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# Reconciliation in Protracted National Conflict Identity and Power in the Israeli-Palestinian Case

(Translation from Hebrew of: Nadim Rouhana, Identity and  
Power in Israeli-Palestinian Reconciliation, 3 Israeli  
Sociology 277-295 (2001))

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## Reconciliation in Protracted National Conflict:

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There is an increasingly acceptable distinction in the conflict resolution literature between conflict settlement and reconciliation as two qualitatively different processes that lead to different endpoints in the negotiation between ethno-national parties in conflict. Reconciliation is a relatively new term that is being widely used in the political discourse and is becoming a subject of scholarly interest. This widespread currency of the term is due, in large part, to major international developments that brought issues of justice and reckoning with history to the core of social agendas in many countries and increased international awareness of the importance of the issues for resolving ethnic conflict. This has been the case, for example, in countries that witnessed transitions from authoritarian regimes involved in gross human rights violations against their own citizens to fledgling democratic regimes in which issues of what was termed “transitional justice” (Crocker, 1999) became central (e.g., El Salvador, Argentina, Chile, Guatemala, the Philippines, and countries in the Eastern European bloc). Similarly some democratic countries began examining past evils such as genocide of native populations, slavery, and war crimes (e.g., the United States, Australia, and Japan), and other countries began examining why and how segments of their population collaborated with oppressive occupiers or why they failed to protest genocidal policies. For example, after the fall of the Berlin wall, leaders of many East European states offered apologies to the Jewish people for either collaboration or failure to prevent the Nazi extermination project. Seeking apology, which is linked by many to reconciliation, became an accepted part of discourse between nations and groups that experienced conflict and violations of human rights. And, finally, the dramatic change in South Africa from an apartheid system to a democratic regime, and the role that the

South African Truth and Reconciliation Commission played in that transition, emerged as a case of its own magnitude in increasing international awareness of the role of reconciliation in transforming ethnic conflict. Although more than 20 commissions were established around the world, the South African case stands out in the international consciousness as one in which reckoning with past evil played a central role in the peaceful transition from undisguised oppression to exhilarating liberation and in the transformation of the relationship between the groups in conflict.

The widespread use of the term reconciliation, its novelty in academic and political discourse, and its link to other concepts such as apology and forgiveness, overload the term with multiple meanings and at the same time contribute to ambiguity about its precise meaning. Reconciliation, which was a central goal of Truth and Reconciliation Commissions created mainly in non-Western societies, is in danger of being reconstructed in the West with religious overtones and cultural loadings. For example, under the influence of Christian theology, forgiveness, with a strong religious implication, became strongly linked to reconciliation. Forgiveness according to traditional Christian theological view is a first step in reconciliation (Wink, 1998). Similarly, the imposition of a therapeutic model, at the center of which stand concepts of healing and trauma, threatens to reduce a powerful intergroup process with clear implications for social restructuring to an intrapsychic process. This process overlooks the centrality of group identities formed over generations of conflict by power relations, dominance, oppression, and group exploitation. Not only does such a model misplace the focus of analysis from intergroup patterns of behavior that are the outcome of power structures to their interpersonal manifestation, but also it obscures the chain of causality with grave theoretical and moral implications. Furthermore, once the concept of reconciliation is given its Western, mainly

American framing, it is pressed upon people, as Susan Dwyer (1999) points out, who are, victims and perpetrators of severe human rights violations, often for generations.

### Conflict Settlement, Conflict Resolution, and Reconciliation

One way to contribute to clarifying the concept of reconciliation, both as a process and as an end state, is first to distinguish it from two often-used terms: conflict settlement, and conflict resolution as defined by Burton (1990). The three processes are qualitatively different, and, therefore, are not designed to achieve the same endpoint. As summarized in Table 1, conflict settlement, conflict resolution, and reconciliation differ in terms of goals of agreement, parties to the agreement, nature of the desired relationship, importance of mutual acceptance, and importance of future relations between the parties. Conflict settlement seeks a formal termination of conflict based on mutual interests and is represented by reaching an agreement between the conflicting parties that reflects the power relations on the ground; a settlement does not necessarily reflect equitably the needs of the parties and often does not represent the weaker party's long-term interests. In conflict settlement, the agreement is reached by elites and does not necessarily concern itself with relations between societies or with genuine mutual recognition between the parties; accordingly, the peace between the conflicting parties could be either cold or warm as long as the two parties' interests are met and as long as they enjoy a tolerable coexistence. The agreement between Iran and Iraq in 1975 over their border dispute represents an example of conflict settlement. The agreement reflected the power relations at the time in favor of Iran, but it was violated, triggering one of the most devastating wars in the region.

In conflict resolution, on the other hand, an agreement seeks to address the causes of conflict and accordingly to reach a historic compromise. The agreement is designed in order to address basic human needs of both sides, regardless of the power relations between them; the

political needs of both parties are equally addressed, not in accordance with power relations between them, but in the framework of a new relationship that promotes equality and reciprocity. The agreement, although reached by elites, aims to achieve peaceful relations between societies and represents mutual acceptance between the parties. It seeks not only coexistence, but also cooperation that reflects a warm peace. The agreement ends the conflict and the parties cannot make any further claims against each other. The agreement between Israel and Jordan in 1995 was perceived by Israel as a case of conflict resolution, although the consequent failure of the peace process with the Palestinians weakened popular support for the agreement, at least on the Jordanian side.

Reconciliation is a qualitatively different process and seeks to achieve a kind of relationship between the parties that is founded on mutual legitimacy. The open, public, and socially based granting of legitimacy – the culmination of the process – becomes the defining feature of the relationship and the cornerstone of mutual recognition and genuine security. As such, reconciliation, although it does not prevent strains in the relationship and future disputes between the parties, does guard against reversal of the relationship to a stage in which the very legitimacy of each side is questioned again. In this sense, reconciliation brings about a genuine end to the existential conflict between the parties, because the nature of the relationship between the societies is transformed in a process that is intertwined with psychological, social, and political changes. The towering example of a successful reconciliation process remains the South African case.

For genuine reconciliation to take root, four key issues must be addressed: justice, truth, historical responsibility, and restructuring the social and political relationship between the parties. First, the term of reference for reconciliation is justice, not the existing power relations

between the parties or the basic human needs of the parties. Justice, which is central to reconciliation, is not part of the applied or theoretical conflict resolution discourse. Although those involved in international conflict resolution often pay lip service to just agreements, in fact power relations, not justice, generally determine the outcome of agreements. Even the conflict resolution literature, including the discussions of problem-solving workshops, is thin on the issue of justice. With a few exceptions (e.g., Deutsch, 1974, 1985; Grillo, 1991; Opatow, 1990), justice has been most often overlooked.

Reconciliation takes justice as the framework for the new relationship between the parties. Although well-taken, the contention that justice is hard to define, not attainable, or only achievable at the expense of further injustice, does not justify avoiding the issue. On the contrary, the literature on reconciliation examines where justice fits in the new relationship (Crocker, 1998), how and whether it can be achieved (Dwyer, 1999), whether justice is retributive versus restorative (Lyons, 1984), whether it is absolute versus attainable (Khalidi, 1998), and whether a “different kind of justice” could be conceptualized (Little, 1999, p. 71). Achieving some kind of justice is thus central to the process of reconciliation and to the end state of reconciliation between groups in conflict.

Second, reconciliation places special importance on historic truth, particularly truth about wrongdoing. While the conflict resolution literature sidesteps issues of historical truth as being too controversial and therefore to be avoided, truth is central for reconciliation and has to be commonly acknowledged by the two parties for the process to proceed (Crocker, 1999; Dwyer, 1999; Little, 1999; Popkin & Bhuta, 1999; Tutu, 1999; Minow, 1999). Indeed, the word truth appears in the official names of most commissions that have dealt with reconciliation. The argument here is that truth should be established and publicly disseminated, and that there are

many reasonable ways of arriving at the truth. In this context, the assertion that different groups have different “truths” does not hold well. Crocker (1999) differentiates among three levels of truth: “forensic truth,” which refers to hard facts about human rights violations; “emotional truth,” which refers to psychological and physical impact on victims; and “general truth,” which refers to plausible interpretations. There are many ways for achieving these truths even when groups have diverging views such as in the pioneering effort of a Bosnia and Herzegovina Truth and Reconciliation Commission (Little, 1999). In this case the central goal of the commission was “the establishment of a historical accounting” of wrongdoings by starting one truth commission that included members of all ethnic groups in order to “establish consensus history” (Little, p. 77).

Third, it is essential for reconciliation to have the parties agree on the historical responsibility for human rights abuses. The party involved in mass physical and cultural violence such as colonization, occupation, genocide, ethnic cleansing, and state sanctioned oppression is expected to unambiguously face its historical responsibility and its role in human rights violations. Past abuses have to be faced and responsibility assigned. In many cases the task of the truth commission is to prevent willful forgetting (such as the conflicts in El Salvador and Guatemala). The Historical Clarification Commission in Guatemala, for example, focused on the institutional responsibility, including that of the state, the army, and the United States; the South African Truth and Reconciliation Committee placed responsibility on the apartheid system. Thus, although assessing individual responsibility of perpetrators and dealing with it in a way that will not disrupt societies in transition has differed from case to case, facing and taking historical responsibility has seemed to be at the center of the process in all cases.



Truth and historic responsibility are of utmost importance not only because they validate the experience of the victims, although this validation is essential for the victims' transcendence of a history of domination and abuse. These processes are also critical to reassuring the victims that past wrongdoing will not reoccur and to determining future steps needed to rectify the past and plan the future.

Fourth, reconciliation entails political and structural change guided by some sort of justice once historic responsibility is clearly assigned. The structural changes can be dramatic and are determined by universal standards of equality and human dignity regardless of the implication for the acquired privileges and dominant identity of the perpetrators. Restructuring takes the past wrongs and their inequitable consequences into consideration when establishing new political and social institutions. It is the political behavior, the institutionalizing, and the restructuring that become the focus of a future relationship between the parties based on equality and human dignity. This restructuring creates the conditions that are conducive to fulfilling human needs and to respectful coexistence and cooperation between the various conflicting parties.

In this analysis, forgiveness and healing are not essential to reconciliation. If justice, truth, taking historic responsibility for past wrongs, and political restructuring are the essence of a reconciliation process, then offering apology by the perpetrators becomes a natural part of the process that can expedite and deepen reconciliation. However, this is not the case for forgiveness. The perpetrator does not have to seek it, nor does the victim have to offer it. Forgiveness is a personal component of the process that different individual members are entitled to deal with in a manner of their own choosing without the imposition of religious imperatives or cultural paradigms. Similarly, healing becomes both a social and personal process that is the

outcome of structural and political change, not a substitute for it; healing acquires its very meaning in intergroup relations from such political changes. The social context of healing is achieved by having the collective truth validated and responsibility assigned to perpetrators, while the individual part of healing – work with victims who underwent traumatic experiences – is facilitated by trained professionals working within that social context. Placing the emphasis on individual healing without attending to the larger social and political context simply misses the target and becomes the dubious privilege of those who can afford to deny, avoid, or overlook the need for political change and its social implications.

All four components of reconciliation—justice, historic truth, facing historic responsibility, and social and political restructuring—lead the parties into the type of relationship that the conflict resolution pioneers, who developed their work in an international cold war context dominated by interstate conflicts (Azar 1990; Burton, 1990; Kelman, 1986), have aimed to achieve. This relationship is characterized by genuine mutual recognition, trust, mutual granting of legitimacy, and achieving existential security based on the conviction that one's and the other's collective existence is not questionable. In the context of intrastate conflict in which one territory becomes the focus of both parties' identity, and in which parties are involved in historic injustice, genuine reconciliation between the parties cannot be achieved without first going through the processes described in the prior paragraphs.

It is not the case that parties in every conflict will need to reach reconciliation. Depending on the type of conflict and the desired type of relations, parties can seek conflict settlement, conflict resolution, or reconciliation. Conflict settlement can lead to working relations between states whose conflict is not a social one but one rooted in a defined set of differences such as disputes over borders, distribution of water resources, or the appropriate terms of a commercial

treaty. International mediation literature gives numerous examples of such settlements (Bercovitch, 1986; Touval, 1992; Touval & Zartman, 1985). Conflict resolution is more appropriate for conflicts in which the societies themselves are embroiled, such as in protracted social conflict in which the identity, recognition, and security needs of parties have to be addressed in order for resolution to occur (Azar, 1991; Burton, 1987, 1990; Fisher, 1990; Kelman, 1992, 1997; Mitchell, 1990). Conflicts in which parties have engaged in past evils and historical injustice can reach a point of “end of conflict” between their societies only through a reconciliation process that involves the elements that I have described.

#### Factors That Influence Parties' Willingness to Engage in Reconciliation

Willingness to embark on a mutual process of reconciliation depends on a number of factors that determine the extent of each party's interest in seeking reconciliation. Perhaps the most important factor is the power relations between the parties and the extent of power asymmetry. For each party, depending on its position in the power-relations matrix, reconciliation entails differing risks in terms of threats to national identity and national narrative, political restructuring, and permanent political loss. The risks for the high power group are greater, because by definition, rectification of the injustice involves upsetting a status quo and ending the perpetrators' dominance. Thus, the costs of such a process are also asymmetrical in reverse: The cost for the high power group is greater than the cost for the low-power group. Therefore, the more powerful party seeks to avoid such a process and the weaker party, even when interested in the process, has no means to impose reconciliation.

Another major factor in considering reconciliation is whether the injustice can be undone and what the precise implications of undoing the injustice are for the dominant party. Thus killing a person cannot be undone, but stealing a person's house or destroying it can largely be

undone by returning the stolen house or rebuilding the destroyed one. On the collective level, eliminating an ethnic group cannot be undone, but expulsion and ethnic cleansing can. It might be harder to accept responsibility in cases where injustice can be partly undone, such as expulsion of an ethnic group that demands to return, than in cases where the injustice cannot be undone, such as in cases where the ethnic group has been eliminated or almost eliminated. Reconciliation might be harder in the first case because of the implications that facing the responsibility has for the perpetrators. These implications can be both political (in the broad sense, including legal) and psychological. In cases of ethnic cleansing such as in the former Yugoslavia, the political implications can involve such steps as power sharing, political transformation, and return of refugees; these consequences are usually framed in terms of existential threat to identity and to national security. However, in cases where the ethnic group has been eliminated or reduced such as the Native Americans, facing responsibility does not involve a similar price.

The psychological implications for an injustice that can be undone are also serious. If the perpetrators do not intend to correct an injustice that can be corrected, recognizing the injustice has clear psychological implications for national identity, national narratives, historical myths, and self-image. When an injustice, such as genocide, cannot be undone, the perpetrators, if not forced, do not recognize the crime nor do they take moral responsibility for it. To this day, more than 85 years after it had been committed, the Armenian genocide is still denied by Turkey – both its government and its people.

Another factor is the clarity of the injustice and the moral issues involved in the conflict. The importance of the moral component, even if underestimated in international relations, cannot be overemphasized for the party on the receiving side of injustice. For a reconciliation process to

be urged on the perpetrator, the moral case should be clear not only to the victim but to the international community as well. The more powerful party usually develops a system of defense mechanisms against moral arguments, and its members become almost immune to the moral case of their victims. Without the support of the international community for the moral cause of the low power party, that party loses one of its few means of rectifying the power imbalance. Low power usually comes with less access to international media and fewer material and human resources to invest in public relations, so the powerful party is free to put out its version of the conflict story as "fact." The low power group often resorts to terrorism, the tool of the powerless, to protest the injustice to the international community, but paradoxically, these means contaminate the clarity of their moral case. Compare, for example, the simplicity and salience to the international community of the African National Congress's moral case in the South African apartheid system, with the ambiguity of the Tamils' case in Sri Lanka or the case of the Palestinians in their struggle against the Israeli colonial project in the West Bank and Gaza (not to mention the original colonial project). The international moral attitude against injustice can provide substantial pressure on the high power group to engage in reconciliation.

The emergence of a new generation within the dominant group who did not commit the original wrongdoing but are only its benefactors can also increase the willingness of the high power group to pay the cost of reconciliation. For one thing, the descendants of the perpetrators do not carry the same psychological burden as their forefathers. Not that the psychological burden disappears, but it is lighter than that of those who actually committed the injustice. The longer the time that has elapsed, other things being equal, the easier it becomes for new generations to face historic responsibility unless the injustice is ongoing so that new generations become heavily invested in it, even only indirectly, such as happens with ongoing colonization.

In summary, the likelihood that a more powerful party will engage in a reconciliation process and willingly shoulder its political and psychological cost increases as the psychological and political implications of undoing an injustice become less onerous, the clarity of the moral case of the victims becomes stronger, and the international support for their cause grows, as does the length of time from injustice.

#### Patterns of Historical Reconciliation

One can find four major patterns in the historical reconciliation experience in which perpetrators are motivated or compelled to face responsibility for historic injustice. None of these patterns, briefly mentioned in the next paragraphs, applies to a case in which there is a gross power asymmetry in favor of the perpetrator.

First, reconciliation becomes possible when external or internal forces defeat the perpetrating system, and a democratic order is installed (e.g. the defeat of Germany in the Second World War or the collapse of the regime in Romania in the post Communist era). Notice that defeat without replacing the existing regime is not sufficient (as in the case of defeated Yugoslavia under Milosovic or defeated Iraq under Saddam Hussein). Similarly, the collapse of the regime and its replacement by an undemocratic regime is not sufficient. The system should be defeated on grounds that include its own injustice.

Second, reconciliation becomes possible when the existing (oppressive) system faces an imminent defeat that cannot be avoided by accepting profound political and social transformation (e.g. South Africa). In this case, the perpetrating system concluded that without transformation, the system might collapse and the interests of the powerful group could be irreparably damaged. The transformation itself came out of negotiations that preserved some of the interests of the powerful group.

Third, reconciliation becomes possible when the weaker party is either eliminated or reduced to a status that cannot significantly threaten the existing social and political order (such as the Native population in the United States, Canada, and Australia). In this case reconciliation is much less costly for the high power group, because the changes of narratives do not necessarily necessitate significant political restructuring. The elites in the high power group who lead the revision of narratives are not required to give up any of the gains they acquired at the expense of those who were eliminated or reduced. The new generations—those who did not perpetrate the injustice—adopt a new narrative in return for psychological self-cleansing at very low cost.

Fourth, the conditions for historic reconciliation gradually develop in a democratic regime that committed injustice against racial or ethnic groups within its own sovereign jurisdiction. These conditions are usually created by the victims' struggle for equal inclusion within the system itself. The historic injustice of slavery in the midst of the largest Western democracy has not been completely reconciled, at least not by the slaves' descendants. Although the conditions for reconciliation have been gradually created in a long process that has transformed the face of American society and the place of the African American community within it, the debate over apology to the African American community and the proper compensation for material and psychological losses they endured have just started, almost 150 years after the formal, "political" end of slavery.

The Israeli-Palestinian case has some similarities to both the second and fourth patterns discussed in this section. However, major differences place the Israeli-Palestinian case outside any of the above patterns, thereby adding to the complexity of the analysis and the challenge of arriving at genuine reconciliation.

## Israeli-Palestinian Reconciliation in the Context of Power Relations and Group Identity

My analysis so far refers to reconciliation as both a process and an end state. As a process, reconciliation entails that both sides of a conflict that involved grave human rights violations, such as genocide, massacres, kidnapping, assassinations, ethnic cleansing, property confiscation, and occupation, commonly acknowledge historic truths about these violations and agree on the perpetrators responsibility. The process entails social restructuring that leads to a political arrangement guided by a new framework that seeks to rectify past injustice and guarantee equality and human rights to all groups and individuals. As an end state, reconciliation requires that the parties reach mutual recognition and consider the peace agreement as reasonably just, the sources of the conflict adequately addressed, and the conflict between them terminated. Accordingly, the parties agree to work toward a peaceful future based on social cooperation.

There is a serious obstacle in applying this analysis to ongoing conflicts with vast power asymmetries, such as the Israeli-Palestinian conflict. The difficulty stems from a major difference between cases in which truth and reconciliation have been sought and ongoing conflicts in which the high power party sees a negative incentive for engaging in such a process and the low power party cannot impose a reconciliation framework on the practice of conflict resolution or even on the conflict analysis discourse. When a Truth and Reconciliation Commission is established to investigate the past actions of one party, or when a party to the conflict asks for apology, such acts by themselves clearly mean that the side that has been involved in human rights violations is identified and that it has been locally and internationally recognized as responsible for the violations. Assigning clear responsibility and/or apologizing



happen when the identities of the oppressor and oppressed and the perpetrator and victim are clear.

In contrast, in many ongoing conflicts, including the Israeli-Palestinian conflict, the high power party denies its involvement in historic injustices and its role as a perpetrator of human rights violations. Such parties often deny the very imbalance of power relations or even perceptually reverse it. In such conflicts, the examination of reconciliation without considering the power relations, or by erroneously assuming symmetrical power relations between the parties, can lead to flawed conclusions. Either in the name of neutrality or simply by overlooking the role of power asymmetries, conflicts are often analyzed regardless of the power relations or the parties' group identity whose formation is largely affected by power, dominance, resistance, and force.

The existing power relations should be a departure point for any analysis of reconciliation, because within it is embedded the reality of dominant/dominated, oppressor/oppressed, and ethnic cleanser/ethnically cleansed. It is such realities, generated by the power asymmetry, that determine the human experience of the group members in conflict, the psychological underpinnings of their experience, the context of the mutual violence and its moral foundations, the salience of justice for each party, the meaning of reconciliation, and most importantly, the requirement for real reconciliation between the parties. Even the most fundamental processes that are believed to be symmetrical in conflict, such as denial of the other's legitimacy or negative images of the enemy, are different in nature in asymmetric conflicts. Needs for recognition, security, and identity have different meanings for parties who have unequal power, because they emanate from drastically different collective experiences and from a different relationship to the other group. Symmetrical analysis of the case defeats the

main elements of reconciliation: achieving justice, truth, historic responsibility, and political change.

In the remainder of this chapter, I take the Israeli-Palestinian case and examine the main components of reconciliation that I have identified above – justice, truth, historic responsibility, and political change – in the context of unequal power relations. I identify the requirements for reconciliation and discuss its prospects.

### Truth and Historic Responsibility in the Israeli-Palestinian Case

Scholars of conflict resolution have avoided discussions of historic truths and collective responsibility, arguing that differences on these issues are not likely to be resolved by discussing them, that parties feel strongly about these issues, and that such discussions can only increase the sense of irresolvable conflict. This argument is predicated on the assumption that each party has its own narrative, its own version of history, and a strong sense of victimization (Rouhana & Bar-Tal, 1998). Thus, each party incorporates the historical facts within its own cognitive schema of the conflict and discussions of these facts will lead only to irresolvable clashes of narratives that will highlight the differences and leave the parties frustrated.

There is much to this argument. The fact that the two sides each has its own narrative and that each side has a strong sense of victimization is not sufficient to justify maintaining that both narratives are equally valid or equally legitimate. These narratives themselves, and the sense of victimization, should be subjected to examination in the context of unequal power relations. For example, White South Africans had their own narrative and they too felt victimized while perpetrating one of the most heinous political systems in modern history. Similarly, Protestant settlers in Northern Ireland and Serbs in Bosnia, who perpetrated gross human rights violations, feel threatened and victimized and they construct narratives to justify their behavior. It is true

that a narrative is experienced as valid, but the narratives of the perpetrator and the victim cannot be granted equal moral weight. A narrative, in principle, can be based on distortions, denials, and myths. These are all legitimate subjects of study and examination, particularly in the context of occupation, domination, and exploitation. The spectacular breakdown of the moves toward peace in the Israeli-Palestinian conflict is rooted in the failure of each society to recognize basic truths and historic responsibilities. Until these truths are faced, the current power imbalance between the parties will not allow for reconciliation, simply because the unchallenged narratives that guide each party's behavior do not allow for compatible political moves. However, because the power relations are asymmetrical, each party has its own load of history – different in quantity and quality -- to reckon with. The weightier load is that of the Israelis.

The Israelis will first have to recognize a simple historic truth: when the Zionist project started around the turn of the Nineteenth Century there was a Palestine and a people who lived in it; as its indigenous population, it was their rightful homeland. Zionism sought to establish an exclusive Jewish state in Palestine while another group of people, a nation – or at least a nation in formation, was already living there. This goal could only have been achieved by force, because establishing a Jewish state in Palestine inevitably entailed uprooting the indigenous population. How else can immigrants coming from various other parts of the world establish an exclusive state for themselves in another people's homeland? Furthermore, how would an exclusive Jewish state be established in Palestine without displacing the Palestinians – making them refugees? The Palestinians were displaced, either because they were perceived as occupiers of their own land, as aliens, foreigners, or illegal inhabitants of the future Jewish state, or because of the Zionist movement's claim of a higher right to the land as given to the Jewish people by God. This consciousness was not only compatible with the fulfillment of the Zionist

project; but also was a prerequisite for the implementation of the project. Israel's responsibility for the plight of Palestinian refugees, which can be traced to this motivated consciousness, has to be faced to allow for reconciliation.

The mainstream Israeli narrative tells us that the Arab countries opened war on Israel in 1948 and that many of the refugees fled voluntarily. Thus, Israel refuses to accept moral responsibility for the refugees' problem (which is why the Camp David negotiations did not go far on this issue). Even if the refugees left on their own, why are they not allowed to return? What are the moral foundations for preventing them from returning to their own homeland despite the United Nations' repeated resolutions in favor of their return? Even though the expulsion of the Palestinians in 1948 is one of the largest ethnic cleansing project after the Second World War, the controversy over how many Palestinians were expelled in 1948 and how many left under duress of war, is irrelevant to their basic right to return to their homeland and to Israel's responsibility for their plight. The debate is important only because of its relevance to the nature of responsibility that Israel should face, not to the Palestinians basic right to return.

Obviously, facing these issues has strong moral, legal, and political implications for Israel and the core of Israeli identity. In order to avoid the moral implications, Israel developed a massive and sophisticated system of denial mechanisms and multilevel justifications to come to terms with its own history. Israel, inevitably, denies both the means by which the establishment of a Jewish state in another people's homeland was achieved and its consequences for the Palestinian people.

In addition, Israel internalized a culture of force and domination over the years. Occupation of the West Bank and Gaza in 1967, the ongoing project of Jewish settlements in these areas, and maintenance of the occupation against the will of the occupied were again

achieved by using brute force, oppression, and gross violations of human rights. This protracted process became part and parcel of many Israelis' relationships with the Palestinians and possibly part of their very identity because their collective existence is defined by power over this most significant other in their national experience. The Israelis' worldview of the Palestinians, and inevitably of themselves, is determined by forceful domination and the resulting justificatory distortions.

When Israel negotiates with the Palestinians it does not see them as the indigenous population of Palestine with natural rights over their own homeland, and with whom an historic compromise has to be achieved. Many Israelis see them as hostile, threatening aliens who should be kept out and separated from the Jewish state; they feel that any concessions Israel makes emanate from its own generosity and therefore should be accepted with gratitude – a logic that emanates from their position of domination and usurpation. This is the exact logic that has to be fundamentally challenged if reconciliation is to be seriously considered.

Palestinians, too, will have to reckon with history but in a different way. The dominated group has a heavy burden, but of a different nature. Palestinians resisted the Zionist project that aimed openly to take over their homeland. Palestinians refused consistently and still refuse to acknowledge the Zionist claim for the right to establish a Jewish homeland in Palestine. In 1947 they rejected a UN resolution to partition Palestine and establish in it two states: one Jewish and one Arab. In the war that ensued in 1948 with the Jewish forces in Palestine, the Palestinians lost the war and their homeland. After the Israeli occupation of the West Bank and Gaza in 1967 Palestinians were involved in a resistance movement in the occupied territories but mainly from outside the borders. In 1987 they started a popular uprising that lasted for a few years. There is no question that Palestinians over the years used terror tactics, and that these tactics have to be

examined not only on the basis of their strategic achievements but also on moral grounds. In the process, Palestinians denied Israel's existence for a long time and until the 1960s some used extreme rhetoric such as eliminating Israel. Until the 1980s Palestinians denied Israel's right to exist and refused to offer recognition. Although Palestinians now recognize Israel they deny the essence of Zionism—the Jewish people's right to establish a Jewish state in Palestine.

The nature of the historic truths and historic responsibilities concerning the Israelis that Palestinians have to face are of a much lighter nature. Palestinians will have to face the reality of using extreme rhetoric and terrorism, although terrorism will have to be defined in the appropriate power relations framework so that the legitimate resistance of the dominated against occupation and their acts of will are not lightly characterized as terrorism. Palestinians refuse to recognize the right of any others to establish a state in their homeland. Refusal to do so is not denial, rather it is rejection to hand their own homeland to another group who wanted it exclusively for itself, and a refusal to negate themselves. The difficult truth that Palestinians have to face is of a different nature: it is the historical reality that in a large part of their homeland there now exists not only a state, but a nation that has been formed over the approximately 50 years since Israel was established, and that has developed all the characteristics of nationhood. Furthermore, what they have to recognize is not only the reality but also the right of the Israeli Jewish people—albeit a right that has been gained by force. This is different from recognizing the moral or legal right of the Jewish people to establish a homeland in Palestine in the first place – tantamount to recognizing Zionism itself. Asking Palestinians or even expecting them to recognize such a right is morally questionable, at least because it embraces a request for self-negation.<sup>1</sup>

Still, the implications of the reconciliation requirements on the Palestinian side are serious. The most difficult prerequisite is the acknowledgment of the right of Israeli Jewish people—an acquired right. Palestinians will have to make the distinction between their refusal to accept Zionism (that is, the claim that Jews have a right to establish a state in Palestine) and the acquired right of the Jewish Israelis—not the Jewish people—for self-determination.

### Justice and Political Change

The salience of justice to parties in conflict is closely related to the power relations between them and to whether a party is on the receiving end of injustice. People are more aware of the importance of justice if they or their group members are the victims of injustice. As high power groups are more likely to be the perpetrators of unjust acts such as ethnic cleansing, genocide, colonization, and occupation, they will be less interested in raising issues of justice because of both the moral and practical implications.

Injustice becomes part of any protracted conflict, which often goes through stages of open violence and destructive dynamics. Both sides get involved in unjust acts of violence and atrocities. However, one should bear in mind a fundamental distinction between injustices that lies in the root of the conflict, such as ethnic cleansing or colonization, which are committed by the high power group, and injustice committed as a consequence of and in reaction to these acts by the low power group. Equating the two types of injustice is morally questionable and theoretically problematic. If these two kinds of injustice are equivalent, it should be equally challenging for both parties to face them as part of the reconciliation process. This is not the case; the injustice committed by the low power group is usually justified as self-defense and as a result of and reaction to the historical injustice committed by the high power group. It is constructed in their collective identity as resistance, which the group openly admits and of which

it is usually proud. It is easier for the low power group to face such injustice, to apologize for its excesses and for the suffering it caused the other. This is not so for the high power group, because facing the consequences of historical injustice gives rise to the realities of oppression and domination that become intertwined –consciously or unconsciously–with the group’s self-image and identity, and because taking responsibility for the injustice can carry steep moral, legal, and economic costs. The high power group has no incentive to face historical injustice or to agree to introduce a discourse of justice to international conflict resolution. The absence of justice from international conflict resolution theory and practice is not unrelated to the high power group’s interest in excluding it altogether from such practice.

The Israeli-Palestinian conflict is no exception. From a Palestinian viewpoint, injustice is at the core of the conflict and, therefore, achieving some sort of justice is central for conflict resolution whether justice is defined as adherence to international law or some other external universal standard. Palestinians and Arabs in general emphasize the “just and durable peace” as the goal of the peace process between Israelis and Palestinians. In sharp contrast, the hegemonic discourse in Israel dismisses the question of justice or injustice in relation to the Palestinians and emphasizes security and peace with differing amounts of emphasis on security and separation from the Palestinians.

The main argument for the exclusion of justice is that justice is a subjective construct, and allowing it to become a subject of negotiation would open the door for additional conflict. As articulated by Bar-Siman-Tov (2001):

Since fairness and justice are not self-defining and objective terms, it may be difficult for the parties to agree what is fair and just. The assessments of what is fair and just are often



biased by self-interest. The resulting conflict in perceptions of what constitutes fair and just agreement may create barriers to peace implementation and relations.(p. 8)

So far, justice has not entered into the conflict resolution efforts in the Israeli-Palestinian conflict. The current negotiation framework, devoid of considerations of justice and guided by power relations, has brought the parties to a historic dead-end and has introduced unprecedented dynamics of escalation with existential threats for both parties.

Asserting that justice should be avoided because it is socially constructed is an easy way to avoid introducing the issue of justice in the Israeli-Palestinian conflict into the public political discourse on both sides and into conflict resolution efforts. The fact that justice is socially constructed should not exclude the possibility of broad agreements between the parties on what is unjust and on some basic principles of justice. Even if the parties accept a conception of justice that is independent of realistic external moral guidelines, there is still space within this contextual subjectivity for agreement on some components of justice, for without such minimum agreement it will be impossible for individuals and communities to interact as actors in the same human society and international system. For example, Israelis and Palestinians can agree that ethnic cleansing, occupation, and legal discrimination are unjust or that equality between individuals and groups is a virtue.

Justice is introduced to the discussion of the Israeli-Palestinian conflict only in the context of reconciliation: A process that brings about an agreement that will represent the end of their conflict, which is more than a century old, will constitute a historic compromise, and will be based on all components of reconciliation described above. If justice becomes central to the peace efforts in the Arab-Israeli conflict, the questions of subjectivity and the social construction of justice return in full force in the most direct ways: What is just? Who defines justice? And

what kind of justice is required? These questions are difficult but are not unanswerable in a reconciliation framework based on acknowledgement of history and responsibility as discussed in this chapter. Take, for example, the issue of Palestinian right of return—which is the crux of the conflict. Palestinians claim that their expulsion from their cities and towns in the 1948 war was unjust and that it is appropriate justice for refugees, including those who left under the duress of war, even if not expressly expelled, to return to their places. Can this demand be examined within a framework of justice? Or is it true that the social construction of justice precludes the utility of such a framework? Palestinians and Israelis disagree not on the justice or injustice of such a claim, for the question has never been framed this way within Israeli society. By contrast, the only way it has been discussed in Palestinian society has been within a framework of justice.

Israelis avoided examining the Palestinians claim, not only within a framework of justice and not only by invoking the idealism of justice. In Israel there is a consensus that the Palestinian refugees' right of return cannot be accepted, and there is almost a total taboo against a public examination of it beyond the strong popular view that such a return would bring about the destruction of Israel. The Israeli Jewish reaction, individually and collectively, to the Palestinian demand to return has been conditioned to an automatic rejection. Invoking the threat to the very existence of the Jewish collective (and even individuals), this rejection is presented as a natural instinctive reaction that is employed to protect one's own existence. As a reaction within the same or similar class of instinctive reactions, it is thereby excluded from the moral considerations that are applicable to human acts, those that depend on the free will of the individual. The social construction of such a reaction—denying the right of return—as if it were the most natural instinctive reaction, ostensibly liberates it from moral considerations. Denying the

right of return is an act of free will, not involuntary self-defense. It is a reason-driven reaction, not an instinctive one. As such, it certainly falls under the category of moral law.

Introducing justice to the peace-making efforts requires reframing the question in a way that entails transformation of consciousness: the issue is not whether parties should use a framework of justice, but rather which framework of justice should parties use. In the absence of justice from the arena of regional conflict resolution, it is no wonder that such a question has not been raised, let alone answered.

In the absence of an answer to the question about which framework of justice the parties should use, one can always fall back to the positivist tradition of international law on the question of refugees and their demand to return. International law offers clear answers in the form of numerous UN resolutions. The Palestinians accept this fallback option. The Israelis reject it. Within a framework of justice, it is therefore the burden of the Israelis to persuade their Palestinian interlocutors that it is just not to accept justice according to international law and UN resolution; in addition, the Israelis should advance alternative terms within a framework of justice. Whatever the terms of justice they use, they should be able to face a refugee in the refugee camps in Lebanon or in Gaza and tell them, in the language of justice, what their argument is for not accepting their right of return as sanctioned by the UN resolutions, because unless and until most Palestinian refugees can deeply feel justice has been done, reconciliation will remain a mirage. The only attainable settlement will be one reached by force.

The moral implications of accepting a framework of justice pose a major deterrent to the high power group against accepting it by their free will. They will have to challenge major components of their collective self-image and identity. The practical implications of accepting a framework of justice for their society are even more far-reaching. Dismantling the system of the

Israeli military occupation in occupied Palestinian areas, agreeing to abide by international standards of law and justice, and accepting the principle of full equality for Jewish and Arab citizens within Israel proper, entails a fundamental restructuring of the Jewish state itself. Whatever forms such restructuring takes, the transformation entails redistribution of tangible and intangible resources and the establishment of new and fair standards of distribution that will have to come at the expense of the high power group. Theoretically, this restructuring can be as far-reaching as the one undertaken in South Africa. Such restructuring offers no manifest incentives for the high power group. For Israelis, restructuring would entail loss of privileged status as well as the very identity of the Jewish state—without any guarantee of collective existence and security. Unlike in South Africa, thus far the low power group has failed in conceiving and articulating an alternative that at least some parts of Israeli society consider just.

Reconciliation cannot be achieved without extensive social and political restructuring. There is no historic example of reconciliation without dramatic transformation of the previously oppressive political order. If South Africa is the historic exemplar for reconciliation, it is because the political transformation of the state is as far-reaching as the social psychological change. It is futile to seek the latter without the former. A historic compromise that is compatible with reconciliation in the Israeli-Palestinian case can take a number of political forms. It is beyond the scope of this chapter to examine these forms in detail. Suffice it to say that the burden on Israel is that of facing the history of replacing the Palestinians and recognizing their right to return; this should be reciprocated by a Palestinian recognition of the acquired right of the Israeli Jewish people to live securely in Palestine. The compromise can be expressed in a two-state solution alongside the borders determined by United Nations and based on all pertinent UN resolutions – one for the Palestinians and one for the Israelis (meaning Israeli citizens), one binational state

based on consociation between Jewish Israelis and Palestinians in the whole area of mandatory Palestine, or a secular democratic state in the whole area based on one person, one vote with equality for Arab and Jew.

Given the realities on the ground, and the changes that reconciliation entails, particularly for the Israelis, reconciliation is unlikely to take place within the existing constellation of power relations between the parties, in the region, and in the international system. This assessment is further reinforced if one considers the patterns of historic reconciliation discussed in this chapter: The Israeli-Palestinian conflict fits none of these patterns. Furthermore, when one applies the factors that affect reconciliation in a conflict that involves historical injustice, as in the Israeli-Palestinian case, the chances for reconciliation seem dampened. There is a substantial power asymmetry in favor of Israel; Israel lacks a clear positive incentive for substantive change, the political cost for Israel is currently too high, and there are far-reaching psychological implications to collective identity and national narratives, the international community lacks a sharp awareness of historic injustice, and there continues to be an ongoing involvement of new generations of Israelis in a colonization project in occupied Palestinian areas. In addition, the Palestinians failed to advance a plan that explains their vision of how the collective Israeli existence is compatible with the right of return and with a framework of justice.

The realities will drastically change if and when Israel fails to disengage itself from the occupied territories and its system of control evolves into some sort of a new version of apartheid – not an unlikely scenario, although not certain. Paradoxically, reconciliation can become more likely under such circumstances, because its requirements will be examined within a one state system and a clear moral paradigm of equality within the state.

In the present political context, the obstacles for Israeli-Palestinian reconciliation seem insurmountable. That is why the parties are pursuing settlement or conflict resolution – sometimes oscillating between the two – but not reconciliation. The question of whether parties whose relationship involves historical injustice and vast power asymmetries, such as in the Israeli-Palestinian conflict, can resolve their conflict without reconciliation is still open.

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Footnote

<sup>1</sup> From a Palestinian perspective, limiting the reasons to reject Zionism to the argument of self-negation is not sufficient because it implies that if not for self-negation, Palestinians could have recognized Zionism or that others who are not threatened by self-negation should consider it legitimate.



Table 1

Political Settlement, Conflict Resolution, and Reconciliation: Similarities and Differences

	<u>Formal settlement</u>	<u>Conflict resolution</u>	<u>Reconciliation</u>
Goals	Formal agreement	Pragmatic compromise	Historic reconciliation
Parties	Governments	Elites	Societies
Nature of peace	Irrelevant	Warm but reversible	Genuine, no further claims
Future relations desired	Abiding by agreements	Working relations	Good relations
Importance of mutual acceptance	Not important	Desirable	Essential
Terms of reference	Power relations	Basic human needs	Justice
Truth about wrongdoing	Ignored	Avoided	Commonly acknowledged
Historical responsibility	Ignored	Avoided	Acknowledged and faced
Social and political	Not required	Some restructuring	Major restructuring

(42D)