinian conflict is a case in point.

2. The Time Factor and Its Reflection in Conflicts and in Negotiation Processes

Next we will review various implications of the time factor for conflict and negotiation processes.

By their very nature, conflicts and negotiation processes continue over the course of time (Pruitt & Carnevalle, 1993). Moreover, time has direct effects on them – some of these effects being technical – as well as indirect but substantive effects (Druckman, 1994). It should be remembered that conflict and negotiation are social processes in which societal time is a central constituent factor (Elias, 1992). Some analysts see the time factor as a conceptual framework for social interactions such as conflict and negotiation (Alon & Brett, 2007).

The attitude towards time is one of the principal obstacles to achieving inter-cultural coordination (Jamal, 2009).

In social terms, the division of time, its classification, and its use in relation to others constitute an integral mechanism in the power relations among different groups. By classifying time, for example through a calendar, one establishes a certain type of relationship with other human beings (Elias, 1992). It follows that time is a type of cultural and social border or partition and that some parts of society try to impose their organization of time on others. An example of this is the determination of holidays and days of rest. It is therefore natural that time

becomes a source and a focal point of conflicts (for example, the conflict between the secular and ultra-orthodox in Jerusalem over observation of the Sabbath).

Another example of conflicts that are linked to time is the process of waiting in a line or queue. The queue is a social system in which those waiting compete over the division of time, which in this case is a limited resource. It is only natural that in such a situation, conflicts and differences of opinion will erupt regarding distribution of the resource (Fleisig, Ginsburg & Zakay, 2009) because all those waiting in a queue have a basic expectation of "distributional justice" regarding the resource of time.

A survey conducted among 10,000 adults over the course of 30 years revealed that differing attitudes towards time between spouses or partners to a relationship constitute a significant factor in the formation of conflict for the couple (Boyd & Zibardo, 2005).

Other examples include conflicts that result from the violation of time as a cultural and religious symbol. Thus, for example, the Yom Kippur War, which broke out on Yom Kippur, 1973, was perceived, among other things, as an insult to the feelings of the Jewish people because of the selection of the holiest day of the year for Jews as the day to launch a war.

2.1 The Direct Effects of Time on the Conduct of Negotiations

The Attitude Towards Time on the Part of Negotiators

Given the existence of personality and inter-personal – in addition to cultural – differences in attitudes towards time, conflict and negotiation inevitably bring together two sides with different characteristics in this regard.

This is expressed directly through the attitudes of the negotiators themselves towards time, in addition to their cultural baggage as expressed in their attitude towards time, whether consciously or unconsciously. It follows that the larger the gap between the negotiating parties in terms of their respective attitudes towards time, the harder it will be to make constructive progress during negotiations.

An example of this is the difference in the sense of urgency that the negotiators attribute to the negotiations.

The Sense of Time Urgency

Someone with a stronger sense of time urgency will seek to conduct negotiations at a faster pace than will someone who does not sense such urgency. This affects the pace of the negotiations and the time pressures (see below).

An example of this is former Prime Minister Ehud Barak's effort during the second Camp David Summit (2000) to reach a final agreement that would mean the "end of the Palestinian-Israeli conflict" within a short period of time. In contrast, the other side (Yasser Arafat, president of the Palestinian Authority) did not have a similar sense of readiness or time urgency. From the description of his assistant, Gilad Sher, it appears that Barak was acting out of a sense of urgency. Sher claimed that Barak felt that in light of global and regional developments – such as the spread of Islamic fundamentalism and the proliferation of unconventional or nuclear weapons – time was not working in Israel's favor. It followed, therefore, that termination of the conflict and of all associated demands was the most important objective for Israel in the negotiations (Sher, 2001: 21). Presumably, this sense of urgency is what led Barak to pose a 15-month timeframe for the achievement of a permanent arrangement (see below). The gap in the sense of urgency between Arafat and Barak almost certainly contributed to the failure of the negotiations.

The Influence of Time Pressure

Time pressure is liable to affect the chances of a successful outcome of negotiations to resolve a conflict.

Time pressure in negotiations arises when there is a will to conclude them and reach an agreement as quickly as possible (Pruitt, 1982). The posing of "deadlines" also increases the sense of time pressure. This feeling in turn affects the information-processing and decision-making processes, primarily through the selective use of information, a high likelihood of miscalculation or misjudgment, and a greater sense of importance being attributed to negative information in comparison to positive information (Zakay, 1993). Time pressure can even lead to increased closed-mindedness. The side that is more affected by time pressure during negotiations is more likely to be predisposed to reaching a quick agreement while making drastic concessions (De-Dreu, 2003).

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For example, Yossi Beilin, in his book *Manual for a Wounded Dove*, describes the Taba negotiations in January 2001, during which the negotiators sensed a shortage of time, that is, they felt that if they did not accomplish something, then a great deal of time would pass before they met again, if at all. Dr. Nabil Sha'ath told Beilin, "If the Taba talks had taken place immediately following the Camp David Summit, then a permanent agreement would already have been signed" (Beilin, 2001: 13). Beilin describes the negotiations as if they were taking place during the 25th hour. This was after the end of the Clinton presidency, a few days before elections in Israel, when both the right and the left were challenging the legitimacy of the negotiations. Beilin summarizes, "The 25th hour seemed as if it did not occur."

Time as a Source of Power and the Tactical Use of Time

Anyone who believes that time is working in his favor and who does not feel a sense of urgency to conclude negotiations within a short and defined period of time will tend to use the time factor as a source of power and employ it tactically against the rival who feels a sense of urgency. Tactics such as postponement or suspension are common in such cases. A laboratory experiment conducted by Raiffa (1982) found that someone who has more control over time and is able to exercise patience has greater chances of success than someone with less patience and control over time.

The effectiveness of threats (and inducements) on one of the parties to negotiations also depends very much on timing.

According to Pruitt (1981), an explicit threat issued during the final stages of negotiations will be perceived as more credible and convincing than if issued during the early stages because such a threat, if issued early in the negotiation process, would sabotage relations between the negotiators.

One of the tactics that represent manipulative use of time during negotiations is the setting of deadlines.

Setting Deadlines

The setting of deadlines with the aim of influencing the other side is a common tactic during negotiations.

The influence of deadlines is greater if someone feels that time is not on his side, especially when the deadline is real and tangible from his point of view. Such a situation creates time pressure and increases the tendency towards concession (De-Dreu, 2003).

Within the literature, there is a debate over the question of whether one of the parties should disclose the existence of a real deadline from his point of view to the other party (Gino and Moore, 2008). A meta-analytical study by Druckman (1994), however, found that setting some sort of timeframe is important for the advancement of negotiations. When no time limits are set, the parties are likely to find themselves trapped in their basic positions, and the negotiations could reach a deadlock. It follows that the setting of deadlines can be used both as a way of advancing negotiations and as a way of pressuring the other side to make concessions. The setting of deadlines can also, however, serve as a tactic for prolonging time when there is no real desire to reach a solution. Examples of this are Yitzhak Shamir's declaration as prime minister of Israel that he was prepared to continue negotiations, even for ten years, and Binyamin Netanyahu's conduct after being elected prime minister of Israel and having to take a stance on the Oslo process.

Yossi Beilin (2001) describes how suspicion grew within the Egypt-Jordan-Palestinian trio – as well as within the United States and Europe – that Netanyahu had an interest in reaching the target date set for signing a permanent agreement – 4 May 1999 – in a state of crisis that would cause the Palestinians to unilaterally declare statehood, which he would not recognize, thereby permanently releasing him from the Oslo Accords. Such a unilateral declaration would be an unequivocal violation of the Accords (Beilin: 35). In his book, Beilin further describes how, in order to prevent excessive time delays, the Americans set an artificial deadline – 4 May 1998, a year before the final deadline for reaching a permanent agreement according to the original Oslo process – and declared that on this date a summit would take place in London with the participation of U.S. Secretary of State Madeline Albright, Netanyahu, and Arafat (Beilin: 37). The strategy of prolonging time while exploiting the setting of deadlines is illustrated in the 19 June 1998 statement of U.S. Under-Secretary of State for Political Affairs Thomas Pickering: "We went from *shalom* [peace] to *schlep* ['drag' in Yiddish]. The feeling is that every time new hope regarding Israeli-Palestinian agreement

arises, it is again dashed. Precious time is passing, and the end of the interim agreement is drawing near" (Beilin: 42).

Another example of the use of target dates is Ehud Barak's declaration that within 15 months, i.e., by September 2000, he would know whether or not it would be possible to reach a permanent agreement with the Palestinians. President Clinton refrained from accepting the 15-month target, regarding it as unnecessary. Beilin notes that Barak's attitude towards time is special and is reflected, among other ways, through his famous fondness for dismantling and reassembling clocks (Beilin: 75). Setting precise target dates was characteristic of his approach and was something he repeated, even though he usually did not meet these target dates. Beilin also notes that the Palestinians did not understand Barak's system of target dates and were suspicious of it (Beilin: 87). Barak's predisposition to setting target dates and timeframes – although he himself did not abide by them – was a source of tension between the Israeli and Palestinian negotiating teams, as evidenced by the reactions of Palestinians, who voiced concern that Barak's objective was to prolong time until it would be too late to conduct serious negotiations given the political timetable in the U.S. and the region (Beilin). Gilad Sher (2001) also cites Arafat's reaction to the 15-month timeframe for reaching a permanent arrangement, which Barak posed on 26 July 1999. According to Sher, Arafat said, "He can forget about 15-month-long negotiations towards a permanent arrangement." It would appear that the differing approaches regarding the use of fixed deadlines are among the reasons for the failure of the negotiating process because they generated mistrust among the Palestinians with respect to Barak's sincerity about achieving a peace agreement.

U.S. President Barack Obama's decision to hold a three-way summit with Netanyahu and Abu-Mazen in September 2009 – where he would announce the renewal of negotiations towards peace and his expectation of achieving an agreement within two years – can be seen as an illustration of the use of deadline setting in order to generate movement and prevent standing in place. This is reflected in the statement of U.S. Department of State Spokesman Ian Kelly: "Of course we were hoping for some kind of breakthrough" (Reuters, 18 September 2009) (English text available at: http://www.reuters.com/article/idUSN18264253).

The Influence of Time on the Trust Building Between Parties to a Conflict

Lewicki and Weithoff (2000: 87) emphasize the importance of time in the building of trust during conflict resolution. They stress the point that trust develops over time. Time is needed to allow each side to see that the other side indeed fulfills its promises, and this holds for deadline setting as well.

One of the problems during the negotiations that Barak conducted in continuation of the Oslo process was the lack of trust between the parties. Despite this, Barak set a strict deadline of 15 months for the conclusion of negotiations. Ben-Ami (2004: 465) argues that in retrospect it can be seen that it was a mistake to try to impose an unrealistic timeframe without taking into account the need for a gradual process of trust building between the parties.

The tactic of gradual progress towards a solution to a conflict, moving through stages and interim agreements, is a process that also allows trust building between the sides. Interim agreements were typical of most efforts to resolve the Israeli-Palestinian conflict, as well as other agreements between Israel and Arab states. A clear example of this is the interim arrangements reached through U.S. mediation with Egypt in 1974 and 1975, which later enabled the visit of President Sadat to Jerusalem and the conclusion of the Israeli-Egyptian Peace Treaty. The original Oslo Accords, formulated in the Declaration of Principles signed at the White House on 13 September 1993, are based on a gradual multi-phased solution involving Israeli withdrawal from the territories of the West Bank and Gaza Strip and the gradual transfer of authority over these territories to an independent Palestinian government for an interim period of five years, at the conclusion of which a permanent agreement would be sealed.

The Effect of Temporal Distance Between the Time of Negotiations and the Scheduled Implementation of Conflict Resolution Proposals

According to temporal construal theory (Trope & Liberman, 2003), people construct and conceptualize objects and events differently, in accordance with their psychological distance. Generally speaking, when the distance is great, their attitude is at a remote and abstract level, with little attention to details; the point of view is global and relates to the essence. When the psychological distance is

short, the nature of construction and conceptualization is reversed and focuses more on details. Because distance in time is a form of psychological distance, the same principles of construction and conceptualization apply to objects and events expected to take place within a short or a long period of time as well (Trope & Liberman, 2000).

In accordance with the predictions of the temporal construal theory, researchers (Okhuysen, Galinsky & Uptigrove, 2008) have found that parties seeking to reach an agreement were more successful when expecting it to be implemented within a year than when the agreement was to be implemented within two weeks. Others (Henderson, Trope & Carnevalle, 2006) identified an advantage in the achievement of an agreement that was to be implemented later in time over an agreement expected to be implemented in the near future. The reason for this is that consideration of events that are far away in time takes place at a high level of abstraction, without going into detail. It is therefore easier to agree on a solution that is formulated at the general level and does not go into practical details.

It remains to be seen, however, what will be the fate of a "distant" agreement when its implementation date draws near – whether it will survive or whether the parties will then begin considering the details and concrete problems that they had avoided earlier.

3. The Concept and Conceptualization of Time in Arab-Islamic Culture

Islamic culture within Arabic-speaking societies is firmly anchored in the principles of Islam and in the religious beliefs that form the basis of Islam. The concept of time occupies an important place in this religious-cultural system (for a comprehensive overview, see Alon & Brett, 2007).

The characteristics discussed above as distinguishing between cultures on the basis of time perception and conceptualization suggest that Islamic culture is among the cultures that regard time as "event time," namely, time that is defined by the events occurring within it, or as qualitative time, and ascribe less importance to quantitative time or "clock time." The perception of time as an economic resource measured by money is not characteristic of this culture. It regards time, to a great extent, as a circular process.

Time itself is a powerful force directed towards and affecting human fate. There is a distinction between earthly time – the time a person spends on Earth – and heavenly time, which is time after life. But human beings attribute importance to all types of time because time unites earthly existence with heavenly existence, the latter being more dominant and highly regarded. Time itself is controlled absolutely by God, and the purpose of human existence on Earth is to achieve full submission to God. Islamic culture emphasizes and glorifies the value of patience and waiting, and it regards haste as a negative quality. It follows that this culture does not believe in "time urgency." Patience is among the important qualities for the Muslim believer and is expressed in a number of ways: patience in worshipping God, patience and courage in resisting sin, and patience when being tested.

Given that Muslim culture is based on religious belief, which is the basis of all conduct, it follows that the time perspective of Arab-Islamic culture is in essence a past perspective (see below).

3.1 The Conceptualization and Perspective of Time in Arab-Islamic Culture and Their Influence on the Conduct of Negotiations

Alon and Brett (2007) list a number of implications of the perspective and conceptualization of time in Arab-Islamic culture for the conduct of negotiations.

Given the advantage of patience, there is no harm in suspending or postponing negotiations. This approach is also related to the belief that time is on the side of Islam's faithful because ultimately Allah will gather all human beings under the auspices of Islam. In addition, time for a believer is not merely "secular" earthly time but also divine and eternal. The practical significance of this approach is that negotiations are conducted in a spirit of calmness and patience, which in turn prevents concessions and allows the negotiators to withstand the consequences of delays in the process.

This system of beliefs rejects attempts at an ultimatum and predetermined deadlines by the other side. The past serves as a criterion and frame of reference for negotiations, and much use is made of historical processes and their glorification.

In contrast, attention to the future and to planning are seen as problematic because they are perceived as human intervention in processes planned by God, in whose control the future lies. This is the reason why commitments and promises are non-explicit with respect to dates of implementation.

3.2 *Hudna* or *Regi'a* – A "Short Circuit" in the Understanding of the Concepts of Time

As stated above, the expressions relating to time within a language reflect the attitude towards time and the nature of its conceptualization within the relevant culture. When two parties to a conflict try to communicate about problems related to time in the course of negotiations, complete understanding of one another's culture is an essential condition for the achievement of a stable and acceptable agreement.

An example of a problematic situation arising largely out of cultural misunderstanding of concepts of time can be seen in the talks between Israel and Hamas in Gaza about what is known in Arabic as "*hudna*" and in Hebrew as "*regi'a*" ("calm" or "quiet").

The concept of "*hudna*" is one in which the time factor is diluted. The meaning of the word "*hudna*" is a ceasefire, a break, or a rest. In Arab-Islamic tradition, the *hudna* is permissible for the sake of conducting negotiations between rivals (Reut Institute, http://reutinstitute.org/he/publication). It follows that the *hudna* is temporary in essence and can even serve the purpose of reinforcing fighting positions. The word *hudna* does not suggest any preparedness to solve the problem or any commitment not to violate the ceasefire.

Here too, the past perspective governs the concept of time. The understanding of *hudna* draws from the precedent of the Treaty of Hudeibiya signed between the Prophet Mohamed and members of the Tribe of Quraish in the year 628 but breached by Mohamed in 630 after he gathered enough forces to conquer Mecca. The attitude of suspension and patience is also reflected in this concept.

In contrast, the concept of "*regi'a*" ("calm" or "quiet") does not hint at time, and its sound conveys a sense of a permanent situation. Among the dictionary definitions for the word *regi'a*, we also find "agreement, treaty reached on the

basis of the goodwill and complete concurrence of the two sides" (Even-Shoshan Dictionary, 1991). Undoubtedly, one of the difficulties in conducting negotiations to reach a *hudna* or *regi'a* is the different understanding of time and its operative consequences within the two cultures.

4. The Time Factor and Its Conceptualization in Jewish-Israeli Culture

In seeking to analyze Israeli-Jewish society's attitude towards the concept of time, we must take into account two components: the Israeli-secular component and the traditional-religious component. To a great extent, these two components represent different elements of the culture. Although Palestinian society also has secular elements (Fatah) and religious elements (Hamas and others), it appears that the homogeneity and dominance of values and beliefs grounded in religion are greater within Arab society than within Israeli society. The secular component of Israeli society is part of "techno-western" culture, and in this context, Israeli culture and techno-western culture share the same conceptualization of time and attitudes towards it.

Regarding the religious component, the Jewish religion is in many aspects similar to the Muslim religion, and much of the perspective of time and attitude towards it that characterize Islam are present in Judaism as well, though not completely and not as intensely (Birx, 2009). The emphasis on time as divine and the distinction between earthly time and heavenly time are not emphasized in Judaism, although it does refer to the time that comes after life on earth. Jewish tradition recognizes qualitative time (for example, the distinction between sacred and profane time) and has a perspective of circularity, but it is not emphasized as in Islam.

Time is, in principle, determined by God, who thus controls the future as well, as reflected in the popular expression regarding the future, "God willing." The complexity of the regard for the future as deterministic, on the one hand, but enabling human choice, on the other, is reflected in the well-known expression, "all is expected and permission is granted," attributed to Rabbi Akiva (The Words of the Fathers).

Patience and caution against haste also appear in Judaism. Thus, for example, Breslev Hasidim cite their teacher's rule "not to press time but to be patient, for on this rests a man's success" (from the Breslov booklet *Do Not Press Time*). The Chabad/Lubavitch movement also produces stories for children and youth with the aim of strengthening values such as patience. One of these stories tells of a righteous man, Rabbi Yitzhak of Warka, who was known for his great patience (from the website of "Chabad Youth" www.chabad.org.il).

In contrast, as noted above, Israeli secular society is characterized by a "techno-western" perception of time, and many sectors of religious Judaism that have merged with business, trade, and scientific life have, at least in part, adopted such a perspective of time (an illustration of the tension between these two perspectives of time can be seen in the struggle over "Sabbath time" and the content of that struggle).

Some researchers have described the transition from one perception of time to another as a paradigmatic change that occurred within the perspective of time in Zionist thinking (Eisenstadt & Lisak, 1999). According to them, Zionist thinking developed a modern perception of time fundamentally similar to the western perception of time and different from the worldview embodied in Jewish holy writings and tradition. As a result, a change in societal perception of reality as controlled by time also took place. The new perspective holds that societal reality can be changed and shaped by willful intervention. In a similar spirit, Jamal (2009) argues that within the Zionist narrative, Jewish time is dynamic and is expressed by extricating Jewish national identity from the depths of history and placing it in a modern historic journey. In contrast, the Zionist narrative perceives Palestinian time in static terms. The Palestinians are presented in this narrative as being stuck in the past.

We argue that in national-historical matters, such as those at the basis of the Israeli-Palestinian conflict, Israeli society experiences a dialectical tension with respect to time. On the one hand, we can discern an economic approach that sees time as an economic resource to be exploited and not wasted. This is an approach that seeks speedy results based on a future-time perspective. One expression of this was the formation of the "Peace Now" movement in 1978, a movement whose name reflects the desire and the need for a speedy and even immediate solution to the conflict. On the other hand, the approach to resolution

of the Israeli-Palestinian conflict is characterized by a past-time perspective that reflects the strong influence of religion and tradition. Explicit expressions of this perspective relate to the rights of Jews to the land of their ancestors on the basis of promises made by God to the nation's forefathers in the distant past.

Another factor that makes the time perspective tend towards the past is the memory of the Holocaust. The Holocaust, known to have a strong and decisive effect on Israeli public opinion and policymakers, further reinforces the link to the past and to the rights that the lessons of the Holocaust grant to the Jewish people.

An example of the tension between past-time perspective and future-time perspective can be found in the "Bar-Ilan speech" of Prime Minister Binyamin Netanyahu, a statement of the principles on which his government's policy regarding resolution of the conflict is based.

Excerpts of the speech that represent a past-time perspective include the following:
"Let me say this upfront: the Jewish people's relationship with the Land of Israel has existed for over 3,500 years. Judea and Samaria, where Abraham, Isaac, and Jacob, David and Solomon, Isaiah and Jeremiah walked, are not a foreign land to us. This is the land of our forefathers"… "Our right to establish our state here, in the Land of Israel, derives from one simple fact – this is the homeland of the Jewish people and here our identity was forged."

The following excerpt from the same speech presents a future-time perspective:
"If we join hands and work together in peace, there is no limit to the prosperity and development that we can bring to both our peoples – in economics, agriculture, trade, tourism, and education – and above all the ability to bequeath to our younger generation a secure place to live, a tranquil life full of substance and creativity with expanses of opportunities and an expansive sense of hope."

This excerpt reflects the tension between past and future perspectives:
"Even when our eyes look to the horizon, our feet must be firmly planted on the ground of reality, of truth. And the simple truth is that the cause of the conflict

was, and remains, the refusal to recognize the right of the Jewish people to a state of its own in its historic homeland" (*Haaretz*, 15 June 2009).

5. The Palestinian Sense of Time

In order to complete the picture of the perceptions of time of both sides to the Israeli-Palestinian conflict, we will also present the day-to-day experience of time that characterizes the Palestinian population in Israel and beyond.

Jamal (2009) argues that the Palestinians have a strong awareness of time based on a sense of being "extricated from history, having their time voided of content and suspended." According to Jamal, even Palestinians who live within their homeland experience a daily sense of exile from space and time. Since the events of 1948 (the "*nakba*" in Palestinian terms), everyone shares a sense of suspended time – life on hold, with no control over it. Jamal calls this "a crisis of voided, or suspended, time," that gives rise to a constant sense of waiting. As a result, temporariness has become the Palestinian "cognitive-time" space (see below, paragraph 9).

6. Expressions of Past Perspective on the Israeli Side

The past perspective, which is mainly emphasized in the national-religious sector but also exists in the consciousness of most of Israeli society, stresses "our right to the land" as the basis of any solution to the Israeli-Palestinian conflict, as noted above. A salient example of this is the publicity campaign of the Council of Judea and Samaria, conducted under the heading "The Story of Every Jew." The campaign stressed that "every people has its story, and every story has its place. Our stories have a place. We have a place: Judea and Samaria. The story of every Jew." The explanation for this can be found in the stories of forefathers and foremothers, prophets and kings, and stories of bravery, all of which are entangled with the present in each one of us (see http://www.jstory.co.il). The similarity between these arguments and the "past" portion of the "Bar-Ilan" speech noted above is interesting.

Another example is the justification for the location of the "Alon Moreh" settlement near Nablus, as presented on the website of the Council of Judea,

Samaria, and Gaza. It states that the city of Nablus was the first meeting place of the nation and its forefathers with their land, and that our Father Abraham, following God's orders to come to this land, passed through Alon Moreh (Zakay, 2005). Regarding the effect of memories of the Holocaust on the predisposition of time perspective towards the past, we cite as an example the words of Israel Defense Forces Chief Educational Officer (Brigadier-General Stern): "Every IDF officer must see himself as a survivor of Auschwitz … in order both to act morally and to ensure that the Holocaust does not recur" ("In the Afternoon." *Kol Israel*, Radio Network B, 6 December 2004).

The past perspective is also reflected in the arguments of those opposed to the Oslo Accords, which generated harsh criticism within the political right (Begin, 2000). Rabin was accused by this opposition of relinquishing part of the historical homeland of the Jewish people and undermining the security of Israel and its citizens.

7. Expressions of Past Perspective on the Palestinian Side

The past perspective and its dominance on the Palestinian side are expressed through reliance on historical claims as well as by linking between the discussion of a solution to the conflict and national Arab myths. An example of this is Gilad Sher's description (2001) of Arafat's attitude to the question of the Temple Mount at a meeting with then-Foreign Minister Shlomo Ben-Ami during talks in Nablus on 25 June 2000. During a discussion of the problem of Jerusalem (Al-Quds), Arafat mentioned the "Omar Covenant" – the agreement signed in Jerusalem in the year 638 between Caliph Omar Ibn Al-Khattab, conqueror of the Land of Israel, and Byzantine Patriarch Sofronius. Among other things, the agreement forbade Jews to reside in Jerusalem. Ben-Ami (2004: 487) also cites this statement of Arafat's. According to him, Arafat said at this same meeting that his willingness to accept Jews in Jerusalem is a historic concession on the part of someone who sees himself as Ibn Al-Khattab's successor. Ben-Ami adds that Arafat continuously cultivated his own image as a conqueror, a modern Salah A-Din, who would liberate Jerusalem from the Crusaders.

More generally, there is a widespread perception on the Palestinian side that regards the Israeli-Palestinian conflict as an extension of the Islamic struggle

against the Crusaders. Zionism is portrayed as analogous to the Crusades and described as "the new Crusades against Palestine." This equation also hints at a belief in the circularity of time and the possibility of going back in time. Arabic literature on this topic states, "If history repeats itself, we do not fear the hardships because the Arabs who drove away all the western states will have the ability to drive away multitudes of foreigners in the future." This attitude illustrates how Arabs rely on the past when they hope that the fate of the Zionists will be the same as that of the Crusaders (according to Benvenisti, 1993; Ron, 2003; Sedan, 1993).

8. The Focus on the Past as a Barrier to Resolving the Conflict

8.1 The Debate over Jewish and Palestinian Settlement of the Land of Israel

Another clear example of the focus on the past and its implications for the conflict can be found in the debate over the following question: what are the origins of the Jewish population, on the one hand, and of the Palestinian population, on the other? While the basic claim of Zionism is that the Land of Israel is the homeland of the Jewish people, from which it was exiled, and that this is the source of its historical right to the Land, other claims deny that the Jewish people are the direct descendants of the Jews who lived in the Land of Israel in days gone by. An example of this is Sand's book *When and How Was the Jewish People Invented?* (2008), which argues that the Jewish people are not direct descendants of the residents of Judea who were exiled when the Temple was destroyed in 70 C.E. but are the descendants of tribes that converted to Judaism in North Africa and of the Khazar Empire, which converted to Judaism and became the origin of eastern European Jewry.

On the other hand, the debate over the question "who are the Palestinians?" is also mired in controversy. Today the United Nations and most of the world's states define as Palestinians only the Arab residents of the Gaza Strip, Judea, and Samaria (Morris, 1987). According to the historical view salient among Palestinians, the Arab residents of the Land of Israel already had a distinct and

separate national identity during the first millennium C.E., and there are those who ascribe the origins of the Palestinian people to the Canaanite tribes who lived in the Land of Israel during biblical times (Kimmerling & Migdal, 1999). Conversely, there is an opposing view that holds that the Palestinians are not members of a distinct nation, as reflected in the famous quote of former Israeli Prime Minister Golda Meir (15 June 1969): "There is no such thing as the Palestinian people…." A popular argument voiced in this context holds that the Arab residents of the Land of Israel during the time of the British Mandate were mostly nomads who emigrated from other states in the region following the development of the land by its Jewish residents and the British.

The motivation for this debate, beyond its historiographic importance, is clear: it begs the question of who has a historical right to the Land of Israel – the Jews or the Arabs? From the viewpoint of the search for a realistic solution to the conflict, however, this debate is meaningless. Today Arabs and Jews live in the Land of Israel alongside each other. Focusing on the historical question might therefore be considered a diversion from efforts to find a solution to the conflict, derailing them from the main track on which they should be conducted – the future.

Another – more emphasized – example of a past-perspective barrier to resolution of the conflict is the debate over the creation of the Arab refugee problem.

8.2 The Debate over the Creation of the Arab Refugee Problem

A fierce debate that further reflects the past perspective in relation to the conflict centers on the question of the causes of the Arab refugee problem. The circumstances of the refugees' departure are a matter of controversy. The official Palestinian position accuses Israel of a deliberate policy of expulsion, recalling the operation in Deir Yassin in this context. In contrast, the official Israeli position holds that most refugees left of their own will or were expelled because they took part in the fighting.

According to Regev and Oren (1995), one claim is that the local Arab leadership did nothing to stop the flight of the refugees, and in many cases its members were among the first to flee. This claim is supported, for example, by the Palestinian

newspaper "A-Tsariah" (30 March 1948), which wrote, "Residents of the large village of Sheikh Munis and of many other villages in the vicinity of Tel Aviv disgraced us all when they abandoned their villages with their possessions and offspring." Talmi (1953) writes that the Arabs of Safed fled after concluding that they did not have the strength to overpower the Jews. Arab leaders, not only the residents in their masses, also concluded as such, and so began the great escape of 12,000 Arab residents of Safed.

Golda Meir (1975) wrote that the Jewish leadership explicitly wanted the Arabs of Haifa to remain. According to Shimoni (1988), the Arab League called upon Arabs in the Land of Israel to abandon their lands and their country, while promising that this abandonment would only be temporary and would come to an end within a matter of days, with the conclusion of the Arab retribution against Israel. Abba Eban, Israel's representative to the United Nations, presented the Israeli position to the General Assembly on 18 November 1955, stating that the refugee problem was caused by a war of aggression in which Arab states attacked Israel in 1948 in order to prevent the establishment of the state. The Palestinian view holds that the expulsion was, in fact, deliberate ethnic cleansing that reflects official Israeli policy. This view is supported by a number of "new" Israeli historians such as Benny Morris (1987).

It is noteworthy that in July 2009 (*Haaretz*, "Education and Society" Supplement, 23 September 2009), the Ministry of Education approved a high school history textbook entitled *Building a State in the Middle East,* in which three versions of the creation of the refugee problem are presented alongside one another. The Zionist version holds that "the escape of the upper echelons shook up the Arab population in the Land and led to demoralization and the collapse of spiritual and organizational frameworks. In order to achieve what they saw as a condition for speedy and easy military invasion, Arab League leaders called upon the 'residents of Palestine' to move to nearby countries. Not only was the flight of Arabs guided and conducted at the initiative of Arab leadership, but Jewish leadership even tried to stop and prevent it on more than one occasion." According to the Palestinian version, "This was the historic opportunity (of Jews) to cleanse the Land of Israel of Arabs, to deny the Arab presence by simply erasing it. The method employed was massive sudden attacks against civilian Palestinian populations, which had been weakened by continuous shelling. At

the psychological level, this involved recurrent broadcasts and speeches through loudspeakers warning of disease and punishment and proposing escape routes to avoid death." In addition, a modern version following Benny Morris's book (1987) is also presented, referring to what is known as plan D: "Plan D gave the *Hagana* (Jewish military) leaders at the level of brigade and regiment commanders a free hand to clear strategically essential territories of their populations as well as permission to vacate hostile villages. Every unit interpreted these instructions as it understood them, although there was no decision at the political level to 'expel the Arabs' from the territories of the Jewish state."

In our opinion, the discussion surrounding this question has important historical value, and presenting high school students with all of its versions contributes to pluralistic thinking. From the perspective of conflict resolution processes, however, solution of the refugee problem will not result from the adoption of one or another version of its creation. The historical debate only constitutes a barrier on the path to resolution because it almost certainly leads each side to solidify its thinking and permanently fix its version, preventing the finding of a creative solution to this problem, which is perhaps the central problem within the conflict (Klar, Zakay & Sharvit, 2002).

9. "Cognitive-Time" Space

We intend to posit the argument that the emotional events of human beings take place in a virtual "cognitive-time" space. This space is defined by the time perspective, on the one hand, and by the nature of the attitude towards time, on the other. Time perspective determines the predisposition towards the past, present, or future, whereas the nature of the attitude towards time might be quantitative or qualitative, expressed in terms of time urgency or not, of the view that time is an economic resource, linear or circular, and so on.

People may move about within their personal "cognitive-time" space as a result of the influence of the type of event involved, personal traits, and context. A person might be situated, for example, in the region of past qualitative-circular time when immersed in a nostalgic memory or dream state. That same person might move towards a region of future economic time when planning a financial initiative, or he might be found in the region of present quantitative time when

planning to arrive at a set time for an upcoming meeting. If he is situated within cognitive-time space in a region that does not accord with the events he must confront, his behavior will be ineffective and non-adaptive. Thus, for example, being situated in the future region of qualitative time will almost certainly cause one to miss a planned meeting. Every person has a dominant region within cognitive-time space where he is more likely to be mentally situated in relation to other regions within the space. In situations of conflict or negotiation as well, each of the parties is located in some region of cognitive-time space, and this region is in turn determined by his traits, personality, culture, religion, and context. Some locales within cognitive-time space may probably be characterized as more conducive to negotiations than others. This matter requires further research.

Next we outline a possible schematic of cognitive-time space, with the possible locations of different cultures according to the above analysis. From the schematic we see that there are gaps in the attitude towards time between the combined Israeli-Jewish culture and Islamic culture. This picture is further complicated by the internal tension among elements of the Israeli-Jewish culture itself. Thus, for example, it appears that Islamic culture places greater emphasis on patience, circularity, and a qualitative approach to time, whereas Israeli-Jewish culture – particularly because of the Israeli component – places greater emphasis on time as an economic resource, time urgency, and a quantitative approach to

Time-Awareness Space

Time Perspective
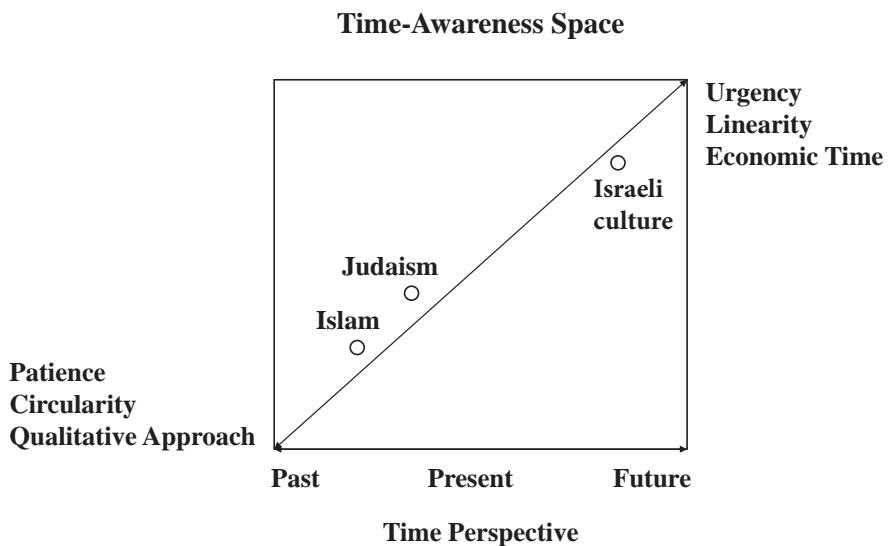
time. Nevertheless, both the Islamic culture and the Jewish component of Israeli-Jewish culture are situated in the past region of cognitive-time space. The Israeli component itself is located more within the future region, causing unresolved tension within Israeli-Jewish society and making understanding of the message being conveyed by the Israeli-Jewish side to the Palestinian side more difficult.

We have already shown how this tension was reflected in Netanyahu's "Bar-Ilan" speech. We also argued that this tension is expressed through an inconsistent message based on a past perspective relating to the Jewish right to the land of their forefathers, but denying a past-time perspective and demanding a future-time perspective in relation to the Arab stance on the right of return.

The difference in locations within the "cognitive-time" space of Israel and Palestine respectively is reflected in the following statement by Ben-Ami (2004: 467): "Barak, and we as well, did not expect applause from the Israeli public, but we did believe that future generations would thank us and that history would justify our actions. Arafat, in contrast, expected an agreement that his public would applaud today, here and now." Ben-Ami adds (p. 498), "The Zionist ethos was constructivist in essence. It was an ethos about building a society, creating a living language, developing national institutions and infrastructures. In contrast, the main ethos of the Palestinian national movement is of a struggle over stolen rights, a search for elusive justice, remedy of an injustice inflicted upon refugees, and return in the simplest sense, return to the fig tree and the cactus bush, as if history can be returned."

An interesting opinion regarding the gap in locations within "cognitive-time" space can be found in the writing of the Palestinian researcher Fouad Ajami (2000, Hebrew version) in his book *The Dream Palace of the Arabs*. As an example of the Palestinians' situation, Ajami describes the stance of Hisham Sharabi, a Palestinian-born American intellectual, as follows (p. 250, Hebrew version): "Memory places an obstacle on the path to reconciliation. The ghost of Old Palestine scorned this pragmatic peace. Memory sanctifies everything that existed there before the loss and the defeat." Ajami also quotes Sharabi as saying, "I remember well the sea of Jaffa. It is the sea of my childhood. I can still smell it, taste its saltiness, feel its breeze on my face."

In stark contrast to this description, which reflects a location within the past region of "cognitive-time" space, Ajami clearly describes Israel as situated within

the future region, perhaps even the too-far extreme future. Ajami presents the Israeli side by way of its attitude to the Oslo peace process and to its architect, Shimon Peres (p. 256, Hebrew version): "It did not benefit the Oslo peace that its Israeli architect, Shimon Peres, marketed it as the dawn of a new age for the region and announced the birth of a 'new Middle East.' Peres's vision, a messianic vision in its expectations, is a world of markets, of secret elections, and open borders. The deserts of the Middle East will bloom, the occupation will make way for trade, nationalism will lose its hold." It appears that Ajami doubts the likelihood of such a future, which does not accord with the Arab perception of time.

10. The Israeli-Palestinian Conflict As Reflected in the Negotiating Clock

The above analysis of the perception and conceptualization of time on both sides of the conflict points to a number of problems that make progress towards resolution of the conflict difficult. While the Palestinian side adheres to a slow negotiating process and does not fear its suspension – based on the religious belief that time works to the benefit of Islam's faithful – the Israeli side operates out of a sense of time urgency and immediacy and a sense of the heavy economic toll generated by the passage of time.

The Israeli side also lacks any certainty that time is working in its favor – mainly because of the influence of the "demographic clock." This feeling was reflected in an October 2009 survey that found that 75% of the Jewish public in Israel supported negotiations between Israel and the Palestinians – the highest level of support found in recent years (Yaar & Hermann, 2009). The same survey found that 46% of the Jewish public is certain that Israeli Prime Minister Binyamin Netanyahu is sincere when he says that, from Israel's point of view, negotiations on an agreement with the Palestinians may begin immediately. In contrast, the Palestinian side, headed by Abu-Mazen, displays a lower sense of urgency regarding the initiation of negotiations.

The Israeli side operates out of a sense of need for a rational plan for the future – an approach that is not characteristic of the Palestinian side, which wants first and foremost to achieve historical justice by reversing the wheels of time. This

mix is further complicated by the non-uniformity of the Israeli time perspective: it is a past perspective in relation to Israeli claims and a future perspective in its rejection of Palestinian claims. On fundamental, essential matters, both sides think in terms of past perspective, which places them in the past region in terms of cognitive-time space.

The location of both sides in the past region is not fruitful for the negotiating process, and it makes finding a solution difficult. Indeed, the ability to solve problems creatively requires parties to let go of the past and direct their awareness towards the future. Thus, for example, Webber (1972) spoke of "worship of the past." In his words, decision makers need to engage in the future rather than the past, and the past need not affect decisions about the future. History is rife with examples that illustrate how adherence to old habits and "submission" to the past have produced disastrous results.

The paralyzing influence of the past is expressed in the process known as a "paradigm shift," wherein supporters of an old paradigm make change difficult and seek to prevent the emergence of a new, better, and more effective paradigm (Kuhn, 1962).

In the area of decision making, Klein (1993) identified a popular strategy called "recognized prime decision," which is based on implementation of decisions taken in the past. This strategy often leads to implementation of decisions that no longer apply to the current situation and thus produce unwanted results.

Some researchers (Fisher, Ury & Bruce, 1991) are certain that in order for negotiations to produce a successful and consensual result, the parties must focus on the future. This is not by any means simple, though. Aristotle has observed that regard for the past has its origins in the fact that perception of time is only possible because of the existence of memory, given that only someone with the ability to remember is able to appreciate the passage of time (McKeon, 1941). Therefore, as long as human memory exists, it will be impossible to avoid the past-time perspective. On the other hand, it should be recalled that the achievement of historical justice has a moral importance that cannot be dismissed. It is therefore important to remedy past injustices before approaching a solution to the problem based on a view to the future.

11. Conclusions: "Forget the Past and Turn Over a New Leaf" – Is This Possible?

The time factor has many implications for the creation of conflicts and the possibility of resolving them. Because time is a resource, particularly in "techno-western" societies, and because it is often a limited resource, conflicts might actually have their origins in the resource of time itself.

The time factor has direct and indirect implications for the negotiating process and the chances of conflict resolution. Some of the direct implications are tied to aspects that appear technical, such as the pace of negotiations, the ability to work under time pressure, the attitude towards timetables, and others. These factors, however, have a deeper and more decisive effect than simply as technical aspects when different systems of belief, religion, and culture are involved.

Differences in the attitude towards time that reflect religious and cultural differences can constitute a barrier to efforts at conciliation and resolution by two sides to a conflict.

Problems that are rooted in cultural and faith-based differences and are linked to the time factor are not openly visible, and thus those engaged in resolving the conflict will find it difficult to identify and address these problems. At the surface level, the problem can often appear as a technical matter of communication and time-related linguistic terminology of the two sides. A deeper analysis, however, will show that the linguistic communication problem is merely the tip of the iceberg emerging from the "sea of conflict," while the real and moral aspect of the problem is buried deep underwater. This chapter illustrated the problem in the context of the Israeli-Palestinian conflict by juxtaposing the terms "*hudna*" and "*regi'a*."

This chapter posited that the greatest barrier to conflict resolution occurs when both sides represent cultures that embody time perspectives and orientations that lead to a clash of values. The situation that poses the greatest difficulty to resolving conflict is one in which both sides represent past-time perspectives, that is, the conflict is deeply entrenched in their pasts and the path towards a solution cannot circumvent the magnitude of the past. Without the willingness or ability to overcome the burdens of the past, and in the absence of a dominant time

perspective directed towards the future, it will be hard to make progress in a way that is based on a mature "problem solving" approach.

Analysis of the attitude towards time within Islamic culture and religion, on the one hand, and within Jewish culture and religion, on the other, reveals that both are dominated by a past-time perspective. In the case of Israel, there is indeed a dialectical tension between the past and future perspectives, but the past perspective remains dominant primarily because of the effects of religion, tradition, and the memory of the Holocaust.

Under these circumstances, the Israeli-Palestinian conflict occurs primarily in the past region of the "cognitive-time" space of both sides. This often happens at an unconscious level, but it has great influence on the open and declared conduct of the parties.

This analysis does not leave much room for optimism regarding the chances of finding a stable solution that would be acceptable to both sides.

The combination of an aware and educated approach by both sides to all aspects of the time factor, an effort to understand the belief system and culture of the other side, and self-reflection aimed at increasing awareness of time perception, could perhaps contribute to progress.

Undoubtedly, as in any effort to resolve conflicts, appropriate attention to the positions of the parties and their relationship to the time factor will be beneficial.

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Chapter 8

Strategic Decisions Taken During the Israeli-Palestinian Peace Process as Barriers to Resolving the Conflict

Ephraim Lavie and Henry Fishman

Mahatma Gandhi's famous quote – "We must become the change we want to see in the world" – makes the definition of 'strategy' very clear. *It is the comprehensive and coherent conception of the ultimate goals of the leadership in combination with the main routes to achievement of these goals.*

The success of negotiations in any sector – business, civil dispute resolution, or political processes – is hard to predict on the basis of one of the parties' "correct strategy" because success depends on coordination and harmony between the "correct strategies" of both sides simultaneously, in parallel, and throughout the entire process. This condition illustrates the fragility of a strategy even when it is the correct one, but it also challenges the leader to rise above and beyond in formulating or "finding" a strategy – a "grand strategy" – that can overcome the obstacles posed by the counter-strategy.

Based on our experience in following the negotiating process with the Palestinians through its various stages and derivative developments since 1993, as well as on research and analysis of writings on this issue, our starting assumption is that the Israeli-Palestinian conflict can indeed be resolved through negotiations between the parties, but that this will require overcoming difficult or preventative obstacles. This chapter aims to present and analyze the barriers that led to the failure of the Oslo formula for negotiations and to draw lessons in the following three key areas:

1. **The strategic decision of each of the parties as a matter of substance** (the "grand strategy") that lays a firm foundation for resolution of the Israeli-Palestinian conflict through a process of negotiations towards peace;

2. **The decision by each of the parties about a negotiating strategy in accordance with the strategic substantive decision** regarding resolution of the conflict through negotiation – the *"how"* decision; and

3. **Decisions taken by each of the parties regarding resolution of the substantive issues of the conflict, with attention to an agreed-upon source of authority, and each side's degree of willingness to make the necessary strategic compromises.**

In operative terms and on the basis of in-depth work, a correct strategy is defined as follows: a strategic outline requires a principled focus on three different and complementary factors for fulfillment:

1. **Outlook based on fundamental and underlying principles** (Dror, 1989) – this outlook allows in-depth exploration of problems and addressing their root causes, as distinct from the common tendency to focus only on what is visible above the surface.

2. **Comprehensive and coherent outlook** – addressing various aspects from a comprehensive perspective in order to achieve a complete and comprehensive picture of the situation ("a multi-layered web composed of various pieces" according to Dror); and

3. **Long-term outlook with the characteristics of overview and vision**, which are not affected by the working definitions that result from the current situation and are not erased by them.

Judging on the basis of the abovementioned principles, the "surprise" of the Oslo Accords regarding Israeli political leadership, combined with the well-known fact that the agreement was initiated and prepared primarily by a non-governmental academic team, indicates that the Israeli decision to proceed according to the Accords' formula lacked a strategic foundation (Beilin, 1993).[82] Perhaps this

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[82] Since her earliest days, Israel had not formulated a strategy for peace with the Arab world because she did not believe that the Arab world would ever come to terms with her existence. "Why would the Arabs make peace?" Ben-Gurion asked Nahum Goldman in a heart-to-heart conversation between the two just a few years after the birth of the state. "If I were an Arab leader, I would never accept the existence of Israel. It's only natural! We took their lands. True, God promised them to

factor embodied – already in the early stages – one of the seeds of the failure of the process. Conversely, Arafat was involved in the secret contacts from the very beginning, and the Palestinian side included PLO officials – the same officials who are negotiating with Israel to this day. These facts alone serve as early evidence – or at least suggest – that the Palestinian decision to follow the Oslo process rested on a strategic foundation. These assumptions do not, of course, provide evidence of the sincerity of the intentions underlying the Palestinian decision or, alternatively, lack of Israeli sincerity to reach a compromise with the Palestinians.

The leaders of Israel and the PLO had come a long way when they reached a mutual commitment in the autumn of 1993 to resolve the historical conflict between themselves through peaceful means and implemented a number of interim agreements, signed in the framework of the Oslo process. The process was based on U.N. Resolutions 242 and 338, which address resolution of the territorial and humanitarian problems generated by the Six Day War. This process was intended to lead to the establishment of a Palestinian political entity alongside Israel.[83] The status of this entity was supposed to be determined through negotiations on a permanent arrangement upon the conclusion of a five-year interim phase (Abu Mazen, 1994; Abu Alaa, 1998). Negotiations on a permanent arrangement, however, which took place from late 1999 through January 2001, led to further polarization of the parties' positions and to confrontation with questions that touch upon the origins of the conflict, the results of the 1948 war, and the prolonged and violent confrontation.

The complete picture of the causes for the collapse of the effort to resolve the conflict is composed of various elements, visible and hidden. Some of these apparently require psychological and cultural analysis, while others require

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us, but what does that matter to them? Our God is not their God. We come from Israel, it's true, but that was 2,000 years ago, and what does that mean to them? Anti-Semitism, the Nazis, Hitler, Auschwitz all happened, but were they their fault? They only see one thing: we came along and took their lands. Why should they accept that? Maybe they will forget in a generation or two, but at the moment there is no chance of this" (Goldman, 1968).

[83] The Israeli and Palestinian positions were polarized: while Israel sought to minimize the future possibility of the formation of a Palestinian political entity with the status of an independent state, the Palestinians realized from the outset that the Oslo process should lead to the establishment of a sovereign Palestinian state (this assessment is based on personal conversations that took place in early 1994 with representatives of the Israeli and Palestinian delegations to the Oslo talks).

exploration of the political standing of leaders on both sides and their ability to make historic decisions, in addition to examination of the factors that affected their readiness to pursue an agreement. All of these are significant in relation to the visible positions adopted by each side during the negotiations, positions that often represented hidden content with tactical, and even manipulative, significance.

In the years that have passed since negotiations on a permanent arrangement came to a halt, the reasons why a permanent arrangement was not achieved have been researched in various contexts by the leaders and advisors who were involved in the negotiations, by academics, and by prominent media personalities. Some asserted that during the Camp David Summit (July 2000), Israel presented a practical proposal for an arrangement that was rejected by the Palestinians because Arafat was not interested in recognizing Israel as a Jewish state and in concluding a two-state agreement with it. Others claimed that Israel did not present a proposal that the Palestinians could accept and that its conduct during the negotiations – such as the demand to reach a speedy decision within one summit – prevented the achievement of an agreement. Some asserted that the process was doomed to failure from the start because Arafat had not changed his ways and continued to adhere to the strategy of "a Palestinian state from the sea to the river." A few argued that the principal reason for inability to reach a permanent arrangement is rooted in mismanagement of the negotiations on all sides rather than in a substantive inability to reach an agreement (Sher, 2001; Malley & Agha, 2001, Drucker, 2002; Klein, 2001; Bar-Siman-Tov (ed.), 2003; Pundak & Arieli, 2003; Rubinstein et al., 2003; Lavie, 2004; Ben-Ami, 2004).

The analysis presented here addresses the quality of the strategic decisions taken by leaders on both sides with respect to reaching an agreement at two critical points in time: at the start of the Oslo process in 1993 and at the start of final status talks in November 1999. The question we will explore with respect to the first point in time is: did the leaders truly and sincerely expect to reach an agreement that would address the results of the 1967 war and to pay the price demanded of them? That is, did they expect that the PLO would not demand a right of return, and that Israel would concede the territories of the West Bank and Gaza Strip that it captured in 1967 (including administration of East Jerusalem)?

The question regarding the second point in time is: did the leaders on both sides understand the significance of moving from a discussion of the 1967 problems to a discussion of the "1948 file" when they decided that final status talks would entail detailed agreement on all issues – including the right of return – and lead to an end to the conflict? Did the Israeli side understand that this would necessarily lead to a Palestinian demand for recognition of the historic injustice perpetuated against them in 1948 and of the right of return as per their interpretation of U.N. Resolution 194? Did the Palestinian side think that Israel could accept these demands? And did both sides believe that it would be possible to reach an agreement despite their peoples' clashing national and religious narratives?

The Quality of the Strategic Decision at the Outset of the Political Process

The quality and substance of strategic decisions are evaluated, among other means, on the basis of their past origins, their reliance on guiding worldviews and principles, and the degree of coherence between these decisions and past decisions (Yaniv, 1994; Tal, 1995).

The Palestinian Side

The PLO leadership made its political decisions regarding the conflict with Israel approximately five years prior to the Oslo process, at the 19th assembly of the Palestinian National Council (the parliament of the Palestinian people) in November 1988 in Algiers. At this historic gathering, which took place approximately one year after the start of the first *Intifada* and six months after Jordan's decision regarding administrative disengagement from the West Bank, the PLO accepted U.N. Security Council Resolution 242, paving the way for a political process with Israel. Arafat understood that his survival as leader of the Palestinian people depended on his ability to meet the aspirations of the West Bank and Gaza Strip residents to be liberated from occupation through an agreement with Israel (Lavie, 2003; Steinberg, 2008).

At this meeting the PLO accepted Resolution 242, as well as other U.N. resolutions dealing with the question of Palestine, and formulated a political

stance that distinguished clearly between the question of establishing a state and the 1967 borders on the one hand, and the refugee question and "historic injustice of 1948" on the other. This stance had three elements:

1. Acceptance of the U.N. partition plan according to Resolution 181 of 1947, which means establishment of a Palestinian state with international legitimacy, not conditional on Israel's goodwill or a political trade-off with Israel;

2. Establishment of a Palestinian state along the 1967 borders as well as East Jerusalem on the basis of U.N. Resolution 242, to be implemented according to the precedents of its implementation with other Arab countries, including dismantling of all settlements and the return of the those uprooted in 1967; and

3. Implementation of the refugees' right of return or their resettlement and compensation for property on the basis of U.N. Resolution 194 of 1948 (Susser, 1990; Abu Mazen, 1994).

The significance of these decisions was that they represented, on the one hand, a historic national decision to accept, at this stage of the national struggle, a territory smaller than Palestine (some 22%) in comparison to what had been offered to the Palestinians through the partition plan and, on the other hand, insistence on implementation of the right of return, which, in practical terms, translates into a final and declared refusal to concede "all of Palestine."[84] In legal terms, these decisions on the part of the Palestinian National Council are firm and valid as long as no other decisions are taken. They were at the basis of the Palestinian political position during the Madrid Conference of October 1991, the Oslo Accords of September 1993, and the final status talks that took place from November 1999 until January 2001, as well as the Annapolis process of 2008.

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[84] In fact, Arafat undertook a process similar to that taken by Menachem Begin, who upon becoming prime minister in 1977 decided that his government's policy would be based on Resolution 242 and thereby paved the way to withdrawal from the Sinai Peninsula and to peace with Egypt, without conceding the principle of Greater Israel (the complete Land of Israel). Both leaders thus took decisions that reflected pragmatism and realpolitik while simultaneously preserving their ideology regarding the entirety of their countries.

The Israeli Side

Israel's "surprise" at the 1993 Oslo Accords might be evidence that the strategic decision to operate in accordance with the Oslo process did not rest on the past. Already in 1968, only a few months after the Six Day War, we find a proposal outlining an agreement with the Palestinian residents of the West Bank. The proposal, which was formulated into a draft agreement between Moshe Dayan and Sheikh Ali al-Ja'abari of Hebron,[85] was based on the same principles that later became the principles of Camp David (1978) and the Oslo Accords (1993): a five-year autonomy agreement during which the parties would discuss a permanent or final status agreement. The first stage in implementing the agreement was to be autonomy for the Gaza Strip and Jericho. This proposal was brought to the attention of King Hussein of Jordan for his approval, but he categorically rejected it, fearing that the notion of autonomy would seep across the borders into his kingdom (Tevet, 1969: 241-251; Abbul Hadi, 1975: 336; Maoz, 1985: 109-115; Bavli, 2002: 115-157).

Ten years before the Palestinians decided to participate in a political process with Israel in accordance with Resolution 242 (Algiers, 1988), Israel had accepted the basic outline of an agreement with the Palestinians in the framework of Middle East Peace as agreed at Camp David in 1978. This framework was based on the principle of "land for peace" and on U.N. Security Council Resolutions 242 and 338 as the legal basis for future peace agreements between Israel and Egypt, the Palestinians, and other Arab countries. The outline for an agreement with the Palestinians was based on the following principles:

♦ Palestinian self-rule would be implemented in the West Bank and Gaza Strip for a period of five years. This regime would represent an early stage towards a permanent arrangement for these territories. Under self-rule, after withdrawal of the Israeli military rule and its civilian administration, the Palestinians would enjoy full autonomy.

♦ In the first stage, autonomy would apply to two areas: the Gaza Strip and the City of Jericho.

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[85] Lecture by Moshe Sasson in 1995 on the occasion of publication of Cohen Shani, S. (1994). *The Paris Campaign: Intelligence and Secret Diplomacy at the Beginning of the State*, Ramot Publishing (Hebrew).

- Palestinians would choose the independent Palestinian administrative authority through free elections.

- The preparations for autonomy would be discussed by Israel, Egypt, and Jordan.

- A Palestinian police force would be established to maintain order. Israel and Jordan would jointly patrol the borders.

- No later than three years after the inception of independent Palestinian rule, permanent-agreement talks would begin among representatives of Israel, Egypt, and Jordan as well as elected Palestinian representatives from the West Bank and Gaza Strip;

- During the transition period, a joint committee with the participation of Egypt, Jordan, Israel, and elected Palestinian representatives would be established in order to discuss the future of those Palestinians who left the West Bank and Gaza Strip in 1967. Egypt, Israel, and "other interested parties" would discuss setting agreed-upon guidelines for solution of the problems of the refugees and those uprooted.

This outline – which was formulated with Egypt in 1978 and was, as noted, part of the framework agreement for Middle East peace – is almost completely identical in wording and principles to the "Declaration of Principles" (Oslo Accords) of 1993. It thus begs the question as to the substance and credibility of Israel's strategic decision regarding the political process with the Palestinians, given that the principles of the Oslo Accords did not contain anything new or any surprises.

Another indicator by which the quality of the strategic decisions of the parties to the Oslo process – Israel and the Palestinians – should be assessed is the measure of alternative decisions available to the parties.

A substantive and credible strategic decision is a coherent decision that rests on primary and long-term national interests. This is a comprehensive decision, free of internal contradictions, based on a solid foundation, and embodying the best strategic alternative, all others having been examined and rejected. Such a

strategic decision[86] stands by itself, without competition. In order for a decision to be defined as a strategic decision, it must meet the fundamental condition of having been chosen through a process of selection among alternative strategies. Reciprocally, a decision taken under circumstances of no alternative will be of lower strategic weight and value (Dror, 1989; Janis and Mann, 1980).[87]

In this sense, the decisions of the two sides were not strategically "strong." Over the years Israel has considered and preferred other solutions to the "Palestinian problem"[88] (Gazit, 1999) – from the Jordanian option, through partial administrative autonomy by way of directed leadership ("village leagues"), to denial of the problem ("there is no Palestinian nation") – or preparedness to live with the problem as a "bearable cost" (Inbari, 1982; Schueftan, 1986; Kimche, 1992; Lavie, 2009). Therefore, the Israeli decision does not meet the criterion of a "chosen strategic alternative" (Ben-Dor, 2009; Michael, 2009).

The PLO leadership also chose the "Oslo option" (Shemesh, 1997; Sela, 1997) under conditions of lack of alternative. Egypt had signed a separate peace treaty with Israel (1979) while indicating that the framework agreement should resolve the Palestinian problem, but without insisting on its implementation (Haber, Schiff and Yaari, 1980). After the Lebanon War in the summer of 1982 and the expulsion of the PLO to Tunisia, the organization gradually lost standing in the Arab and international arenas, as well as military capability. The PLO leadership almost lost its way and its ability to guide and direct the people and the national organizations on the West Bank and in the Gaza Strip. The war and its outcomes marked the beginning of the shifting of Palestinian political operations' center of gravity from exile to the territories (Susser, 1985; Lavie, 2009).

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[86] Yehezkel Dror described this type of strategy as a "grand strategy" or a "total strategy" in accordance with the French concept.

[87] A decision of low strategic weight is a decision taken under less than optimal conditions. A theoretical discussion can be found in the classic 1980 book *Decision Making* by Irving L. Janis and Leon Mann.

[88] In his book *Trapped Fools*, Shlomo Gazit describes the political leadership's lack of decision making regarding the "Palestinian problem" as follows: "Many Israelis believed that the Palestinians do not pose a political problem, that they lack any political wishes or desires of their own, that their only aspiration is to see the destruction of the State of Israel. It follows that they should not be seen as a partner in dialogue. At most, we could discuss their problems with another party, such as Jordan, Egypt, or even the United States. For these reasons, Israel developed a mental block that prevented any discussion of the territories and their residents."

Members of the "internal" leadership and the PLO leadership expressed opposition to maintaining pursuit of a military solution and argued that this approach only harms the PLO and national unity without bringing the Palestinian people any closer to realization of its rights (Khalaf, 1985). Simultaneously, the Arab world's willingness to stand by the Palestinians in their struggle for self-determination and statehood, at the expense of practical national interests of each individual state also decreased. At the Arab states' summit in Amman in November 1987, the Palestinian problem was not a priority agenda item (Inbari, 1989; Lavie, 2009). The concluding statement of the summit did not explicitly address the need to establish an independent Palestinian state (Maddy-Weitzman, 1987). Only the renewal of the struggle against occupation of the West Bank and Gaza Strip – that is, the first *Intifada* – brought the issue back to the Middle Eastern agenda to some extent (Lavie, 2009).

The hardship inflicted on the local population by the continuation of the *Intifada*, combined with the possibility that masses of immigrants from the former Soviet Union would be settled in the West Bank (Sa'ad, 1991: 204-205; Bastami, 1991: 137-143; JMCC: 1991), led the local leaders to apply pressure on the PLO leadership to break the deadlock. They demanded political pragmatism and the translation of what was achieved through the *Intifada* into political currency in order to reach an agreement and put an end to the Israeli occupation. For lack of an alternative, the PLO leadership realized that it must take into account the positions of the local leaders. This realization grew stronger after the international legitimacy of the PLO was undermined following its support for Iraq during the Gulf War in 1991 and the cessation of financial support from Saudi Arabia and the Gulf states. On the eve of the Madrid conference, the PLO leadership feared that in the context of the new order within the Middle East, the organization would lose its influence. It was therefore willing to have leaders from the territories serve as the primary representatives during the first stages of the political process (Al-Husari, 1991; Bentsur, 1997; Lavie, 2009).

Given that such is the quality of decisions both within Israel and among the Palestinians, it is only natural that the later stages of the political process were riddled with breakdowns and void of content, although this was not the only reason. The Oslo process failed because the decisions of both sides to resolve the conflict peacefully were neither sound nor strategically substantive. In other

words, both sides saw the negotiation process as a tactical cover – if only to play for time and gain international support – an alibi that would enable each of the sides to develop more comfortable solutions with time.

At the psychological and visible levels, weak strategic decisions, which do not in any event provide a strategic foundation for actualization of the political process, create a sense of failure, doubt, and lack of clarity. Such decisions generate inflexible, uncompromising behavior of the sort that does not operate tactically in support of a strategic goal because, after all, the process is destined for failure from the start.

The Negotiating Process

The success of any negotiating process depends on the two principal levels at which it takes place – the levels of substance and process (Galin, 1996). These two levels are intertwined and mutually dependent. The framework set for negotiations must take into account the various possible scenarios that could take place during the process in accordance with:

♦   **The quality of preliminary decision**

♦   **The goals and objectives of negotiations**

♦   **The stages of negotiations**

♦   **Terms and conditions for the course of negotiations**

♦   **Defining the interaction between the parties**

♦   **Defining the scope of maneuverability**

♦   **Mechanisms for coping with crises** (Fishman, 1999).

It seems that the Oslo process suffered handicaps in all of the above areas. The three main and most salient principles defined in the Oslo Accords as part of the negotiating process were the following:

1. Negotiations would proceed from the easy to the difficult, or weighty, issues and would take place in stages: Gaza and Jericho first, then interim agreement, and, finally, final status talks.

2. Trust would be built between the two sides in the course the stages defined above.

3. The main substance of the political process – the final status agreement with all it entails – will remain an open and undetermined issue to be determined during final status talks over the course of the five-year interim arrangement.

These three principles are fundamentally flawed for the purposes of a negotiating process and they posed an obstacle to the political process. Moreover, the principles as established in fact contradict each other internally. In the first place, the political process was left without a definition of its final goal – a sovereign Palestinian state in accordance with Palestinian expectations, but apparently not sovereign according to Israeli intentions. This situation, which encourages the parties to establish firm and hasty facts on the ground, is in stark contrast to the phased nature of the process, which is also, incidentally, intended to build trust between them. Above all, both sides apparently assumed that by the time they reach the "weighty core issues," the negotiating process would be stuck. Thus, even the "small successes" on easily agreeable issues were no more than a front, not backed by actual substance.

We will briefly outline alternative principles, which would likely have supported the negotiating process in a positive way:

♦ **Agreement on the final goal of negotiations** – such an agreement can generate positive motivation on both sides to follow the stages of the process through to the end and to reduce as much as possible the violation of agreements reached along the way. Thus, for example, it is possible that the parties would have reached agreement about the final goal of the negotiations – a Palestinian state – if this were framed as a "conditional agreement." A "conditional agreement" is not a substitute for in-depth negotiations, which in any case would address a variety of issues, such as the nature and quality of terms and conditions for the establishment of a Palestinian state, the character of the state, its security arrangements, the nature of its links to Israel, the state's regional standing, and other relevant issues.

♦ **Trust building between the parties regarding agreements of high value and great cost to both sides** – conversely, as happened in the Oslo process,

the more the discussion of weighty issues is postponed to the end, the more the level of trust is reduced between the parties. Indeed, the very concept of moving "from the easy to the weighty" issues embodies within it the suspicion and mistrust between the parties. The dynamics between the parties in such circumstances cause them to project an increasing sense of mutual mistrust. Alternatively, discussion of the "weighty issues" in accordance with the balancing principle of "nothing is agreed until everything is agreed" has the potential to cultivate trust between the parties. In such a situation, relations of trust between the two sides result from and build upon two key factors. First, it is clear to each of the parties that the other's decision is a substantive, strategic decision taken to resolve the problem at the level of its root causes, while also laying the foundation to do so. Second, both sides rely on the same mutual foundation for resolving the conflict, and the final goals of the political process are clear and agreeable to both.

♦ **Placing all issues on the negotiating table** – rather than discussing issues separately through distinct tracks and stages, placing all of the issues on the table enables open, transparent, and – in particular – flexible negotiations, which can lead to agreements with which both sides are comfortable. Flexibility and space to maneuver are two characteristics without which negotiations are likely to fail, even if infused with goodwill. Flexibility and space to maneuver serve the needs of both sides mutually and thus contribute to the realization of their objectives and their separate and joint interests. In the case of negotiations between Israel and the Palestinians as well, if the principle of flexibility is applied and the space for maneuverability is wide, and if "all the issues are placed on the negotiating table," then a balance will be struck in accordance with the principle that "nothing is agreed until everything is agreed."

On the eve of the Oslo talks, the PLO leadership concluded that the likelihood of Israel accepting a Palestinian right of return was nonexistent, but that an agreement could be reached with Israel regarding the establishment of a Palestinian state along the lines of the 1967 borders. Indeed, the Oslo Accords were based on U.N. Resolutions 242 and 338, whereas Resolution 194 was not mentioned. Yet the two sides did **not** set a final, agreed-upon political goal to

which they would aspire through the Oslo process and which could have shaped their practical policy in the interim. As a result, they were not required to agree upon a **source of authority** to guide them in the course of the final-agreement negotiations that were supposed to begin during the five-year interim period. The overall assumption was that during this time the two sides would build trust, which would enable them to solve the core issues when the time came to address them. Both parties agreed to this gradual, phased process while relying on "the framework for peace in the Middle East agreed upon at Camp David" between Israel and Egypt in 1979 (Haber et al., 1980: 413-417; Hirschfeld, 2000).

The Oslo process began with informal contacts between groups of academics from both sides. It was brought to the attention of Foreign Minister Shimon Peres by the director general of his office, Yossi Beilin, upon conclusion of the first meeting, which took place during 22-24 January 1993. Peres informed Prime Minister Yitzhak Rabin about these talks during the first week of February 1993. Although Rabin did not object to them, only in mid-August did he become convinced that they represented a serious initiative. What convinced him was the realization that the Palestinians were willing to accept a number of Israeli conditions during the interim period:

♦ All settlements would remain intact.

♦ Jerusalem would remain under full Israeli control.

♦ Israel would maintain responsibility for the security of Israelis in the territories.

♦ Israel would maintain responsibility for security within the framework of Palestinian autonomy.

♦ Finally, the determinative condition: the agreement signed would leave all options open for negotiation towards a permanent arrangement.

This avoidance of the need to agree on the final political goal and on an authoritative source for conducting future final status talks reflected indecision on the part of the leadership on both sides regarding the principal exchange that they must make in order to reach a permanent status agreement: on the Palestinian side, relinquishing the right of return, and on the Israeli side, conceding the 1967 territories.

Breaches of Agreement During the Negotiating Process

This indecision from the beginning of the Oslo process reflected, among other things, the weakness of the strategic decisions of both sides and was, in turn, reflected in the failings and actions of both sides during the interim period. These failings and actions undermined the basic trust and gradually decreased each side's motivation to "pay" the price required of them. Thus, for example, Israel continued constructing settlements in the West Bank on a scale that the Palestinians regarded as inappropriate or as indicative of Israel's inability to take a decision that would recognize these as Palestinian territories. Israel also did not implement the third phase of withdrawal required by the interim agreement – the phase that was intended to grant the Palestinians, as they saw it, significant portions of the territory (Sher, 2001; Rubinstein et al., 2003; Ben-Ami, 2004). The Palestinian Authority, for its part, did not fulfill the principal commitments that the PLO had taken upon itself, such as rejecting violence and terrorism and taking all steps necessary to prevent them, including legal action against the perpetrators. The Authority did not meet Israel's expectations on the matter of refraining from incitement and hostile propaganda, which continued. The spirit of the agreement did not permeate Palestinian networks in a way that would guarantee the relinquishment of the use of terrorism and other acts of violence (Bergman, 2002).

The lack of a decision about the final goal of permanent status negotiations, a goal that could serve as a point of reference, was based on the assumption that the gap between the parties would be hard to bridge, a perception that created dynamics that had the opposite effect to trust-building. Each side had an incentive to create facts on the ground so that, when the time came, would determine the final status. This pattern applied in particular to indicators of sovereignty on the ground, demonstrating a presence in East Jerusalem, claiming territories, and independent conduct by each side, as if there were no political process – or perhaps because of the political process and its nature as determined by each side.

The hidden and unspoken principle guiding each of the parties' conduct was along the lines of "grab what you can" or "actions as distinct from words." Such a peace-process dynamic is characteristic of situations of deteriorating trust between the parties (Fisher and Ury, 1991). In the case of the Oslo Accords, the mistrust resulted not only from the lack of agreement between the two sides

during their talks, but also from the decision that the truly important issues – those with strategic importance, which would later be termed the "core issues" – would not be discussed at all.

Indeed, one of the most intensive activities during this period was the activity on the part of the various committees tasked with recording breaches of the agreement by the two parties. From a certain point onwards, the negotiating process that was supposed to bring the two sides closer to resolving the conflict became a struggle of mutual accusations intended primarily to influence international public opinion and internal public opinion within each side.

The Negotiating Environment – Lack of Public Support

The negotiating environment also deserves consideration and, specifically for our purposes, the manner in which the two sides conducted their talks against the background of internal public opinion warrants particular attention. As it happened, each of the parties chose – for similar reasons but without coordination between them – not to seek public support during the conciliatory process. Moreover, the leadership on each side relayed to its domestic public messages that conflicted with the essence of the political process. Thus, for example, even at a time when the Oslo Accords were a source of great hope for a historic reconciliation between the nations, Yasser Arafat made a speech in Johannesburg (10 May 1994) where he compared the Oslo Accords to the Hudeibiya Treaty, which the Prophet Mohamed sealed in a moment of weakness with the Quraish tribe and which he intended to breach after gaining strength.[89]

On the Israeli side, we point to the restrictive conditions under which Rabin agreed to the Oslo process, of which he was informed in February 1993. Later declarations, mainly by Rabin and later by governments formed after his assassination – both Labor and Likud governments – stated that no Palestinian state would be established and that Jerusalem would "forever" remain under

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[89] The reference to this historic event does not necessarily prove that Arafat did not plan to honor the agreement with Israel from the outset. Islam also offers an opposing interpretation of the Hudeibiya precedent, justifying the signing of a peace treaty with heretics under compelling circumstances. Thus president Sadat referred to the Hudeibiya Treaty, citing the Al-Azhar sages, in order to justify the peace treaty with Israel (see Emmanuel, 1996).

Israeli sovereignty. In addition to these declarations, there were actions: during the years of negotiations, settlements grew and their populations more than doubled. This was perhaps the greatest blow to the political process, at least from the Palestinian point of view.

This conduct on the part of both sides is evidence of what we define as the "weakness" of each side's strategic decision. Moreover, it reflects duplicity and each side's lack of internal conviction regarding the political process. It also indicates the breadth of the gap, the depth of suspicion, the hostility, and primarily, the inability to make the internal, national psychological change that seemingly requires the breaking of a taboo against conciliation with the other side. In addition, this conduct is an expression of the weakness of the leadership on both sides. Leaders on both sides feared loss of legitimacy within their own public following the start of a negotiating process, and thus they needed extreme rhetoric to "calm" public opinion. Worst of all, the leadership on each side accepted this conduct on the part of the other side's leaders as legitimately necessary and even forgivable. In contrast, neither side's leaders made any real effort to increase public support for the political process.

The leaders on each side did not, however, consider that their extreme rhetoric and actions against the spirit of the agreement had the effect of pulling the rug out from under their own feet when they later sought legitimacy for the process. Moreover, and most grievous, throughout the entire Oslo process (from the time of Rabin through the end of Barak's term in early 2001 and, for the Palestinians, throughout Arafat's rule and less so during the current era of Abu Mazen), the leaders on both sides used extreme rhetoric to engage the public as a player and public opinion to reinforce their positions at the negotiating table, typically whenever difficult decisions or "painful" concessions needed to be made.

The use of public opinion as a tactical tool for justifying unwillingness to make concessions during a negotiating process illustrates, above all, lack of strategic depth in the decisions of leaders during the political process, lack of confidence in the process itself, lack of trust with respect to the negotiating partner, and lack of honesty towards the other side.

Symbols and Images in the Negotiating Process

One of the elements that enhance the success of a negotiating process is **the breaking of old images and creation of new supportive symbols** (Bar-Tal, 2007). These have a decisive influence on the creation of positive momentum in negotiating processes and a moderating effect when the process encounters obstacles. The Oslo process lacked such elements. Neither side made an effort to alter its image in the eyes of the other, and both maintained the stereotypes and prejudices that had taken root during decades of hostility, animosity, and occupier-occupied relations.

Paradoxically, the further the Oslo process progressed, the more the hostility between the parties increased, as did each side's negative image of the other. We can easily understand this in light of the breaches of the agreement in letter and spirit, which only increased the mutual mistrust.

The period of Binyamin Netanyahu's rule, from 1996 to 1999, was supposed to be the peak period of implementation of the interim agreement and of negotiations on a permanent arrangement. Instead, negotiations hit a standstill during this period, with Netanyahu consistently blaming the Palestinians for not upholding their part of the agreement. The slogan "give and receive" became firmly ingrained in Israeli consciousness, as if there was in fact no negotiating partner despite the apparent goodwill on the Israeli side. The negative image of the Palestinians that took shape within the Israeli public served to lessen support for the political process. The psychological image-related and media-based manipulation that took place served to conceal Netanyahu's opposition to the Oslo Accords and his apparent interest in derailing negotiations. His implementation of the "Hebron Agreement" (which had been agreed before his election as prime minister) and signing of the "Wye Plantation" agreement regarding further withdrawal from territories of the West Bank and their transfer to Palestinian rule should be seen as expressions of the price he was compelled to pay for the bloodshed that took place following his decision to open the Western Wall tunnel (September 1996) and his submission to the resulting American pressure to advance the agreement.

Among Palestinians, despair regarding the peace process spread. The number of those opposed to negotiations grew. Expectations that are not met generate frustration that in turn fuels processes that lead to a reality diametrically opposed

to initial expectations. Ron Pundak explained Netanyahu's policy towards the peace process in the following way: "Netanyahu sought to destroy the Oslo Accords in a way that would leave no trace, and in practice he truly decimated the process and did all he could to delegitimize his Palestinian partner" (Pundak, June 2001). At the same time, reality forced Netanyahu to continue implementing the process at the formal level, and the Americans compelled him to reach the "Wye Agreement," the significance of which was a reassessment – the second of three commitments entailed in the interim agreement. Nonetheless, the effects of his actions left the negotiating process damaged and almost irreparable in practice and in terms of the images formed by both nations.

Hope for the renewal and revival of the political process, which was rekindled with Barak's administration beginning in 1999, was also dashed. Barak wasted precious time on failed efforts to renew talks with the Syrians at the expense of the existing Oslo Accords' format for historic conciliation with the Palestinians. For the Palestinians, the "fruits of peace" during the Barak era included a closure imposed on the territories, which was interpreted as collective punishment; restrictions on movement that primarily hurt innocent residents (the terrorists did not need permits); cruelty against residents at the many checkpoints and, in many cases, against elected representatives; drastic reduction in employment opportunities within Israel alongside rising poverty and increased unemployment; water crises in the summer, as opposed to abundance in the settlements; destruction of Palestinian homes, as opposed to daily construction in the neighboring settlements; non-release of prisoners who were sentenced for activities prior to Oslo; and Israeli restrictions on construction beyond the "residential limits" of Palestinians.

The Palestinians also contributed their share to increasing their negative image in the eyes of the Israeli public. Unlike President Sadat, whose historic visit to Israel won the hearts of Israelis and shattered his image as a harsh and bitter enemy, and unlike King Hussein, who in his noble conduct led the Israelis to admire him as a human being and interpret his behavior as honest and sincere, the image of Arafat in Israeli consciousness remained demonic. Even after the signing of the Oslo Accords, Arafat still retained a hostile and foreign image that was, primarily, an image that represented and embodied an enormous threat to Israel (Ben-Ami, 2004; Ross, 2009).

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In practice, the Palestinian leadership also erred in its approach towards its own public. It maintained the categorical image of Israel as a cruel and destructive occupier and a bitter enemy. In so doing, the leadership actually contributed to preservation of the pre-existing relationship – that of occupier-occupied – when, perhaps unwittingly, it preserved the definition of Israelis as enemies. The Palestinians did not succeed in inspiring empathy amidst the Israeli public for their genuine plight, nor did it succeed in raising awareness of the Palestinian problem in all its humanitarian, national, and historical manifestations. Rather, the Israeli public only heard about declarations of war (*jihad*), terrorist attacks, and daily incitement that were often interpreted as anti-Semitic. Thus they contributed to "imprinting" the Israeli consciousness with the idea that the Palestinians do not and never will seek peace (Ben-Ami, 2004).

Asymmetry and the Spirit of Oslo

The inability of Israel and the Palestinians to rid themselves of their mutual negative images as they embarked on the Oslo process, alongside the parties' starting points – Israel as a strong state and the Palestinians as an occupied people – defined the nature of the asymmetric negotiations between the parties. Even during the negotiations, Israel continued to view the Palestinians as a problematic partner that had merely changed its arena of struggle from the battlefield to the negotiating table.

Israel did not succeed in using its powerful starting position to develop a negotiating framework that would address the interests of both sides (win-win) but, instead, tried to dictate its own terms (which were not always clear). This perspective rested not only on Israel's self-perceived power or on its power in practice in relation to the Palestinians' inferiority, but also on the overall balance between the parties: Israel was the "providing" party (territory, independence, recognition, authority, restrictions, and the like) and the Palestinian side was the "receiver" and, therefore, passive and limited in its capabilities.

This position of power in the negotiations intensified as the meetings between the parties made clear the balance of power between them. In accordance with this approach – power and control as well as maintaining the other side as an enemy rather than as a partner to negotiations – most of the process was relegated

to the military from the outset. This served to determine the overall character of the negotiations – including its civilian aspects, which are the central aspects in establishing peace between two nations – as militaristic.

Thus, for example, during preparatory talks within the military context, in advance of a later meeting of one of the negotiating teams, the idea was raised that some of the territories to be transferred to the Palestinians could be defined as "nature preserves," which, as per the agreements that would be signed, would prevent building on and populating them (Fishman, Steering Committee protocols, 1993-1995). Israel sought, in this way, to create a "sterile territory" surrounding West Bank settlements that would not be dismantled. Although this proposal was not adopted, there were many others like it. More than reflecting reality, they reflected an approach and perspective of power and control (Rabinovitch, 2004).

This approach of Israel's – besides being unfair and inappropriate in negotiating terms – did damage to the negotiating process and contributed significantly to its failure. Above all else, this was a trap for Israel itself, the trap of "**the weakness of power versus the power of weakness**." The more Israel exerted its bargaining power at the negotiating table, the more it projected an image of an entity on which pressure must be exerted in order to compel any concessions. Pressure was indeed applied to Israel, both directly by the Palestinians in the starkest terms through terrorism (for example, the Western Wall tunnel events of 1996, after which Netanyahu was "pressured" to accept the Hebron agreement), as well as indirectly by gaining international public support and the engagement of regional and international players in the negotiating process.

It appears that the Palestinians internalized their own role in the power-relations formula dictated by Israel: they turned their weakness into the power of the victim. Thus, they entrenched themselves in their stance, according to which "they have nothing to give" and, therefore, nothing over which to compromise. From their point of view, they already made the principal, historical, national concession by recognizing Israel and accepting Resolution 242 as a basis for negotiations, that is, by accepting an area smaller than Palestine (approximately 22%). According to this perspective, negotiations with Israel were not intended to achieve further compromise, but to receive compensation for the principal compromise, that is, implementation of the legitimate Palestinian rights of which they had been deprived by the occupation. This position, in fact, became their

primary negotiating strategy, as we shall see below in the analysis of the final status talks during the period of Barak's administration (Rubinstein et al., 2003; Ross, 2009).

As a strategy for conducting negotiations, Israel chose the less appropriate method because the approach based on power, which is intended to cause the other side to submit, is not suitable for a situation in which the two sides are to live side by side as neighbors. The negotiations with Palestinians should not have been regarded as a one-time deal on the part of an Israeli tourist passing through a remote Third World market (Galin, 1996, Fisher and Ury, 1991).

Thus, we find that each side to the negotiations entrenched itself in inflexible positions on all the issues. The Palestinians were drawn into stubborn stances because of Israel's power-based approach as well as their own basic perspective, grounded in U.N. resolutions, regarding their legitimate rights on the core issues and related matters: national self-determination, independent statehood, 1967 borders, resolution of the refugee problem, and the question of Jerusalem. Israel, on the other hand, because of its power-based approach, tended not to define interests – certainly not joint interests – but adopted a position of "as few concessions as possible" because it regarded every concession as a loss. The practical significance of this position was the drawing of "red lines," rather than developing negotiating stances,[90] as a way of blocking the other side's demands: "no" to statehood, "no" to 1967 borders, "no" to the refugees, and "no" to Jerusalem. This approach, which was based, as noted, on a perspective of power, is in fact a defensive and unyielding position, destined to collapse in the face of "legitimate demands" by the other side. It benefited neither the Israeli side nor the joint success of both sides. The conclusion is that Israel did not make proper use of its power in order to formulate a balanced and cooperative framework

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[90] The policy of "red lines" was adopted by Israel early in her history. This policy intensified "after the Yom Kippur War, as an important means of deterring the Arabs from making threatening changes to the status quo. It had two principal forms of expression: two-way arrangements with clear delineations of the permissible and forbidden; and unilateral determination by Israel of what changes to main aspects of the status would be seen as a threat and could lead to preventative or retributive action" (Yaniv, 303-318). This policy also determined the nature of agreements with Egypt, starting with the separation agreements of January 1972 and leading to the Peace Treaty in March 1979. This policy became a fixed pattern of thought among Israeli policymakers generally and all the more so on matters of security. It was also applied to the formulation of positions in the negotiating process with the Palestinians throughout the Oslo process from its beginning in 1993.

for the negotiating process. Such negotiations would have been based on the identification of joint interests that serve both sides and would have taken place in a "spirit of agreement" – a spirit of historic conciliation and pursuit of peace.

Another failing, most of which can also be attributed to Israel, was the erosion of the "spirit of agreement" already at the early stages of the final status talks. On this matter Israel could have developed a negotiating culture and environment along the lines of the "Oslo spirit" – a spirit of historic conciliation and pursuit of a peace agreement. In order to put the negotiations on a pragmatic track, it would have been enough to define the "spirit of agreement" as a standard by which each side assessed its positions, actions, and steps according to the ability to move them from potential to actual. Defining such a standard in itself would, in our estimation, have provided a positive spirit of mutual trust and an incentive to progress towards an agreement that would work for both sides.[91]

At the basis of the "Oslo spirit" was the understanding (Pundak, 2001) that negative impressions cumulatively formed by and between the two nations constituted an almost unsurpassable obstacle to negotiations if the latter rested on the equation of power and current relations between the parties, that is, occupier-occupied. The goal, therefore, was to strive for a conceptual, conscious, and critical change that would lead to a dialogue based as much as possible on decency, equality, and a consensually-defined goal that embodies the primary interests of the two sides because, for better or for worse, they would continue to live alongside one another. All of these insights were supposed to be reflected in the nature of the negotiations – including at the personal level among the interlocutors – and through the proposed solutions and the means of their interpretation and implementation on all matters.

This new approach to dialogue was also supposed to influence the type and nature of dynamics that would develop between the two sides, which in turn were supposed to create mutual trust and reinforce the will of the parties to advance the process. At a later stage, the positive approach and dynamics were supposed to permeate other spheres of cooperation – governmental, economic, social, and

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[91] This proposal was in fact raised by Henri Fishman, one of the authors of this chapter, while serving as an advisor to the preparatory team for negotiations on civil matters at the Judea and Samaria Civil Administration, and it did garner attention until it hit a wall in the form of an approach that viewed the negotiating process as "a continuation of the struggle against the Palestinians by other means," to paraphrase the famous quote of Carl von Clausewitz.

cultural – within the civilian sectors on both sides. These dynamics were also supposed to fuel a dialogue of historic conciliation between the two nations in a framework of coexistence and relations of peace and good neighborliness. This change, of a mostly cultural nature, would take the place of prolonged hostility and unilateral pursuit of achievements at the expense of the other side.

From its beginning the Oslo process was, perhaps naively, a tireless effort to leave the zero-sum game behind and, despite Israel's superiority, to pursue as many win-win situations as possible, in which both sides would gain something but not at the expense of the other side. An example of this can be found in the early stages of contact between Israeli and Palestinian representatives, as Yair Hirschfeld attested:

> "At Oslo we succeeded in bridging between the Israeli and Palestinian positions through two winning formulas. First, we 'set the clock' and made clear that we do not dismiss the formation of a Palestinian state as a possible outcome, on the condition, of course, that Israel agrees. Then we established the rule of incrementalism, which enabled us to solve problems that had appeared insoluble in Washington, such as the question of an authoritative source and other authorities…. Moreover, in contrast to the Camp David Accords, the Oslo perspective insisted on the need to advance the economic development of Palestinians in the West Bank and Gaza Strip, as well as the need to encourage economic cooperation with Israel…. Above all, we established a sense of mutual trust and invented the 'Oslo spirit,' which was rooted in the understanding that progress in negotiations generates a situation where 'everyone wins,' as far as Israel, the Palestinians, and the entire region are concerned" (Hirschfeld, 1999: 117).

The Quality of the Strategic Decision in Negotiations on a Permanent Agreement

The interim period left impressions of mutual mistrust. In the absence of an agreement about the final political goal of Oslo, the conflicting perspectives and approaches of the parties were exposed. This reduced their willingness during final status talks to accept creative or vague compromises and solutions, which – as part of the interim agreement – had turned out to be disappointing to each

side for its own reasons. Thus, when final status talks began, in November 1999, the parties agreed that these talks would address a full and comprehensive agreement, to be formulated in clear and explicit detail and to lead towards solution of all the problems in the conflict: Jerusalem, the territories, refugees, security arrangements, distribution of natural resources, distribution of air space, and all walks of life.

Barak's assumption of the role of prime minister on 6 July 1999 generated renewed hope for the advancement of the Oslo Accords to their final and most important stage – a "final status agreement" between Israel and the Palestinians. This hope was quickly dashed, though. Already in the Sharm Al-Sheikh Memorandum of 4 September 1999 (the Third Phase of the Further Redeployment Process – the "amended Wye Agreement"), the first Israeli-Palestinian meeting to take place during Barak's rule as prime minister, Israel did not live up to its commitment to the Palestinians. It did not transfer control to the Palestinians over the three villages adjacent to Jerusalem (Abu-Dis, 'Azariya, and East Sawahra), which Barak had promised to transfer as a "deposit" on the "redeployment" of the third phase.

The Israeli side operated under Prime Minister Ehud Barak's guidelines, according to which there would be no more extended interim periods during which Israel would be required to transfer more assets to the Palestinians (as in the Third Phase, or "the salami practice"), and the negotiations should lead to the "end of the conflict." Similarly, the Palestinian side emphasized that it would object to negotiations on additional interim agreements and declared that, "whatever we agree now will remain forever, and whatever we concede will be a concession forever." Both sides praised the mutually positive and serious approach and willingness to agree to "seal" all the problems, not leaving a single important issue to be covered by a vague formula.

The idea of a final and complete solution, and not only to the 1967 problems, was agreed upon at the start of the final status talks. This caused the leaders on both sides to see themselves as responsible for the image of their state for generations to come. Very quickly, however, the absence of an agreed-upon source of authority for the conduct of negotiations, which were to lead to a full and comprehensive solution of all the problems between the nations since 1948, became felt. The Palestinians insisted that the authoritative source be the U.N.

resolutions adopted over the years regarding the Israel-Palestinian conflict. This meant that the negotiations should have led to the implementation of rights that were objectively derived from "international legitimacy" (Al-Shara'iya Al-Dawliya) rather than from the asymmetry vis-à-vis Israel. From this it followed that there was no room for compromise on rights and they should have been recognized and implemented. The Israeli side demanded that the basis for negotiations be the principle of fair compromise, taking into account the reality established since 1967 as well as Israel's security and settlement-related interests. This perspective was based on the creation of a balance of interests that would make the agreement worthwhile for both sides. For this reason, Israel sought to set aside the issue of international legitimacy, although it did accept Resolution 242 as a basis for negotiations (Lavie 2003).

These two opposing approaches led to a communication breakdown and to substantive difficulties in conducting final status negotiations in all stages. They also denied the parties any practical possibility of bridging the remaining gaps in the permanent-agreement issues, even when progress had been made on these issues. Thus, for example, the Israeli side did not understand why the Palestinians were not willing to accept proposals that it considered "fair" or "generous," and reciprocally, why they were not presenting their own proposals. The explanation for this was that the Palestinians did not believe there was room for any proposals that would replace the implementation of rights as defined in the U.N. resolutions. In their view a proposal could be "fair" or "generous" only if it accorded with those rights. The Palestinians therefore opposed the Israeli idea of formulating a "framework agreement" from the very beginning because they saw the U.N. resolutions themselves as constituting a framework agreement by which negotiations towards the implementation of the rights therein should be conducted.

It appears that the hidden significance behind each side's strategic choice of a starting point for final status talks (U.N. resolutions as opposed to "fair compromise") was that the parties ignored the source of authority declared at the Camp David Summit in 1978 during negotiations between Egypt and Israel. This summit determined that negotiations on the resolution of conflicts between Israel and the Arabs and Palestinians would be based on U.N. Resolutions 242 and 338 and the principle of "land for peace." Their mutually ignoring this authoritative

source reflected the quality of both sides' strategic decisions during the political process, regardless of whether the reasons for doing so were political, ideological, or other: clear indecision on the part of Israeli leadership regarding withdrawal from parts of the West Bank and Gaza Strip and clear indecision on the part of the Palestinian leadership regarding relinquishing the right of return to Israel of the 1948 refugees.

The parties' avoidance of these decisions, as well as the lack of an agreed-upon source of authority for conducing final status talks, prevented any possibility of a positive outcome from the discussions of the core issues, including the territories, the refugees, and Jerusalem, as described below (Hania, 2000; Sher, 2001; Rubinstein et al., 2003: Rabinovitch, 2004; Clinton, 2005; Ross, 2005; Steinberg, 2008):

1. **On the territorial issue,** the Palestinians demanded recognition of their right to 100% of the 1967 territories as well as territorial continuity as a condition for their agreement on border adjustments and exchanges of territories for the purposes of Israeli annexation of settlement blocs. Israel praised Palestinian willingness to adjust borders and exchange territories but did not agree to their demand to recognize their right to all territories of the West Bank and Gaza Strip. Rather, as noted, Israel sought an agreement on the basis of "fair compromise." Moreover, on the eve of departure for the Camp David Summit, the state attorney general published a legal opinion according to which Resolution 242 would not be implemented in any agreement with the Palestinians as it had been implemented with Arab countries, from which it followed that Israel was entitled to set the borders according to its security and settlement-related needs. The legal rationale was that Resolution 242 applies to states that had a border between them (and in 1967 there was no Palestinian state).

2. **On the refugee issue,** the Palestinian leadership demanded that Israel announce that it was responsible for the creation of the refugee problem and recognize their right to return to their lands and homes in accordance with Resolution 194. In the Palestinian view, the right of return is a personal right granted to each and every refugee, and the Palestinian representatives therefore did not see themselves as authorized to relinquish this right categorically. The Palestinian leadership did see itself as authorized to discuss the nature

of implementation of this right with Israel and even to place limits on it regarding the return to Israel. During negotiations, proposals were raised along the lines of granting compensation or returning refugees to within the territory of the Palestinian state that would be established, returning them to lands that would be exchanged, or settling them in host countries or in a third country. It was also decided that a small and agreed-upon number of refugees would return to Israel under a certain classification. Nonetheless, Israel was not willing to acknowledge its role in the creation of the refugee problem or to recognize the right of return.

3. **On the issue of Jerusalem,** the Palestinian leadership demanded that Israel recognize full Palestinian rights to sovereignty over East Jerusalem, including the Temple Mount as an inseparable part of the territories of 1967 and Resolution 242. Until the Camp David Summit, Israel had held onto its fixed position, according to which Jerusalem would remain united under its sovereignty, and had prevented any in-depth discussion of this issue. At the Camp David Summit, Israel announced that it was willing to divide Jerusalem. The Palestinians accepted the idea of dividing the city on a demographic basis rather than on the basis of the 1967 borders. They were willing to accept Israel's annexation of the Jewish neighborhoods that had been built after 1967 in East Jerusalem, such as Pisgat Ze'ev, Givat Ze'ev, and Neve Ya'acov, but they objected to the annexation of Har Homa and Ras El-Amud. They also agreed to Israeli sovereignty over the Jewish Quarter, part of the Armenian Quarter, and the Western Wall. They showed pragmatic willingness to consider Jewish religious-historical interests in East Jerusalem, such as the City of David and Mount of Olives, but not under Israeli sovereignty. Israel demanded division of sovereignty over the Temple Mount and the establishment of a Jewish house of prayer on the site as well as full sovereignty over all of the Western Wall, not only its exposed section as the Palestinians proposed. These two issues remained in dispute.

Israel, for its part, saw the Camp David Summit as a **decisive summit**. According to the political clock of Israel and the United States, there were only a few months left during the summer of 2000 for achieving an agreement, and the message to the Palestinian leadership was, "now or never" (Sher, 2001). Israel pressed

Arafat to accept the "end of the conflict" and, in practical terms, demanded that he relinquish the right of return explicitly, agree to division of sovereignty on the Temple Mount, and abandon the demand that the right of Palestinians to 100% of the 1967 territories be recognized in advance. Prime Minister Ehud Barak needed the "end of the conflict" in order to guarantee Israeli public support for the agreement, which included breaking "protected values" that had been part of the Israeli consensus for years, such as the division of Jerusalem and relinquishing the Jordan Valley as the eastern security border of Israel (Ross, 2005).

Arafat was driven by the weight of responsibility of reaching a permanent status agreement, not by the constraints of the political clock of the leaders of Israel and the United States. Therefore, he was in no hurry to accept the offers extended to him in exchange for his signature on the "end of the conflict." His principal claims were: (1) the negotiations have not yet been exhausted and the parties should continue them with a view to reducing the gaps as much as possible; (2) the right of return is the personal right of every refugee; and (3) the Palestinian leadership is not authorized to take decisions on the matter of refugees and the Temple Mount without convening the PLO bodies and involving the Arab states, which are also an important party to the discussion of this issues (Hania, 2000).

Israel interpreted Arafat's opposition to its proposals and to signing on to the "end of the conflict" as unwillingness on his part to take a historic decision relinquishing the right of return or to agree to divide sovereignty over the Temple Mount. From a public relations perspective, Israel succeeded in portraying Arafat as someone intent on rejecting its existence and avoiding the solution of "two states for two peoples." In practical terms, however, the leaders of Israel and the United States deliberately created a political void when they withdrew their proposals and, in so doing, hammered the final nail in the coffin of the negotiating process. This was essentially a punitive move, which had a destructive effect on relations between Israel and the Palestinians.

These developments regarding the right of return and an end to the conflict, which took place during a decisive stage of the negotiating process, reflected the conflicting approaches of the two sides regarding the strategic, substantive decision to resolve the conflict, the negotiating strategy, and the source of authority for its conduct. The two sides reached a dead end that reflected a closed loop linking the announced "**end of the conflict**," which Israel demanded of the Palestinian side,

with the **start of the conflict**, which the Palestinians associate with the injustice of 1948 and implementation of the right of return, something that Israel regards as contradicting its existence as a Jewish state. In the Palestinian narrative, 1948 represents a historic injustice, exile, and loss of homeland, which can be remedied only with the return of the refugees to their homes and sovereignty over East Jerusalem. In the Zionist narrative, 1948 represents the revival of the Jewish people in its homeland and reinforces its Jewish identity. These conflicting narratives define the formula for each side – "us or them" – and turn the conflict into a "zero sum game."

The attempts of each side to disclaim responsibility towards the end of the negotiations and to place the blame for failure on the other side are the result of their not having decided at the outset that they were going to solve the problems created following the 1967 war on the basis of an agreed-upon source of authority and to "pay the price" involved. At the 2000 Camp David Summit, the parties were trapped in a discussion of the 1948 issues, to which they could not find a formula to bridge the gaps. Rather than conducting negotiations at the political and practical level – based on the understanding that they could reach a historic decision regarding agreement on a solution to the 1967 problems – the two sides began negotiating at the national-narrative level. This is the principal argument of this chapter: *in the absence of a substantive, strategic decision regarding a solution to the problem, the parties reached a dead end.*

The 2000 Camp David Summit, besides being the starkest expression of the gaps between the parties' positions, also illustrated the cultural gaps between them, particularly in relation to the conduct of political negotiations between leaders. Nonetheless, in the context of our central argument, the cultural gaps should be seen as secondary barriers during negotiations. The Camp David Summit brought together and demonstrated the gaps between the (Palestinian) collectivist perspective and the (Israeli) individualistic perspective in conducting negotiations.

Collectivist negotiators consider the relationship that will develop following agreement to be the most important. The emphasis is not only on solving the conflict but also on the relationship to be created as a result of the solution. According to the collectivist perspective, a conflict is not created within a void. The entire relationship must be assessed in the context in which the conflict arose

as well as the context in which it will be resolved. Against this background we can see why the Palestinians found it difficult to disconnect their positions from the overall context of the substance of the Israeli-Palestinian conflict at the cultural level as well. Despite the initial steps of familiarity and friendship between the interlocutors at the early stages of the Oslo process,[92] the negative impressions formed later affected the nature of inter-personal communication between the parties, leading to the unsuccessful conclusion of negotiations at Camp David in 2000 and at the meetings that followed.

Moreover, an agreement sealed and signed at a public ceremony is likely to embarrass negotiators who come from a collectivist culture because it publicly and tangibly exposes the concessions they were compelled to make. They prefer an informal agreement because the latter is not public and does not commit them on behalf of their own constituency to the same extent. If they cannot reach a formal agreement without making concessions, then negotiators with a collectivist orientation tend to prefer an agreement of principles or an agreement with terms that may be interpreted in a variety of ways.

Barak's attempt to compel Arafat to reach an agreement and sign it publicly while compromising on the most essential foundation of the Palestinian narrative was a mistake not only at the substantive level but primarily at the cultural level. Arafat, given his psychological-cultural makeup, could not allow himself to take part in such a humiliating ceremony while exposed to the eyes of his people and the Arab world.

For individualistic negotiators it is important that the agreement solve a specific problem and that this happen as quickly as possible. They undertake negotiations in order to reach an agreement in writing, which they view as a set of guidelines for conduct – rights and obligations – that commit the parties for as long as it is valid. Therefore, the agreement must be as clear and detailed as possible. It follows that for Barak – beyond his political and circumstantial considerations at that time – the achievement on the matter of the "end of the conflict" was a substantive achievement.

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[92] In this context it is enough to recall the photographs from the opening of the talks at El-Arish, when the deputy chief of staff at the time, General Amnon Lipkin-Shahak embraced the head of the Palestinian delegation against the background of the sunset at El-Arish.

In contrast, one of the principal objectives of negotiators who come from collectivist cultures is not the achievement of a written agreement but the initiation of a relationship between the parties. For them, the primary outcome of negotiations is the relationship, and this relationship can, of course, change over time. It follows that while individualistic negotiators see the signing of an agreement as a sealing of the "deal" and the end of negotiations, collectivist negotiators see it as the start of a relationship that could undergo many changes over time. For this reason they will also seek to make the agreement "adjustable" to future changes. In order to make the agreement adjustable to change, collectivist negotiators will often prefer binding but informal agreements (Galin, 1998).

As prime minister, Barak stressed the principle of "eyes on the prize" – that is, an approach directed at solving the problems – on more than one occasion. This approach was also characteristic of his conduct in preparation for the Camp David Summit of 2000. He saw himself as someone capable of resolving the Israeli-Palestinian conflict in one stroke, as though it were the Gordian knot. In this perspective, Arafat was only a means to achieving the end.

This context exposes the vast psychological-cultural rift between the leaders, Barak's lack of understanding of interpersonal and inter-cultural communication, and his lack of awareness regarding his own limitations. In the individualistic culture that Barak represented, communication is instrumental and primarily intended to impart information or to influence. In the traditional collectivist culture, communication is particular and its primary goal is to maintain the integrity of the group or community. For this reason, any mistake in communication could be critical, not only towards the other side but primarily in relation to the group on whose behalf the negotiations are being conducted.

Barak did not understand that Arafat – independent of his personal view of him – was the leader of the Palestinians. Given this standing, it was inappropriate to use him as though he were simply another negotiator. Araft had representatives for those purposes, thus allowing him to remain the decisive leader. Had Arafat acted differently, he would have lost standing and prestige within the Palestinian public.

Barak also made a mistake by not preparing in advance for the Camp David Summit. He regarded the summit as a bargaining arena wherein he could apply his strength and ability to overpower his rival, Arafat, and force an agreement on

him. His closest advisors testified that even they, on the flight to the summit, did not know what positions he intended to present.

In an individualistic society, the restrictions of the law (particularly good faith) and of ethics are the only restrictions when it comes to bargaining. Within the context of the law and the rules of ethics, one can bargain over any issue in dispute. In the context of bargaining, negotiators expect concessions from the other side, just as they themselves are willing to make concessions. This perspective of "give and take" is seen in an individualistic society as the basis for the solution of every conflict. The only question is what to give and what to take. Barak, being an individualist, did not see any flaw in the basic approach he developed, as though it were legitimate to approach the summit meeting in this manner.

In a collectivist society, on the other hand, there are various restrictions on the bargaining process. First, not everyone can bargain during negotiations; it depends on social standing. Those with high social standing in a collectivist society will endeavor not to bargain, even when they can expect to pay a high price for not doing so. Bargaining does not accord with their honor. Second, not every subject is given to bargaining. Thus, for example, it is permissible to bargain in the context of business deals involving sales and purchases, but not on matters that touch upon honor and especially not on matters that touch upon group honor or principles that are important to the group. For this reason, the Palestinian narrative will never be the subject matter of negotiations.

Conclusions – Summary of Principles

The success of the political process between Israel and the Palestinians depends on the existence and implementation of the following principles:

♦ The commitment by each side to reach a political agreement on peace and on historic conciliation between the two peoples will be based on a strategic decision supported by the public on each side.

♦ The source of authority for a political agreement between Israel and the Palestinians will be U.N. Resolutions 242 and 338, which are based on the principle of "land for peace."

♦ The starting point for negotiations will be defined in an agreement between the two sides regarding the final goal of negotiations – two states for two peoples living alongside one another in peace and security.

♦ The political process being conducted through negotiations will focus on solution of the 1967 problems and not the 1948 issues.

♦ During the negotiation process, all issues will be placed on the negotiating table, but its conclusion will be based on the principle that "nothing is agreed until everything is agreed."

♦ Trust between the parties during the negotiating process will be established by granting priority to discussion of and agreement on the "core issues," on the basis of the principle of negotiating "from the difficult to the easy."

♦ The parties will define and agree upon the timeframe for conducting and concluding negotiations in advance.

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Chapter 9

The Geopolitical Environment as a Barrier to Resolution of the Israeli-Palestinian Conflict

Kobi Michael

There have been many political and intellectual attempts to explain the failure of the Oslo Peace Process, to characterize the barriers it faced, and to propose future solutions. The goal of this chapter is to try to explain the complexity of the geopolitical environment in which Israel operates and to show how this environment becomes a significant barrier the moment Israeli leadership begins deliberating whether to undertake risks towards settlement of the conflict. The focus on this barrier does not imply that it is the only or the principal barrier to settlement of the conflict in our region. At the same time, there is no doubt that this is a central and important barrier, and if Israel is not able to handle its complexity, it is doubtful that the peace process can be advanced.

Barriers to Conflict Resolution

A barrier is a fundamental factor that prevents resolution of a conflict or makes its resolution more difficult even if the parties involved have an interest in such resolution. One of the accepted classifications of these barriers is that of Mnookin and Ross (1995), who defined three principal categories:

1. Strategic and tactical barriers resulting from the parties' efforts to maximize their own benefits or their share in a distributive peace agreement;

2. Psychological barriers reflecting cognitive and motivational processes and various perceptual and judgmental biases, which prevent the parties from

making the changes to their positions and beliefs that are necessary in order to reach agreement;

3. Additional barriers, including structural, organizational, and internal institutional ones, which create constraints that prevent agreement.

In the cognitive sense, barriers are the fundamental factors that restrict acquisition of the knowledge needed to resolve the conflict. This knowledge requires changing the conceptual interpretive framework through which one understands reality. It also requires constructing the tools necessary for this changed reality, in accordance with defined political objectives. In this sense, barriers are, in fact, a type of existing knowledge that does not change and permanently frames perception. Barriers "lock" the existing base of knowledge regarding the conflict and do not allow for recognition of new information or for changes that could alter this base. The existing knowledge is informed by perceptions and conceptions regarding the regional environment of the conflict, by ideology, by perception of the other, by levels of trust between the parties, and by social and political structures that shape the "truth regime" of society's mainstream and define its "truth agents" (Foucault, 1980).

The discourse on strategic environment as a barrier to conflict resolution includes the physical elements of the area of conflict and the conceptual and perceptual elements related to perception of the threat involved, elements that have their origin in the violent history of the conflict and in the lack of trust between the parties.

In this chapter, I seek to focus on the geostrategic environment in which Israel operates and comes face-to-face with the challenges to peace and the characteristics of the dispute. Indeed, the characteristics of both the environment and the dispute shape the strategic threat factors in the Israeli security perception in a way that intensifies the identification of risks on the one hand, as well as the demand for security guarantees (territory, early warning, airspace, etc.) on the other. While the agents of threat make it difficult for any Israeli leadership to take security risks that involve making the concessions necessary to resolve the conflict, safety factors and security guarantees could help in dealing with potential risks.

Characteristics of the Geostrategic Environment and of the Confrontation as a Barrier to Resolution of the Conflict

Since its establishment, Israel has operated in a hostile and dangerous environment that produces strategic and security challenges, including existential and security threats (Michael, 2009). Peace processes in this environment are primarily intended to deal with these challenges in a way that would reduce or eliminate them completely. It is only natural that peace processes are perceived within Israel as undesirable and dangerous if they require territorial concessions, loss of control over airspace and strategic spots, and reduced intelligence capabilities.

Israel's sense of insecurity is a result of its modest geographical dimensions and its existence as a Jewish-western entity struggling for legitimacy in the heart of the surrounding Muslim-Arab region. "We are always alone," stated Uzi Arad, National Security Advisor.[93] Despite the widely-held assumption within the collective Jewish consciousness that the intensity of the existential threat has decreased since the signing of the peace treaty with Egypt, it would be difficult to make the claim that the Jewish majority in Israel feels welcome and safe in the region.

The peace treaties with Egypt and Jordan are first order strategic assets for Israel, and they have the potential to improve its security in the region significantly. These agreements, however, have turned into a cold and not necessarily stable peace because of the absence of conditions necessary for stable peace: full mutual satisfaction; close cooperation; political, economic, and social normalization; and the founding of institutional partnerships and social learning processes (Kacowicz & Bar-Siman-Tov, 2002). Given the absence of a stable peace, there are concerns – albeit low-level – that the conflict could be renewed.

The disintegration of the Palestinian Authority into two separate geographical, political, and religious entities (the Gaza Strip and the West Bank) following

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[93] See, in this context, the remarks of National Security Advisor Uzi Arad in an interview with Ari Shavit (*Haaretz*, 9 July 2009):

> "To my regret, we have so far been unable to bring about Arab acceptance of our right to exist. Arab and Muslim refusal to recognize Israel's legitimacy is at times concealed and opaque and at times overt and violent, but it is constant. I have never met an Arab figurehead who can say calmly and clearly that he or she accepts Israel's right to exist in the true historical and recognitory sense. It will therefore be difficult to reach a genuine Israeli-Palestinian agreement that does away with the conflict for the most part. I do not foresee the possibility of creating that other reality for which so many Israelis long in the near future.

Hamas's violent takeover of the Gaza Strip in June 2007 and Israel's unilateral disengagement from the Gaza Strip in August-September 2005 intensified Israeli lack of trust in Palestinians and Israeli concerns about deteriorating security in the event of additional withdrawals from the West Bank. The escalation of Hamas's activities resulted in Operation "Cast Lead" (January 2009), which accurately reflects the characteristics of the Israeli-Palestinian conflict. Indeed, Israel has for two decades now been at the international forefront of modern warfare, which is low-intensity asymmetric war between an organized, regular army of a political entity and terrorist or guerilla organizations operating on behalf of the local population.

The reality that Israel has faced over the past two decades, particularly the Israeli-Palestinian conflict, generates threats and challenges to Israeli society and leadership – real, exaggerated, or imagined – that are of the utmost significance. In the broad historical context, these threats are perceived as another layer in the persecution of the Jewish people and the threat to its existence. The memory of the Holocaust and awareness of the struggle for independence (the War of Independence and the establishment of the state under circumstances of a war imposed on Israel) resurface every time there is a security crisis such as a violent confrontation with the Palestinians or an Iranian nuclear threat.[94] International criticism of Israel is often perceived as an expression of anti-Semitism, and the overall feeling is that Israel's struggle for independence continues,[95] and that Israel is still struggling for its very existence as the state of the Jewish nation within a hostile region and an international community that ignores the hardships Israel faces.

The threats are a key component of the society's "truth regime," which sets the parameters of the public and political discourse that informs the awareness of threats. In actual fact, this is a closed loop that feeds itself spirally and increases awareness of the threat. The "truth regime" of a society is determined by its "truth agents." According to Michel Foucault, these "truth agents" are perceived

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[94] Regarding the intensity of the Iranian threat in Israeli consciousness, see the remarks of National Security Advisor Uzi Arad in an interview with Ari Shavit (*Haaretz*, 9 July 2009): "If Iran goes nuclear, anything that might be achieved with the Palestinians will be washed away in a powerful current and eliminated overnight."

[95] In this context, see the remarks of Chief of Staff Ya'alon, regarding the Al-Aqsa Intifada as the continuation of the War of Independence.

by society as epistemological authorities and as the sentries responsible for designing the "truth regime" (Mills, 2005; Foucault, 1980).

When the boundaries of the discourse are sealed, it is not possible to absorb new information and, therefore, critical thinking about the existing consciousness does not develop. In such closed informational circumstances consciousness becomes fixed in a way that freezes existing social and power structures, and these in turn freeze the perception of threat, the perception of response to the threat, and the strategic doctrines. Increased awareness of threats makes it harder for Israeli leadership to take risks. It also limits the leaders' ability to deal with the military's demands for strong and substantive security guarantees or to secure public legitimacy for political steps perceived as too risky in terms of security.

Given that awareness of a threat inevitably creates a sense of insecurity, even existential fear, security considerations naturally receive priority: "a state of mutual armament is more security than a state of mutual peace" (Uzi Arad, *Haaretz*, July 2009). In the Israeli case, security considerations are given priority even in a process aimed at pursuit of peace because where there is a developed awareness of security, peace agreements are perceived as a means to improve the security reality and reduce threats. The Oslo Accords are a clear example of this. Because the security component of peacemaking becomes more and more significant, the public tends to see the security apparatus as an authoritative source on questions involving uncertainty and risk.

The military echelon, which is the most significant component of the security apparatus, is perceived by the public and the political leadership as professional and objective on all matters involving the security aspects of a political process. Under circumstances of enhanced awareness of threat, when the sense of security is shaky, a clear priority will be granted to military-security considerations. "Political priorities receive greater consideration when there is a more pronounced sense of security, whereas military priorities will dictate decisions at the strategic [military] level when circumstances are reversed…." (Luttwak, 2002: 189).

This reality gives rise to a "value complexity" barrier.[96] The value of security clashes with the value of peace, and the necessity of choosing between them – or

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[96] Regarding the value complexity involved in transition from war to peace, see Bar-Siman-Tov, Y. (1996). *The Transition from War to Peace – The Complexity of Decisionmaking: The Israeli Case*. Tel Aviv: Tami Steinmetz Center for Peace Research, Tel Aviv University (Hebrew).

ranking them within a hierarchy of values – is very difficult. Placing the value of peace over the value of security requires a substantive change in perception of the threat. Given the complex security environment in which Israel operates, including a confrontation such as the Israeli-Palestinian confrontation, it is very difficult to change the threat perception. The value of security, therefore, continues to outrank the value of peace. The military, as the foremost representative of the value of security, becomes the highest valued and most authoritative entity in the eyes of the public.

Circumstances that involve a security threat also serve to shake public trust in the other side and in its willingness to honor the peace agreement, which undermines the will to make concessions (Bar-Siman-Tov, 2000). This concern generates stringent security demands, including strong security guarantees and international assurances that the agreement will be monitored and enforced. Under such circumstances, the need to minimize losses obligates the political player to adopt a suspicious attitude towards the other side. A suspicious attitude and circumstances of uncertainty intensify the syndrome of "risk aversion" and undercut the ability to identify potential benefits of the peace agreement (Kahneman & Tversky, 1995). This tendency leads to the ranking of military-security considerations above political considerations and to overvaluing the military echelon and its assessments at the expense of the political echelon and its assessments.[97] These positions lead to a preference for maintaining the status quo, which seemingly guarantees a high degree of certainty. Paradoxically, however, Israeli insistence on preservation of the status quo and the lack of a political alternative for the other side are likely to increase the chances of war or the level of violence.

The military sector in Israel has, over the years, become the ultimate authority on all matters relating to the identification of security threats and the design of a response to them (Michael, 2007b). Israeli reality has created a situation in which the "experts authorized to engage in violence" are, for the most part, high-ranking military personnel "whether in regular service or reserves" (Kimmerling, 2001: 271). In the eyes of this authority, security is the highest guiding value and, therefore, the authority's judgment and assessment regarding the conflict

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[97] The Peace Index findings of April 2009 indicate an enormous gap between the public's valuation and trust of the military – 91% – and its low valuation of the government – 34% – and of the Knesset – 30% (Yaar and Hermann, Peace Index 2009).

and the political processes intended to resolve it pass through a security-value-based perception filter, which inevitably becomes a cognitive filter.

Thus, even when the military sector urges the political sector to initiate a political process and even when it understands that military concepts such as decisiveness or victory are not relevant to the political sphere, the military sector interprets reality through a security-based prism. In the eyes of the military sector, peace is a means or a platform for advancing security, and this is the spirit in which it makes its recommendations. If the military sector does not feel that peace will improve security, then it will see the political process as a burden, perhaps even as a security risk.

The paradox in the military approach to peace with the Palestinians is that this approach links the peace process with demands to ensure and improve security. These demands, however, are a stumbling block to advancing the process because they "castrate" the essence of the Palestinian state and the symbols of its sovereignty in the eyes of Palestinians. Access to territorial positions of control, control over airspace, control over border crossings, geographic demilitarization, and maintenance of intelligence and operational capabilities are perceived by the military sector as security needs, and a peace agreement that does not address these needs will be perceived as a security risk. The problem is that the Palestinians perceive these security demands as a blatant infringement upon the sovereignty of the state they seek to establish and as an unacceptable denial of its symbolism and honor. In their view, these demands are analogous to a consensual continuation of the occupation.

The Limitations of Strategic Thought and the Obstacles Created by Prioritizing Military Thought as Supreme

The complexity of the geopolitical environment and the characteristics of the prolonged confrontation with the Palestinians create a constant perception of security threats within Israeli leadership and serve to rank military thinking above political thinking. The unique characteristics of military thinking lead to a unique framing of the threats' characteristics, which in turn shapes patterns of response and action. This framing of the threats' characteristics becomes a primary layer of the collective psychological foundation and fixes the conceptualization of the

conflict as uncontrollable and ongoing (Michael, 2009). History demonstrates that under the circumstances in which Israel operates, Israeli leadership finds it difficult to update its strategic paradigm. This is because adjusting the paradigm requires disengagement from the military thinking that amplifies the sense of threat and leads to preference for military power as a means of solving political problems. The strategic paradigm is, in essence, security-based and military in nature, but this does not necessarily mean that the political sector has not willingly adopted it. Moreover, there were cases in which the military sector pointed out limitations of the paradigm, but the political sector continued to adhere to it nevertheless.

During Operation "Cast Lead" (January 2009), the Israeli pattern of action in the Gaza Strip was based on the logic of military thought and reflected the security discourse that prefers use of force as a solution to political problems. The political discourse refrained almost completely from consideration of other political options, such as negotiations with Hamas, whether directly or indirectly.

Indeed, within Israeli reality, the military framing of complex political problems does not necessarily reflect the thinking of the military itself. A number of examples illustrate how the military has developed a language and vocabulary that led to much more complex framing of the complicated reality, but the political sector has not succeeded in enriching its own discourse by incorporating the concepts and insights that the military has developed. Rather, the political sector has chosen to frame the complicated reality through the traditional military perception, along the lines of what may be termed "political militarism." A salient example of this phenomenon is the position of the military, headed by Chief of Staff Gabi Ashkenazi and Minister of Defense Ehud Barak, who realized the limitations of military power after a few days of fighting during Operation "Cast Lead." They even advised the political sector to terminate the operation after approximately a week, but Prime Minister Ehud Olmert and Foreign Minister Tzipi Livni pressed for continuation of military action, which then in fact continued for another month.

Israel exists within a complex reality because, among other reasons, the awareness of threat and the sense of insecurity amplify awareness of the tension around security issues and create a reality of "neither peace nor war." In such

circumstances, the complexity of strategy becomes a real challenge, requiring particularly developed and sophisticated strategic skills. Such a complex mix of circumstances requires strategic acrobatics capable of creating tricky, paradoxical synergies out of opposites and contrasts.

Given that in Israel, "there is no conception of security that can serve as an organizing conceptual framework for politicians and soldiers, [and] Israeli governments have not developed the relevant know-how to address foreseeable crises and security matters" (Tamari, 2007: 30-31), the Israeli-Palestinian conflict is typically assessed in the context of a security policy that is neither current nor adequately developed and sophisticated but is, instead, usually detached from the broader contexts of national, regional, and international security and their methods of management. Israel tends to distrust the international community and, therefore, often makes mountains out of molehills and regards every threat as an existential danger. Thus, the burden of confronting threatening situations becomes heavier and more complicated.

Developing the skills to deal with strategic complexity under the structural and cognitive conditions described here requires significant enhancement of learning processes in a way that would enable the political echelon to develop a relevant, coherent, and effective security perspective, in turn allowing the development of processes and the formation of political and public legitimacy for complex, ground-breaking measures.

The Geopolitical Environment and Its Negative Influence on the Learning Processes of Israeli Leaders

The complexity of Israel's strategic environment, which has been described as a "meeting of opposites" (Luttwak, 2002: 77), requires complex learning processes that would enable political leaders to cope with a dynamic reality in an intelligent and critical way. "Learning," for our purposes, is what Tetlock (1999) described as a change in the cognitive structure of the image of the individual in relation to the international environment… in the direction of greater complexity and willingness to be self-critical. The significance of this form of coping is the guarantee of relevance of the cognitive structures – the system of beliefs and perceptions that serves the purposes of interpretation and understanding of the

same reality and of developing methods of coping with substantive challenges – by, among other means, reframing the perceived threats. The relationship between the cognitive structure and the content and beliefs, however, is fairly complicated and has the potential to overflow the value complexity barrier (Bar-Siman-Tov, 1996). Players prefer to assimilate new information into thought frameworks that already exist, a process that is likely to prevent a change in beliefs (Levy, J., 1994).

In many cases decision makers aspire to avoid past failures, while the generals are still fighting the previous war. Jack Levy (1994) has suggested that lessons from the past and their accompanying myths can affect policy more than standard perception. Rather than systematically learning from historical experience, it is possible to use history selectively and instrumentally by choosing examples that most strongly support pre-existing policy preferences. Israeli experience fuels the Israeli narrative and maintains the perception of threat and danger in a way that makes it difficult to change the strategic paradigm by accepting and processing new or alternative information.

Levy, who explored the issue of political/statesmanship learning in depth, found that learning is not a passive activity, but an active process leading to the creation of an analytical construct built on a worldview and on assumptions through which historical experience and reality are interpreted. A change in the analytical construct as a result of observation and interpretation of experience leads to a change or the development of new beliefs, skills, and procedures. These changes are likely to produce policy changes, but Levy qualifies his observations by noting that not every change in policy is necessarily the result of learning.

Decision-making processes – particularly those of governments subject to complex and conflict-riddled circumstances – reflect the manner by which various alternatives are examined through "cultural filters." Historical analogies, as well as precedents and metaphors, guide the process of selection among various alternatives, while "cultural filters" simplify reality but reduce the range of selection. These filters, in fact, determine what is considered obvious and what is subject to debate or re-examination. This process generates the array of scenarios to be developed by the government and affects the shape of patterns of operation and reaction (Levy, Y., 2009). In the case of Israel, the military filter almost always serves the political sector as well, and thus it influences the

learning processes, design of alternatives, and policy choices, which in turn lead to a marked preference for use of military power to resolve political problems. The Second Lebanon War and Operation "Cast Lead" are clear examples of this process.

The Complex Environment in Which Israel Operates and Its Influence on the Ability to Create Risk-Taking Agreements

The complex strategic environment in which Israel operates and the paradoxical principles on which this environment is based make it difficult to market and explain it, both to coalition partners and to the general public. The complexity of the strategy and its underlying paradoxical logic require the creation of a balance based on *complementary opposition* – a force-based military strategy balanced by a soft political-diplomatic strategy, and vice versa. For example, a severe military blow to Hamas could serve as the basis for talks and the adoption of a policy of negotiation with Hamas. Conversely, it is possible to strike a blow to Hamas without damaging its ruling power ("home address") and principal assets because the possibility of such damage would be the only way to deter it militarily in the future. That is, unless it has some standing and assets, Hamas cannot be deterred.

This process is based on paradoxical logic and on complementary opposition, making it very difficult to attract support among the Jewish public in Israel. This conclusion is reinforced by the findings of the Peace Index of February 2009, which indicate that a third of the Israeli public was disappointed by the outcome of Operation "Cast Lead," and less than a third was satisfied with the outcome. The more significant finding, however, was that 66% of the Jewish public think that the military operation should have continued until Hamas completely surrendered (Peace Index, Steinmetz Center, Tel Aviv University, February 2009). The December 2008 Peace Index showed that 90% of the Jewish public in Israel already believed that the operation should have continued until Hamas surrendered.

In the view of many Israelis, the deteriorating security situation in the Gaza Strip was the result of Israel's unilateral disengagement from the Strip. This understanding increased the sense of legitimacy that the public ascribed to the

use of substantive military force against Hamas and even served as an incentive of sorts for the Israeli government in its choice of a course of action leading to Operation "Cast Lead" (Levy, Y., 2009). For this reason it was hard to persuade the public of the proportionality of the required military response to Hamas and to explain the limited military response needed for a significant political achievement. From a certain point onwards, Operation "Cast Lead" clearly passed its peak of success,[98] and continued military action eroded political gains.

The Peace Index findings highlight the significance of a unique phenomenon that Yagil Levy termed "gap of legitimacies" (Levy, Y., 2008; Levy, Y., 2009). Levy observed a significant gap between the public and political legitimacies ascribed to the use of military power to solve security problems – "political militarism" or "militaristic politics" (Kimmerling, 1993; Ben-Eliezer, 1995; Berghahn, 1981) – on the one hand, and the legitimacy of bodily sacrifice, on the other hand. While the legitimacy granted to use of military force is high, the legitimacy ascribed to bodily sacrifice is much lower (Levy, Y., 2009).

This gap makes it harder for Israeli leadership to operate in accordance with complex strategic principles. This gap also restricts the leadership's freedom of operation to use military force where it is needed or, alternatively, to take political steps in a reality of active, violent confrontation. The democratization of war makes it impossible for Israel's leaders not to consider public opinion and the power of the media, compelling them to act quickly, before the media can influence public opinion and planned actions. But it is precisely in these circumstances that the political sector needs to have acquired complex learning processes requiring strategic skills and staff work that do not exist in Israel. In the absence of these tools, the resulting vacuum draws on military thinking, and from that moment onwards, the military sector begins influencing decision-making processes and policy-making, primarily as a result of its structural and traditional advantages rather than its own free will. When the political sector is unable to internalize and operationalize complex learning processes efficiently and relatively quickly, it loses maneuverability and flexibility. In such circumstances it has difficulty setting new and relevant policy and is compelled to operate under the influence of public and media pressure against a problematic reality of a legitimacy gap on

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[98] For detailed explanation of the concept of peak of success in the strategic sense of military conduct, see Luttwak, 1987.

the part of the public (for more on this issue, see: Michael, 2008, Michael, 2007b; Michael, 2010, forthcoming).

Even in cases where the national leadership has undergone a learning process that led to change of positions and priorities, these changes must pass the political and public legitimacy test because the leaders of democratic states – specifically the State of Israel – must earn political approval (in the governmental and coalition contexts) as well as public approval for the implementation of policy, all the more so when novel, ground-breaking policy is involved (Bar-Siman-Tov, 1996). Sometimes, however, the public cannot absorb paradoxical opposites and synergies of opposites and contradictions, which are key strategic elements of Israel's complex operational environment but are very hard to market and explain because, for these purposes, the public would also have to undergo a complex social learning process (Bar-Siman-Tov, 1996).

Janice Stein stresses the central role of internal politics as an obstacle or an incentive in leaders' decision-making processes. The learning process that leads to change in the positions of leaders does not necessarily take place amidst the general public as well. The gap between the positions of leaders and the positions of the public results from these differences in learning processes. In some cases the social learning process affects public opinion and its stance regarding a political process or security situation or advances the learning process of leaders, but there are reverse situations as well. A salient example is the progress achieved by Prime Minister Ehud Olmert with the Palestinians. This progress did not earn the support or trust of the public, and it led to the return of the political right to power in the February 2009 elections. This example again demonstrates that Israeli leaders must overcome the legitimacy obstacle, among others.

Yaacov Bar-Siman-Tov, in his comprehensive essay on the obstacles to transition from war to peace, drew attention to the various strategies of action of Israeli leaders in their pursuit of legitimacy. His findings prove that, despite the range of possible strategies, Israeli leaders have not always succeeded in establishing legitimacy for the policies that they sought to implement, and the most salient cases actually turned out to be in the Palestinian context (Bar-Siman-Tov, 1996). This difficulty can be explained through the unique and complex characteristics of the operating environment in which, paradoxically, a sterile and prolonged political process is taking place against the background of a violent

confrontation (with the Gaza Strip) and a continuing focused effort to eliminate terrorist threats (from the West Bank).

The challenge of legitimacy reflects the inherent tension between external constraints and internal constraints because foreign policy and domestic policy, particularly in the Israeli context, are interdependent. Although external factors are sometimes necessary conditions for peace initiatives, domestic factors can prevent leaders from carrying them out (Bar-Siman-Tov, 2001).

Efforts to resolve an international conflict can generate an internal conflict when the potential concessions are not acceptable to some members of the political elite, interest groups, or a majority of the public. In this "two-level" game (foreign and domestic), decision makers who seek to reach a peace agreement that requires concessions must take into account the extent of domestic support for the new policy they seek to implement.

The degree of tension between external and internal constraints was starkly reflected in Prime Minister Netanyahu's first visit to the U.S. for a meeting with President Barack Obama (May 2009). In Washington Netanyahu found himself between the American rock and the coalitional hard place. The visible pressure that Obama exerted on him – with respect to the two-state principle as a basis for political agreement between Israel and the Palestinians – exacerbated Netanyahu's problems at home because, for internal political reasons, he could not publicly accept this principle and was therefore compelled to resort to evasive statements that did not include the phrase "two states for two peoples."

In a speech at Bar-Ilan University on 14 June 2009, however, Netanyahu succeeded in combining a response to U.S. demands regarding two states with the pressures from home by setting conditions that transfer responsibility to the Palestinian side.[99] This political maneuver was potentially successful, but it is likely not sufficient for a breakthrough because the Palestinian side flatly rejects these conditions, and most of the Israeli public apparently realizes that the prime minister did not change his positions or beliefs but, rather, made these statements as if under coercion – as if the devil made him do it.

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[99] For the text of the speech and its significance, see the Israel Intelligence Heritage & Commemoration Center:
http://www.terrorism-info.org.il/malam_multimedia/Hebrew/heb_n/html/ipc_036.htm.

Israeli experience demonstrates that every peacemaking effort that included territorial concessions immediately and automatically turned into a game on two levels – internal and external – because it generated a conflict of values. In the Israeli-Palestinian case, territorial concessions have additional significance because of the great risk involved. The security risk is seen as particularly severe this time in light of the outcome of the unilateral disengagement from Gaza in September 2005. Bar-Siman-Tov (2001) concludes that since the end of the Six Day War, Israeli decision makers have understood that any peace effort that requires conceding territories will be regarded not only as a matter of foreign policy but also as domestic policy. Moreover, Bar-Siman-Tov concludes that in all the conflict resolution processes in which Israel was involved, external players had significant influence in initiating and driving the political processes, but the importance of domestic players increased during the course of negotiations. This is the reason for the importance of legitimacy in these processes that involve concessions and are perceived as risky in light of the immense uncertainty that prevails in the region.

The lack of consensus regarding territorial concessions applied not only to opposition-coalition interaction but also existed within the coalition itself. Israeli leadership understood that territorial concessions are not only a matter of foreign policy and that they require building a domestic base of legitimacy (Bar-Siman-Tov, 2001). The experience of Oslo demonstrates that formal authorization for a political agreement is not enough to put an end to domestic debate if the agreement is unacceptable to some of the political elite or other groups. The disagreement within the Israeli public even intensified after violence resurfaced between the parties with the outbreak of the second *Intifada* in September 2000 and after the division of the Palestinian Authority and the Hamas takeover of the Gaza Strip in January 2006. This disagreement even led Prime Minister Ariel Sharon to break up the "Likud" political party and establish "Kadima" following the fierce opposition within his party to disengagement from Gaza.

The intersection between the external and the internal levels poses a dilemma to Israeli leadership, compelling it to manipulate the situation in order to cope with the constraints, balance them, or neutralize some of their problematic effects. Israeli experience demonstrates, however, that despite all the manipulation, the leaders usually did not succeed in improving their standing in relation to political

elites and in terms of public opinion, and they eventually found themselves lacking domestic legitimacy, which led to their political paralysis and the continuation of the conflict.

Leaders who grasped the paradoxical logic of the strategy were compelled to act in opposition to its principles and logic and to stick with goals that had been set in the spirit of the linear political logic reflective of the dominant mood of Israeli society. The problem is that these goals do not necessarily accord with the strategic context and the national interest; they might even be completely disconnected from the context and devoid of any strategic logic. For example, defining the goal of Operation "Cast Lead" as improving the security situation in the south is an example of linear political logic with no connection whatsoever to strategic logic. This is an example of a situation where complex diagnostic learning processes did in fact cause the leadership to change its position and understand the context differently, but did not bring about the complex social learning process that would lead the public to change its positions and grant legitimacy to a political breakthrough.

The lack of congruence between Israeli military powers and political powers creates a need for a unique leadership capable of developing a strategy for overcoming the obstacle described above, which is sometimes a stumbling block in the complex circumstances in which Israel must operate.

The Test of Israeli Leadership in Light of the Incongruence Between Military Power and Political Power in a Complex Operating Environment

The complex operating environment of the Israeli-Palestinian arena in which Israel is situated is characterized by sudden transitions from calmness to violent confrontation and sometimes also by a political process that takes place in parallel to violent confrontation. Operating in such an environment requires a uniquely strategic leadership capable of influencing the public and leading it through complex and controversial processes. In democratic countries, however, leaders must act on the basis of political agreement and broad public consensus grounded in linear logic. The difficulty lies in resolving the contradiction between the

accepted linear logic (common sense) and the paradoxical logic of the strategy. History has shown that only rarely have leaders been gifted with a strategic ability that applies to the realities of both war and peace, and even rarer is the skill to deal with a complex, dynamic reality involving a sense of existential threat and "neither peace nor war."

Winston Churchill was an inspiring leader and excellent strategist during World War II, but upon its conclusion he became a marginal leader. His phenomenal strategic abilities during wartime turned out to be irrelevant during peacetime. Menachem Begin was gifted with impressive leadership skills and a strategic vision that enabled him to lead Israel towards peace, but he turned out to be a failure as a wartime strategist. Ariel Sharon demonstrated impressive abilities as a war strategist – both as a military man during the Yom Kippur War and as a prime minister during the second *Intifada* – but did not succeed in developing the strategic skills necessary for transition from war to peace after suppressing the second *Intifada*. The conclusion is that many political leaders can excel at managing the internal affairs of their states but turn out to be complete failures at handling foreign affairs and security matters during times of crisis, and vice versa.

Political leadership is also intellectual leadership that is capable of combining military strategy with political understanding and formulating a grand strategy in the broadest, most inclusive, and most comprehensive sense of the term (Michael, 2007). This challenge becomes more difficult within the complex environment in which Israel operates, where reality embodies a fundamental clash between military strategy and political logic. Military strategy dictates striking, defeating, capturing territory, and achieving the best possible military outcome. Political logic requires trying to achieve the best possible negotiating outcome. This is why almost all military personnel believe that almost all politicians are either too daring or too cowardly. The military leader will always try for the best possible outcome, even if this is less than total victory; the statesman will try to achieve his objectives through negotiations; the potential clash between them is understandable and insoluble (Luttwak, 2002: 194).

Another contradiction between the strategies is reflected in the difference between the diplomacy of peace – the purpose of which is to minimize a threat – and deterrence by means of armed persuasion– the purpose of which is to prevent

actualization of a threat. The very need to use armed persuasion undercuts the ability to persuade through the diplomacy of peace. The diplomacy of peace, however, could create a problematic reality for Israel, where it would have difficulty deterring its opponent through armed persuasion.

Israel exists in a reality of incongruence between notable military power and notable diplomatic power. Luttwak found that in cases of incongruence between these powers, the strategic range of operation decreases. In the Israeli case, though, it appears that the lack of decisive diplomatic superiority creates incongruence in relation to military power. Not only is there a need for strategy here, but strong strategic leadership is also necessary.

The key to intelligent handling of the incongruence between these powers lies in a strategic leadership that will strike the right balance between the horizontal and vertical dimensions of strategy. Such leadership would define consistent and non-conflicting goals, set priorities, and coordinate the various sectors: military, diplomatic, social, and economic. This requires an acrobatic combination of paradoxes and contradictions because a tough military policy needs to be balanced with a soft foreign policy, and vice versa. But such acrobatics put the political sector – in Israel specifically and in democratic countries generally – in a very difficult position: decision makers might be (mistakenly) perceived as adopting incoherent and contradictory policies. Ironically, it is much easier for dictatorships to implement such policies because dictators do not have to explain their policies and do not need agreement (Luttwak, 2002: 326).

Summary and Conclusions

This chapter focused on characterizing and analyzing the complex environment in which Israel operates and posited that this reality – in accordance with the theoretical definition developed – poses a significant barrier to peace. This strategic barrier creates real difficulties vis-à-vis the learning processes needed to bring about change and poses a series of obstacles that make it difficult for Israeli leadership to identify or create opportunities, to plan and take complex strategic steps, and to achieve meaningful political breakthroughs that, even if they do not lead to resolution of the conflict, can contribute to better and less violent conflict management.

In order to cope with this barrier successfully, real change with respect to the geopolitical characteristics of the environment is needed. Real substantive change in this area requires at least three elements:

(1) Transition from bilateral paradigm with the Palestinians to multilateral/regional paradigm;

(2) Reducing asymmetry in the relations between Israel and the Palestinian entity by means of a gradual and controlled "bottom-up" process for the establishment of a viable Palestinian state capable of functioning according to effective sovereignty. This would mean – among other things – exercising authority and even control over the population within its delineated jurisdiction, with a distinct monopoly over the use of force, and in accordance with the principles of law and order.

From this it follows that a viable state is a state that actualizes its sovereignty towards its citizens effectively and over the course of time and conducts reciprocal relations with its neighbors, the region, and the international community, while demonstrating responsibility and accountability. This process needs to take place with the active support of the international community (including the states of the region and other Muslim states) and in accordance with a broad, regional peace-building plan (the central element of which is state building);

(3) The provision of real international security guarantees for Israel so that its security interests will be assured over time.

Only a substantive change of environmental characteristics can lead to a change in the strategic paradigm that Israeli leadership has adopted since the Oslo process – a paradigm characterized mainly by fear of (perhaps also aversion to) taking risks.

Significant change of the characteristics of this complex operating environment can occur as a result of the redefinition of the space in a way that generates a sense of security within Israel that it is welcome in the region and grants it complete legitimacy as the state of the Jewish people. Implementation of the normalization principles contained in the Arab Peace Initiative could relax Israel's sense of

threat and alienation within the region. This could lead to a change in the public mood within Israel and create an atmosphere that would make it easier for Israeli leadership to take risks in managing the Israeli-Palestinian conflict. Israel could be granted such legitimacy by the states of the region if they agree to take part actively in a regional peace-building operation with the participation of the international community. Such a peace-building operation could lead, through a gradual and measured bottom-up process, to the establishment of a viable Palestinian state capable of ensuring state monopoly over the use of force and developing a regional security regime that would allow the reframing of existing threats and the formation of an alternative paradigm to the security paradigm that prevails today (Michael, 2007).[100]

Israel also has a role to play in the achievement of such a change, which would in turn remove the strategic barrier blocking its path to peace (in the sense of a political arrangement that would establish the conditions for conciliation as a basis for real peace in days to come). Towards this end, however, Israel will need the support of the international community and primarily the United States, with the backing of Arab states and with sufficient security guarantees, such as a strategic pact with the United States, membership in the European Union, membership in NATO, and the like.[101] When these conditions exist, the political sector in Israel will be required to demonstrate clear strategic leadership and to develop learning processes that will lead to a knowledge base and the strategic skills to reshape the contours of the security discourse, transform the "truth regime," reduce the consciousness of threat, and enable the necessary social and political acquiescence. Under such circumstances there would be a reasonable likelihood of exchanging the existing security paradigm for a new paradigm, which in turn would lead to a new political reality.

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[100] For more information about implementation of the Arab Peace Initiative in the context of a regional peace and security arrangement, see Michael, K. (2007). *The Arab League Peace Initiative – A Historic Opportunity? Background, Meanings, and Possible Avenues of Exploration*. Jerusalem: Jerusalem Institute for Israel Studies, pp. 100-101; Michael, K. & Kellen, D. (2007). *Stabilizing the Israeli-Palestinian Bi-level Conflict Zone — Considerations for a Multinational Peace Support Operation*. Jerusalem: The Truman Institute for the Advancement of Peace, The Hebrew University of Jerusalem, pp. 18-39; Michael, K. & Dajani, M. (2007). "The Role of the International Community." *Palestine-Israel Journal*, 13(4).

[101] See the remarks of National Security Advisor Uzi Arad: "If the Middle East goes nuclear, it is possible that joining NATO and/or a defense pact with the United States would be a condition of a regional security arrangement." (Shavit, 2009).

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Conclusions:

Overcoming Barriers to Resolving the Israeli-Palestinian Conflict

Yaacov Bar-Siman-Tov

This book presents a detailed study of the various barriers to settling the Israeli-Palestinian conflict, barriers that in their range and complexity have singled out this conflict as a protracted and ongoing conflict. In addition to pointing out substantive and tangible barriers, this study highlights psychological, religious, and cultural barriers that greatly intensify and exacerbate the difficulties in reaching a settlement. These psychological, religious, and cultural barriers have framed the core issues of the conflict – Jerusalem, refugees, settlements, and borders – not simply as strongly disputed *interests*, but as protected, sacred *values*, rooted in religious belief and historical meta-narratives and not open to compromise.

The force and magnitude of the barriers discussed in this book – as well as, and in particular, their portrayal as protected values – inevitably leads to the conclusion that the likelihood of ending the conflict through a settlement is exceedingly low at present. In the absence of conditions that would be effectively conducive both to overcoming these barriers and to reframing the discussion as a dialogue about interests, which are open to compromise, rather than about protected values, it is doubtful that it will be at all possible to resolve the conflict. With such a towering mass of barriers standing in the way of peace, any attempt to settle the conflict at this stage is not only doomed to fail but is also liable to actually increase despondency at the prospect of achieving peace and to bring about renewed violence between the parties. Political leaders who are committed to true peace need to consider these barriers and identify new and creative ways to address them.

Under the present circumstances, it seems to be easier to describe or explain the barriers to peace than to answer the question of how can they be overcome.

The basic assumption underpinning this study firmly maintains that there is a need to consider ways of addressing and overcoming the barriers on the road to peace – despite their seemingly insurmountable magnitude – in order to encourage resolution of the conflict. The researchers in this study present various proposals for coping with and overcoming these barriers. In this chapter I briefly present the various proposals, many of which share similar or overlapping points, and then proceed to discuss possibilities for resolving the conflict.

One important method for addressing these barriers as suggested in this book is to avoid passivity and not to give up the hope of reaching a settlement. This method urges both sides involved in the conflict to develop continuously new and creative ideas in order to offset dominant beliefs and perceptions. These novel ideas, which can be termed "instigating beliefs," should counteract the firmly established belief that the conflict is unavoidable and impossible to resolve. Ending the conflict peacefully should be seen as an important value and defined as a national interest, regardless of how naïve or unrealistic such a goal may appear to a society experiencing a protracted and unrelenting conflict. In the words of Halperin, Oren, and Bar-Tal, "We suggest that the instigating belief that fuels the motivation towards flexibility is based upon recognition of the incompatibility between the desired future, on the one hand, and the emergent future, the current state, and/or the perceived past, on the other hand."

The need to reconsider currently-held beliefs and give consideration to alternative modes of thinking is based on the assumptions that, in its present state, the conflict will lead to a worse future, that it will undermine the basic goals and needs of both parties to the conflict, and that time is not necessarily on the side of either party. This approach is fundamentally rational; it requires both sides to conduct a realistic cost-benefit analysis of the situation if it continues or further deteriorates and to employ a hardheaded, realistic approach to examining the risks involved in avoiding a settlement. In the final analysis, the costs of prolonging the conflict are likely to be greater than the necessary costs of a compromise for peace, and such a realization should inspire and encourage the peace process. Moreover, continuation or further deterioration of the present situation might further jeopardize what both sides view as protected values. Such instigating beliefs could be nurtured within both sides.

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Resolving the Israeli-Palestinian conflict and establishing a Palestinian state alongside Israel are the undeniable interests of every one in Israel who supports the continued existence of Israel as the nation state of the Jewish people. Otherwise, in the absence of a two-state solution, Israel risks becoming a bi-national state, losing its character as the state of the Jewish people, or even becoming an apartheid state – which would conflict with its democratic character. The danger that not reaching a settlement presents to Israel's Jewish identity and moral stature and the fear of Israel's de-legitimization around the world should provide the motivation to achieve peace and reach a settlement with the Palestinians. Given these possibilities, it seems that the fear of not reaching a settlement could exceed the fear of the settlement itself.

Reaching an Israeli-Palestinian settlement should be defined by both sides as a national interest of primary importance. The Palestinians, who wish to put an end to the occupation and to their people's ongoing suffering and to realize their national aspirations for an independent state, should be equally receptive to adopting such a view. Even if such a process encounters extreme difficulties at its onset and wins over the support of only a small minority because of the memory of Oslo's failure, determination, resolve, and active involvement will eventually disseminate the instigating belief among the general public. Commitment to an immediate, workable, and peaceful solution, as well as preparedness to reach a historic reconciliation between the two peoples in the future, will be found on both sides only when a strategic decision is made that galvanizes public support on both sides. Unless a collective, concerted effort is made on both sides to increase legitimacy for the peace process and the peace agreement across the wider public, which will necessarily entail disputed compromises, it is doubtful that the conflict can be resolved.

Such an approach, as noted above, is fundamentally rational, but it also requires both sides to engage with their own narratives and protected values. The gap between the narratives of both parties is expansive and unbridgeable at this point. Yet despite the near impossibility of bridging the gap at the meta-narrative level, there are still aspects that could be reworked to bring the parties closer. An effort could be made to develop a common frame of reference in order to facilitate dialogue over the many different national narratives surrounding both sides' national aspirations for separate, independent political frameworks

by cultivating a willingness to recognize and study the contradictions between those narratives. Such a reconciliatory process could be immediately instituted and depends only on the initiative of political and civil society leaders on both sides as well as on the external involvement of a third party. Even if the two sides are not yet ready to begin such a process, however, they could still agree to acknowledge the contradictory nature of their narratives, which are unbridgeable at present, and to postpone working out their differences until the reconciliation stage in order to avoid a situation where the fundamental differences between the narratives become in themselves barriers to the resolution of the conflict.

Research has shown that, to a large degree, both sides are captives of their own historical narratives and are the victims of a past that prevents their reaching any compromise. Although these historical narratives form part of the national identity of each side and should be preserved as part of their national heritage, they should not bind the parties to the past and deprive them of a better future. Moreover, by meshing with religious faiths, the historical narratives of the two nations have effectively labeled compromise a taboo and a religious offense. It is important to emphasize in this context that agreeing to concessions for the sake of peace is not by definition a religious or moral transgression, nor is it a betrayal of one's historical narratives and protected values. Quite the contrary: unwillingness to compromise for peace is truly immoral, and future casualties will not forgive the bloodshed of another war.

Negotiating protected values poses an equally difficult task that depends on both sides' adoption of reciprocal strategies that will allow them to carry out extremely difficult and tragic trade-offs necessitating mutual concessions. It seems that both sides are not yet prepared to agree to any reciprocal concessions over protected values, but it is important that they are made aware of the possibility of carrying out an extremely difficult exchange whereby one protected value is conceded in order to protect another. In other words, compromise should be framed as a value-based or moral dilemma. For instance, a territorial compromise could be framed as a means of preserving the Jewish character of the State of Israel. Similarly, a compromise over the right of return could be framed as a means of establishing a Palestinian state. While within Israel concessions are increasingly perceived as posing moral dilemmas in light of the need to preserve the character of Israel as a Jewish and democratic state, this view has not yet

garnered wide support on the Palestinian side. Another way of coping with the barriers that such protected values pose to reconciliation is to break the taboo surrounding protected values and to demystify them, that is, to redefine the issues as interests rather than as protected values. In this way, the mythological discourse might be replaced by a rational discourse that will facilitate negotiations and the willingness to compromise. This process will further make it possible to redefine the controversial issues in terms taken from the world of bargaining and negotiations. Such strategies will depend on mutual agreement and on securing the legitimization of changes that will be dramatic and drastic and are likely to encounter strong ideological and political opposition that may thwart their progress. Although it is highly doubtful that this alternative strategy will be able to gain wide support because the parties are not yet ripe for it at present, both sides should nevertheless be exposed to it so that they can consider it as a long-term possibility.

The theoretical arguments presented in this book regarding a formula for reconciling justice and peace may prove helpful in attempting to overcome the problem of justice in the Israeli-Palestinian conflict. Even if the parties should agree to include justice as one of the issues on the negotiating table, it is still doubtful that they would be prepared to develop a shared perspective of justice, let alone work out their differences on the matter. Linking justice to peace in an immutable bond presents yet another barrier to peace, and insisting on this bond is potentially severely damaging to the prospects for peace. In fact, failure to achieve peace is itself a crime against and an injustice to future victims. The goal, therefore, should be to achieve a reasonable compromise between justice and peace. One possible compromise could be to separate the Palestinian claims for transitional justice from their claims for compensatory justice. A moderate Palestinian demand for transitional justice, such as a demand that Israel acknowledge the suffering of the Palestinian people (but not assume responsibility) – along the lines of the "Clinton Parameters" – could serve as a compromise solution that addresses the Palestinian demand for transitional justice. Alternatively, both sides might agree to accept shared responsibility for the injustices that each side has inflicted on the other during the conflict, apologize, and forgive one another.

Regarding claims for compensatory justice, the two-state solution and the establishment of a Palestinian state alongside Israel should be accepted as an Israeli

compromise and settle the claim for compensatory justice. Similarly, the Israeli and American proposals to settle the refugees, *inter alia*, in the territories that Israel will exchange with the Palestinians could serve as another compromise that would implement the Palestinian right of return. The establishment of a Palestinian state will not only put an end to the Israeli occupation and the current plight of the Palestinians, but will also enable the implementation of the Palestinian right of return within the territories of the Palestinian state. The Palestinian demand to exercise their right of return by relocating to Israeli territory flatly contradicts the goal of establishing a Palestinian state. The establishment of a Palestinian state is a rational, moral, and reasonable solution to the refugee problem and one cannot reasonably advocate simultaneously both the establishment of a Palestinian state and the return of the Palestinian refugees to the State of Israel, thereby jeopardizing Israel's status as the state of the Jewish people. Palestinian insistence that their right of return be exercised within Israel will not only prevent the achievement of a peace agreement and the establishment of a Palestinian state, it will also cause more suffering to the refugees and residents of the West Bank and Gaza and increase their feeling that they are being wronged and have fallen victim to grave injustices.

If the two sides are unable to agree on the issue of justice but wish to reach a peace agreement on the basis of a two-state solution, then it will be better to delay dealing with the issue of justice to a later stage of reconciliation. This will allow both sides to reaffirm the importance of the question of justice within the framework of a peace agreement and to agree that the peace between them will remain incomplete and unstable until they resolve that question. Postponing the debate over the question of justice to the reconciliation stage will make it easier for the parties to overcome the barrier that the question places before them and enable them to examine the question after the conflict between them is settled and mutual trust has been established. At that point, the parties will be better prepared to address this extremely thorny, value-based issue.

The starting point for a peace agreement as suggested in this book is based on the outcomes of the 1967 war and not those of the war of 1947-1949. The guiding principle should therefore be the formula of land for peace. The starting point of the negotiations should be defined as the agreement of both parties on the final goal of the negotiations – a two-state solution based on peaceful and secure coexistence.

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All of the issues are to be put on the negotiation table, but the finalization of negotiations will be based on the principle that "nothing is agreed until everything is agreed." Consideration should be given to prioritizing negotiations on an agreement regarding the "core" issues, following the negotiation principle that negotiations should begin with the most difficult issues and gradually move toward simpler ones. The timetable for conducting and completing the negotiations should be pre-defined and agreed upon in advance. Additionally, civil society interactions, meetings, and dialogue should be maintained throughout, despite the difficulties and recurring feeling that they are ineffective and incapable of changing the situation. These meetings are important, nevertheless, because they support dialogue between the sides and they help create legitimacy for resolution of the conflict. Renewal of the negotiations will require that both sides mutually acknowledge their cultural and religious differences and attempt to accommodate these differences, not in a patronizing or self-deprecating manner, but on the basis of mutual respect and a true sense of equality. These suggestions will help create a relaxed and comfortable atmosphere that will better allow the negotiating parties to both interpret and convey statements and gestures more accurately.

Given the gaps between the positions of the parties and the lack of trust between them, there is room to argue convincingly that the Israeli-Palestinian conflict cannot be settled without the involvement of a third party. Both parties depend on resolute, active, and particularly effective American mediation to help them overcome the barriers and progress to where they are prepared to enter negotiations and manage the progress, achievement, and implementation stages. American mediation must do its best not only to make proposals for bridging the parties' positions but also to help the parties loosen emotional ties that bind them to national narratives and protected values so as to enable them to formulate "tragic trade-offs" along the lines presented in this book. The type of mediation described here is unlike anything else the Israelis or Palestinians have ever experienced; it requires a historian's familiarity with the facts and a psychologist's sensitivity. It requires a resolute, accurate, and unflinching diagnosis of the main problems of the conflict and of the domestic difficulties each side faces at home, as well as the ability to mitigate security threats and provide security guarantees and compensation for critical compromises on protected values, while stressing the great importance of resolving the conflict. American mediation should be fair, should use "carrots rather than sticks," and should help the leaders on

both sides to increase and broaden legitimacy and support for paying the price of peace. American mediation should help the parties frame peace as a mutual gain rather than a loss and make it completely clear that the two-state solution is the *only* way out of the conflict. In addition, international intervention will be required in order to implement and uphold the agreement reached through these negotiations. International intervention should include peacekeeping forces and massive economic aid for both parties, mainly for solving the refugee problem on both sides.

Because of inter-Palestinian divisions and the lessons learned from the failure of the Camp David Summit of July 2000, there will be a need to garner the support of the Arab League members, or at least that of Egypt, Jordan, and Saudi Arabia, for the peace process and agreement in order to secure legitimacy for the agreement and to make it easier for the Palestinian Authority to justify it, particularly vis-à-vis its potential rejection by Hamas and other Palestinian organizations as well as some Arab states. Wider Arab support will be of help to Israel as well and will facilitate normalization with other Arab countries.

Given the divisions among the Palestinians and their separation into two disparate Palestinian entities – one in the West Bank and one in the Gaza Strip – it is questionable whether the Gaza Strip can be included in a settlement agreement at this stage. In light of these conditions, possible political settlements that do not include the Gaza Strip should be considered. Should the split among the Palestinians or failure to reach an agreed solution on the Jerusalem and refugee problems prevent a permanent agreement, it will be necessary to propose partial, interim arrangements that would enable the establishment of a Palestinian state and provide international guarantees for completion of the process.

The scholars who participated in the writing of this book are well aware of the difficulties, costs, and tribulations involved in peacemaking, as evidenced by the analysis of barriers to peace presented here. We believe that our duty as researchers is to clear the way for peace by informing politicians and the general public of the barriers to resolving the conflict along with the options available for its resolution. In this context we are reminded of the statements by the late Israeli prime ministers, Menachem Begin and Yitzhak Rabin, that the pangs of war are greater than the pangs of peace, and that the road to peace is preferable to the road to war.

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