

The long read

A Jewish case for Palestinian refugee return



Refugee return constitutes more than mere repentance for the past. It is a prerequisite for building a peaceful future

By Peter Beinart



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Last Saturday was Nakba Day, which commemorates the 700,000 Palestinians that Israel expelled - or who fled in fear - during the country's founding in 1948. The commemoration had special resonance this year, since it was Israel's impending expulsion of six Palestinian families from the East Jerusalem neighbourhood of Sheikh Jarrah that helped trigger the violent struggle currently engulfing Israel-Palestine. For many Palestinians, that imminent expulsion was evidence that the Nakba has still not come to an end.

Every year, commemorating the Nakba represents a kind of mental struggle to remember the past and sustain the hope that it can be overcome - by ensuring that Palestinian refugees and their descendants can return home. In my own community, by contrast, Jewish leaders in Israel and the diaspora demand that Palestinians forget the past and move on. In 2011, Israel's parliament passed a law that could deny government funds to any institution that commemorates the Nakba. Israeli teachers who mention it in their classes have been reprimanded by Israel's Ministry of Education. Last year, two Israeli writers, Adi Schwartz and Einat Wilf, published an influential book, *The War of Return*, which criticised the Palestinian desire for refugee return as emblematic of a "backward-facing mode" and an "inability to reconcile with the past".

As it happens, I read *The War of Return* last year just before Tisha B'Av, the day on which Jews mourn the destruction of the temples in Jerusalem and the exiles which followed. On Tisha B'Av itself, I listened to medieval kinnot, or dirges, that describe those events - which occurred, respectively, 2,000 and 2,500 years ago - in the first person and the present tense.

In Jewish discourse, this refusal to forget the past - or accept its verdict - evokes deep pride. The philosopher Isaiah Berlin once boasted that Jews "have longer memories" than other peoples. In the late 19th century, Zionists harnessed this long collective memory to create a movement for return to a territory most Jews had never seen. For 2,000 years, Jews have prayed to return to the land of Israel. Over the past 150 years, Jews have made that ancient yearning a reality. "After being forcibly exiled from their land, the people kept faith with it throughout their Dispersion," proclaims the Israeli Declaration of Independence. The State of Israel constitutes "the realization" of this "age-old dream".

Why is dreaming of return laudable for Jews but pathological for Palestinians? Asking the question does not imply that the two dreams are symmetrical. The Palestinian families that mourn cities such as Jaffa or Safed lived there recently, and remember intimate details about their lost homes. They experienced dispossession from Israel-Palestine. The Jews who for centuries afflicted themselves on Tisha B'Av - and those who created the Zionist movement in the late 19th century, in response to rising nationalism and antisemitism in Europe - only imagined it.

"You never stopped dreaming," the Palestinian poet Mahmoud Darwish once told an Israeli interviewer. "But your dream was farther away in time and place ... I have been an exile for only 50 years. My dream is vivid, fresh." Darwish noted another crucial difference between the Jewish and Palestinian dispersions: "You created our exile, we didn't create your exile."

Still, despite these differences, many prominent Palestinians have alluded to the bitter irony of Jews telling another people to give up on their homeland and assimilate in foreign lands. We, of all people, should understand how insulting that demand is. Jewish leaders keep insisting that, to achieve peace, Palestinians must forget the Nakba. But it is more accurate to say that peace will come when Jews remember. The better we remember why Palestinians left, the better we will understand why they deserve the chance to return.

Even for many Jews passionately opposed to Israeli policies in the West Bank and Gaza Strip, supporting Palestinian refugee return remains taboo. But with every passing year, as Israel further entrenches its control over all the land between the River Jordan and the Mediterranean Sea, this supposedly realistic alternative grows more detached from reality. There will be no viable, sovereign Palestinian state to which refugees can go. What remains of the case against Palestinian refugee return is a series of historical and legal arguments about why Palestinians deserved their expulsion and have no right to remedy it now. These arguments ask Palestinians to repudiate the very principles of intergenerational memory and historical restitution that Jews hold sacred. If Palestinians have no right to return to their homeland, neither do we.

The consequences of these efforts to rationalise and bury the Nakba are not theoretical. They are playing out on the streets of Sheikh Jarrah. The Israeli leaders who justify expelling Palestinians today in order to make Jerusalem a Jewish city are merely paraphrasing the Jewish organisations that have spent several decades justifying the expulsion of Palestinians in 1948 in order to create a Jewish state.

Refugee return constitutes more than mere repentance for the past. It is a prerequisite for building a future in which Jews and Palestinians enjoy safety and freedom in the land each people calls home.

The argument against refugee return begins with a series of myths about what happened in 1948, the year in which Britain relinquished its control over Mandatory Palestine, Israel was created, and the Nakba occurred. These myths allow Israeli and diaspora Jewish leaders to claim that Palestinians effectively expelled themselves.

The most enduring myth is that Palestinians fled because Arab and Palestinian officials told them to. The Anti-Defamation League (ADL), an American Jewish organisation that fights antisemitism, asserts that many Palestinians left "at the urging of Arab leaders, and expected to return after a quick and certain Arab victory over the new Jewish state". The Palestinian historian Walid Khalidi debunked this claim as early as 1959, revealing that, far from urging Palestinians to leave, Palestinian and Arab officials often pleaded with them to stay. Zionist leaders at the time offered a similar assessment.

The Jewish establishment's narrative of Palestinian self-dispossession also blames Arab governments for rejecting the proposal put forth by the UN in November

1947 to partition the territory governed by the British Mandate into an Arab and a Jewish state.

"Zionist leaders accepted the partition plan despite its less-than-ideal solution," the ADL has argued. "It was the Arab nations who refused ... Had the Arabs accepted the plan in 1947 there would today be an Arab state alongside the Jewish State of Israel and the heartache and bloodshed that have characterised the Arab-Israeli conflict would have been avoided."

This is misleading. Zionist leaders accepted the UN partition plan on paper while undoing it on the ground. The UN proposal envisioned a Jewish state encompassing 55% of Mandatory Palestine's land, even though Jews composed only a third of its population. Within the new state's suggested borders, Palestinians thus constituted as much as 47% of the population. Most Zionist leaders considered this unacceptable. The Israeli historian Benny Morris notes that David Ben-Gurion, soon to be Israel's first prime minister, "clearly wanted as few Arabs as possible in the Jewish State". As early as 1938, Ben-Gurion had declared: "I support compulsory transfer." His logic, concludes Morris, was clear: "Without some sort of massive displacement of Arabs from the area of the Jewish state-to-be, there could be no viable 'Jewish' state."

Establishment Jewish organisations often link Arab rejection of the UN partition plan to the war that Arab armies waged against Israel. And it is true that, even before the Arab governments officially declared war in May 1948, Arab and Palestinian militias fought the embryonic Jewish state. Arab forces also committed atrocities.

But what the establishment Jewish narrative omits is that the vast majority of Palestinians forced from their homes committed no violence at all. In *Army of Shadows*, historian Hillel Cohen notes that "most of the Palestinian Arabs who took up arms were organised in units that defended their villages and homes, or sometimes a group of villages". He adds that, frequently, "local Arab representatives had approached their Jewish neighbours with requests to conclude nonaggression pacts". When such efforts failed, Palestinians often surrendered in the face of Zionist might. In most cases, their residents were expelled anyway. Their presence was intolerable not because they had threatened Jews, but because they threatened the demography of a Jewish state.

In focusing on the behaviour of Arab leaders, the Jewish establishment tends to distract from what the Nakba meant for ordinary people. Perhaps that is intentional, because the more one confronts the Nakba's human toll, the harder it becomes to rationalise what happened then, and to oppose justice for Palestinian refugees now. In roughly 18 months, Zionist forces evicted upwards of 700,000 individuals, more than half of Mandatory Palestine's Arab population. They emptied more than 400 Palestinian villages and depopulated the Palestinian sections of many of Israel-Palestine's mixed cities and towns. In each of these places, Palestinians endured horrors that haunted them for the rest of their lives.

In April 1948, the largest Zionist fighting force, the Haganah, launched Operation Bi'ur Hametz (Passover Cleaning), which aimed to seize the Palestinian neighbourhoods of Haifa. A British intelligence officer accused Haganah troops of strafing the harbour with "completely indiscriminate ... machine-gun fire, mortar fire and sniping". The assault sparked what one Palestinian observer termed a "mad rush to the port" in which "man trampled on fellow man" in a desperate effort to board boats leaving the city, some of which capsized. Many evacuees sought sanctuary up the coast in Acre. Later that month, the Haganah launched mortar attacks on that city, too. It also cut off Acre's supply of water and electricity, which likely contributed to a typhoid outbreak, hastening the population's flight.

In October of that year, Israeli troops entered the largely Catholic and Greek Orthodox village of Eilaboun in the Galilee. According to the Palestinian filmmaker Hisham Zreiq, who used oral histories, Israeli documents and a UN observer report to reconstruct events, the troops were met by priests holding a white

Previous page:
Arab women
and children
leaving Israel in
1948

AP

*A Palestinian
woman holds
a photo of her
family in 1956
after they moved
to Sheikh Jarrah*

AP





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flag. Soldiers from the Golani Brigade responded by assembling villagers in the town square. They forced the bulk of Eliaboun's residents to evacuate the village and head north, thus serving as human shields for Israeli forces who trailed behind them in case the road was mined. After forcing the villagers to walk all day with little food or water, the soldiers robbed them of their valuables and loaded the villagers on trucks that deposited them across the Lebanese border. According to an eyewitness, about 12 men held back in the town square were killed in groups of three.

In al-Dawayima, in the Hebron hills, where Israeli forces reportedly killed between 80 and 100 men, women and children, an Israeli soldier told an Israeli journalist that "cultured, polite commanders" behaved like "base murderers". After Israeli troops evicted as many as 70,000 Palestinians from Lydda and Ramle in July, an Israeli intelligence officer likened the event to a "pogrom" or the Roman "exile of Israel". Less openly discussed were the rapes by Zionist soldiers.

Eviction was generally followed by theft. In June 1948, Ben-Gurion lamented the "mass plunder to which all sectors of the country's Jewish community were party". In Tiberias, according to an official, Haganah troops "came in cars and boats and loaded all sorts of goods [such as] refrigerators [and] beds", while groups of Jewish civilians "walked about pillaging from the Arab houses and shops". In Deir Yassin, a military officer observed that fighters from the rightwing Zionist militia Lechi were "going about the village robbing and stealing everything: chickens, radio sets, sugar, money, gold and more".

Israeli authorities soon systematised the plunder. In July 1948, Israel created a Custodian for Deserted Property, which it empowered to distribute houses, lands and other valuables that refugees had left behind. Atop other former Palestinian villages, the fund created national parks. In urban areas, it distributed Palestinian houses to new Jewish immigrants.

In November 1948, Israel conducted a census.

A month later, the Knesset passed the Law for the Property of Absentees, which determined that anyone not residing on their property during the census forfeited their right to it. This meant not only that Palestinians outside Israel's borders were barred from reclaiming their houses and lands, but that even Palestinians displaced inside Israel, who became Israeli citizens, generally lost their property to the state. In a phrase worthy of Orwell, the Israeli government called them "present absentees".

The scale of the land theft was astonishing. When the UN passed its partition plan in November 1947, Jews owned roughly 7% of the territory of Mandatory Palestine. By the early 50s, almost 95% of Israel's land was owned by the Jewish state.

Since it took the expulsion of Palestinians to create a viable Jewish state, many Jews fear - with good reason - that acknowledging and rectifying that expulsion would challenge Jewish statehood itself. This fear is often stated in numerical terms: if too many Palestinian refugees return, Jews might no longer constitute a majority. But the anxiety goes deeper. Why do so few Jewish institutions teach about the Nakba? Because it is hard to look the Nakba in the eye and not wonder about the ethics of creating a Jewish state when doing so required forcing vast numbers of Palestinians from their homes.

Envisioning return requires uprooting deeply entrenched structures of Jewish supremacy and Palestinian subordination. It requires envisioning a different kind of country.

I have argued previously that Jews could not only survive, but thrive, in a country that replaces Jewish privilege with equality under the law. A wealth of data suggests that political systems that give everyone a voice in government generally prove more stable and more peaceful for everyone. But for many Jews, no amount of data can overcome the fear that, in a post-Holocaust world, only a state controlled by Jews

can ensure Jewish survival. And, even in the best of circumstances, many Jews would find the transition from such a state to one that treated Jews and Palestinians equally to be profoundly jarring. It would require redistributing land, resources and power, and reconsidering cherished myths about the past.

To ensure that this reckoning never comes, the Israeli government and its American Jewish allies have offered a range of legal, historical and logistical arguments against refugee return. These all share one thing in common: were they applied to any group other than Palestinians, Jewish leaders would probably dismiss them as immoral and absurd.

Consider the claim that Palestinian refugees have no right to return under international law. On its face, this makes little sense. The Universal Declaration of Human Rights declares that "Everyone has the right to leave any country, including his own, and to return to his country." United Nations general assembly resolution 194, passed in 1948, asserts that those "wishing to return to their homes and to live at peace with their neighbours should be permitted to do so at the earliest practicable date".

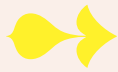
Opponents of Palestinian return have rejoinders to these documents. They argue that general assembly resolutions aren't legally binding. They claim that since Israel was only created in May 1948, and Palestinian refugees were never its citizens, they would not be returning to "their country". But these are legalisms devoid of moral content. In the decades since the second world war, the international bodies that oversee refugees have developed a clear ethical principle: people who want to return home should be allowed to do so. Although the pace of repatriation has slowed in recent years, since 1990 almost nine times as many refugees have returned to their home countries as have been resettled in new ones. And as a 2019 report by the UN High Commissioner for Refugees (UNHCR) explains, resettlement is preferred only when a refugee's home country is so dangerous that it "cannot provide them with appropriate protection and support".

When the refugees aren't Palestinian, Jewish leaders don't merely accept this principle, they champion it. The 1995 Dayton Agreement, which ended years of warfare between Serbia, Croatia and Bosnia, states: "All refugees and displaced persons have the right freely to return to their homes of origin" and "to have restored to them property of which they were deprived in the course of hostilities." The American Jewish Committee (AJC) - whose CEO, David Harris, has demanded that Palestinian refugees begin "anew" in "adopted lands" - not only endorsed the Dayton agreement but urged that it be enforced by US troops. In 2019, the American Israel Public Affairs Committee (AIPAC) - the US's most powerful pro-Israel lobbying group - applauded Congress for imposing sanctions aimed at forcing the Syrian government to, among other things, permit "the safe, voluntary, and dignified return of Syrians displaced by the conflict". That same year, the Union for Reform Judaism, in justifying its support for reparations for Black Americans, approvingly cited a UN resolution that defines reparations as including the right to "return to one's place of residence".

The double standard expresses itself most glaringly in the debate over who counts as a refugee. Jewish leaders often claim that only Palestinians who were themselves expelled deserve the designation, not their descendants. But across the globe, refugee designations are frequently handed down from one generation to the next, yet Jewish organisations do not object.

Moreover, the same Jewish leaders who decry multigenerational refugee status when it applies to Palestinians celebrate it when it applies to Jews. In 2016, after Spain and Portugal offered citizenship to roughly 10,000 descendants of Jews expelled from the Iberian peninsula more than 500 years ago, the AJC's associate executive director declared: "We stand in awe at the commitment and efforts undertaken both by Portugal and Spain to come to terms with their past."

Palestinians in the West Bank marking the 70th anniversary of Nakba in 2018
ANADOLU/GETTY

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Not only do Israel and its allies insist that it has no legal or historical obligation to repatriate or compensate Palestinians; they also claim that doing so is impossible. Israel, the ADL notes, believes that “return” is not viable for such a small state”. Veteran US Republican foreign policy official Elliott Abrams has called compensating all Palestinian refugees a “fantasy”. Too much time has passed, too many Palestinian homes have been destroyed, there are too many refugees. It is not possible to remedy the past. The irony is that when it comes to compensation for historical crimes and effectively resettling large numbers of people in a short time in a small space, Israel leads the world.

More than 50 years after the Holocaust, Jewish organisations negotiated an agreement in which Swiss banks paid more than \$1bn to reimburse Jews whose accounts they had expropriated during the second world war. In 2018, the World Jewish Restitution Organization welcomed new US legislation to help Holocaust survivors and their descendants reclaim property in Poland. While the Holocaust, unlike the Nakba, saw millions murdered, the Jewish groups in these cases were not seeking compensation for murder. They were seeking compensation for theft. If Jews robbed en masse in the 40s deserve reparations, surely Palestinians do, too.

When Jewish organisations deem it morally necessary, they find ways to determine the value of lost property. So does the Israeli government, which estimated the value of property lost by Jewish settlers withdrawn from the Gaza Strip in order to compensate them. Such calculations can be made for property lost in the Nakba as well. UN resolution 194, which declared that Palestinian refugees were entitled to compensation “for loss of, or damage to, property”, created the United Nations Conciliation Commission for Palestine (UNCCP) to tally the losses. Using land registers, tax records and other documents from the British mandate, the UNCCP between 1953 and 1964 assembled what Randolph-Macon College historian Michael Fischbach has called “one of the most complete sets of records documenting the landholdings of any group of refugees in the 20th century”. In recent decades, those records have been turned into a searchable database and cross-referenced with information from the Israeli Land Registry. The primary barrier to compensating Palestinian refugees is not technical complexity. It’s political will.

Palestinian scholars have begun imagining what might be required to absorb Palestinian refugees who want to return. One option would be to build where former Palestinian villages once stood since, according to Lubnah Shomali of the Badil Resource Center, roughly 70% of those depopulated and destroyed in 1948 remain vacant. The Palestinian geographer Salman Abu Sitta imagines a Palestinian Lands Authority, which could dole out plots in former villages to the families of those who lived there. He envisions many returnees “resuming their traditional occupation in agriculture, with more investment and advanced technology”. He’s even convened contests in which Palestinian architecture students build models of restored villages.

For Palestinians uninterested in reconstituting destroyed rural villages, Badil has partnered with Zochrot, an Israeli organisation that raises awareness about the Nakba, to suggest two other options - a “fast track” in which refugees would be granted citizenship and a sum of money and then left to find housing on their own, or a slower track that would require refugees to wait as the government oversaw the construction of housing and other infrastructure designated for them.

When Jews imagine Palestinian refugee return, most likely imagine Palestinians expelling Jews from their homes. Given Jewish history, these fears are understandable. But there is little evidence that they reflect reality. For starters, not many Israeli Jews live in former Palestinian homes, since, tragically, only a few thousand remain intact. More importantly, the Palestinian intellectuals and activists who envision return generally insist that significant forced



A Palestinian man with his grandson, holding on to the keys of his former home in what is now Israeli territory

ABID KHATIB/GETTY

expulsion of Jews is neither necessary nor desirable.

Badil and Zochrot have outlined what a “humane and moderate solution” might look like. If a Jewish family owns a home once owned by a Palestinian, first the original Palestinian owner (or their heirs) and then the current Jewish owner would be offered the cash value of the home in return for relinquishing their claim. If neither accepted, Zochrot suggests a further compromise: ownership of the property would revert to the original Palestinian owners, but the Jewish occupants would continue living there. The Palestinian owners would receive compensation until the Jewish occupants moved or died, at which point they would regain possession. In cases where Jewish institutions sit where Palestinian homes once stood - for instance, Tel Aviv University, which was built on the site of the destroyed village of al-Shaykh Muwannis - Zochrot has

when it conquered the West Bank and the Gaza Strip in 1967. Between 1967 and 1994, Israel rid itself of another 250,000 Palestinians through a policy that revoked the residencies of Palestinians in the West Bank and Gaza who left the territories for an extended period of time. Since 2006, according to Badil, almost 10,000 Palestinians in the West Bank and East Jerusalem have watched the Israeli government demolish their homes. In the 50s, 28 Palestinian families forced from Jaffa and Haifa in 1948 relocated to the East Jerusalem neighbourhood of Sheikh Jarrah. After a decades-long campaign by Jewish settlers, the Jerusalem district court ruled earlier this month that six of them should be evicted. By refusing to acknowledge the Nakba, the Israeli government and its diaspora Jewish allies prepared the ground for its perpetuation.

“We are what we remember,” wrote the late Rabbi Jonathan Sacks. “As with an individual suffering from dementia, so with a culture as a whole: the loss of memory is experienced as a loss of identity.” For a stateless people, collective memory is key to national survival. That’s why for centuries diaspora Jews asked to be buried with soil from the land of Israel. And it’s why Palestinians gather soil from the villages from which their parents or grandparents were expelled. For Jews to tell Palestinians that peace requires them to forget the Nakba is grotesque. In our bones, Jews know that when you tell a people to forget its past you are not proposing peace. You are proposing extinction.

Conversely, honestly facing the past can provide the basis for genuine reconciliation. In 1977, Palestinian American graduate student George Bisharat travelled to the West Jerusalem neighbourhood of Talbiyeh and knocked on the door of the house his grandfather had built and been robbed of. The elderly woman who answered the door told him his family had never lived there. “The humiliation of having to plead to enter my family’s home ... burned inside me,” Bisharat later

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proposed that the Jewish inhabitants pay the former owners for the use of the land.

If all this sounds daunting, that’s because it is. Across the world, efforts to face and redress historic wrongs are rarely simple. Seventeen years after the end of apartheid, the South African government in March unveiled a special court to fast-track the redistribution of land stolen from Black South Africans; some white farmers worry it could threaten their livelihood. In Canada, where the acknowledgment of native lands has become standard practice at public events, some conservative politicians are pushing back. So are some Indigenous leaders, who claim the practice has become meaningless. Thousands of US schools now use the New York Times’s 1619 curriculum, which aims to make slavery and white supremacy central to the way US history is taught. Meanwhile, some Republican legislators are trying to ban it.

But as fraught and imperfect as efforts at historical justice can be, it is worth considering what happens when they do not occur. There is a reason that the Black American writer Ta-Nehisi Coates ends his famous essay on reparations for slavery with the sub-prime mortgage crisis that bankrupted many Black Americans in the early 21st century, and that the Legacy Museum in Montgomery, Alabama - best known for memorialising lynchings - ends its main exhibit with the current crisis of mass incarceration. The crimes of the past, when left unaddressed, do not remain in the past.

That’s true for the Nakba as well. Israel did not stop expelling Palestinians when its war for independence ended. It displaced close to 400,000 more Palestinians

wrote. In 2000, by then a law professor, he returned with his family. As his wife and children looked on, a man originally from New York answered the door and told him the same thing: it was not his family’s home.

But after Bisharat chronicled his experiences, he received an invitation from a former soldier who had briefly lived in the house after Israeli forces seized it in 1948. When they met, the man said, “I am sorry, I was blind. What we did was wrong,” and then added, “I owe your family three month’s rent.” In that moment, Bisharat wrote, he experienced “an untapped reservoir of Palestinian magnanimity and good will that could transform the relations between the two peoples, and make things possible that are not possible today.”

There is a Hebrew word for the behaviour of that former soldier: teshuvah, which is generally translated as “repentance”. Ironically enough, its literal definition is “return”. In Jewish tradition, return need not be physical; it can also be ethical and spiritual. Which means that the return of Palestinian refugees - far from necessitating Jewish exile - could be a kind of return for us as well, a return to traditions of memory and justice that the Nakba has evicted from organised Jewish life. “The occupier and myself - both of us suffer from exile,” Mahmoud Darwish once declared. “He is an exile in me and I am the victim of his exile.” The longer the Nakba continues, the deeper this Jewish moral exile becomes. By facing it squarely and beginning a process of repair, Jews and Palestinians, in different ways, can start to come home. ●

A version of this essay was first published in Jewish Currents. Eliot Cohen, Sam Sussman and Jonah Karsh assisted with research.

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