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# Kantian Rights and the Zionist Settlement in Palestine

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**Abstract:** Zionism aimed to establish a national home for Jews in Palestine. It involved settlement of Zionist Jews in the region, despite facing resistance from many local Arabs. Was the unilateral Zionist settlement morally permissible, or was it an instance of wrongful colonialism? Three objections will be discussed here and they all stem from the Kantian ethics of state-building and the minimalistic conception of statehood that follows from it. According to the ‘neutralist objection’, the establishment of a national home is not a just cause for a state building project. The ‘cosmopolitan’ objection argues that unilateral settlement is permissible only in extreme circumstances and that typically, it violates the locals’ right to self-rule. Finally, the imperialist objection argues that Zionist unilateralism exploited the wrongful colonial rule to which Arab Palestinians were subject. I will show that no Kantian objection to Zionism is decisive.

**Keywords:** Kantian rights; Arthur Ripstein; Lea Ypi; colonialism; liberal Zionism; state-building projects

## 1 Introduction

Nothing can justify or excuse the way Hamas conducted his attack on Israel on October 7th. Nothing can justify or excuse the massacre of men, women and children, their violation, and their torturous captivity. The October 7th massacre was a clear manifestation of one of the worst forms of radical evil that humans are capable of. This is because the perverted treatment of men, women and children served no further goal even in the distorted minds of its predators. Instead, it manifested their dark hatred and thoroughly corrupted anti-Semitism. Now, in principle, violence against innocents can be justified or excused. You might think that the injustice involved in the Israeli occupation in the West Bank, and in the siege that Israel

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and Egypt imposed on Gaza is a just cause for war. You might believe that, in some circumstances, targeting military objectives, targeting civil society, and kidnapping individual soldiers/civilians as well as other kinds of terrorism might be effective in promoting the aim of ending an unjust occupation. I don't share most of these beliefs, but even if these and other beliefs concerning the Israeli-Arab conflict were all true, and even if you believe that certain types of terrorism might be justified or excused as a means of fighting some of these injustices, they cannot justify or excuse the October 7th brutality.

A simple comparison may shed light on this issue. Suppose the USA and its white citizens bear some responsibility for historical slavery and its ongoing repercussions. Now imagine a terrorist attack targeting wealthy white children in Beverly Hills as a means to address this injustice. While nothing can justify an attack on innocent children, the perpetrators might be partly excused, as this violence could mitigate the lingering effects of slavery. However, consider another terror attack involving rape and necrophilia, driven by a perverse racist and class-based hatred against whites and capitalists. This hatred is divorced from any legitimate grievances related to slavery injustices. Thus, it would be a mistake to appeal to the responsibility of American upper classes or whites to excuse such an attack.

The relation between the Hamas agenda and the Israeli-Arab conflict is weak in another important respect. Hamas operates as a jihadist movement with the goal of eliminating *Jewish* sovereignty from Palestine. As its 1988 treaty puts it, "Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it" (Charter of Hamas 1988, but compare Hamas 2017). Even if Zionism were considered a just political movement by liberal anti-colonialists, Hamas would aim to abolish it. The Hamas ideology resembles Bin Laden's al Qaeda agenda, who aimed to rid the Arab peninsula of Western influence, and the agenda of the Islamic republic of Iran, and its proxies, that fight against any non-Muslim political presence in the Middle East (Arjomand 2016; Gunaratna 2005). The Hamas treaty makes clear that, in its eyes, the state of Israel has no right to exist in the area in virtue of being a Jewish state. Hamas explicitly propagates for ethnic cleansing.

Still, the history of the Israeli-Arab conflict might be reasonably believed to be relevant to the October 7th pogrom. Think of the unilateral Zionist settlement in Palestine before and after WWI and the injustices these settlements brought about. Think of the *Nakba*, viz., the expulsion and the fled of two thirds of the Arab residents of Palestine in the end of the 1948 war, and the 'Naksa', viz., the occupation of Gaza and the West Bank of the Jordan river in the 1967 war and the expulsion of Palestinian Arabs in its aftermath. Think of the prolonged occupation of the territories Israel controls following the 1967 war, and of the Palestinians who live without political rights in these territories (Segev 2008). Critics treat all these events and outcomes as involving wrongs for which the Zionist movement and the state of Israel

are responsible; the despair, poverty, and sense of humiliation resulting from these failures are contributing factors to the success of Islamist fundamentalism in winning the support of many Arabs. According to this analysis, the wrongs committed by Zionism over the last century or so have created a context in which a violent, sadistic anti-Semitic terror organization can recruit many Arab Palestinians (for a dominant voice, see Butler 2023).

Now, I consider the right of Israel to exist as self-evident, and I view Hamas's genocidal agenda as another manifestation of the evil of this organization. But I realize that Israel's legitimacy has been challenged by many of Israel's Arab opponents. The 1917 Balfour Declaration and the 1922 Mandate for Palestine, which endorsed it, became central points of contention between Zionists and Arab critics of Zionism. Soon after the approval of the Balfour Declaration, Arab opponents of Zionism presented it as a violation of the rights of Arabs to self-determination in Palestine. The clashes in Palestine in 1920, 1929, and 1936 involved protests against Zionist settlement efforts that was supported by the Balfour Declaration. In line with this perspective, the PLO called for the expulsion of all Jews who immigrated to Palestine after 1917, the year in which the British government endorsed the declaration (Sela 2014). Contemporary historians often view Zionism as a colonialist movement, largely due to the support it received from major powers as articulated in these documents. The objective of this essay is to challenge the conviction that the early pre-1922 Zionist settlement was wrongful and that its wrongfulness accounts for the prevalence of the Hamas agenda (the historical details in this paragraph rely on Shapira 1999).

Obviously, Israel's post-1967 occupation and its settlement in the Gaza and the West Bank that followed the occupation, are closer causes for the Hamas phenomenon. I won't try to address these closer causes here. Suffice it to say that Israel's occupation created two legal systems in the territories occupied by the 1967 war – one for Jewish settlers in these territories and one for Palestinians. The settlements are obviously discriminatory and oppressive, and as such, might constitute a just cause for independence war. It should also be noted that attempts to end the occupation have failed and that responsibility for this failure lies with many, on both sides.

The perspective of a prominent critic of contemporary Israel, Chaim Gans, merits special attention. Referring also to pre-1922 Zionist settlement in Palestine, he contends that Zionists had an obligation to “acknowledge,” “appease,” and “compensate” the Arabs of Palestine for establishing a national home for the Jews in Palestine (Gans 2008, 50). Gans emphasizes that while some Zionist unilateral settlements in Palestine may have been justified due to the persecutions and discrimination Jews faced, this justification is only partial and incomplete. Drawing an analogy to a well-known legal doctrine, Gans observes that necessity and duress may permit the use and damage of another person's property, and still, the

perpetrator remains liable to compensate the victim for any harm caused (Ripstein 2009, 131). Similarly, he stresses, the Zionist settlement was justified *ex ante* only if, *ex post*, Zionists addressed and rectified the injustices inflicted upon Palestinians; Chaim Gans centralizes this element in justifying Zionism (Gans 2008, 77). It appears that even liberal Zionists whose vision Gans's Just Zionism describes neglected to recognize the moral flaws inherent in the Zionist settlement in Palestine. It might be argued that this failure fostered resentment that facilitated the success of Hamas.

In examining this explanation of Hamas' popularity, it's crucial to assess the degree of responsibility borne by actors within and beyond the region for the adversities, the hardships, and the injustices that have escalated the Israeli-Arab conflict to its present state. Of course, conducting a normative inquiry into the extent of responsibility borne by the Zionist movement, the state of Israel, the Palestinian Arabs, and their political leadership(s) for the conflict between Arab Palestinians and Zionist Jews is a substantial undertaking. This essay partly addresses one fundamental issue: the unilateral Zionist settlement in Palestine from the late 19th century until 1922, when, following Britain's Balfour declaration, the League of Nations expressed support for establishing a Jewish national home in Palestine. Arab leaders have characterized early Zionism as an unjust or illegal colonialist endeavor. Arguably, the prevalence of the jihadist and anti-Semitic agenda in Palestinian society is partially explained by this accusation.

The accusation has been bolstered by arguments rooted in nationalism and territorial rights, which I should briefly outline. According to the nationalistic objection, by settling in Palestine, Zionists infringed the right of the Arabs of Palestine to national self-determination. The power to determine the way Palestine would be reigned will belong to the Arabs of Palestine, "and it will be for them to decide to whom it placed in the entrusted" (Gandhi 2008, 785). The argument from territorial rights draws upon the moral principles articulated in the United Nations' 'Declaration on the Granting of Independence to Colonial Countries and Peoples' of 1960, which asserts that "all peoples have an inalienable right to complete freedom, the exercise of their sovereignty, and the integrity of their national territory" (United Nations 1960).<sup>1</sup> Critics of Zionism contend that Zionist settlers violated this fundamental principle. While I have addressed some iterations of these arguments elsewhere and plan to delve into them more extensively in the future (Benbaji 2021), I set them aside for the present discussion and focus in this essay on Kantian theories of colonialism.

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1 Quoted in Ypi 2013, 159.

I will argue that when applied to a plausible historical analysis of the relevant period, Kantian theories of colonialism suggest that typically, the Zionist settlement in Palestine up until 1922 did not perpetrate colonial wrongs against Arab Palestinians.<sup>2</sup> These Kantian theories imply, contra Gans, that Zionists were not obligated to acknowledge or compensate Palestinians for early Zionist settlements in Palestine. The success of jihadist propaganda may therefore stem from a distortion of the principles and intentions behind the Zionist vision and its implementation.

The essay is structured as follows.<sup>3</sup> Section 2 elaborates a brief overview of a Kantian approach to the wrongfulness of settler colonialism. It then presents a historical narrative that forms the basis for my Kantian analysis of the (in)justice of the unilateral Zionist settlement in Palestine during its initial phases. In subsequent sections, I present three specific objections to the unilateral Zionist settlement derived from the Kantian approach to unilateralism and private force. Relying especially on Martin Stone and Rafeeq Hasan's recent analysis of provisional rights in the state of nature (Hasan 2018; Hasan and Stone 2022), I demonstrate that all these objections are inconclusive. Section 3 presents 'a neutralist objection', which I base on the Stilz's and others' reading of the Kantian approach to state-building; Section 4 presents 'a cosmopolitan objection', based on Lea Ypi's reading of Kant's critique of settler colonialism; Section 5 offers 'an imperialist objection' based on Arthur Ripstein's reading of Kant's judicial approach to imperialism.

## 2 A Kantian View of Colonialism and the Zionist Settlement in Palestine

Some observers classify the Zionist movement as a settler colonialist movement, presupposing that settler colonialism is wrong, despite the fact that in many cases settlers were not supported by a distant political center imposing foreign authority over the local population (Ram 1999; Shafir 1999). While settler colonialism is commonly viewed as objectionable, the precise nature of its wrongness remains unclear. Western and non-Western colonial endeavors committed atrocities like burning down native settlements enslaving entire populations, exploiting natural resources, and practicing racial discrimination. Yet, these actions are morally reprehensible regardless of colonialism. The ethical critique of settler colonialism should center on a different issue, namely: whether the *unilateral* settlement of outsiders in an occupied territory is unjust and if so, why.

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<sup>2</sup> I mainly rely on the interpretation of Kant's political philosophy in Ripstein 2009.

<sup>3</sup> This essay revises and enriches some of the arguments I offered in Benbaji 2021.

Contemporary interpreters of Kant's political philosophy offer an attractive answer. In settling in an occupied region and imposing a *new* regime over the individuals already residing in it, settlers hinder the freedom to which these individuals are entitled. They hinder the locals' freedom even in case the locals were living in a state of nature, or under a temporary transitional regime, or under an illegitimate regime that warrants replacement. Indeed, settler colonialism wrongs locals even if the political framework that settlers envision is perfectly just.

Note that, interestingly, Kantians stress that stateless individuals living side by side in the state of nature *are* under a *coercible* duty to enter a civil society. They are obliged, under coercion (if necessary) to establish a legal framework that determines and protects their freedom from being constrained by each other's choice (however, see Flikschuh 2008, 389–93). Most Kantians maintain, however, that even in the state of nature, coercing stateless individuals or ethno-national groups is justifiable only as a last resort. The moral principle allowing private force would condemn coercion in all cases except when it's necessary to eliminate lawlessness (Hrushka 2004; Ypi 2013, 2014). The Kantian objections discussed in the following sections all originate from the following fundamental Kantian principle. Unilateral judgement and private force are always morally defective, and typically morally unacceptable. Settlers guided by the permission to impose on locals a fully liberal state are subject to strict limitations. And the Kantian objections discussed below imply that the Zionist settlement in Palestine transgressed these limitations. My responses will demonstrate that most Kantian objections to Zionism are inconclusive.

The historical narrative of Zionism analyzed here is mainly based on the recent work by Dmitry Shumsky (Shumsky 2018). Shumsky's research suggests that in its early period, Zionism's requirement for Jewish self-determination has been an element of an egalitarian agenda, according to which each ethno-cultural nation has an equal right to self-determination. The leaders of Zionism, particularly Vladimir Jabotinsky and David Ben-Gurion, treated Palestine as a homeland of the Jewish people and inferred that Jews are entitled to a national autonomy in it. Nonetheless, they viewed Palestine as the homeland of the Arabs of Palestine, acknowledging their equal right to political and national self-determination. Before World War I, Jabotinsky and Ben-Gurion regarded an improved Imperial multinationalism, imperfectly exemplified by the Ottoman Empire and Austro-Hungary, as a suitable framework for Jewish autonomy. After World War I up until the Arab revolt that began in 1936, they envisioned a binational state like Czechoslovakia as an effective means of safeguarding the rights of Arabs and Jews to self-determination in Palestine. Their objective was to attain Jewish demographic dominance in a specific area of Palestine as part of Zionist Jews' attempt to advance their shared culture and to preserve their national identity. Zionists reasonably believed that the

pursuit and development of their shared cultural values could be efficiently achieved only within a national autonomy under a liberal state (for philosophical defense of the morality of this plan, see Benbaji 2020b). They opposed civic nations that aim to assimilate ethno-cultural identities in a ‘melting pot’ viewing such practices as oppressive and disrespectful.

Another important factual assumption underlying my narrative is that up until 1922, where the West supported a Jewish national home, Palestine could accommodate two national autonomies or two separate nation states. Furthermore, it is assumed that the property rights of individual Arabs did not pose an obstacle to such a solution. There were sufficient unowned territories in Palestine, and many Arab Palestinians who were willing to sell their lands to Zionist Jews. Out of respect to their way of life, minimalist Zionism aimed to minimize the harm to peasants whose moral claim over the lands they cultivated (but did not own) was legally unprotected (Gorny 1985, 48–51; 173–74; Porath 1974). This assumption is quite important. Recall, Zionism struggled for a national home in Palestine within a neutral state, under the assumption that members of ethno-cultural groups are entitled to live together in their homeland, and that the sovereign of the land ought to treat all such groups with equal respect and concern. Since Palestine could have contained two national homes, Zionism can be implemented without rights violation, discrimination or expulsion. In light of these assumptions, the Kantian concerns that I will address are all focused on the way the Jewish settlement in Palestine was implemented, rather than on the justice of the outcome minimalist Zionism envisioned.

Admittedly, the political arrangement envisioned by early Zionist thinkers and leaders differs significantly from the binational states they referred to. Three main distinctions are notable. Firstly, the cultural disparities between the groups in Czechoslovakia (say) were not as profound as those between Zionist Jews and the Arabs of Palestine. Secondly, Czechoslovakia did not undergo a national settlement by a group of outsiders aiming to establish a political framework to protect and promote their separate national identity. Thirdly, the Arabs of Palestine may have leaned towards a non-liberal state in which Islam plays a prominent role. They might have preferred a decent non-liberal state, akin to Rawls’s fictional state of Kazanistan, which seems entitled to full membership in the society of states.

Let me take these points one by one. First, the Zionist vision that Shumsky describes might have been unrealistic, but as a matter of fact it was inspired by models of multinational and binational states. Zionists envisioned a multinational state, which appeared feasible given the cultural diversity of the Ottoman Empire in the region and the movement of populations that occurred before and after WWI. Second, while the legal right to self-determination emerged after World War I primarily through the actions of Western superpowers dominating the League

of Nations, many significant groups in the Arab world, notably the Hashemites, also adopted this concept in their struggle for a new legitimate political framework in the region (Shlaim 1988). Zionists could have reasonably hoped to establish a political framework that accommodated the cultural differences between Arabs and Jews. Consider the third point. It turns out that the profound differences between the political aspirations of Arabs and Jews made the binational vision unattainable. Post the Arab revolt during 1936–1939, an alternative solution for Palestine has been pursued, a two-state solution.

My narrative raises important questions about the nature of early Zionist vision. Particularly, it's worth examining whether the first Zionist thinkers can be accurately characterized as liberals. Zionists aimed for demographic dominance within Palestine and this seems to contradict the liberal principle of political equality. Moreover, the concept of community rights, invoked by early Zionists, may also pose challenges to the idea of a neutral liberal state. Before addressing these worries, a preliminary note: I am not attempting to answer a pressing question regarding whether the vision that guided the founding fathers (as described by Shumsky) has been fully realized in the state of Israel. The extent to which Israel can be classified as a liberal state is a topic of debate, especially considering the military rule during its early years until the mid-1950s, as well as the subsequent occupation following the events of 1967. However, contemporary Israel is not directly relevant to my current discussion. In evaluating the early Zionist settlement, we should focus on the actions, intentions, and plans of the first Zionist settlers/visionaries during that period.

Turn then to the liberalism of the founding fathers, according to the historical narrative presented here. I stress that many early Zionists were liberals who envisioned a 'neutral' state, yet one that still recognized communal rights for national autonomies. This interpretation of neutrality was advocated by Rawlsians like Will Kymlicka and, notably, Allan Paten (2014), who redefined neutrality as evenhandedness. While liberal Zionists aimed for a political framework that upheld full equality in terms of individual and communal rights, they also sought legal authority to partition the territory of this state along ethno-cultural lines. They aim to achieve demographic dominance in certain areas within Palestine. I suggest that this indicates that they equated neutrality with evenhandedness. Like other liberals, they believed that governments could permissibly provide support to specific communities as long as it did so equitably, without exercising coercion, and without showing favoritism or discrimination. For instance, the government might offer tax exemptions or funding for ethno-cultural institutions or programs, ensuring that such support was equally accessible to all recognized groups without preference for any particular one. As I understand Shumsky's analysis, then, first Zionists envisioned a neutral, i.e., an evenhanded state.

The assumption that Palestine could have contained two states, Arab and Jewish, is plausible. In the early 1920s, the absolute number of Arabs between the Jordan River and the Mediterranean was so low that they could have easily accommodated Jewish immigration without significant interference to their way of life, culture, or religion. In 1890, soon after Zionist settlement began, there were approximately half a million Arabs in the territory, and by 1917, this number had increased to 600,000 – roughly the population of Tel Aviv today. Clearly, there was ample room for Jews to settle in the land and enjoy some degree of autonomy. Success for the Zionist movement would have involved bringing a million Jews to Palestine. With such small numbers, a fair partition would have been feasible if both parties were willing to accommodate each other (Ben-Arieh 1979). In the 1922 Mandate for Palestine, the drafters envisioned a partition of the land along these lines: “[T]he Administration of Palestine [...] shall facilitate Jewish immigration [...] and shall encourage close settlement by Jews on the land, *including State lands and wastelands not required for public purposes*” (emphasis added).

According to the narrative assumed here, there were maximalist voices within Zionism. A major Zionist leader, Israel Zangwill, for instance, supported the transfer of Arabs as early as the turn of the 20th century. Zangwill is credited with coining the phrase ‘melting pot’ and was one of the originators of the melting pot ideology. He believed that assimilating immigrants from various religions, nations, and groups into a homogeneous civic identity, free of internal complexity, was the only way to stabilize a political framework. As he later put it, “I know that in your Eastern Europe there are 10 nationalities in every district [...] we in the West consider it a disease that permits of no cure. [...] If we get Palestine, the Arabs will have to ‘trek’” (Shumsky 2018, 169–70).

The Arab community in Palestine and in the region comprised a similar mixture of minimalists and maximalists (I rely especially on Cohen 2008, 66–94). Arab maximalists opposed any non-Arab presence in the region, while Arab minimalists looked for a just egalitarian arrangement that treats both Arabs and Jews as equal. Maximalist Arab leaders asserted that Palestine was an exclusively Arab land, from which Westerners, particularly Jews, should be excluded. Some maximalists were anti-Semites, rejecting the very idea of a national home for Jews in particular. In contrast, minimalist Arab leaders were concerned that a national home for the Jews in the region may dilute their national identity or result in intense economic and cultural competition. They also feared the national tensions exacerbated by the maximalist voices present in both the Zionist movement and their own community.

Finally, the narrative I adopt regards 19th- and 20th-century Palestine as a territory whose sovereignty needed to be either changed or legitimized. This was because it was ruled by an empire (the Ottoman Empire) that failed to adequately

represent its citizens, or controlled by a foreign power (the UK) under a mandate to ensure self-governance in Palestine. I will provide a Kantian analysis of these circumstances, drawing heavily on the Kantian approach to the state of nature. Specifically, I will argue that the Kantian ethics of state-building in the state of nature closely resemble the ethics of state-building in circumstances where illegitimate or transitory sovereignty needs to be replaced.

The historical narrative I find plausible is admittedly controversial. According to another widely accepted narrative, the Zionist movement is inherently non-egalitarian, discriminatory, and even racist. Some Zionists tended to disregard the very presence of the Arabs of Palestine, while others intended to either expel them or reduce their standing to a second-class citizenship within a Jewish nation-state. Thus, after the death of the founder of Zionism, Theodor Herzl, Chaim Weizmann became a key figure in the Zionist movement as the president of the World Zionist Organization. He utilized his political acumen to persuade the British Government to endorse the establishment of a national home for the Jews in Palestine. His notable political accomplishment was the Balfour Declaration – the document in which the UK expressed its unequivocal support for this initiative. The historian Avi Shlaim argues that Weizmann and his collaborators in the British government paid no attention to the rights of Arab Palestinian in Palestine. The drafters stated that “nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine” suggesting to readers like Shlaim that “in British eyes, the Arab majority had no *political* rights” (Shlaim 2005, 253).<sup>4</sup> Similarly, Tom Segev reads Ben-Gurion’s call for Hebrew labor as an expression of the desire to displace of Arab workers and the control of the labor market. He finds there a hidden agenda: ethnic cleansing. ‘Hebrew labor’ is part of the attempt to expel the Arabs from their villages. Segev argues that this early plan endured till the 1948 war, during which the systematic scheme to expel the Arabs had matured (Segev 2017).<sup>5</sup>

Based on Shumsky’s recent meticulous research, the historical narrative presented here relies also on Zionist and Jewish historians such as Anita

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4 Or as Shlaim puts it in another place, “Weizmann ... did not accept [Arab Palestinians] as equal partners in negotiations on the future of the country. According to him, these negotiations had to be conducted exclusively between Britain and the Jews” (Shlaim 2001). This narrative presents David Ben-Gurion in the same light. According to Shlaim, Ben-Gurion was insincere in proclaiming that “the Arabs of Palestine did not constitute a separate national entity but were part of the Arab nation and that, moreover, there was no inherent conflict between the interests of the Arabs of Palestine and the interests of the Zionists” (Shlaim 2001, 18).

5 See Francine Klagsbrun’s 2019 NYT review and her comment on Segev’s non-charitable interpretation (<https://www.nytimes.com/2019/09/25/books/review/a-state-at-any-cost-tom-segev.html>). For a much more reasonable interpretation, see Teveth 1985, 66.

Shapira, Benny Morris, Hillel Cohen, Yosef Gorny, and others. These historians reject the Shlaim/Segev view of Zionism, considering it to be one-sided. Consequently, the Kantian objections explored here do not dispute the normative convictions underlying the liberal vision attributed to the first Zionist leaders by Shumsky. Instead, they argue that Zionists were not justified in advancing their vision by unilaterally or forcibly settling in Palestine and establishing a new political society there. The Kantian objections stress that Zionist unilateralism wronged Arabs of Palestine, who refuse to allow it. It wronged them not because the Zionist vision would result in an unjust outcome but rather, because its implementation involved rights violation. As noted, I will demonstrate that this conclusion is too hasty.

### 3 A Neutralist Objection to the Zionist State Building Project

The first Kantian objection to Zionism that I will explore in this essay is the ‘neutralist objection’. The objection draws a distinction between permissible coercion exerted by locals in establishing a rightful condition or a just state, and an impermissible coercion employed by outsiders, who settled in the land and establish a rightful condition there, as part of a larger national, economic or missionary project. Like permissible state-building projects, colonialist state-building projects do not necessarily disrupt, or interfere with a pre-existing just or unjust state. Moreover, a state building project might well be egalitarian: settlers envision a politically neutral and fair society as advocated by Rawls’s political liberalism or Ripstein’s Kantian minimalism (Ripstein 2009, 192–98).<sup>6</sup> The neutralist objection renders such projects nevertheless flawed. It stresses that *insiders* might coerce their neighbors into a rightful condition, whereas outsiders might not.

Why? The Kantian answer is quite suggestive. The private coercion exercised by private individuals based on their private judgement ought to be guided by a single idea: creating a civic condition in which unilateral use of force based on private judgements is illegal. That is, private force is legitimate only if its agent’s only goal is to abolish lawlessness, and thus to correct the defects in the state of nature, by establishing a public which determines and protects the private freedom of citizens. As Stilz’s Kant puts it, “a group of people have a reason to unite in a state solely because of their proximity and mutual interaction” (Stilz 2009, 207). Thus, “[s]ince

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<sup>6</sup> For Ripstein, the ultimate goal of any state-action ought to be related to the freedom of individuals. My understanding of the ideal of neutrality is close to the one Jonathan Quong 2011 offers, especially chapter 1, and to Allan Patten’s reinterpretation of this ideal: 2014, 104–37.

European settlers are not unavoidably side by side with the indigenous peoples of North America they can claim no right to enforce the [natives'] political duties" (Stilz 2014, 203). The same idea underlies Kantian minimalism with respect to public force: a state's use of force is permissible, only if its aim is to secure and enhance freedom and political participation (Ripstein 2009, 192–98).

Alas, colonizers' aims go far beyond this. Clearly, they initiate a state-building project as a means to ends that are not linked to the deficiencies of the state of nature. Settlers seek a new political framework in their pursuit of happiness and/or a better religious/national life, and/or greater political influence. Even if they aim to achieve these objectives by creating a political system that is perfectly neutral and egalitarian, justice is not their ultimate goal. The objector stresses that locals are under no duty to collaborate with newcomers in promoting newcomers' agenda, and newcomers have no right to compel locals to pursue contingent (freedom-unrelated) ends.

The Zionist state-building project aimed to promote certain national and cultural values rather than solely to secure the private sovereignty of citizens over themselves in a self-governed political society. Hence, the coercion they used in establishing a political society was not initiated by 'nature' or 'chance', but rather 'by will' (Stilz 2014, 203). Specifically, while liberal Zionists struggled for a political framework which is fully egalitarian in terms of individual and communal rights, they required a legal power to divide the territory of this state along ethno-cultural lines, in a way that will enable them to demographically dominate parts of its territory. Thus, Zionism was not only about determining and protecting freedom, abolishing the threats to private freedom imposed by private judgment and private force, and securing political participation. According to the neutralist objection, demographic dominance that allows an efficient provision of cultural public goods cannot permissibly be a cause for state-building projects.

The neutralist objection reads, then, as follows: Individuals who share a culture or national identity have no right to use force in establishing a new state in a distant occupied territory with the purpose of living together and practicing their shared values more effectively. In some circumstances, private people might have a right to compel others into a rightful condition. But, in all such cases, coercers should aim to free the coerced from their dependency on their unilateral judgement by founding a public that determines, protects and enhances their freedom. In no circumstances is it permissible to coerce people to participate in promoting other people's shared conception of the good.

I divide my response to the neutralist objection into two. The first part shows that Kantian minimalism might support nation-state building projects and, moreover, that such projects might permissibly interfere with existing political frameworks. In the second part I will suggest that liberal Zionism should reject Ripstein's

Kantian minimalism. I will argue that states' legitimate goals might go far beyond the private freedom of their citizens.

To see why the first proposition is true, observe that consensual secessions are state-building projects intended to divide the territory of an existing state along ethno-cultural lines. True, Kantian theories of state building suggest that such secessions are typically impermissible. Individuals whose private freedom is already guaranteed within an existing rightful condition should generally not be compelled to transition into a different rightful condition. In other words, secessions – creating two distinct rightful conditions out of one – typically wrong the citizens who object to them. I contend, however, that the Kantian ethics of state-building might nevertheless support some secessions along ethno-cultural lines. It might endorse replacing an existing binational state with two separate nation-states in a manner that would entail some 'binationalists' being compelled to choose one of the nation-states.

Consider the 1993 peaceful and procedurally fair separation of Czechoslovakia into the Czech Republic and Slovakia (Innes 2001). The negotiations leading to the split were conducted under the impression of the deep effects of the Velvet Revolution and the end of communist rule. The decision to separate was reached on behalf of all citizens involved by the legitimate representatives of both groups. However, few Czechs and Slovaks expressed concerns about the potential economic, social, and cultural consequences of the split. Some Czechoslovakian identified strongly with the idea of Czechoslovak unity. Thus, even this peaceful and procedurally fair secession involved interfering with pre-existing rightful conditions and – almost inevitably – coercing opponents into new rightful conditions.

Kantian minimalism suggests that separation driven by a desire for greater recognition of cultural and historical differences between the Czech and Slovak populations is unjustified. It would nevertheless support the Czechoslovakia secession if the profound animosity and lack of trust between Czechs and Slovaks compromised the ability of Czechoslovakian institutions to effectively protect individual rights and ensure fair political representation. A state lacking popular support is less likely to achieve stability and (as a result) fulfill its fundamental duty of safeguarding and advancing the equal freedoms of all citizens. Kantians therefore might advocate for a two-state solution as a means to bolster the protection of private freedom and political representation. I should clarify that I'm not trying to draw a direct comparison between the Zionist vision and the vision that prompted the Czechoslovakian secession. Rather, my intention is to underscore that Kantians permit the replacement of an existing legitimate political framework through coercion and that, therefore, they should allow coercion in cases where a new political framework is necessary because the existing one is transitory or illegitimately imperial.

Now, stability-based considerations might suggest that the empires should have prohibited Jewish immigration to Palestine. Allowing Jewish settlement in a region inhabited by another nation inevitably undermined the stability of the future self-governing state that the League of Nations and the United Kingdom sought to establish. However, this argument against Zionist settlement requires additional factual details to be successful. The objector must demonstrate that the rightful condition Arabs would have established in Palestine would have been more stable than the multi- or binational state Zionists advocated for. Until 1922, when the League of Nations embraced Britain's support for a national home for the Jews, such a prediction lacked basis. The region was fraught with numerous conflicting interests, including the tribal structure of traditional societies, divisions between peasants and modernized/westernized effendis, the interests of different Arab groups in Palestine, Syria, Iraq, and Transjordan, and the conflicting interests of Western superpowers, all contributing to sharp tensions (Osherov 2021; Shlaim 1988). Ex ante, there was no reason to believe that the allowing Jewish settlement would have a uniquely destabilizing effect.

Thus, in freeing Palestine from a foreign rule, Arab Palestinians had to enter a new self-governed state. Such a transition required employing extralegal force against individuals who support the existing (illegitimate/transitory) regime, prefer another rightful condition, or oppose any rightful condition altogether. The Zionist solution involved extra-legal coercion, much like any other proposed solution for Palestine during this period. Kantian minimalism implies, then, that Zionists were entitled to pursue a new political framework, which secures maximal representation and maximal neutrality. The case of Czechoslovakia demonstrates that, under certain factual circumstances, Kantian minimalism would suggest that advancing ethno-cultural dominance in a particular territory constitutes a just cause for a state-building project. This justification arises when demographic diversity effectively compromises the protection of Kantian freedom and undermines adequate political representation.

The second part of my response points to what I take to be a weakness in Kantian minimalism. As liberal Zionists conceive statehood, a state is empowered to assist citizens to cooperate in promoting the interests that some of them share. A state could permissibly offer public goods, address coordination problems, and/or promote distributive ideals, as long as it maintains its evenhandedness. In particular, the state that Zionists struggle for is entitled to assist its Zionist citizens to demographically dominate a significant territory within it, as far as it offers the same type of assistance to all citizens. Contra Ripstein, I believe that Kantians have no reason to oppose these initiatives. Individuals and voluntary organizations, such as churches, private schools, clubs, and communes, should have the freedom to pursue

ideals unrelated to freedom. And, as long as there is no coercion or unjust inequalities involved, state structures could be designed to support the efficient realization of citizens' shared visions of the good. At least *prima facie*, a state that does so is as protective of the Kantian rights against both public and private coercion as Kantian minimalism would like it to be, as it functions primarily as a mediator between willing citizens who require its assistance to collaborate effectively.<sup>7</sup>

If this analysis of the Kantian duty of neutrality is accurate, then despite the neutralist objection to the contrary, Zionists might have strived for a state that would allow them to collaborate in preserving their language, commemorating Jewish history, and adhering to their national calendar. If the pursuit of a new rightful condition in a specific territory is permissible, stateless individuals (or individuals living under an illegitimate foreign rule) may establish a state that safeguards their freedom and political participation as well as provides a national home within part of its territory. They might advance a rightful condition that, through urban and regional planning, facilitates their communal living and the effective provision of cultural goods.

## 4 A Cosmopolitan Objection to Zionism

According to Ypi's 'cosmopolitan' reading of the Kantian theory of settler colonialism, a settlement on indigenous territory is wrongful unless settlers received special permission from the native group (Ypi 2013). Colonizers' settlement "may not take place by force" but only by a fair and respectful contract, a contract that "does not take advantage of the ignorance of those inhabitants with respect to ceding their lands" (Kant as quoted in Stilz 2014, 208). The second Kantian objection to Zionism, to which I refer as 'the cosmopolitan objection', arises from this interpretation of the Kantian approach to settler colonialism. Applied to the Zionist narrative outlined earlier, the cosmopolitan objection prompts two distinct inquiries. First, Arab leaders unjustly asserted that Palestine belonged exclusively to Arabs, advocating for the exclusion of Westerners in general and Jews in particular. How ought Zionists to have countered the unfounded Arab resistance to the Zionist aspiration of establishing a national home in Palestine? Secondly, our narrative suggests that due to the mutual distrust between newcomers and natives, political collaboration between them proved unattainable. Neither party bears blame for this lack of trust, as minimalist Arabs reasonably feared that the Zionist endeavor aimed at

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7 I defend this view as Kantian in "Welfare and Freedom: Towards a Semi-Kantian Theory of Private Law" (Benbaji 2020a), "Morality, Voluntary Laws, and State Neutrality" (Benbaji 2023) and "Kantian Rights in a Rawlsian Theory of Justice" (Benbaji ms.).

establishing a Jewish nation-state, potentially relegating them to second-class citizenship. Should Zionists have forsaken their vision in response to the minimalist, subjectively justified opposition of Arabs to Zionism?

Unfortunately, Ypi's theory seems to make almost no distinction between these two cases. It suggests that during the era when countries in North America welcomed Jewish immigrants from Eastern Europe (Weil 2001), the unilateral Zionist settlement in Palestine was morally contentious in light of the opposition from local inhabitants. In her view, unilateral unconsented settlement is permissible only if it is literally necessary, viz., "in cases where visitors are truly abject, deprived of weapons, and in conditions of vulnerability" (Ypi 2013, 182). The indigenous inhabitants maintain the right to reject newcomers for any reason, except when settlers immigrate out of necessity for survival.

Following Cara Nine, I believe that Ypi's attempt to generate an asymmetry between historical residents and newcomers fails. Ypi warns colonists not to "force their desired political terms onto historical residents". Arguably, however, she should place "similar constraints on historical residents" (Nine 2020, 5). Moreover, her cosmopolitanism should allow unilateral settlement even in some of the cases where the natives' refusal to allow settlement is subjectively justified, and therefore involves no wrong. Nine's point is simple: The asymmetry that Ypi draws between foreigners and locals has no satisfactory response to a simple question: "Why should those who come last, simply because they are last, make such an effort to convince residents about the need to share the land and resources if we deny that [the natives] are entitled to such land and resources in the first place?" (Ypi 2013, 182).

Indeed, as I see it, liberal Zionism conveys a cosmopolitan intuition: when the consent of the natives is unjustifiably withheld, "we need to strike a balance between the claims of visitors to a fair share of the territory and resources and those rights of current residents that can be affirmed independently" (Ypi 2013, 182). Therefore, in some circumstances, unilateralism might be permissible and settlers "are permitted to take portions of the territory and resources that do not interfere with [the] (nonterritorial) rights of current residents" (Ypi 2013, 182).

The symmetry between residents and settlers, which I believe Ypi overlooks, stems from the interpretation of the role of consent in the Kantian ethics of settlement and state-building, as presented in Stone and Hassan's analysis of Kantian provisional rights. A settlement on unowned land in the state of nature, where no legal system exists, is naturally perceived as an instance of initial acquisition, a fundamental concept in the Kantian theory of the state of nature. According to Stone and Hassan, "acquisition is possible only if it can be understood as a joint, relational act, something we do together, not severally or successively. [...] the acquisition

of property requires *mutually related* acts of choice” (Hasan and Stone 2022, 74).<sup>8</sup> While unilateral acquisition is typically permissible, it becomes objectionably unilateral if force is involved. Acquisition is deemed forceful if the acquirer neglects to regard it as a step in the formation of contractual relations with neighboring parties. This failure implies that the acquirer intends to unilaterally impose a new duty on others and may resort to force to enforce this duty. Such unilateral imposition violates the presumption against private force, rendering the initial acquisition impermissible.

Suppose, however, that in acquiring the object, you were planning to cooperate with others in establishing a rightful condition that would render your provisional right over the acquired item conclusive. In such a scenario, your initial acquisition is unilateral but not forceful, as you perceive it to entail a duty to seek the consent of others in establishing an omnilateral/general will. Arguably, this duty is symmetrical as your neighbors are under duty to collaborate with you in establishing the rightful condition in question. Now, let’s examine the significance of consent within settings where individuals are part of a political community governed by a legal framework that defines and safeguards property rights. The fact that legally, an item belongs to me implies that you need my consent to use it, while I, the legal owner, am not under enforceable obligation to provide consent. Typically, I can permissibly withhold it.

According to Kantian minimalism, Arab Palestinians had no ‘property-like’ rights on empty or legitimately purchased lands within Palestine.<sup>9</sup> So, the Ypi requirement to obtain the consent of the Arabs of Palestine for the settlement, whether as individuals or as a group, should presume no asymmetry between the settlers and local residents. Instead, the requirement is grounded in the presumption against *forceful* unilateralism, that is, a presumption against a failure to gain others’ consent, by disregarding their legitimate interests and desires. Arab Palestinians were allowed to withhold consent but only in protecting their legitimate interests, and only if they took the legitimate interests of Zionists into account. They might not have opposed a national home in Palestine for *no* reason, or, worse, out of hatred, anti-Semitism etc.

According to the narrative adopted here, mostly, Zionists’ settlement had been a phase in a process that was intended to result in thick contractual relations between Arab and Jews in Palestine. Zionists settlers realized that they are under duty to negotiate a fair, egalitarian arrangement for Palestine. They acknowledged that the

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<sup>8</sup> I have deliberately gone beyond their core argument, suggesting, in Stone and Hasan’s spirit, that unilateral acquisition involves force if it is not meant to be a joint relational act.

<sup>9</sup> Compare though to David Miller’s national quasi-Lockean theory of territorial rights, Miller 2012, and see my response to Lockean objection to Zionism: Benbaji 2021, Section 3.

local Arabs possess a right to self-determination in this piece of land, and therefore, they aimed to establish a rightful condition whose commitment to neutrality and to equal respect and concern is unquestionable. In other words, Zionist settlements and the institutions that governed them were conceived by the settlers as 'provisional'. Being minimalists, many Zionists recognized that the nature of the political framework governing these settlements is to be determined by negotiations and agreements with all other individuals and communities in the region. Thus, as long as the settlements did not undermine the possibility of a just and egalitarian political framework, it involved no coercion or use of force. Founding a new political framework could violate the presumption against unilateral force, but only when founders disregard locals' valid reasons against it. In case no valid reason exists, the coercion involved is acceptable. Private force is always a moral flaw, and the use of private force in the process of state-building is no exception. Still, if the opposition to the Zionist settlement was morally unwarranted, it was not a flaw for which minimalist settlers are responsible.

Arab minimalism imposes a greater challenge. Arab minimalists opposed a Jewish national home within a neutral state for valid reasons: they identified the extremist voices within Zionism, they knew that extremist nationalism might become popular, and they came to see that the colonial settlement by another nationality triggered extremist voices within their own community. For all these reasons, Arab minimalists might have suspected that at a certain point, the binational state that Zionist leaders envision will turn to be a nation state that will treat them as second-class citizens. In response note that these considerations allowed minimalists to refuse to negotiate with Zionist settlers, only if the of Jews in Europe and in the Arab world was not so urgent. In the 1920s, the United States closed its gates to Jewish immigration (Weil, 2001). As global tensions heightened, a Jewish homeland grew more pressing, driven by increasing persecution and discrimination against Jews in Europe and the Arab world. The rise of Nazism and Fascism in the 1930s further exacerbated this plight, prompting many to seek refuge in Palestine amidst mounting restrictions on Jewish immigration elsewhere, notably in the United States (Chaim Gans centralizes this element in justifying Zionism; see, for example, Gans 2008, 77).

## 5 The Imperialist Objection

The arguments presented in the previous sections all assume that Zionist settlers ought to have collaborated with Arab Palestinians in the process of decolonizing Palestine and establishing a self-governed polity within it. The valid idea underlying these objections is that Zionists should seek Palestinians' collaboration for

the changes they promote in Palestine. This section examines the assertion that the consent of Arab Palestinians would have been defective and therefore invalid, due to the background conditions that framed the potential collaboration between Arabs and Jews. Colonized individuals are alienated from the political framework imposed on them by the foreign ruler. Under the Ottoman rule of the late 19th century, the basic structure imposed on Arab Palestinians was shaped and governed by principles that differ from the underlying principles by which they lead their lives. Thus, the imperial rule under which the Zionist unilateral settlement and diplomacy proceeded undermined the potential for a fair agreement between Arabs and Jews as one group had been compelled to accept rules that did not align with its political vision.

The objection begins by highlighting a further wrong a colonizing empire, qua a wrongdoer, might commit, beyond the initial wrong of imposing a foreign rule on individuals who are entitled to self-governance. As Ripstein convincingly argues, a basic duty to which empires (and every other foreign ruler) are subject is to act “on behalf of the others of whose affairs it has taken charge” (Ripstein 2014, 168), rather than for its own advantage. Of course, ruling in this manner does not render colonial/foreign rule legitimate. Still, empires who violate the duty to act as if they are legitimate rulers are committing an additional wrong. Ripstein offers an analogy that nicely clarifies the nature of this additional wrong. Suppose that unable to conceive, you and your partner kidnapped an abandoned baby from a hospital. Treating the child as if you were her devoted parents does not rectify the crime of kidnapping. However, failing to treat the child in this way constitutes a further wrong.

The imperialist objection stresses that the Zionist unilateral settlement was wrong because it became feasible due to an additional evil, committed by the Ottoman Empire. Zionists settled in Palestine by purchasing *privatized* lands; they were able to acquire these lands since these lands were transformed into commodities, by a legal regime that did not fit the community governed by it. Under this legal system, prosperous Arab merchants of the coastal cities of Beirut, Haifa, Jaffa, and Gaza were able to appropriate the land from the state. The tiller of the land was in many cases different from the legal owner and “the latter often regarded the land as no more than a commercial investment” (Khalidi 1997, 102).<sup>10</sup> As Rashid Khalidi put it “the new law meant that for the first time, a peasant could be deprived not of formal title to his land, which he had rarely held before, but rather of the right to live on it, cultivate it, and pass it on to his heirs – rights that had formerly been

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<sup>10</sup> For a recent study on the Zionists land-buying in Palestine, see Totry-Jubran 2020.

inalienable if taxes on state land were paid regularly” (Khalidi 1997, 96).<sup>11</sup> The Arab Palestinians’ political culture resisted the commodification of the land. Given that the Zionist settlement was made possible by a regime that is fundamentally incompatible with the political imagination of original residents, the Ottoman Empire violated its duty toward the Arabs (of whose affairs it has taken charge) to rule over them in accordance with the fundamental principles, which underlie the most appropriate political arrangement for them. The Zionist settlement was one major manifestation of the wrong of colonialism.<sup>12</sup>

Kantians make a very similar point regarding the European settlements in America: settlers may not appropriate “empty spaces near ‘hunters’ or ‘shepherds’ if that would infringe on these peoples’ use of ‘great open regions’ for their sustenance” (Stilz 2014, 208).<sup>13</sup> Based on their existing legal system, European powers often claimed that indigenous lands are no man’s land; they appropriated them in accordance with their own legal system, while disregarding the pre-existing land tenure systems and indigenous concepts of communal ownership. The lands were commodified and allocated according to European notions of private property. A legal interference with the way of life of others is impermissible. Imposing a regime of property rights on people whose way of life is alien to it is a clear instance of such interference.

The imperialist objection targets even *minimalist* Zionism. Minimalists opposed the evictions of peasants, but they nevertheless engaged in the purchase and settlement of lands. While they did so only if they were convinced that the purchase did not undermine the peasants’ moral standing vis-à-vis their lands, they did take advantage of the commodification of the lands that the Ottoman Empire introduced. Again, the imperialist objection asserts that the concepts and principles underlying this legislation are incompatible with the political culture of many Arab Palestinians and as such, compromises their right to self-governance. The objector emphasizes that every act of purchasing commodified land is rooted in the moral wrongdoing caused by imperialism. Settlers were thus implicated in this

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11 Khalidi describes how the Ottoman Public Debt Administration (i.e. the Ottoman Empire’s European creditors) legislated privatization laws whose implementation, via large absentee landlords, led to the massive alienation of land from native agriculturalists and its availability for ‘legal purchase’ by Zionists.

12 I am not entirely certain that Ripstein would subscribe to this objection, as his Kantian minimalism doesn’t differentiate between various legal frameworks that protect individual freedoms, in light of their suitability to specific political cultures.

13 In this respect, the Zionist colonization resembles other colonial projects: “[C]ontrary to the common belief that the Indians were ruthlessly deprived of their land, almost every part of [Massachusetts] that came to be inhabited by the whites was purchased” (from a report of the commissioner of Indian affairs reported in 1872 quoted in Hathaway and Shapiro 2017, 50; the Native Americans were made an offer that they couldn’t refuse).

wrongdoing as they knowingly exploited the oppression imposed by foreign rulers to advance their own interests. Moreover, as Westerners, Zionist settlers could manipulate the legal systems they were familiar with to marginalize the prevailing worldviews held by the majority of Arab Palestinians.

In response to this accusation, I should disentangle three questions that the imperialist objection raises regarding the morality of the imperial regime that privatized the peasants' lands: (a) Did the Empire legislate the privatization on behalf of Arab Palestinians? (b) Specifically, did the legal permission given to Zionists settlers and Zionist capitalists/philanthropists to purchase lands in Palestine was given on behalf of Arab Palestinians; and finally, (c) Was it permissible for Zionists to take advantage of this legal permission?

I'd like to argue that all three questions might have a positive answer, suggesting that the imperialist objection requires further factual support to be successful. Importantly, despite the objector's conviction to the contrary, it is far from clear that the legal system that enabled the Zionist purchase was *not* legislated on behalf of the members of the colonized nation. Here is a speculation that our objector must refute: by the end of the 19th century, the industrialization and urbanization of Palestine became inevitable. The old legal regime would have impeded these inevitable economic changes. Furthermore, the law that privatized the lands would likely have been accepted by Arabs living in and near Palestine since, thanks to the exchanges permitted by the new law, individuals had more opportunities to profit and advance their life plans. The privatization was part of "the provision of [...] public markets [...] [that] are required to make private interactions fully rightful" (Ripstein 2009, 239). If this conjecture (that, given the circumstances, the privatization that enabled Zionists to purchase lands would have been accepted by reasonable colonized people) is true, it should come as no surprise that not only disloyal *effendis* but "many regional leaders throughout Palestine [...] established ties with the Jewish community in Palestine, [and] saw no fundamental problem in selling land to Jews" (Cohen 2008, 3).

Note, however, that I am not arguing that urbanization in Palestine was inevitably imminent, rendering the traditional way of life of local Arab Palestinian unrealistic. I stress that to succeed this is a possibility that the objection at hand must refute. In other words, I do not claim to have a conclusive response to the Imperialist objection; I argue instead that the objection itself is inconclusive.

This response to the imperialist objection suggests an improved formulation of it. The reframed objection emphasizes that Zionists exploited the foreign rule in Palestine to take advantage of the inferior social position of many Arabs during the relevant period. Even if foreign rulers introduced desirable economic and political systems, they failed to ensure that the local population, especially the peasants, could adjust to these changes. So even if the legal changes introduced by the

Ottoman Empire aligned with the evolving reality in Palestine, these changes primarily benefited the rulers, settlers, and their close associates, more than the local population. Zionists are complicit in this wrongdoing, as they knowingly exploited this deficiency. Due to an inferior bargaining position, most Arabs peasants were at a disadvantage in the transactions through which Zionists established settlements in Palestine. The agreements between the Arab sellers and the Zionist buyers were unfair to peasants, even though the sellers themselves benefited from them. If the foreign rulers had fulfilled their duty to provide the resources necessary for an equitable bargaining position, the negative externalities that the peasants suffered would have been reduced.

The revised version does point to a wrongful exploitation by Zionists that is related to the wrong of imperialism. This wrongdoing can be partially excused, depending on various factors. One is whether Zionist settlers are the wrongdoers given that it is not their responsibility, but rather the duty of the foreign ruler; to ensure fair background conditions for all. The reframed objection raises another factual question: Could the Jewish newcomers have been aware of the rulers' failure to secure a fair bargaining position for all parties involved? Additionally, it requires clarifying the extent to which the local leadership of the Arabs in Palestine protected those marginalized by the new regime. In any case, unlike the regime that commodified lands, to which I offered a defense above, the failure to secure a fair bargaining position to the Arabs of Palestine stains not only the colonial ruler but also the Zionist leadership, and perhaps Zionist settlers.

## 6 Conclusion

I have argued in this essay that if the historical narrative I have outlined is true, the powerful Kantian objections to Zionism, according to which even minimalist Zionism violates Palestinians' Kantian freedom, are unwarranted. If this narrative is true, then, pre-1922, a partition of Palestine into two national homes could have been realized without violating the property rights and the right to self-governance of the Arabs of Palestine. The serious Kantian worry that threatens minimalist Zionism became clear in Section 5: The way Zionist settlement proceeded might have involved exploiting deals, backed by a legal system to which the local Arabs were not adjusted. Still, the question of who is morally responsible for wrongs caused by the decolonization of Palestine remains complicated. The claim that Zionists were under a duty to "acknowledge," "appease," and "compensate" (Gans 2008, 50) the Arabs of Palestine for establishing a national home for the Jews in Palestine is probably true. Yet, this essay shows that probably the same is true of Palestinians and other Arabs in the region. They also are responsible for the suffering Jews and Arabs

had to go through in the process. In the typical case, wrongdoers exist on both sides of a national conflict. Recognize the complexity of historical events and the multiple actors involved is crucial, while assigning blame solely to one party overlooks the intricate dynamics of conflict and the shared responsibility for its consequences. Probably, the Israeli-Arab conflict is no exception.

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