It was August of 1988. The West Bank and the Gaza Strip, under Israeli occupation since 1967, were in the midst of an unprecedented mass rebellion. It was called the Intifada, the “throwing off,” and it was now in its ninth month. The PLO leadership was based in Tunisia, over a thousand miles away, having been driven from Lebanon six years earlier by Israeli forces.

For the previous twenty years, Yasser Arafat had dominated the Palestinian national movement. Yet even now, his most basic objectives were unclear. To most Israelis, Arafat and the PLO were terrorists, committed to the destruction of Israel and unrestrained by moral norms. Their ideology was clearly stated in their Covenant—Israel had no right to exist. They even denied that there was a Jewish people, or that today’s Jews had a historical connection to the land between the Jordan River and the Mediterranean Sea.

Their aspirations notwithstanding, the Palestinians had long been on the losing end. For decades prior to the establishment of Israel, the Palestinians had feared, opposed, and then fought against the establishment of a Jewish state in Palestine. In 1947 they lost that struggle on the international diplomatic level when the United Nations General Assembly called for the division of Palestine into two states, one Arab and one Jewish. And in 1948, despite assistance from five Arab states following the Israeli Declaration of Independence, they lost their struggle in a full military conflict. Not only did they fail to prevent the Jewish state from coming into being, they failed to prevent it from expanding. When the fighting came to a halt in 1949, Israel controlled not only all of the land designated for the Jewish state in the UN Partition Resolution but also much of the land that the United Nations had intended for the Palestinian state. Further, most of the Palestinian population from the areas under Israeli control, having fled or been driven from
their homes, were now living as refugees in neighboring Arab countries, prevented from returning by Israeli forces.

Following this failure in 1948 to prevent the establishment of the Jewish state, the Palestinians did not give up. Seamlessly, their goal shifted from preventing the Jewish state to destroying it. If only the full weight of the Arab states could be brought to bear, this did not seem an unrealistic objective. This appraisal of Israeli vulnerability was widespread until the 1967 war. It was shared by many Israelis as well, and in June of 1967, when Israel launched preemptive strikes against Egypt and Syria, among the Israeli public most felt they were fighting for their existence. In the Arab world such was the disbelief in Israeli military capabilities that the initial war reports in the Arab media maintained it was the United States, not Israel, that had destroyed the Egyptian and Syrian air forces in the opening hours of a sweeping conflict that lasted all of six days.

When the 1967 war began, Israel tried to convince the Jordanians, who controlled the West Bank and East Jerusalem, to stay neutral, but Jordan joined the Arab side. When the fighting ceased, Israeli forces had extended their control to all of mandatory Palestine, all of the area that was to have been divided into two states, one Arab and one Jewish. Further, it now occupied parts of Syria and vast swaths of Egypt, all the way to the Suez Canal.

Add to this history of Palestinian and Arab military and diplomatic defeats, the solidarity between the United States and Israel that emerged after 1967, the development of Israeli nuclear weapons, and Anwar Sadat’s diplomacy, which resulted in a stable peace treaty between Israel and Egypt, Israel’s most powerful neighbor, and it was clear to all who could see: The Palestinians had lost again and again and yet again. The question they faced was, what to do about it?

The Intifada of 1988, the political mobilization of the Palestinian population that had lived under Israeli occupation since 1967, gave the Palestinian people an unprecedented degree of agency. While none should pretend that they controlled their own fate, yet unlike at any previous point in their history, they had achieved the power to significantly shape the course of events. The Palestinian people became increasingly aware of this in the early months of 1988, as world attention focused on their revolt. Months went on; they had gained much support worldwide, but their leadership, the PLO in Tunis, which had not planned the Intifada, had yet to find a way to capitalize on the uprising.

Then in November of 1988, the PLO, acting in the name of the Palestinian people, and given credibility by the continued mass uprising, did what many
other peoples had done before them. Affirming the right of the Palestinian people to self-determination and political independence, they proclaimed the establishment of their own state:

The Palestine National Council, in the name of God, and in the name of the Palestinian Arab people, hereby proclaims the establishment of the State of Palestine on our Palestinian territory with its capital Jerusalem (Al-Quds Ash-Sharif).

This was something new in the hundred-year history of the conflict: a Palestinian state, proclaimed and run by the PLO; a state that would come into existence not through negotiations, and not through any peace agreement. This was a unilaterally proclaimed state, one emerging from a massive insurrection against Israeli forces. What could such a state mean for Israel and for the future of this hundred-year-old conflict?

In 1988 there were few Israelis who believed in a two-state solution to the Israeli-Palestinian conflict, few who believed that the conflict could be resolved if only a Palestinian state were to come into being. Shimon Peres did not believe it. Yitzhak Rabin did not believe it. Indeed, it was not even the aim of the Israeli peace movement. And certainly, almost no one believed that peace could be achieved through the establishment of a self-declared PLO state.

Rather, it was widely held that such an eventuality (a PLO-controlled state), if it ever came to pass, would represent a new and significant danger to Israel, most likely a terrorist base whose continued purpose would be the fulfillment of the PLO Covenant’s determination to destroy Israel. And unlike the hostile Arab states, such as Syria and Iraq, or the previously hostile Egyptian state, this new entity would be right at the gates, claiming sovereignty over Jerusalem and strategically poised in the hill country, only ten miles from Tel Aviv, overlooking Ben Gurion Airport and the coastline. This hostile state entity, it appeared to many, was what the PLO was seeking to create when the Declaration of Independence was proclaimed. It was seen the way the emergence of a Hamas-controlled Palestinian state in the West Bank is seen by many today.

THE FIRST SURPRISE:
THE LEGITIMACY OF PARTITION

With declarations of independence, there is generally some identified entity that “hereby proclaims” the existence, or the establishment, of the new state.
And this was the case with the Palestinian Declaration. After several paragraphs reciting the history of the Palestinian people and affirming their rights, the Declaration gets to its primary business:

Now by virtue of natural, historical and legal rights, and the sacrifices of successive generations who gave of themselves in defense of the freedom and independence of their homeland;

In pursuance of Resolutions adopted by Arab Summit Conferences and relying on the authority bestowed by international legitimacy as embodied in the Resolutions of the United Nations Organization since 1947;

And in exercise by the Palestinian Arab people of its rights to self-determination, political independence and sovereignty over its territory,

The Palestine National Council, in the name of God, and in the name of the Palestinian Arab people, hereby proclaims the establishment of the State of Palestine on our Palestinian territory with its capital Jerusalem (Al-Quds Ash-Sharif).

At first glance this statement contains no surprises. It cites history, sacrifices, institutions, and rights in support of the proclamation of statehood. This is the standard stuff of declarations. But if we look a bit more closely, we do find something remarkable. In citing the basis that gives legitimacy to this bold act of proclaiming and establishing a new state, the Declaration says:

and relying on the authority bestowed by international legitimacy as embodied in the Resolutions of the United Nations Organization since 1947.

For those who knew something of the history of the conflict, this reference to the resolutions of the United Nations since 1947 should have been startling. Does this not include the Partition Resolution of 1947, the very resolution that provided for the creation of Israel, a resolution that the Israelis themselves cited when in May 1948 they issued their own Declaration of Independence proclaiming the existence of a new state called Israel? Are the Palestinians citing as the basis for the legitimacy of their own state a United Nations resolution that provided equal legitimacy for the creation of Israel?

Were this to be the case, the PLO would be abandoning the very cause that had animated the Palestinian struggle for decades. They would be moving from trying to destroy Israel to acknowledging the legitimacy of its existence. Even if one believed that the Palestinians had no other choice if they wanted a state of their own, it would be astonishing that this acknowledgment of Israel’s legitimacy was not a final concession squeezed from the PLO.
after long and arduous negotiations, negotiations in which, in exchange for their recognition of Israel, the Palestinians attained Israeli recognition of their state, a withdrawal from the West Bank and Gaza, a capital in Jerusalem, and some redress for the Palestinian refugees.

But this was without any negotiations at all. Here the most fundamental reversal, on the most fundamental issue, seems to be occurring unilaterally. The PLO, the terrorist foe, seems to be conceding the legitimacy of Israel without any offsetting concessions from Israel.

Had anyone predicted this in advance, they would have been met by a chorus of dismissals. Impossible! Without precedent! Not the way the world works! Naive! Yet in November 1988 this is exactly what happened. The PLO did not merely and unilaterally proclaim their state, a state that could have been devoted to destroying Israel. They did something very different. They unilaterally proclaimed a state on the basis of the very United Nations resolution whose passage, forty-one years before, marked their most fundamental defeat in the world of nations.

Some may take issue with this interpretation; some may say the phrasing in question—"relying on the authority bestowed by international legitimacy as embodied in the Resolutions of the United Nations Organization since 1947"—is far too vague for such conclusions. After all, does "since 1947" include what was enacted by the United Nations in 1947 or just what was enacted after 1947? Furthermore, it might be said that the Palestinians were not acknowledging the legitimacy of Israel, as the text excerpted does not make any reference to the other state, the Jewish state.

And if all the Palestinians had to say on the matter was the paragraph cited, perhaps I would be guilty of reading too much into their words. But the Palestinian Declaration did say more, much more, making it quite explicit that the PLO, in their Declaration of Independence, unilaterally acknowledged the legitimacy in international law of the creation of Israel.

If we scroll back through the Declaration some five paragraphs, we are in a section where they detail their understanding of Palestinian history. The adoption by the United Nations of the Partition Resolution in 1947 was the pivotal defeat in that history, and it had to be addressed. Here is what they said:

Despite the historical injustice inflicted on the Palestinian Arab people resulting in their dispersion and depriving them of their right to self-
determination, following upon UN General Assembly Resolution 181 (1947), which partitioned Palestine into two states, one Arab, one Jewish, yet it is this Resolution that still provides those conditions of international legitimacy that ensure the right of the Palestinian Arab people to sovereignty.

Here the Partition Resolution (UNGA Resolution 181) is explicitly addressed. Two different attitudes toward the partition of Palestine are present: the first being that partition was an act of historic injustice to the Palestinian people; the second being that the Partition Resolution is part of “international legitimacy.” It might seem that the Declaration is thus embedded in a contradiction. How can the partition of Palestine into two states be both unjust and legitimate? What is at work here is the basic distinction between morality and lawfulness, the distinction between having a legal right to do something versus having a moral right. In their declaration the Palestinians do not abandon their most fundamental perspective on questions of justice, that the land was theirs, and that it was wrong to divide it, taking much of it from the Palestinians. Yet at the same time, they acknowledge that this division of Palestine was done under international legitimacy; that from a legal point of view, though not a moral point of view, Israel had a right to come into being.¹

The Declaration tells us that the Partition Resolution “still” retains its power to confer legitimacy. The use of the word “still” is telling: the Partition Resolution once conferred legitimacy on Israel, and “still” retains the power to confer legitimacy, which it now provides to the proclaimed state of Palestine. For the Palestinians, to speak of the Partition Resolution as part of “international legitimacy” directly reversed the PLO Covenant enacted in the 1960s. The Covenant stated: “The Partition of Palestine in 1947 and the establishment of the state of Israel are entirely illegal, regardless of the passage of time.” Not only illegal in 1947, but illegal forever. Yet now, in 1988, this assertion of the illegality of the Partition is abandoned. Partition, enacted in 1947, now is accepted as part of international legitimacy and is now invoked by the Palestinians in support of their own right to a state.

Just as the Israelis did not ask the Palestinians for permission to declare their state in 1948, so in 1988 the Palestinians did not ask Israelis for permission to declare the Palestinian state. However, just as the Israelis cited the UN Partition Resolution as a basis in international law for their proclamation, so too did the Palestinians cite the same instrument. And in doing so, citing its legitimacy, they noted that it called for two states, something not mentioned in the Israeli Declaration of Independence.
In citing the Partition Resolution as a basis in international law for the State of Palestine, the Palestinians deliberately chose to link the international legitimacy of their state to that of Israel. There was no necessity to do this, no necessity to invoke the Partition Resolution at all. Palestinian independence could have rested on the Palestinian right of self-determination alone. But not only did they invoke the Partition Resolution, and not only did they choose to note that it provided for “two states,” they took the completely unexpected step of noting that the Partition Resolution provided for two states, “one Arab and one Jewish.” Israel, it tells us, was created as a Jewish state, pursuant to international legitimacy.\(^2\)

In acknowledging the international legitimacy of Israel as a Jewish state, the Declaration reversed the most fundamental elements of the long-held Palestinian perspective. To appreciate this, we must understand the internal logic of the Covenant. The Covenant stated: “The Palestinian people believe in the principles of justice, freedom, sovereignty, self-determination, human dignity, and in the right of all peoples to exercise them.” Taken in isolation, this affirmation that all peoples have a right of self-determination could have served as the moral underpinning for the partition of Palestine, for the idea of two states for two peoples, for the creation of Israel as the place where the Jewish people exercises its right of self-determination, alongside a Palestinian state where the Palestinian people would exercise its own right of self-determination.

Of course, this was not the position of the Covenant; it viewed Partition, not as the expression of a universal principle of self-determination, but in conflict with that principle. But how did the Covenant escape what seems an obvious contradiction? How, if it affirms self-determination for all peoples, can it manage to deny it to the Jews? The answer is simple: it denied that there is a Jewish people. This indeed is the central premise of the Covenant:

Judaism, being a religion, is not an independent nationality. Nor do Jews constitute a single nation with an identity of its own; they are citizen of the states to which they belong.\(^3\)

Thus, in the Covenant, the Palestinians maintained they were not being faced with a people trying to exercise its own right to self-determination.
They were facing individuals who were united in a *movement*, but not a true people. This bedrock denial of Jewish peoplehood, which is central to the Covenant, is not present in the Declaration. And without this denial the Palestinian affirmation that all peoples have a right to self-determination can lead to only one conclusion: that the Jewish people also have a right to self-determination. While this is not explicit, I see this as the spirit of the Declaration. This reading is reinforced by Arafat’s speech to the UN General Assembly a few weeks later. In that speech, which focuses on the recently proclaimed Declaration of Independence, Arafat said:

Our people does not want a right which is not its own or which has not been vested in it by international legitimacy and international law. It does not seek its freedom at the expense of anyone else’s freedom, nor does it want a destiny which negates the destiny of another people. Our people refuses to be better or worse than any other people. Our people want to be the equal of all other peoples, with the same rights and obligations.4

In the context of a Declaration that accepted the international legitimacy of the creation of “two states, one Arab and one Jewish,” and which proclaimed the state of the Palestinian people, Arafat’s meaning is clear. When he says the Palestinian people want only rights equal to those of all other peoples, he is asking that the Palestinians be recognized as having a right to statehood equal to that of the Jewish people.

**THE THIRD SURPRISE:**
**THE EMBRACING SPIRIT OF THE DECLARATION**

The gap between the Declaration and the Covenant is broader still. It contains not only a shift in doctrine, but a total change in spirit, a transformation in how the Jewish presence in Palestine is to be understood. The Covenant not only maintained that there was no Jewish people (just individuals who were Jewish by religion), it also maintained that Jews had no historical or religious link to Palestine: “Claims of historical or religious ties of Jews with Palestine are incompatible with the facts of history…”

In diametric opposition, the Palestinian Declaration of Independence opens with the sentence: “*Palestine, the land of the three monotheistic faiths, is where the Palestinian Arab people was born, on which it grew, developed and excelled.*”
This choice of opening phrase—“Palestine, the land of the three monotheistic faiths”—is itself a remarkable opening for what will be a declaration of independence by the Palestinians. At the outset, Palestine is given its identity not in terms of Islam but in relation to all three of the Abrahamic religions. This is a bold affirmation: Palestine—the land of the three. We are being told, this three-faith history is the real essence of Palestine. This is Palestine conceived in its abundance, in connection not just with Islam and Christianity but with Judaism as well, and by extension, in connection with the ancient people of that religion. This breaks with all conventional discourse. Fulsome embrace is not the way Israelis speak of Palestine, nor the way that most Palestinians speak of it.5

From this opening the Declaration builds, going on to say:

Nourished by an unfolding series of civilizations and cultures, inspired by a heritage rich in variety and kind, the Palestinian Arab people added to its stature by consolidating a union between itself and its patrimonial land.

Thus the Declaration, while asserting a special place for the Palestinian Arabs, pays tribute to the other “civilizations and cultures” that had a prior presence in Palestine. Without explicitly mentioning the ancient Israelites, the Declaration says of these earlier civilizations that they “nourished” the Palestinian Arab people and that a “heritage rich in variety and kind” had “inspired” the Palestinian Arabs.

We are presented here with the image of a pluralistic historical flourishing, one in which earlier peoples of the land contribute to the spiritual growth of later peoples, one in which each people is able to flourish because it was inspired by the prior richness imparted by those who came earlier. While at this point there is no explicit mention of Jewish civilization or of the ancient Israelites, the inclusion is evident. Rather than viewing the Jewish presence in Palestine as some recent imperialist invasion, one reduced to “settler colonialism,” not only are we instructed in the prior Jewish presence but that presence is honored and embraced as one of the elements that contributed to the creation of the Palestinian Arab people. This is more than a nod to the civilizations that preceded the Palestinian Arabs. It is a recognition of the way in which those earlier civilizations functioned in the development and enrichment of Palestinian Arab civilization.

Strikingly, the Declaration uses the words “nourished” and “inspired” when speaking of the impact of previous civilizations on the Palestinians. This is more than an assertion of value or respect. It is an account of a pro-
cess whereby those who come later are brought to vitality by those who came before. To speak in terms of nourishment is to speak of that which gives health; to speak of inspiration is to speak of creative enrichment. This is a tribute to earlier civilizations as a source of spiritual energy for the present, as the basis for Palestinian flourishing. This is the polar opposite of the “war of civilizations” mode of conceptualizing human affairs.

And yet there is more, now specifically linked to Judaism. The next sentence reads: “The call went out from Temple, Church and Mosque that to praise the Creator, to celebrate compassion and peace was indeed the message of Palestine.” “Temple, Church and Mosque”: the phrase represents the three monotheistic religions referred to in the opening words of the Declaration. They are placed in the order of their historical presence in Palestine—first Judaism, then Christianity, and then Islam. The term “Temple” has particular significance. It can be used as a synonym for “synagogue,” thus referring to the local houses of worship and study that have been present in Jewish communities throughout the world for the last two thousand years, or it can refer to “The Temple” of the Bible.

In the Bible, and thus in both the Jewish and Christian tradition, there were two ancient temples. The first dates back to the time of King David and Solomon. Located in Jerusalem, this temple is believed to have stood for more than four hundred years and to have been destroyed by the Babylonians when they conquered Jerusalem in 587 BCE. Following the destruction of the First Temple, much of the population was taken into exile in Babylon. After the conquest of Babylon, Cyrus the Great, the Persian emperor, allowed the Israelites to return to Jerusalem and rebuild the temple. This Second Temple, completed around 516 BCE, stood almost six hundred years, until it was destroyed by the Romans in 70 CE, when they finally suppressed the Jewish revolt against Roman imperialist rule.

After the destruction of the Second Temple, the temple was never rebuilt. In the seventh century, when Islamic forces conquered Palestine, the Temple Mount (known to Muslims as al-Haram al-Sharif), a man-made plateau on which the ancient Jewish temples once stood, became a site of Muslim worship, the home of the al-Aqsa Mosque and the Dome of the Rock. In the heated controversy over possession of the Temple Mount/al-Haram al-Sharif, there have been points at which Palestinians have denied the prior presence of the ancient Jewish temples. This “Temple denial” finds no place within the Declaration. Rather, we are told that there is a “message of Palestine,” one that praises the Creator and celebrates compassion and peace, and that this
message of Palestine is the common message of the three faiths—a message that went out from “Temple, Church, and Mosque.” Thus the Declaration seeks to affirm and unite the projects of Islam, Christianity, and Judaism as works of peace.

This postulation—that peace is the message of the three Abrahamic religions—sits at the core of the Declaration. Indeed, the Declaration itself was the Palestinians’ message of peace, a unilateral reformulation of Palestinian nationalism as now dedicated to achieving peace through the creation of a Palestinian state that would fulfill the Partition Resolution’s call for two states, “one Arab and one Jewish.”

... In calling attention to the generosity of spirit that one finds in the Declaration, I do not mean to suggest that the document, in its entirety, is sweetness and light. It remains a document of Palestinian nationalism and is part of the Palestinian struggle. And although it broke new ground in its basic framing of the conflict, in how it portrayed the Jewish presence in Palestine and the legitimacy of a Jewish state, it was, as might be expected, unrelenting in characterizing what the Palestinians experienced during their long struggle. Thus, in discussing the 1948 war and the Nakba, the Declaration states that “the willed dispossession and expulsion from their ancestral homes of the majority of Palestine’s civilian inhabitants, was achieved by organized terror.” And furthermore, that “those Palestinians who remained, as a vestige subjugated in its homeland, were persecuted and forced to endure the destruction of their national life.”

In this, the pain of the Palestinian experience is set within an un-nuanced narrative of their suffering and victimization; it is, however, just this pain and sense of acute injustice that makes the groundbreaking reformulation of Palestinian nationalism found in the Declaration so remarkable.