

A NOVEL PROPOSAL TO FACILITATE NEGOTIATIONS BETWEEN ISRAELIS AND PALESTINIANS

D. Wayne Berman, Ph.D.

November 9, 2013

(Rev. 7)

Being Jewish, I find it difficult to remain unemotional about the Israeli-Palestinian conflict. As a scientist, I try to look objectively at the unfolding events in the hope that a resolution leading to a durable peace can be found.

Notwithstanding the current round of negotiations and last year's developments (including the U.N. vote to recognize Palestine as a non-member state and the statement suggesting flexibility on Palestinian "right of return" by President Abbas), negotiations between Palestinians and Israelis have stagnated for decades, with leaders from both communities unable to compromise on the most contentious issues. Thus, Israelis continue to insist on their sole legitimate right to the land of Israel/Palestine. Meanwhile, Hamas continues to refuse to accept the right of Israel to exist and, despite last year's statements from the Palestinian Authority, the broader Palestinian community still expects an unfettered right of return for Palestinian refugees displaced from their homes during the founding of Israel and later Arab-Israeli wars.

So why does an agreement remain elusive? I believe four primary factors hinder peace. First, Israelis and Palestinians embrace radically disparate narratives about the origin of the conflict, the history that led to the current situation, the stability of the current situation, and their respective connections to the land. Absent critical thinking skills and a motivation for objectivity, it is human nature to selectively embrace "facts" favorable to one's own desires. Therefore, for any agreement to be broadly accepted, these disparate narratives will need to be reconciled. Second, Israelis and Palestinians both express an overarching fear of becoming a powerless minority under a government dominated by others and this too will need to be explicitly addressed as part of any agreement. Third, to endure, any negotiated peace agreement must be viewed as fair. Thus, fairness will need to be explicitly addressed during negotiations. Finally, because the Israeli-Palestinian conflict is playing out within the broader framework of global politics, outside influences hostile to peace also need to be addressed. These factors frustrate any superficial – and many profound – attempts to broker peace. Yet, the situation becomes more precarious daily as Israelis and Palestinians gain access to increasingly lethal weapons. Changing demographics are also narrowing options for peace. Therefore, it may be time to try a new approach to negotiation that explicitly addresses the above four factors.

Considering Fairness During Negotiation

To be viewed as fair, individuals affected by an agreement generally need to feel that they have received something of at least equivalent value for what they have given up. People may also view an agreement as fair, even if getting somewhat less, as long as they at least feel that (1) all parties to the dispute are making reasonable sacrifices and (2) the positions of the opposing party are "legitimate" (justified based on what is known about the dispute and the opposing party).

Because fairness is a perception, it is necessarily informed by an individual's personal narrative as it relates to the situation being judged. Therefore, whether any agreement is viewed as fair will be strongly influenced by the degree with which the disparate narratives of Israelis and Palestinians can be reconciled (addressed separately below).

Traditionally, principles of fairness are not explicitly considered during negotiation. Rather, as described by Game Theory, the dynamics of the negotiating process balance the relative importance (value) each party assigns to possible outcomes from negotiations against their perceptions regarding the respective strength (military, economic, or political) of each party; the stronger a party's position is perceived to be, the less that party will be forced to compromise and vice versa.

Before such negotiations can succeed, however, either the conditions associated with the conflict or perceptions must evolve until acceptable compromises by the disputing parties overlap so that an agreement can be reached. During such evolution, the discomfort of the status quo drives the parties to consider broader options for achieving their most important objectives while compromising on other goals.

The "adjustment period" required for such evolution can be substantial. In the case of the dispute in Northern Ireland, for example, the period lasted almost 80 years and that conflict was substantially less complicated because it primarily involved political control; the physical displacement of individuals from homes and land was not a major issue. Nevertheless, even that dispute is not entirely resolved. The adjustment period for the Israeli-Palestinian conflict has now extended almost as long. Given the depth of conviction on each side, it is even possible that the adjustment period for this conflict will not end unless and until Palestinians achieve military parity with the Israelis. However, given the continued violence, it would be disastrous to wait for such a development.

One important limitation to traditional negotiations is that, when the parties to the dispute possess grossly disparate strength, the outcome is seldom viewed as fair. Rather, when the compromises offered by the stronger party are unpalatable but the status quo is worse, the weaker party may acquiesce, even though they will feel coerced. This results in an unresolved undertone that may need to be actively suppressed. Subsequently, if the suppression is lifted for any reason (such as if the strength of the weaker party reaches parity with the formerly stronger party), the original agreement may be abandoned and the conflict reignited. Such considerations are particularly important when the weaker party is being dominated by the stronger party, who thus affect the conditions of the status quo while negotiations are conducted.

In contrast, an enduring peace can be achieved when the vast majority of individuals among both disputing parties view the resolution as fair so that, going forward, the political and social forces in the region serve to stabilize the solution, rather than work against it. Currently, Israel exercises political and military control over many Palestinians. Thus, if the goal is a peace agreement that will endure, it will be important to assure that the final agreement be viewed as fair by the majority of both Palestinians and Israelis. The importance of fairness should not be underestimated; the peaceful transition to Black rule in South Africa illustrates the restraint that formally suppressed parties show when the suppression abates because the agreement was viewed as fair.

Much about the dynamics of conflict that are summarized above are described by Game Theory and are well understood. In fact, analyses based on Game Theory are frequently used by negotiators to optimize their strategies during traditional negotiations. Deviations in human behavior from that predicted by Game Theory have also been described in a refinement known as Behavioral Game Theory. The refined theory suggests that human beings tend to have a strong, innate sense of fairness. Consequently negotiation strategies that are based on mutually accepted principles tend to be more readily accepted by most parties than those resulting solely from dynamic balance between value and strength. Thus, the new approach to negotiation proposed here (which explicitly incorporates consideration of fairness) has a theoretical basis. Ideally, such consideration will also substantially shorten the adjustment period that may otherwise be required before the conflict can be resolved.

Addressing Minority Fears

Israel is currently a multicultural society (with a substantial number of Palestinian citizens). Not only will this likely continue after any peace agreement is reached, but (realistically) any new Palestinian State is also likely to be multicultural (with a number of Jewish citizens). Therefore, the success of any future negotiation may depend heavily on the ability to allay legitimate Israeli and Palestinian fears of either being or becoming a minority. Moreover, I believe that the better this issue is handled, the easier it will become to address the other major issues hindering overall resolution of the conflict. This is because, if Palestinians and Israelis become more comfortable/willing to live under governments not necessarily dominated by their own cultural group, it will be easier to draw boundaries and individuals will be less demanding on where they ultimately settle. In fact, assuming this fear can be addressed, it may even be advantageous for both Israel and any future Palestinian State to remain multicultural; not only might they then serve as additional checks on one another for assuring the full enfranchisement of minorities, but this would promote a range of shared interests across the two nations not unlike the manner in which marriages between children of royal families assured shared interests between monarchies in the past.

The fear of being an out group or minority in a nation is well founded. Whether a country is ruled by a tyrannical regime (as are many nations of the Middle East, although this may be changing) or a representative government, out groups and minorities typically fare less well than their better-connected counterparts. In the case of representative governments, whether this is due to callous or careless disregard for the concerns of minorities, the outcome is frequently the same; minorities become second-class citizens.

The mechanical causes for disenfranchisement of minorities can be diverse, subtle, and may occur at multiple levels in society. The effect can be similar whether due to formal restrictions on access to resources such as land or water, restrictions on services such as education or investment capital, or restrictions on what are broadly accepted human rights such as freedom to worship, assemble, associate, work, or reside as one sees fit; whether due to bias in crafting of zoning (land use) restrictions, in acquisition of local land or resources by the government (under eminent domain rules), or in granting of such things as building or business permits; whether due to establishment of culturally biased or culturally insensitive civil laws; whether due to arbitrary or capricious application of laws; or whether due simply to official tolerance of private discrimination. Some or all of these may at least need to be acknowledged to facilitate progress in future Israeli-Palestinian negotiations.

Even ignoring the persistent violence, the track records of both Israelis and Palestinians suggest a general lack of adequate consideration for minority concerns. The Israeli government, for example, has shown demonstrable bias in granting of building permits and public funding for projects sponsored by citizens of Palestinian descent as well as in acquisition of land for government purposes and other development. For their part, Palestinians organized coercive opposition to legal purchases of land by Jews immigrating to the area in the decades prior to the formation of the State of Israel. Prior to 1967, Palestinians also restricted access by Jews to the most sacred site in Judaism: the western wall of the Temple Mount in Jerusalem.

Unfortunately, examples of successful multicultural societies (in which minorities feel fully enfranchised) are rare even among the broader community of nations. Although the recent uprisings of the Arab Spring underscore the simple truth that human rights are universally embraced (rather than being solely western ideals), many Arab monarchies in the Middle East remain among the most suppressive of world regimes. Even among Western European democracies, however, ethnocentric discrimination in housing and hiring is not uncommon. Although the United States may be among the most successful of multicultural societies, it has been an evolving process that remains incomplete. Even today, disputes with Native

Americans remain inadequately resolved, Blacks in some communities still experience bias from law enforcement and our justice system, and Muslims are increasingly targeted in the misguided belief that Islam itself drives the small minority of violent Islamists responsible for 9/11 and other terrorist attacks. That some Muslims in other nations object to our values is not a valid excuse for mistreating American Muslims either. Moreover, U.S. foreign policy has been inconsistent in supporting or protecting human rights abroad. This is not surprising, as U.S. foreign policy (as that of most nations) is driven by pragmatic self-interest (realpolitik). Still, conditions for most in the U.S. today illustrate how (at least as an ideal) minorities can be made to feel as equals.

My personal experience as a minority citizen in the U.S. is encouraging, recent developments suggesting universal government snooping aside. Although I have issues with American foreign, fiscal, and social policy, I have no fear of speaking out on any of these topics. Although I have had difficulties with zoning restrictions and building permits (among other things), I know that such difficulties have nothing to do with my ethnicity or religious persuasion. In fact, the government offices I deal with have no direct information on such personal matters. Perhaps most important, I look at the nation's military and police with the same comfort and reassurance as most in American society. Thus, despite being a member of a minority representing only about 2% of the U.S. Population, I feel I am a fully enfranchised U.S. citizen.

Interestingly, Jews in my generation are not even typically viewed as minorities. This is partially due to two myths: first, that the U.S. is a fully-integrated Judeo-Christian culture and, second, that Jews exert a "controlling" influence on the U.S. financial system. It is also partially due to the success of the struggles by Jews to obtain equality in the previous generation; my parents experienced overt discrimination in housing and the armed services, among other difficulties. Regarding staunch U.S. support for Israel, it is driven more by pragmatic considerations and even by eschatological beliefs among U.S. Christians than anything having to do with Jewish financial influence over U.S. policy.

The successful integration of many minorities in the United States and positive examples from other multicultural societies around the world suggests that the freedoms and rights of minorities can be assured. Thus, individuals need not automatically fear living as minorities embedded in a larger state. Given the rarity of successful examples, however, it is clearly difficult and will require a major effort. Among other things, it requires a properly structured government, unbiased civil codes founded on democratic principles, and active enforcement of laws prohibiting discrimination. It also requires an enlightened citizenry who understand a fundamental principle: *that I can protect my own rights best by protecting those of my neighbor*. Among other things, this means that the practice of religion or culture must ultimately be self-regulating, not a basis for regulating others. For example, the principles of the U.S. Constitution emphasize that ultimate authority should be solely by the consent of the governed, not by the scriptures of any particular "ism", and certainly not by the government.

Given such experiences, perhaps upfront acknowledgment that such things as the structures of government and civil law (both in the future Israel and in any future Palestinian State) may need to be addressed as part of the negotiation process.

Due to the extensive discrimination experienced throughout their history, understandably, Jews are particularly fearful of becoming a minority in the very nation they view as a cultural homeland. Thus, although any agreement that is reached between Israelis and Palestinians should ultimately be based on the respect and equality of all individuals, it would be helpful if Palestinians can acknowledge this particular sensitivity among Jews. For example, they might show respect for this fear by being flexible during future negotiations and thereby help to assure that the demographics of Israel will remain predominantly Jewish, *at least for the near term*. Similarly, any future Palestinian State should be constructed to be predominantly Palestinian for the near term.

Perhaps, if Israelis and Palestinians are ultimately successful at fully enfranchising minorities, in time, even the need for separate states might abate. However, the ongoing violence as well as the lack of a track record for enfranchising minorities by either community suggests that only a two-state solution appears viable, *for now*.

Reconciling the Disparate Narratives of Israelis and Palestinians

To reconcile disparate narratives, it is important to remember that internal beliefs are *not* external facts and that (in a functioning society) internal desires need to be tempered by external principles (a legal framework) and available evidence. Thus, unless disputed issues can be made concrete by linking them to external reality, the Israeli-Palestinian conflict will remain a manifestation of an intractable dispute between internal belief systems that, *by definition*, cannot be reconciled. However, considering fairness as part of negotiations (as proposed) may facilitate externalization of individual judgments about the dispute. This is because, for Israelis and Palestinians to weigh the fairness of any agreement, the legitimacy of land claims may first need to be evaluated against the available evidence within some kind of legal framework. The manner in which such an approach might be implemented is illustrated below.

Importantly, the following is presented *only* as an illustration that is intended to encourage readers to think through the logical and concrete implications of their personal beliefs. Once sensitized to the need for such self reflection, Israelis and Palestinians must necessarily find their own means of working through this effort.

A Legal Framework

Unfortunately, the rule of law cannot easily be applied to international disputes because neither a common body of law for adjudicating disputes between nations, nor a systematic mechanism of enforcement, has been established. For example, consider the myriad U.N. resolutions focused on the Israeli-Palestinian conflict, which have been well documented elsewhere. General Assembly resolutions do not hold the force of law and there is no formal mechanism for systematically enforcing Security Council resolutions. Moreover, neither Israelis nor Palestinians have wholeheartedly embraced the entire set of resolutions, choosing instead to pick among them. As illustrated by the inability to act on Syria, it is also clear that the Security Council is too easily mired in realpolitik.

Regarding national laws, unless based on the mutual consent of a majority of each party to a dispute, applying the laws of any particular nation to an international dispute would be arbitrary. Nevertheless, given the common ideals of decency that Israelis and Palestinians share, it should be possible to agree on a set of principles against which empirical (observable) evidence can be judged.

To illustrate the above, the justifications by which both Israelis and Palestinians claim title to the land appear to rely on the same two principles:

1. descendents inherit the right to inhabit and control land that their ancestors inhabited and controlled; and
2. taking of land by force from others imparts neither legitimate title nor a heritable right.

Modified to be consistent with contract law (so that upon selling of title in a free and un-coerced transaction, the seller also forfeits the heritability of their claim), the first principle above is actually common among virtually all cultures that recognize rights to private property. Typically, however, claims under such principles are only adjudicated to the extent that ownership by particular individuals can be confirmed by written record. There is little precedent for adjudication based on the incomplete record of

evidence that would be required to resolve older claims. Yet simply dismissing undocumented claims (such as those extending beyond written records) clearly creates a bias. Nevertheless, this first principle (involving the heritability of land) serves adequately here as a *hypothetical* illustration.

The second principle listed above is inferred from the following two observations: (1) Israelis appear to recognize no land claims as legitimate that derive from habitation occurring after the ancient Hebrews were forcibly expelled by the Romans and (2) Palestinians do not generally recognize the legitimacy of title gained as a result of their own involuntary displacement at the time of the creation of the State of Israel.

At least as an *illustration*, it seems that the above two principles are likely to be acceptable to the majority of Israelis and Palestinians so that they can be used to evaluate empirical evidence regarding the legitimacy of land claims. Note also that principles such as those cited above satisfy the need to be "concrete". This is because, if they were to be adopted, at least *hypothetically*, legitimacy could be based solely on (physically observable) DNA tests for familial associations or equivalent. Beyond this illustration, however, it will ultimately be the responsibility of Israelis and Palestinians to define their own set of mutually agreeable principles.

Whatever principles are defined, they will need to be applied uniformly, rather than arbitrarily or capriciously. This means, for example, the legitimacy of land claims cannot be assumed to begin at an arbitrary point in time. Similarly, all inherited claims of the same familial order (if based, for example, on blood-relationship to the ancient Hebrews or their contemporaries) must be considered to impart equal legitimacy, no matter the culture or belief system of the current inheritor.

Empirical evidence

The history of the Palestinians and the Jews (Israelis) has each been the frequent subject of both scholarly and popular texts. At the same time, much of the writing (especially in the popular literature) is of limited utility because it does not address the veracity or uncertainty (a measure of the probability that a particular piece of evidence is accurate) of the information provided. The popular literature also includes substantial numbers of adversarial works that, whether intentional or not, distort the historical record through a combination of misrepresentation, omission, and outright fabrication. Many such works are also devoted to arguments of questionable relevance. For example, arguments about "national identity" or even how any particular group "self identifies" are simply not relevant, if (for the *hypothetical* introduced above) the legitimacy of land claims are to be based on DNA or other *concrete* evidence. Lacking requirements for peer-review and formal documentation of supporting evidence, the presence of such biased works in the popular literature makes it difficult for the uninformed to distinguish fact from fiction, even if readers are trying to be objective.

In contrast, due to the requirements previously cited and other aspects of the scientific method, adversarial works that distort the historical record are somewhat rarer in the scholarly literature, although certainly not absent. However, even the available scholarly record is notoriously incomplete and has been too readily over-interpreted. The truth is our collective (human) history has been complex, brutal, and incompletely documented. Important to this illustration, for example, formal validation of blood (genetic) connections between living individuals and citizens of ancient civilizations is limited and should neither be over-interpreted nor assumed. Thus, even a comprehensive review of the scholarly literature would be unlikely to definitively resolve all issues associated with the Israeli-Palestinian conflict. Nevertheless, to continue this *illustration*, a *very* brief overview highlighting conflicting historical interpretations is presented here. This is primarily to illustrate the kinds of analysis that might be helpful

and the associated problems and limitations typically encountered; I do *not* suggest the following is in any way a complete or even a representative review of evidence, only an *illustration*.

As they are not universally embraced, the legitimacy of claims to land cannot be based on religious scripture alone. Those who take such scripture as absolute need to recognize that, to the extent that Biblical and Koranic Scriptures conflict, absent consideration of corroborating external information, there is no means for resolving the two belief systems. Such sole reliance therefore leaves no possibility for peaceful resolution of the Israeli-Palestinian conflict. Fortunately, the number of individuals who take their respective scripture as absolute appears to be small in both communities. Also religious tolerance is consistent with both Biblical and Koranic teachings in any case. Therefore, it should be possible to accommodate the views and needs of religious individuals within each community without hindering prospects for a broader peace.

Israeli (Jewish) claims to the land are based on settlement and residency by ancient Hebrews prior to being finally and forcibly dispersed by the Romans in about 135 C.E. (after the Bar Kokhba revolt). Although, many Jews identify with Jerusalem and the surrounding lands based on Biblical assertions, there is an underlying basis to such claims that is scientific, rather than religious. Settlement and residency of the area by the ancient Hebrews is well supported by both archeological evidence and historical records containing independent observations from multiple cultures (including the Romans). Thus, Jews have been trying to reclaim this area as a homeland for some 40 generations.

While questions have been raised concerning whether Jews who recently migrated to the area (between the early nineteenth century and the founding of modern Israel) are legitimate (blood-related) heirs to the ancient Hebrews, this is likely for several reasons. First, unlike many religions, Jews have never invited or encouraged conversion as a means of increasing their number. Moreover, until modern times, Jews have not been readily accepted and were typically ostracized and isolated by the cultures into which they migrated; this also restricted large-scale introduction of unrelated individuals into Jewish communities. While such information is qualitative (so that it is impossible to determine what fraction of Jews who migrated to Israel are in fact direct ancestors of the ancient Hebrews), it suggests that the majority are likely related.

Palestinian claims to the land are based on residency prior to being displaced by the establishment of the State of Israel and, for many, likely goes back substantially further. To the extent they are of genetic Arab descent, however, Palestinian association to the land of Israel/Palestine would have begun a minimum of 600 years later than that of the Jews. To the extent they are descendents of the Phoenicians, as some suggest, their claims to the land would be comparable in time to (or even predate) that of the Jews, but would more properly correspond to current day Lebanon and, perhaps, northern and coastal Israel rather than the whole of Israel/Palestine (the historical borders of which are also somewhat uncertain). Some Hebrews (and some of these other groups) almost assuredly remained in the area even after the final Roman expulsion of the Hebrews and some may have converted to other religions and adopted other cultures over time. Thus, some Palestinians may also be direct descendents of the ancient Hebrews themselves. What is not known, however, is whether or what fraction of Palestinians are blood descendents of the Phoenicians, the ancient Hebrews, or other groups who might have been living in the same area prior to (or along with) the ancient Hebrews. At least by the principles articulated above, the extent of blood relations between modern-day Palestinians and either the ancient Hebrews or groups living in the area contemporaneously would impart legitimacy to corresponding land claims at least as valid as those of Jewish claims. However, evidence suggesting the number of Palestinians who enjoy such inheritance appears to be limited so that this number is uncertain.

Regarding DNA, although not definitive, several studies suggest that many Jews (even those from Europe) are more closely related to one another and to others in the Middle East than they are to their (former) European hosts. Such evidence reinforces Israeli (Jewish) claims to the land around Jerusalem. However, one of these same studies also suggests relatively close ancestral links between Jews and at least some Palestinians. It further suggests a fair fraction of Palestinians have ties to the earlier civilizations of the area that are at least as strong as those of the Jews. If true, this would imply an equality of claims by at least some members of both communities. This latter study also suggests that a large fraction of both Jews and Palestinians may be descendants of common ancestors who lived only a few thousand years ago. Given such inferences, some researchers have even been so bold as to suggest that Israelis and Palestinians are common descendents of the civilization that the Bible identifies as Canaanites. Lacking a good DNA fingerprint for Canaanites, however, such a conclusion is necessarily speculative.

Note that the view held by some Palestinians that Europeans helped to create the State of Israel so that they could export European Jews and solve their own "Jewish" problem at the expense of Palestinians may or may not partially explain the motivations of Europeans. However, justification for Jewish claims to the land, which is based on being blood descendents of the ancient Hebrews, is independent of what the Europeans may or may not have done. Interestingly, this view does highlight the responsibility of some European nations (who are "third-parties" to the Israeli-Palestinian conflict) to compensate Jews for properties that they lost in Europe. Although some compensation of such claims has been paid, it is unclear whether such compensation is yet complete.

Similarly, beginning with the vote to establish the State of Israel, several predominantly Muslim nations in the region either expelled their Jewish population or coercively acquired the property of those Jewish inhabitants who voluntarily left. That such Jews were readily welcomed to and assimilated within Israel does not eliminate the responsibility of the governments of these nations to compensate their former inhabitants for the properties they lost. Such claims are equivalent to claims for compensation from Israel by Palestinians who were displaced by the founding of Israel; refugees are refugees. Notably, based on U.N. reports and other sources, the number of such Jewish refugees is approximately equivalent to the number of Palestinians who became refugees at the time of Israel's founding. As described below, these facts may provide opportunities to facilitate resolution of the Israeli-Palestinian conflict, provided that culpable third parties can be induced to step up to their responsibilities.

An analysis like that above (*which is intended solely to be illustrative*) may prove important because it would dispel the "solely Israeli" or "solely Palestinian" view of legitimacy that seems to be a part of so many personal narratives. Thus, this could change the basis for negotiation from one of competing claims for virtually all of Israel-Palestine to one involving negotiation over the *relative number* of legitimate claims, respectively, among Israelis and Palestinians. Presumably, this would then inform such things as how assets should be divided and what magnitude of compensation for dislocation is appropriate. This suggests that *academically trained* Israeli and Palestinian scholars might endeavor to develop a unified interpretation of the available information, although (as indicated previously) such an analysis is unlikely to be quantitative or definitive.

One can extend this *hypothetical illustration* to its logical (and *absurd*) extreme. Thus, assuming that Israelis and Palestinians accept principles like those above as a legitimate basis for adjudicating their dispute and a more quantitative comparison of the relative numbers of Israelis and Palestinians who have legitimate (bloodline) claims to the land is deemed warranted before negotiations between Israelis and Palestinians can be productive, perhaps additional DNA studies might be considered. For such a tool to be helpful, however, the interpretation of each of the possible outcomes should be predefined and it

should be agreed in advance that the results will be accepted by all. However, lacking DNA fingerprints for citizens of the ancient civilization(s) to which modern individuals need to be definitively linked, even such new studies may not provide a sufficiently quantitative answer to fully resolve the conflict.

Instead, I propose an alternative. If existing evidence suffices simply to soften the conviction of current negotiating positions, perhaps incorporating consideration of fairness in future negotiations and addressing the fears of minorities may be sufficient to facilitate progress toward a full resolution of the conflict. Acknowledging some legitimacy to all claims and basing negotiations on concrete standards of performance regarding how each community is to treat the other *going forward* may be the best recipe for peace.

Outside Influences and Favoring the Status Quo

Both Israelis and Palestinians receive substantial financial and military support from other nations who enjoy special influence in return. Clearly the biggest and steadiest patron of Israel is the United States. Meanwhile, The Palestinian National Authority (Fatah) has received varying support over time from the former Soviet Union (and now Russia) and various Muslim nations. Hamas is primarily supported by Iran.

Such influence complicates the ability of Israelis and Palestinians to entirely pursue their own interests when negotiating amongst themselves. As it would be difficult to replace the needed support, leaders of these communities carefully weigh their aspirations against those of their patrons. Moreover, spurned patrons can complicate matters by supporting vocal or even violent opposition within each community. Thus, there can be real consequences to entirely ignoring one's patrons. Such potentialities are tempered, however, by competition between existing patrons and the rise of new players, such as China, who are also interested in gaining influence in the region.

In fact, the influence of patrons may represent the biggest obstacle to resolution of the Israeli-Palestinian conflict, but not in the most obvious manner. No matter the desires of patrons, Israelis and Palestinians will ultimately act in what they perceive to be their own best interests, with due recognition of the great heterogeneity of views within each community. However, two widespread misperceptions, one among Israelis and one among Palestinians, derives from Patron support. Emboldened by the power of the sophisticated weapons provided by (or jointly developed with) the U.S. and the success of their security wall at mitigating internal attacks, a substantial number of Israelis and many of their leaders see nothing to gain by resolving their conflict with Palestinians. For now, they feel free to pursue their lives and even continue to expand settlements beyond the current borders of Israel. Meanwhile, understanding that demographic changes will soon make a two-state solution impossible, that global political alliances are changing, that the trajectory of weapons technology is unpredictable, and that the community of potential patrons is evolving, few Palestinian leaders seem ready to seriously negotiate either. But such developments also mean that time is not on the side of peaceful resolution, that the consequences of violent confrontation will eventually become larger and less one sided, and that the cost in lives and infrastructure may be devastating.

A Path Forward

It is my hope that, getting Israelis and Palestinians to think through the concrete implications of their beliefs about the conflict will induce more in each community to take the long view. This in turn could increase pressure on both sides to take negotiations seriously. Further, if an analysis of existing evidence can convince most Israelis and Palestinians to abandon the most extreme of their respective narratives (i.e., that one community or the other has inherited the sole, legitimate claim to the land), than

the other issues of the conflict can perhaps be renegotiated from a new starting position, recognizing that both communities may have some legitimate claim to at least part of the land.

If Israelis and Palestinians agree to consider the legitimacy of at least some land claims within each community, this would mean that:

- Hamas would need to recognize Israel's right to exist with no preconditions (because Jews have a legitimate claim to at least some of the land);
- Israelis would need to acknowledge a need to formally address Palestinian rights of return as part of broader negotiations; and
- Palestinian leaders would need to acknowledge that details concerning how the right of return would be implemented must be fully negotiated and that compromises will be required.

It would also be beneficial to all, if Palestinian leaders acknowledge the equivalency of the claims of Palestinians for compensation from Israel and claims by Israeli citizens seeking compensation from third-party Muslim and European states for property lost when Jews were displaced from these other nations. As Jewish refugees have already been assimilated into Israeli society, payments from these third-party nations might at least partially be used to fund compensation and resettlement for displaced Palestinians.

Given consideration of the other concerns and fears previously identified, only a two-state solution appears viable *for the near term*. Correspondingly, it may be helpful if Palestinian and Israeli leaders acknowledge the need to structure their governments, civil laws, and public institutions to fully enfranchise minorities within the borders of their respective states. Moreover, during negotiations:

- Israelis might honor the legitimacy of Palestinian claims to land, the hardship of their losses, and the nature of their fears by:
 - being generous when negotiating the magnitude of compensation and the numbers to be compensated as well as providing active logistical assistance with relocation for Palestinians who chose to return to a new State of Palestine; and
 - providing assurances of full citizenship rights, freedoms, and protections to current Palestinian citizens and those (limited number of Palestinians to be determined in negotiation) who choose to return to the State of Israel; and
- Palestinians might honor the legitimacy of Israeli claims to land and the valid fears of Israelis of becoming a minority in their own nation by:
 - agreeing to primarily accept compensation and returning to a new Palestinian State with only limited numbers returning to Israel; and
 - providing assurances of full citizenship rights, freedoms, and protections to any Jewish residents who choose to remain within the final borders of a new Palestinian State.

Both communities should then weigh the fairness of any agreement primarily by the degree with which each party works to assure full enfranchisement of the other *going forward*.

Among other things, the new approach to negotiation proposed here suggests that focusing initially on resolving issues concerning Palestinian right of return might be more promising than starting with other issues. At the same time, this in no way suggests that the other issues hindering peace efforts do not remain as important. Thus, for example:

- Israeli security concerns still need to be addressed and this will necessarily affect the manner in which borders are drawn between Israel and any new Palestinian State (among other things); and
- The final status of Jerusalem will also need to be decided.

The approach to negotiation proposed here is intended to facilitate creative thinking toward all of the issues that heretofore presented obstacles to peace. Yet, ultimately, the Israelis and Palestinians themselves must define the details of whatever agreement they negotiate.

I know from reading on psychology as well as from personal experience both internally (struggling with my own evolving world view) and externally (observing the behavior of family and friends during the occasional, heated debate on cultural topics) that reexamining and modifying one's personal narrative is difficult and can be emotionally wrenching. It also requires critical thinking, a skill that must typically be learned. Thus, strong leadership (who themselves recognize the value of peace) may be required to facilitate the reconciliation process. Unfortunately, leaders almost everywhere (including both sides of the Israeli-Palestinian conflict) sometimes further their own aims by pandering to the widespread myths and emotional fears of their constituency.

Perhaps more farsighted community leaders may need to step up to the task of facilitating open exchanges of ideas, if an enduring peace is ever to be achieved. Confucius recognized the need for such leaders, individuals who genuinely hold the needs of the community above their own and who are self-regulated to avoid exploiting a situation. Confucius called them "gentlemen" and I should add that the gender-specificity of this reference should be considered solely a historical artifact.

Finally, perhaps the best solution would be to encourage all nations to modify their government structures, civil codes, and public institutions to encourage the full enfranchisement of all minorities. Such changes would mitigate (although not entirely resolve) many disputes around the world in addition to the Israeli-Palestinian conflict. However, such a solution is clearly beyond the control of the Israelis and Palestinians and they need to focus first and foremost on themselves.