

# Introduction

In 1851, the British historian Sir Edward Creasy coined the term *decisive battle*, a battle that “may give an impulse which will sway the fortunes of successive generations of mankind.”<sup>1</sup> The 1967 War was such a battle, and though Israelis commonly call it the Six-Day War while Arabs call it *al Naksa* (the setback), it is in fact one of thirteen wars fought (up to the writing of this book) by Israel and the Palestinians and their Arab neighbors—one battle in a long war.

After the 1948 War—the War of Independence for Israelis and *al Nakba* (the disaster) for Palestinians—the defeated Arab states identified the need to modernize their societies and militaries in advance of the next round of battles with Israel. Following the 1956 War, they highlighted the active military and imperialist intervention of the United Kingdom and France on behalf of Israel as the cause of their setbacks. The Arab side kept alive the expectation of a next and decisive round in which they could destroy Israel by pressing the claim that in a fair and square war they would prevail. The auspicious circumstances for the showdown seemed to have come together in the spring of 1967 as both revolutionary and moderate Arab regimes cooperated and amassed their troops, Egypt closed down the access to the Red Sea for Israeli shipping, and Israel was fighting alone. The Arab publics had the impression that the hour of decision was at hand and that Israel would finally be defeated. As summarized by the political scientist Ian Lustick, “The June War was fought amidst high-hopes bordering on exaltation in the

Arab world and real trepidation among ordinary Israelis. These emotions, the lopsided outcome of the war, and the absence of any direct outside involvement on Israel's side combined to make the Six-Day War a turning point in the Arab-Israeli conflict.”<sup>2</sup>

At 6:30 pm (16:30 GMT) on June 10, 1967, the last gun fell silent. The war—lasting only six brief days—was over, but it had radically altered the dynamic of the Middle East. That evening Israel was in control of Egypt's massive Sinai Peninsula and the buffer zone of Syria's Golan Heights. Most significantly, with the seizure of the Gaza Strip from Egypt and the West Bank and East Jerusalem from Jordan, the 1967 War had now brought all of what was Mandatory Palestine under Israeli rule, while joining the nineteen-year-old state of Israel with the homeland of Jewish antiquity. It also brought together the Palestinian citizens of Israel and the Palestinians in the OPT, who were placed under Israeli military government. Linguistically, the transition was seamless, as Hebrew does not dedicate separate words to conquest and occupation, using the word *kibush* for both. In every other way, the changeover was and remains troubled.

The “War of the Seventh Day,” as Israeli peace activist Uri Avneri was to call it in 1968, the war over setting the proper relationship between the pre- and post-1967 territories (and thereby between Israelis and Palestinians), had begun. The seventh day, however, has lasted a half century and has no end in sight. And during those fifty years, Avneri's war has been repeatedly transformed from a metaphor into a stone-throwing, stabbing, and shooting war. The war over the occupation, as part of a larger struggle to shape Israeli and Palestinian futures, is still being played out, incurring ever-deeper bitterness and greater losses that make a peaceful resolution more and more difficult to achieve. They have not foreclosed, however, the option of compromise, territorial partition, and a diplomatic resolution.

As the recognition set in that the destruction of Israel was an impossible goal, pan-Arab unity was shattered. Egypt and Syria launched the 1973 War

not to dismantle Israel but to recover their own territories lost in the 1967 War, and there emerged clear signs of a turn to diplomatic solutions among Egyptian, Jordanian, and Palestinian elites. When Egypt signed the first Arab peace treaty with Israel in March 1979 in return for full Israeli withdrawal from the Sinai, it found itself shunned in the Arab world. In September 1993, Israel and the Palestinian Liberation Organization (PLO) signed a mutual recognition agreement in Oslo and launched a negotiated peace process. Israel soon afterward signed a peace accord with Jordan. Though the agreements with the two Arab neighboring states led only to a “cold peace” between the countries, they are still in effect today. In contrast, the over twenty-year-long negotiations between Israel and the PLO have yielded only limited results and collapsed in April 2014. Why is the path toward peaceful Israeli–Palestinian relations still blocked?

In this book, I offer three extended reflections on crucial aspects of the War of the Seventh Day that, taken together, help us unpack its dynamics and highlight its major turning points while also pondering its possible outcomes. I chose to structure the book not chronologically—which would have required of me to cover the terrain evenly but thinly—but rather as a set of three essays, each of which seeks to answer a distinct question. This organization allows me to highlight and explore in greater depth those aspects of the tangled web of the occupation that I consider unique and pivotal and to provide a carefully crafted response to each question by combining several perspectives. My three guiding questions are as follows.

## ONE

### *What Is the Occupation?*

My task in the first essay—to *describe* the occupation—is complicated by both the occupation’s growing complexity and efforts to deny its very existence. The occupation of the West Bank, East Jerusalem, and Gaza (since 2005, from its outer perimeter) by Israeli armed forces remains a *legal category* and

an *everyday experience* for the Palestinian populations of these territories, making them an occupied population. *Palestinian resistance*, an understandable desire to overthrow foreign occupation and gain self-determination, is as much a part of the occupation as the two components just listed. The fourth facet of the occupation—on top of the legal framework, the everyday experience of the occupied Palestinians, and their resistance—is the ongoing *colonization* of the OPT, the occupation’s driving force and possibly its most distinct hallmark. Since each of these four facets provides a distinct perspective on the occupation, I will explore all of them in order, as well as their interaction, to understand how the occupation has become what it is.

The construction of settlements in the West Bank entails the separation, by law and by force, of the land itself from the people living on it. Beyond the Palestinians’ defiance of the occupation, it is the Israeli settlement project—indeed, the desire to accommodate the latter in the face of the former—that accounts for the current motley and heterogeneous character of the occupation. Today, Israel’s occupation is—above all—a geographical *mosaic* of distinct forms of domination. The complexity and repeated adjustments of the tools of occupation have helped the occupation authorities overcome crises and have played a key role in its persistence. But, as I will emphasize, these same tools and their repeated reengineering have also produced a patchwork of legal inconsistencies and competing interests that weaken the occupation’s hold and leave it vulnerable to challenge.

## TWO

### *Why Has This Occupation Lasted So Long?*

My goal in the second essay is to provide a *historical overview* of the occupation from the perspective of the social sciences. Its focus is the confluence of factors that facilitate Israel’s continued control of and tightening grip over the OPT, despite the noxious character of the occupation, Palestinian resistance, Israeli domestic dissent, and international opprobrium.

I will review the colonization in the OPT following the 1967 War and compare it to settler colonialism as Israel's state-building strategy prior to 1948. Continuities abound, including the use of old and still available institutions to support the occupation, as well as the prestige and resources settlers enjoy. The West Bank, however, though the site of the sacred geography of Jewish antiquity, is also the most densely inhabited area of Palestine. Consequently, the old practices and patterns of settlement have by and large proved ineffective there.

The reinvention of settlement required the rearticulation of customary nationalist aspirations in more radical—religious—terms, bringing about more radical forms of Palestinian legitimation and resistance in response. In this essay I highlight the vanguard role played by the religious nationalist communities of the respective societies—Gush Emunim (the Bloc of the Faithful) in Israel and Hamas among Palestinians—in providing, for Israelis, religious legitimation of settlement and of the opposition to territorial compromise and, for Palestinians, religious legitimation of attacks aimed at Jewish civilians within Israel. I also examine how each group has obstructed the diplomatic process that began in Oslo.

Yet neither Gush Emunim nor Hamas has been able to transform its respective society in its image, and both face considerable opposition from moderate parties ready to compromise with their counterparts. Each movement is also divided internally. Furthermore, Gush Emunim represents only a small segment of Israeli society, while Hamas is a true mass movement that has shown signs of pragmatism over the years, to the extent of considering a long-term truce with Israel. It remains unclear how effective Gush Emunim and Hamas would be in blocking a potential partition of Palestine into two states.

The Israeli occupation of the OPT is not just a two-sided or domestic issue. A great deal depends, as it always has in the Middle East, on international forces. I will conclude the essay with an analysis of the reasons for the

absence of effective external countervailing forces. In fact, the two most important external factors, US foreign policy and international humanitarian law, instead of inhibiting the occupation, have enabled its continuation. As long as Israel is able to defy the United States and the international legal community, it will be able to move more settlers into the OPT and will have no incentive to negotiate the end of the occupation. However, US policy toward Israel—currently viewed as a “special relationship”—has undergone change over the years and remains open to new directions.

### THREE

#### *How Has the Occupation Transformed the Israeli-Palestinian Conflict?*

In the third essay I will ask, *What now?* To start with, I will examine the tail end of the Israeli-Palestinian diplomatic effort—the 2008 Annapolis negotiations between Ehud Olmert and Mahmoud Abbas—since its terms will tell us how far the parties have managed to narrow their differences. Then I will tackle the “big question”: Is Israeli colonization irreversible? Has the implantation of Israeli settlers closed off the possibility of the territorial partition of the West Bank and East Jerusalem, so that, as many now believe, the creation of one state for both Israelis and Palestinians has become the only non-violent alternative to continued conflict?

Mine is not a philosophical discussion of the merits and demerits of these political outcomes, but rather a much more modestly conceived feasibility study from the perspective of the social sciences. I will offer analyses that evaluate the likelihood of the two- and one-state solutions.

As part of the first feasibility study, I will examine the percentage of land taken up by Israeli settlements and their layout, the demographic ratio of Israeli Jews to Palestinians in the OPT, the composition of the settler population and the rate of its growth, the settlements’ contribution to Israeli security, and the settlers’ economic ties to their places of residence. I will then

calculate the number of settler families that would need to be moved and the extent of territorial exchange that would be required and feasible in return for the annexation of several settlement blocs to Israel, as well as the estimated cost of this option, as part of a mutually agreed-upon territorial partition.

The second feasibility study will assess both versions of the one-state solution: a binational state and the multinational civic polity of “one person, one vote.” Binationalism was originally a Jewish idea of the Mandatory period that the Palestinians rejected, and I will ask what we can learn from its failure and will consider the likelihood of its success now that Palestinians have adopted it. I will then follow in the footsteps of scholars who have studied the conditions—from institutional architecture, to relative group sizes, to shared values and notions of justice—that potentially enable transitions from conflict to a stable multinational state. I will also inquire what we can learn for the Israel–Palestine case from contemporary sectarian and nationalist tensions and violent outbreaks in both the Middle East and Europe.

The conclusion of these feasibility studies is that a two-state resolution through territorial partition, though elusive, is not out of the question. At the same time, I suggest that while those who favor having Israelis and Palestinians share a single civil state have offered a lofty idea, they have not yet created, and very possibly cannot create, a credible outline of stages leading toward such a novel political entity. Palestinians and Israelis cannot be pacified through the invention of new institutions alone, nor can such institutions procure the mutual trust that would be needed for their construction in the first place.

I will conclude the essay with an overview of the just over ten-year-old Palestinian civil society movement Boycott, Divest, Sanction (BDS), which alarms and dismays Israeli governments. Since BDS was inspired by the antiapartheid movement of South Africa and the postapartheid society

created to replace it, I will compare it to Nelson Mandela's African National Congress and Israel itself to South Africa to assess the usefulness of this model for the resolution of the Israeli-Palestinian conflict.

This brief overview of the questions I raise and my answers in each of the three essays highlights just how tragic the conflict has been and continues to be but also offers clues that the occupation, along with the colonization project that drives it, is riven with paradoxes, legal inconsistencies, and conflicting interests that weaken its structure. The religious vanguards of the two populations are not in control of their societies or unmovable in their commitment to continue the conflict until their demands are met in full. Finally, the territorial partition of Palestine still appears feasible at a price that would not be destructive of Israeli society or lead to an unviable Palestinian state. A fine-grained analysis reveals a measure of light among the dark clouds. The state of affairs at present and in the foreseeable future is tragic but not hopeless.

A fiftieth anniversary carries special significance in Judaism. It is a *jubilee*, a holy year following seven cycles of seven years. It is ushered in with a blow of the trumpet on Yom Kippur, and it imposes special obligations on the faithful. As laid down in Leviticus 25:10: "You shall make the fiftieth year holy, and proclaim liberty throughout the land to all its inhabitants [*lekol yoshveya*]. It shall be a jubilee to you; and each of you shall return to his own property, and each of you shall return to his family. That fiftieth year shall be a jubilee to you." The jubilee is the year in which social harmony is restored through the reinstatement of the status quo ante: in addition to the freeing of slaves and the return of indebted hereditary land to its owners or heirs, later rabbinical authorities required the cancellation of all monetary debts. The land was to lie fallow, but by God's special grace prior harvests would be plentiful, and the people would dwell in the land safely. Like all biblical texts, the Leviticus passage was given different interpretations and later refinements. It has been suggested, for example, that only Hebrew

slaves were to be emancipated. But on this point the text is clear enough: all of the inhabitants of the land of Israel should be the beneficiaries of the jubilee year. The book of Leviticus does not exempt Jews from their jubilee year obligations toward non-Jewish inhabitants of the land.

Our times and experiences are remote from both the Hebrew Bible and the many generations of its interpreters and reinterpreters, but the restorative spirit of the jubilee remains as inspirational as ever. Tragically, most of those religious Zionists who seek to live by scriptural commandments as a living text are the first to ignore admonitions and commandments that inconveniently interfere with their devotion to colonizing the Palestinian lands occupied fifty years ago, and they continue ignoring the claims of Palestinian inhabitants to a measure of restorative justice. Secular Israeli Jews who carry out their own colonization plans—and enable and underwrite all forms of settlement, or ignore and deny its consequences—would benefit equally from deliberating their own role in light of this moral legacy. On the jubilee of the 1967 War and of the Israeli occupation of the West Bank, East Jerusalem, and Gaza, Leviticus provides an impetus to reconsider the path taken so that all the people of Israel/Palestine may dwell in the land safely.